#### Proposed Appendix N: Infill Environmental Checklist form

NOTE: This sample form is intended to assist lead agencies in assessing infill projects according to the procedures provided in Section 21094.5 of the Public Resources Code. Lead agencies may customize this form as appropriate, provided that the content satisfies the requirements in Section 15183.3 of the CEQA Guidelines.

- 1. Project title: Aspire ERES Academy International Boulevard Project
- Lead agency name and address: City of Oakland, Bureau of Planning 250 Frank H. Ogawa Plaza, Suite 2114 Oakland, CA 94612
- 3. Contact person and phone number: Michael Bradley, Planner II phone: (510) 238-6935 email: mbradley@oaklandnet.com
- 4. Project location: Oakland, California
- Project sponsor's name and address: Aspire Public Schools 1001 22nd Ave Oakland, California 94606
- 6. General plan designation: Mixed Housing Type Residential, Community Commercial 7. Zoning: Mixed Housing Type Residential District-4

 Prior Environmental Document(s) Analyzing the Effects of the Infill Project (including State Clearinghouse Number if assigned): Oakland General Plan Land Use and Transportation Element (State Clearinghouse No. 97062089) Central City East Redevelopment Plan (State Clearinghouse No. 2002042071)

- 9. Location of Prior Environmental Document(s) Analyzing the Effects of the Infill Project: Oakland General Plan Land Use and Transportation Element available online: http://www2.oaklandnet.com/Government/o/PBN/OurServices/ Application/ElR/index.htm Central City East Redevelopment Plan is available at the City Planning Department at 250 Frank H. Ogawa Plaza, Suite 2114 Oakland, CA 94612
- 10. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.) The Project involves the development of a three-story kindergarten through eighth grade public charter school with a total floor area of 48,559 square feet. The Project would also include a 9,500 square-foot outdoor play/recreation area and a 2,617 square feet third floor rooftop outdoor recreation area. At full capacity the Project would accomodate no more than 620 students and 51 employees. For additional Project details refer to Section 5.0, Project Description, of the CEQA Exemption Package.
- 11. Surrounding land uses and setting: Briefly describe the project's surroundings, including any prior uses of the project site, or, if vacant, describe the urban uses that exist on at least 75% of the project's perimeter:

The project site is an existing parking lot. The project site is surrounded by a variety of urban land uses which include a medical and multi-family residential buildings to the north, commercial and medical buildings to the south, multi-family residential and medical uses to the west, and multi-family residential to the east.

Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)

The Project requires the following approvals from the City of Oakland: Major Conditional Use Permit to construct a non-residential development over 25,000 square feet; Minor Conditional Use Permit for school facility; Minior variances for building height, building in the front yard setback, street side yard setback, green living-wall height; and Regular Design Review.

Other Approvals: Building Permit from Division of the State Architect, Approval of Remedial Action Workplan from DTSC, Alameda County Flood Control and Water Conservation District to discharge stormwater via the culvert, RWQCB Notice of Intent, EBMUD approval of new service requests and water meter installation.

#### SATISFACTION OF APPENDIX M PERFORMANCE STANDARDS

Provide the information demonstrating that the infill project satisfies the performance standards in Appendix M below. For **mixed-use projects**, the predominant use will determine which performance standards apply to the entire project.

1. Does the non-residential infill project include a renewable energy feature? If so, describe below. If not, explain below why it is not feasible to do so. Yes, the Project will include a renewable energy component.

2. If the project site is included on any list compiled pursuant to Section 65962.5 of the Government Code, either provide documentation of remediation or describe the recommendations provided in a preliminary endangerment assessment or comparable document that will be implemented as part of the project.

A Preliminary Environmental Assessment was prepared for the site and concluded that DTSC's Removal Action Workplan process would need to be completed prior to redevelopment of the project site. On September 6, 2016, Aspire Public Schools executed a School Cleanup Agreement with DTSC for review and approval of a RAW. Construction of the proposed project is subject to implementation of the RAW; prepared on November 10, 2016, and approved by DTSC on June 30, 2017. The RAW presents removal action objectives, evaluates alternatives, and describes the proposed alternative for the project site. DTSC has prepared a Notice of Exemption having determined that the proposed project, after implementing the requirements of the RAW has no potential for a significant impact on the environment. Refer to Attachment C in the CEQA Analysis for more detail.

3. If the infill project includes residential units located within 500 feet, or such distance that the local agency or local air district has determined is appropriate based on local conditions, a high volume roadway or other significant source of air pollution, as defined in Appendix M, describe the measures that the project will implement to protect public health. Such measures may include policies and standards identified in the local general plan, specific plans, zoning code or community risk reduction plan, or measures recommended in a health risk assessment, to promote the protection of public health. Identify the policies or standards, or refer to the site specific analysis, below. (Attach additional sheets if necessary.)

Not Applicable.

4. For residential projects, the project satisfies which of the following? Not Applicable.

Located within a low vehicle travel area, as defined in Appendix M. (Attach VMT map.)

Located within ½ mile of an existing major transit stop or an existing stop along a high quality transit corridor. (Attach map illustrating proximity to transit.)

Consists of 300 or fewer units that are each affordable to low income households. (Attach evidence of legal commitment to ensure the continued availability and use of the housing units for lower income households, as defined in Section 50079.5 of the Health and Safety Code, for a period of at least 30 years, at monthly housing costs, as determined pursuant to Section 50053 of the Health and Safety Code.)

5. For commercial projects with a single building floor-plate below 50,000 square feet, the project satisfies which of the following? Not Applicable.

Located within a low vehicle travel area, as defined in Appendix M. (Attach VMT map.)

┘ The project is within one-half mile of 1800 dwelling units. (Attach map illustrating proximity to households.)

6. For office building projects, the project satisfies which of the following? Not Applicable.

Located within a low vehicle travel area, as defined in Appendix M. (Attach VMT map.)

Located within ½ mile of an existing major transit stop or within ¼ of a stop along a high quality transit corridor. (Attach map illustrating proximity to transit.)

7. For school projects, the project does all of the following:

The project complies with the requirements in Sections 17213, 17213.1 and 17213.2 of the California Education Code.

The project is an elementary school and is within one mile of 50% of the student population, or is a middle school or high school and is within two miles of 50% of the student population. Alternatively, the school is within ½ mile of an existing major transit stop or an existing stop along a high quality transit corridor. (Attach map and methodology.)

X The project provides parking and storage for bicycles and scooters.

8. For small walkable community projects, the project must be a residential project that has a density of at least eight units to the acre or a commercial project with a floor area ratio of at least 0.5, or both. Not Applicable

#### ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The infill project could potentially result in one or more of the following environmental effects.

Aesthetics	Agriculture and Forestry Resources	Air Quality
Biological Resources	Cultural Resources	Geology /Soils
Greenhouse Gas Emissions	Hazards & Hazardous Materials	Hydrology / Water Quality
Land Use / Planning	Mineral Resources	Noise
Population / Housing	Public Services	Recreation
Transportation/Traffic	Utilities / Service Systems	Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

I find that the proposed infill project WOULD NOT have any significant effects on the environment that either have not already been analyzed in a prior EIR or that are more significant than previously analyzed, or that uniformly applicable development policies would not substantially mitigate. Pursuant to Public Resources Code Section 21094.5, CEQA does not apply to such effects. A Notice of Determination (Section 15094) will be filed.

L ind that the proposed infill project will have effects that either have not been analyzed in a prior EIR, or are more significant than described in the prior EIR, and that no uniformly applicable development policies would substantially mitigate such effects. With respect to those effects that are subject to CEQA, I find that such effects WOULD NOT be significant and a NEGATIVE DECLARATION, or if the project is a Transit Priority Project a SUSTAINABLE COMMUNITIES ENVIRONMENTAL ASSESSMENT, will be prepared.

L find that the proposed infill project will have effects that either have not been analyzed in a prior EIR, or are more significant than described in the prior EIR, and that no uniformly applicable development policies would substantially mitigate such effects. I find that although those effects could be significant, there will not be a significant effect in this case because revisions in the infill project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION, or if the project is a Transit Priority Project a SUSTAINABLE COMMUNITIES ENVIRONMENTAL ASSESSMENT, will be prepared.

I find that the proposed infill project would have effects that either have not been analyzed in a prior EIR, or are more significant than described in the prior EIR, and that no uniformly applicable development policies would substantially mitigate such effects. I find that those effects WOULD be significant, and an infill ENVIRONMENTAL IMPACT REPORT is required to analyze those effects that are subject to CEQA.

Signature

3/16/18

EVALUATION OF THE ENVIRONMENTAL IMPACTS OF INFILL PROJECTS:

See attached the complete CEQA Exemption Package, which includes the environmental impact analysis for the Aspire ERES International Boulevard Project in accordance with the City of Oakland's Initial Study and Environmental Review Checklist.

Aspire ERES Academy International Boulevard Project

Infill Environmental Checklist

City of Oakland, California



### Prepared for:

City of Oakland Bureau of Planning 250 Frank H. Ogawa Plaza, Suite 2114 Oakland, CA 94612

### Technical Assistance:

Stantec Consulting Services Inc. 1340 Treat Boulevard, Suite 300 Walnut Creek, California 94596

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Attachment B: Project Consistency with Community Plans or Zoning, per CEQA Guidelines Section 15183

Attachment C: Infill Performance Standards, per CEQA Guidelines Section 15183.3

Attachment D: Air Quality and Greenhouse Gas Technical Report

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Attachment H: Historic Resources Evaluation Report and Impact Analysis

Attachment I: Geotechnical Investigation and Geologic Hazards Evaluation

Attachment J: Project Acoustic Technical Report

Attachment K: Previously Identified LUTE EIR and CCERP EIR Mitigation Measures

Attachment L: Construction Noise Reduction Memorandum



### Acronyms

AC Transit	Alameda County Transit
Air Basin	San Francisco Bay Area Air Basin
Applicant	Pacific West Communities, LLC
APN	Assessor's Parcel Number
BAAQMD	Bay Area Air Quality Management District
BART	Bay Area Rapid Transit
BMP	best management practices
CBC	California Building Code
CCERP	Central City East Redevelopment Plan
CDE	California Department of Education
CEQA	California Environmental Quality Act
СО	carbon monoxide
CRHR	California Register of Historic Resources
CUP	Conditional Use Permit
DSA	Division of the State Architect
DTSC	Department of Toxic Substance Control
EBMUD	East Bay Municipal Utility District
ECAP	Energy and Climate Action Plan
EIR	Environmental Impact Report
GHG	greenhouse gas
HRA	Health Risk Assessment
HRE	Historic Resources Evaluation
Leq	equivalent sound level
LOS	Level of Service
LUTE	Land Use and Transportation Element
µg/m³	micrograms per cubic meter
MTCO2e	metric tons of carbon dioxide equivalent
NO <sub>x</sub>	nitrous oxides
NPDES	National Pollution Discharge Elimination System
NRHP	National Register Historic Property
PE	physical education
PEA	Preliminary Environmental Assessment
PM <sub>x</sub>	particulate matter
RM	Mixed Housing Type Residential District
RAW	Removal Action Workplan
ROG	Reactive Organic Gas



#### Aspire ERES Academy International Boulevard Project Infill Environmental Checklist

ROW	right-of-way
RWQCB	Regional Water Quality Control Board
SCA	Standard Conditions of Approval
SSV	sub-slab ventilation
TACs	toxic air contaminants
TDM	Transportation Demand Management
VMT	Vehicle Miles Travelled







# 1.0 EXECUTIVE SUMMARY

The Pacific West Communities, LLC (Applicant) is proposing the redevelopment of three parcels in the San Antonio/Fruitvale neighborhood of the City of Oakland. The proposed project is within the Fruitvale/International Transit Priority Area, and within 0.50 mile of the Fruitvale Bay Area Rapid Transit (BART) Station. The project site consists of Assessor Parcel Numbers (APNs) 025-0720-001-00, 025-0720-002-001, and 025-0720-007-02. The project site is approximately 0.88 acres in size, and occupied by a parking lot and a vacant parcel.

The Applicant is proposing to develop the Aspire ERES Academy International Boulevard Project (proposed project). The proposed project would redevelop the project site with a three-story kindergarten through eighth (K-8<sup>th</sup>) grade public charter school with a total floor area of 48,559 square feet. The first floor area would be 18,297 square feet and would include kindergarten through second grade classrooms, as well as a multi-purpose room, kitchen, storage areas, reception/front offices, restrooms, and bicycle storage room; the second floor area would be 15,744 square feet and would include third through fifth grade classrooms, administrative offices, restrooms, storage areas, art classroom, group activities room, teacher lounge, reading room, learning center, storage, and restrooms; and, the third floor area would be 11,901 square feet and would include a 2,617 square feet third floor rooftop outdoor recreation area, and a 9,500 square-foot outdoor play/recreation area; complete with a green living wall, play structure, and synthetic turf area. At full capacity, the proposed project would accommodate no more than 620 K-8<sup>th</sup> grade students and a staff of up to 51 employees.

This California Environmental Quality Act (CEQA) Analysis evaluates the proposed project, which is considered an urban infill development project. This analysis uses CEQA streamlining and/or tiering provisions under CEQA Guidelines Section 15183, Section 15183.3, and 15168 to tier from the program-level analyses completed in the Land Use Transportation Element (LUTE) Environmental Impact Report (EIR) (1998)<sup>1</sup>, and the Central City East Redevelopment Project (CCERP) EIR (2002)<sup>2</sup>—collectively referred to herein as the Program EIRs—that previously analyzed environmental impacts associated with the adoption and implementation of the LUTE and CCERP.

<sup>&</sup>lt;sup>2</sup> The Redevelopment Agency of the City of Oakland, 2002. The Central City East Redevelopment Project (CCERP) EIR



<sup>&</sup>lt;sup>1</sup> City of Oakland, 1998. Oakland General Plan Land Use and Transportation Element EIR



# 2.0 INFILL ENVIRONMENTAL CHECKLIST

NOTE: This form is intended to assist lead agencies in assessing infill projects according to the procedures provided in Section 21094.5 of the Public Resources Code. The content satisfies the requirements in Section 15183.3 of the California Environmental Quality Act (CEQA) Guidelines.

### 2.1 PROJECT TITLE

Aspire ERES Academy International Boulevard Project

### 2.2 LEAD AGENCY NAME AND ADDRESS

City of Oakland Bureau of Planning 250 Frank H. Ogawa Plaza, Suite 2114 Oakland, California 94612

### 2.3 CONTACT PERSON AND PHONE NUMBER

Michael Bradley 250 Frank H. Ogawa Plaza, Suite 2114 Oakland, California 94612 Phone: (510) 238-6935 <u>mbradley@oaklandnet.com</u>

### 2.4 PROJECT LOCATION

The Aspire ERES Academy International Boulevard Project (proposed project) is located southwest of the intersection of Derby Avenue and East 15<sup>th</sup> Street in the City of Oakland (City) (Figures 2-1 and 2-2)<sup>3</sup>. East 15<sup>th</sup> Street is a cul-de-sac that dead ends at the project site. The project site contains three parcels identified as Alameda County Assessor's Parcel Numbers (APNs) 025-0720-001-00; 025-0720-002-001; and, 025-0720-007-02, encompassing a total area of 0.88 acres. The proposed project is located within the Fruitvale/International Transit Priority Area, and located within 0.50 mile of the Fruitvale Bay Area Rapid Transit (BART) Station, which offers regional transit service (Figure 2-3). Alameda County Transit (AC Transit) offers regional and local bus transportation, with multiple bus stops within the project vicinity. In addition, the project site lies within the Central City East Redevelopment Plan (CCERP) area.

<sup>&</sup>lt;sup>3</sup> For the purposes of this document, the site plans are depicted in "site north" with the project site bound by East 15<sup>th</sup> Street to the north, International Boulevard to the south, the Native American Health Center to the west, and Derby Avenue to the east. The proposed project is referenced in terms of "site north" with exception of the Traffic Study and Traffic Demand Management (TDM) Plan (Attachment E and F, respectively). The roadway networks presented in the Traffic Study and TDM Plan are referenced in "true north" per the City of Oakland General Plan, Land Use and Transportation Element (LUTE)1998. "True north" is approximately 30 degrees southwest of "site north".





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**Stantec** 

Aspire ERES Academy International Boulevard Project Oakland, California

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Stantec

Figure 2-3: Transit Priority Area

### 2.5 PROJECT SPONSOR'S NAME AND ADDRESS

Aspire Public Schools 1001 22nd Ave Oakland, California 94606

### 2.6 GENERAL PLAN AND ZONING DESIGNATIONS

The General Plan designation for the project site is primarily Mixed Housing Type Residential, with a small portion of the site at the southern boundary near International Boulevard designated Community Commercial.

The Mixed Housing Type Residential General Plan designation is intended to create, maintain, and enhance residential areas typically near the City's major arterials and characterized by a mix of single-family homes, townhouses, small multi-unit buildings and neighborhood businesses where appropriate. Future development within this classification should be primarily residential in character, with live-work types of development, and small commercial enterprises, schools, and other small civic uses in appropriate locations.

The Community Commercial designation is intended to identify, create, maintain, and enhance areas suitable for a wide variety of commercial and institutional operations along the City's major corridors and in shopping districts or centers. The desired character may include neighborhood center uses and larger scale retail and commercial uses, such as auto related business, business and personal services, health services and medical uses, educational facilities, and entertainment uses.

The Zoning Designation for the project site is Mixed Housing Type Residential District-4 (RM-4). The intent of the RM-4 Zone is to create, maintain, and enhance residential areas typically located on or near the City's major arterials and characterized by a mix of single family homes, townhouses, small multi-unit buildings at somewhat higher densities than RM-3, and neighborhood businesses where appropriate. Per section 17.17.030 of the Mixed Housing Type Residential Zones, Schools are permitted with approval of a Conditional Use Permit (CUP).





# 3.0 BACKGROUND

The following describes the Program EIRs that constitute the previous CEQA documents considered in this CEQA Analysis. Each of the following documents is hereby incorporated by reference and can be obtained from the City of Oakland Bureau of Planning at 250 Frank H. Ogawa Plaza, Suite 2114, Oakland, California 94612.

### Land Use and Transportation Element EIR

The City certified the EIR for its General Plan LUTE in 1998. The LUTE identifies policies to guide land use changes in the City and sets forth an action program to implement the land use policy through development controls and other strategies. The 1998 LUTE EIR is designated a "Program EIR" under CEQA Guidelines Section 15168. As such, subsequent activities under the LUTE are subject to requirements under each of the aforementioned CEQA Sections, which are described further in Section 7.0. The proposed project is within the San Antonio/Fruitvale/Lower Hills Area as described in the LUTE.

Applicable mitigation measures identified in the 1998 LUTE EIR are largely the same as those identified in the other Program EIRs prepared after the 1998 LUTE EIR, either as mitigation measures or newer City of Oakland Standard Conditions of Approval (SCAs), the latter of which are described below.

#### Environmental Effects Summary – 1998 LUTE EIR

The 1998 LUTE EIR (including its Initial Study Checklist) determined that development consistent with the LUTE would result in impacts that would be reduced to a **less than significant level with the implementation of mitigation measures**: aesthetics (views, architectural compatibility and shadow only); air quality (construction dust [including PM<sub>10</sub>] and emissions, odors); cultural resources (except as noted below as less than significant); hazards and hazardous materials; land use (use and density incompatibilities); noise (use and density incompatibilities); noise (use and density including from transit/transportation improvements); population and housing (induced growth, policy consistency/clean air plan); public services (except as noted below as significant); and transportation/circulation (intersection operations).

Less Than Significant Impacts were identified for the following resources in the 1998 LUTE EIR and Initial Study: aesthetics (scenic resources, light and glare); air quality (clean air plan consistency, roadway emissions, energy use emissions, local/regional climate change); biological resources; cultural resources (historic context/settings, architectural compatibility); energy; geology and seismicity; hydrology and water quality; land use (conflicts in mixed use projects and near transit); noise (roadway noise citywide, multifamily near transportation/transit improvements); population and housing (exceeding household projections, housing displacement from industrial encroachment); public services (water demand, wastewater flows, stormwater quality, parks services); and transportation/circulation (transit demand).

No Impacts were identified for agricultural or forestry resources and mineral resources.



#### Background

**Significant Unavoidable Impacts** were identified for the following environmental resources in the 1998 LUTE EIR: air quality (regional emissions); public services (fire safety); transportation/circulation (roadway segment operations); and policy consistency (Clean Air Plan). Due to the potential for significant unavoidable impacts, a Statement of Overriding Considerations was adopted as part of the City's approvals.

### City of Oakland Central City East Redevelopment Plan EIR

The City certified the EIR for the CCERP in April 2003 and the CCERP was adopted by the City of Oakland on July 29, 2003. The CCERP EIR describes the existing setting of the 3,340 acre CCERP project area, general environmental issues related to development and capital projects pursuant to, or in furtherance of the CCERP, and mitigation measures that may be applicable on a project-by-project basis to reduce impacts to a less than significant level. The CCERP EIR is designated a "Program EIR" under CEQA Guidelines Section 15168. As such, subsequent activities under the CCERP are subject to requirements under each of the aforementioned CEQA Sections, which are described further in Section 7.0.

On February 1, 2012 redevelopment project areas and redevelopment agencies were dissolved as a result of the constitutional Dissolution Act. However, the CCERP and CCERP EIR remain applicable to the proposed project since the City certified these documents prior to the Dissolution Act being signed into legislation.

### Environmental Effects Summary – CCERP EIR

The CCERP EIR determined that development consistent with the CCERP would result in impacts that would be reduced to a **less than significant impact with the implementation of mitigation measures identified by the CCERP EIR:** air quality (construction activities), noise (construction noise, noise compatibility impacts of future development, transportation (alternative transportation, parking, motor vehicle, bicycle, and pedestrian safety), public services (parks and schools), water and wastewater (water and wastewater infrastructure), and cultural resources.

Less Than Significant Impacts were identified for the following resources in the CCERP EIR: land use (physical division of, or an incompatibility with an established community, conflicts with land use policies, conflict with habitat or community conservation plan), transportation (effects on study area intersections, addition of traffic, and AC transit and BART use), air quality (Clean Air Plan consistency, regional and local air quality), noise (traffic noise, noise compatibility of mixed use development), hazards and hazardous materials (except those found to have no impact below), and water and wastewater (water supply, wastewater treatment and disposal).

**Effects Found Not to Be Significant** were identified for the following environmental resources in the CCERP EIR: aesthetics (light and glare), agriculture and forestry resources, air quality (odors), geology (landslides), hazards and hazardous materials (airport hazards, emergency response plan, wildland fires), hydrology and water quality, mineral resources, noise (airport and aircraft noise), population and housing (housing or business displacement), and transportation (safety issues).



**Significant and Unavoidable Impacts** were identified for the following environmental resources in the CCERP EIR: cumulative traffic impacts, and impacts related to historic resources.

#### Potentially Significant Effects Previously Found to Be Mitigated to Less Than Significant Levels

According to CEQA Guidelines Section 15063 (c)(3)(D), earlier environmental analysis may be used where an effect has been adequately analyzed in an earlier EIR or negative declaration. The CCERP is intended to be consistent with, and assist in further implementation of specific improvement strategies as identified in the Oakland General Plan. Those portions of the Oakland General Plan that are particularly relevant to the CCERP include the Land Use and Transportation Element, the Open Space, Conservation, and Recreation (OSCAR) Element, and portions of the Estuary Policy Plan. Accordingly, certain impacts of the CCERP have been adequately addressed in previously certified EIRs. Mitigation Measures, or General Plan policies adopted for the purpose of mitigating environmental effects, have been identified in these previous environmental documents and have since been adopted by the City. The two primary EIRs that the CCERP relies on for this purpose includes the Oakland General Plan LUTE EIR. Any new development or redevelopment activity pursuant to the CCERP would be required to comply with these policies and/or mitigation measures.

The following environmental resources have been adequately analyzed in these previous EIRs, and were determined to result in an impact that would be reduced to a **less than significant level** with the implementation of mitigation measures identified by previous EIRs: aesthetics (scenic vistas and highways visual character), biological resources (habitat for special status species, wetlands, conflicts with City's Tree Preservation Ordinance, disturbance to resource conservation areas), geology (geologic hazards, erosion, soil hazards), hydrology (construction-related and stormwater runoff effects on water quality, flooding), and public services (police service, fire protection, solid waste). The mitigation measures recommended in these previous EIRs addresses the specific conditions of the CCERP.

### City of Oakland Standard Conditions of Approval (SCAs)

The City of Oakland's Uniformly Applied Development Standards, adopted as Standard Conditions of Approval (SCAs), were originally adopted by the City in 2008 (Ordinance No. 12899 C.M.S.) pursuant to Public Resources Code Section 21083.3) and have been incrementally updated over time. These SCAs are incorporated into projects as conditions of approval, regardless of the determination of a project's environmental impacts. The SCAs incorporate development policies and standards from various adopted plans, policies, and ordinances (such as the Oakland Planning and Municipal Codes, Oakland Creek Protection, Stormwater 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, Green Building Ordinance, historic/landmark status, California Building Code, and Uniform Fire Code, among others). The SCAs 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.

The SCAs included in this document are referred to using an abbreviation for the environmental topic area and are numbered sequentially for each topic area while referencing the City's SCA



number and title—e.g., **SCA AIR-1 (#19)**, Construction-Related Air Pollution Controls (Dust and Equipment Emissions). The full text of the applicable SCAs are included in Attachment A of this CEQA Analysis.

Consistent with the requirements of CEQA, a determination of whether the proposed project would have a significant impact must occur prior to approval of the proposed project. Where applicable, SCAs have been identified that will mitigate such impacts and will be incorporated into the proposed project. In some instances, exactly how the SCAs identified will be achieved awaits completion of future studies, an approach that is legally permissible where SCAs are known to be feasible for the impact identified, where subsequent compliance with identified federal, State, or local regulations or requirements apply, where specific performance criteria is specified and required, and where the proposed project commits to developing measures that comply with the requirements and criteria identified.

It should be noted, certain mitigation measures identified in the Program EIRs have since been adopted by the City as SCAs for all projects. Therefore, some of the previously identified applicable mitigation measures from the Program EIRs have been modified, and in some cases wholly replaced, to reflect the City's current standard language and requirements of its SCAs and have been found to be either as stringent or more stringent. Any mitigation measures applicable to the proposed project are captured in the SCAs and references to mitigation measures reflect standard language only. The full standard language of the previously identified mitigation measures from the Program EIRs are provided in Attachment K as reference.

### **Project Site Remediation Efforts**

The project site is listed as an active school cleanup site on the State "Cortese" list pursuant to Government Code Section 65962.5. A Phase I Environmental Site Assessment was prepared for the project site, and concluded that the following potential contaminants of concern were identified within the project site: petroleum hydrocarbons in soil associated with runoff from a parking lot, a trench, and a former heating oil tank, and petroleum hydrocarbons and chlorinated solvents in groundwater associated with the former Walt's Transmission facility, located approximately 1,150 feet northeast (and potentially up-gradient) of the project site. A Preliminary Environmental Assessment (PEA) was prepared for the project site, which concluded that the Department of Toxic Substance Control's (DTSC's) Removal Action Workplan (RAW) process would need to be completed prior to redevelopment of the project site.

On September 6, 2016, Aspire Public Schools executed a School Cleanup Agreement with DTSC for review and approval of a RAW. Construction of the proposed project is required to implement the requirements of the RAW. The RAW was prepared on November 10, 2016, and approved by DTSC on June 30, 2017. The objectives, remedial actions, and discussion of the extent of the chemicals of concern are included in Attachment G. In compliance with the CEQA exemption, DTSC has prepared a Notice of Exemption, which determined that the proposed project would have no potential to have a significant impact on the environment, with implementation of the RAW. The Applicant is actively working with DTSC to remediate the project site prior to construction.



### **City Owned Parcel**

The project site consists of three parcels, one of which (APN 025-0720-002-001) is owned by the City of Oakland. The City parcel is paved in asphalt and is approximately 9,000 square feet, located on the western side of Derby Avenue. The parcel fronts Derby Avenue for approximately 90 feet beginning approximately 50 feet south of East 15<sup>th</sup> Street and extending to the northern boundary of the six-story Fruitvale Medical Building property. The City parcel is rectangle in shape and extends west approximately 100 feet from Derby Avenue. According to aerial photographs in the 2015 Phase I Environmental Site Assessment prepared by Stantec, the parcel historically appears to be used for parking.

On October 6, 2015, the City of Oakland entered into an Exclusive Negotiating Agreement with the Applicant aimed at reaching agreement on price and terms for a sale of the parcel. The Applicant is proposing development of the Aspire charter school facility on an assemblage of three parcels (inclusive of the subject property) totaling approximately 0.88 acres.





## 4.0 PURPOSE AND SUMMARY OF THIS DOCUMENT

The purpose of this document is to provide required CEQA compliance for the proposed project. Applicable CEQA sections are described below.

1. Project Consistent with a Community Plan, General Plan, or Zoning. Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 allow streamlined environmental review for projects that are "consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified, except as might be necessary to examine whether there are project-specific significant effects that are peculiar to the project or its site." Section 15183(c) specifies that "if an impact is not peculiar to the parcel or the project has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards..., then an EIR need not be prepared for the project solely on the basis of that impact."

The analysis in the Program EIRs—the 1998 LUTE EIR and the 2003 CCERP EIR—are applicable to the proposed project and provide the basis for use of the Community Plan consistency provisions of CEQA.

- 2. Qualified Infill Streamlining. Public Resources Code Section 21094.5 and State CEQA Guidelines Section 15183.3 allow streamlining for certain qualified infill projects by limiting the topics that are subject to review at the project level, provided the effects of infill development have been addressed in a planning-level decision or by uniformly applicable development policies. Infill projects are eligible if they are:
  - Located in an urban area and on a site that either has been previously developed, or adjoins existing qualified urban uses on at least 75 percent of the site's perimeter.
  - Able to satisfy the performance standards provided in State CEQA Guidelines Appendix M; and
  - Consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy. No additional environmental review is required if the infill project would not cause any new specific effects or more significant effects or if uniformly applicable development policies or standards would substantially mitigate such effects.

The analysis in the Program EIRs—the 1998 LUTE EIR and the 2003 CCERP EIR—are applicable to the proposed project and are the previous CEQA documents providing the basis for use of the streamlined environmental review pursuant to CEQA Guidelines Section 15183.3.



3. **Program EIRs.** CEQA Guidelines Section 15168 (Program EIRs) provides that Program EIRs can be used in support of streamlining and/or tiering provisions under CEQA. Section 15168 defines a "Program EIR" as an EIR prepared on a series of actions that can be characterized as one large project and are related geographically or by other shared characteristics. Section 15168 also states that "subsequent activities in the Program EIR must be examined in light of the Program EIR to determine whether an additional environmental document must be prepared." Section 15168(c) states, "If the agency finds that pursuant to CEQA Guidelines Section 15162, no new effects could occur or no new mitigation measures would be required, the agency can approve the activity as being within the scope of the project covered by the Program EIR and no new environmental document would be required."

This CEQA Analysis for the proposed project evaluates the specific environmental effects of the proposed project. Examination of the analysis, findings, and conclusions of the prior EIRs, as summarized in this CEQA analysis, indicates that the prior CEQA documents adequately analyzed and covered the potential environmental impacts associated with the proposed project and the streamlining and or/tiering provisions of CEQA apply to the proposed project. Therefore, no further review or analysis, under CEQA, is required.

This analysis incorporates by reference the information contained in the LUTE EIR and CCERP EIR. The proposed project is legally required to incorporate and/or comply with the applicable requirements of the mitigation measures identified in the LUTE EIR and CCERP EIR. Any applicable mitigation measures that apply to the project would need to be implemented as mitigation. However, as noted above and throughout the document, certain mitigation measures are not applicable to the project or these measures have since been adopted by the City as SCAs which have been found to be either as stringent or more stringent than the previous mitigation measure.

All applicable SCAs for the proposed project are listed in Attachment A to this document. The SCAs are mandatory City requirements. The impact analysis for the proposed project assumes that they will be imposed and implemented. If this CEQA Checklist or its attachments inaccurately identifies or fails to list a mitigation measure or SCA, the applicability of that mitigation measure or SCA to the proposed project is not affected.



# 5.0 **PROJECT DESCRIPTION**

### 5.1 PROPOSED PROJECT

The proposed project includes the construction of a three-story education center that provides education to a kindergarten through eighth (K-8<sup>th</sup>) grade public charter school on already disturbed land. The site historically was developed with a 5,264 square-foot 5-plex residential structure located on the northeast portion of the project site; in April 2017 the structure was demolished under a demolition permit issued by the City on January 19, 2017. The proposed project would include construction of a three-story campus building with a total floor area of 48,559 square feet (Figure 5-1). The structure has been designed to segregate the anticipated educational needs by floor. The first floor area would be 18,297 square feet and would include kindergarten through second grade classrooms, as well as a multi-purpose room, kitchen, storage areas, reception/front offices, restrooms, and bicycle storage room; the second floor area would be 15,744 square feet and would include third through fifth grade classrooms, administrative offices, restrooms, storage areas, art classroom, group activities room, teacher lounge, reading room, learning center, storage, and restrooms; and, the third floor area would be 11,901 square feet and would include sixth through eighth grade classrooms, administrative offices, elective flex space, science lab, restrooms, and an exterior recreation area. The third floor rooftop outdoor recreation area would be 2,617 square feet (Figure 5-2 through 5-5).

In addition to the three-story structure, the proposed project would include a 9,500 square-foot outdoor play/recreation area; complete with a green living wall, play structure and synthetic turf area, and a 3,013 square-foot indoor multi-purpose room.

At full capacity, the proposed project would accommodate no more than 620 K-8<sup>th</sup> grade students and a staff of up to 51 employees. As shown on Figures 5-6 and 5-7, the proposed education center building would be constructed at a maximum height of 49 feet. The building design and function have very little stylistic modification, which is typical of school architecture.

The proposed project would require Regular Design Review and a Major CUP to build a nonresidential development over 25,000 square feet (48,559 square feet of floor area) on 38,700 square foot (0.88 acre) site as required by Chapter 17.134 of the Municipal Code. The proposed project would require Minor Variances to exceed the maximum height of 35 feet (, building in the front yard setback, street side yard setback, and exceed the maximum fence height of 8 feet (up to 23-foot green living wall height).






Figure No. 5-2 Title Project Site Plan - Level 1 Project Name Aspire Eres Academy International Boulevard Project Oakland, California 11 RECEPTION / FRONT OFFICE KINDER CLASSROOM 1-2 CLASSROOM 111 814 SF 1-2 CLASSROOM 112 861 SF 1-2 CLASSROOM 102 842 SF П LOBBY/ENTRY 101 293 SF - 113 103 817 SF 291 SF STAIR 2 г п i i . . . 1 CORRIDOR A1 Ų STOR. STAIR 1 STOR. FAMILY 114 ELEM. DEAN ELEVATOR 110 A 115 106 SF 109 250 SF ЦŅ MECH FOOD SERVIC KINDER. RR. ELEC. 124 CORR. D1 O 0 134 295 SF © <sup>76</sup> SF MDF CLOSET 119 A 179 SF 50 SE 
 Image: Constraint of the second sec Þ KINDER CLASSROOM 104 STAFF CORR. B1 0 123 MEN'S 110 C D BOYS 79 SF 834 SF 76 SF 120 FLEX 119 170 SF JAN. 122 C MULTI-PURPOSE 118 76 SF 110 D 60 SE 30"x48" a P O Test CORR. C1 133 Ċ. STAIR 3 KINDER CLASSROOM 105 827 SF 1-2 CLASSROOM 107 836 SF 1-2 CLASSROOM 108 793 SF 1-2 CLASSROOM 106 821 SF ٥ ici 6 Notes: This Figure is Not To Scale 1'=20'-0' at Original Document Size of 36.0 x 24.0 inches

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Figure No. 5-3 Title Project Site Plan - Level 2 Project Name Aspire Eres Academy International Boulevard Project Oakland, California  $\overline{\odot}$  $\overline{\odot}$ PRINCIPAL'S OFFICE 213 A 143 SF OPEN TO BELOW ART -VOCATIONAL 202 GROUP ACTIVITIES 3-5 CLASSROOM ROOM 938 SF 203 RECEPTION 3-5 CLASSROOM 211 870 SF 213 140 SF 212 861 SF Z CORRIDOR A2 231 -1 **FLEX** 215 ELEVATOR **FLEX** 214 CORR. D2 94 SF 234 CORR. B2 K+++++++++ 182 SF 232 MECH CHASE ELEM. LEARNING CENTER OFFICE ELEC. 216 210 0 Ø 408 SF 224 91 SF W 50 SF 3-5 CLASSROOM GIRLS C 221 241 SF C O \_204 STAFF TEACHERS WORKRM 947 SF 223 STOR. 219 217 79.SF READING RM BOYS 417 SF 78 SF 209 426 SF 220 JAN. 252 SF Ð 222 OFFICE 218 60 SF 98 SF 6 **LEVEL** BELOW 3-5 CLASSROOM 3-5 CLASSROOM 3-5 CLASSROOM 208 207 206 3-5 CLASSROOM 813 SF 880 SF 917 SF 205 845 SF Notes: This Figure is Not To Scale 1'=20'-0' at Original Document Size of 36.0 x 24.0 inches Stantec

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Figure No. 5-4 Title Project Site Plan - Level 3 Project Name Aspire Eres Academy International Boulevard Project Oakland, California L L L L. MIDDLE SCHOO DEAN 310 A MS COMPUTER LAB 125 SF **LAB** 302 301 374 SF 941 SF RECEPTION 310 126 SF 6-8 CLASSROOM 309 813 SF 1 CORRIDOR A3 ELEVATOR CORR. B3 MECH CHASE 332 ELEC. 0 O ROOF DECK 324 ELECTIVE FLEX SPACE 303 6-8 CLASSROOM 350 50 SF © ₽ \_ 304 STAFE 880 SF 601 SF 323 Б 6-8 CLASSROOM 79 SF GIRLS BOYS 308 320 833 SF 256 SF JAN./RA IF 322 CORRIDOR C3 6-8 CLASSROOM 6-8 CLASSROOM 6-8 CLASSROOM 307 306 839 SF 914 SF 917 SF **\_** Notes: This Figure is Not To Scale 1'=20'-0' at Original Document Size of 36.0 x 24.0 inches Stantec

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## 5.1.1 Proposed School Operation

Classes are anticipated to begin early-August and end in mid-June the following year. The proposed project is anticipated to operate Monday through Thursday between the hours of 7:15 a.m. and 3:30 p.m., and 7:15 a.m. and 12:00 p.m. on Friday, with faculty/staff members arriving to the school slightly earlier and departing after school hours. After school programs would be from 3:30 p.m. to 6:00 p.m. Monday through Thursday, and 12:00 p.m. to 5:00 p.m. on Friday, with an attendance of 100 students. An external bell system would be installed, and would be used during regular school operation hours to notify 6<sup>th</sup>-8<sup>th</sup> grade students only, from 7:45 a.m. to 3:30 p.m. to indicate the start and end of classes.

There would be staggered morning and afternoon recesses for each grade level. The K-5<sup>th</sup> graders would have a 15-minute morning and a 15-minute afternoon outdoor recess (divided up by grade level), weather permitting, in the ground floor outdoor play area. The 6<sup>th</sup>-8<sup>th</sup> grade students would have a 20-minute outdoor break before or after lunch (divided up by grade level), weather permitting, in the 3<sup>rd</sup> floor rooftop outdoor recreation area.

Additionally, all students (K-8<sup>th</sup>) would have 100 minutes of Physical Education (PE) each week, broken up into two 50-minute sessions, which would take place either in the ground floor outdoor play area or in the ground floor indoor multi-purpose room. PE would overlap with recess at certain points in the day. It is anticipated that there would be a maximum of 100 students in the ground floor outdoor play area at any point in time throughout the day, and 60 students in the rooftop outdoor recreation area at any point in time throughout the day.

#### Special Event Plans and Operations

Currently, the Aspire School is scheduled to host multiple after school special events that would result in non-standard parking demand and traffic operations at the project site. The Aspire School would provide instructions to the school community regarding traffic and parking related to special events and notify neighbors in advance of any special events. This information would be reviewed and prepared annually as part of the school's operating handbook, which would be distributed before each school year. Aspire would also provide this information on their website under a specific section dedicated to Special Events.

At events that require off-site parking spaces, the Aspire School would provide a minimum of four faculty members to assist with traffic operations to ensure that visiting vehicles are aware of available parking locations. Standard drop off and pick up procedures would be utilized for school dances. See the parking section below for further event parking information.

A summary list of the special events is provided below in Table 5.1-1:

Event	Frequency / Timing	Estimated Attendance	Estimated Parking Demand <sup>2</sup>	Parking Accommodation <sup>2</sup>
Elementary Town Hall	Every other Friday morning	Up to 40 families	35	11 On-site spaces 24 Off-site spaces

## Table 5.1-1: Aspire Eres Academy Events Summary



#### Project Description

Event	Frequency / Timing	Estimated Attendance	Estimated Parking Demand <sup>2</sup>	Parking Accommodation <sup>2</sup>	
Middle School Town Hall	Every other Friday morning (alternating w/ Elementary Town Hall)	Up to 20 families	20	11 On-site spaces 9 Off-site spaces	
Elementary School Back to School Night	Once a year in August, weeknight, 5:30-7:30 pm	Up to 135 families	110	11 On-site spaces 99 Off-site spaces	
Middle School Back to School Night	Once a year in August, weeknight, 5:30-7:30 pm	Up to 65 families	55	11 On-site spaces 44 Off-site spaces	
Elementary School Literacy Night	Twice a year, weeknight, 5:30-7:30 pm	Up to 135 families	110	11 On-site spaces 99 Off-site spaces	
Middle School Literacy Night	Twice a year, weeknight, 5:30-7:30 pm	Up to 65 families	55	11 On-site spaces 44 Off-site spaces	
Middle School Dance	Twice a year, weeknight, 6-9 pm	200 attendees, including students, staff, and up to 20 family chaperones	30	11 Onsite spaces 19 Off-Site spaces	
Musical Performance	Once a year in May/June, weeknight, 5:30-6:30 pm	200 attendees, including students, staff, and up to 100 families in the audience	100	11 On-site spaces 89 Off-site spaces	
<sup>1</sup> It is assumed that 80% of the attending families and staff members will arrive in SOV					

## 5.1.2 School Parking, Circulation, and Drop-Off

## Parking

As shown on Figure 5-1, the proposed project would include a total of fifteen (15) parking stalls (including one Americans with Disabilities Act compliant space); eleven would be on-site and four would be available at the Fruitvale Medical Building (located directly south of the project site) through an executed shared agreement.

Additional off-site parking would be provided for special events and as required to prevent Aspire users from parking on the local neighborhood roadways. Aspire would be responsible for securing agreements with neighboring commercial establishments such as Goodwill, A Better Way, and the commercial complex to the south for temporary access to 80-120 spaces that are within



walking distance of the school (< 0.25 miles), for special events. Aspire would not hold special events if sufficient temporary offsite parking cannot be secured.

The proposed project would also provide 67 bicycle racks with 36 short-term and 31 long-term spaces.

#### Circulation

Vehicular traffic would be directed onto the on-site queuing area in one direction with the dropoff/pick-up entrance on Derby Avenue and drop-off/pick-up exit on East 15<sup>th</sup> Street. Students would be picked-up and dropped-off along the street curb area of the pick-up and drop-off lane on the north side of the school building along East 15<sup>th</sup> Street, in front of the school's main entrance (Figure 5-1).

Perimeter sidewalks would be replaced with new sidewalks, and pedestrian access and circulation would be enhanced with the addition of marked pedestrian walkways throughout the project site. The main entry to the campus would be located at the north side of the new school building, facing East 15<sup>th</sup> Street, with an additional pedestrian gate entrance to gain access to the campus from Derby Avenue (likely primarily to be used by staff with card access) in addition to emergency exits along the south, east, and west sides of the building.

#### Student Drop-off and Pick-up

The morning drop-off time would occur from 7:15 a.m. to 8:15 a.m., and the afternoon pick-up time would occur from 3:15 p.m. to 3:45 p.m. Gates would open at 7:15 a.m. for cars to queue for morning drop-off, and at 3:00 p.m. for cars to queue for afternoon pick-up. Pick-up time for after school programs would occur from 6:00 p.m. to 6:30 p.m. (Monday through Thursday) and 5:00 p.m. to 5:30 p.m. (Friday). Pick-up and drop-off activities would be distributed and staggered with the proposed staggered start time between Grade K-5<sup>th</sup> and Grade 6<sup>th</sup>-8<sup>th</sup> (e.g., 6<sup>th</sup>-8<sup>th</sup> grade breakfast starts at 7:15 a.m. and classes starts at 7:45 a.m. and K-5<sup>th</sup> grade breakfast starts at 7:45 a.m. and classes starts at 8:15 a.m.). There would be no bus transport provided to the students.

## 5.1.3 Lighting

Exterior lighting and security lighting for parking and walkways is planned as needed. Minimal lighting would be required for operations and would be limited to safety and security functions. Motion sensitive, directional security lights would be installed to provide adequate illumination at points of ingress/egress pursuant to City Code Requirements. All lighting would be directed downward and shielded to focus illumination on the desired areas only and to minimize light trespass in accordance with applicable City requirements. If additional lighting should be required for nighttime maintenance, portable lighting equipment may be used.

## 5.1.4 Landscaping

The proposed project would incorporate low volume irrigation and drought tolerant plant material in all landscape areas. Landscape elements would include bio-retention basins, planters, a green living wall, and planting along the exterior recreation area fence.



## 5.1.5 School Security

Site related security features would include an 8-foot fence around the perimeter of the project site, and a 10-foot fence along the perimeter of the rooftop outdoor recreation area. Site access would be controlled by two pedestrian gates and two vehicular gates. There would be interior and exterior cameras installed throughout the campus. A security system would also be installed and in use 24 hours a day, 7 days a week, and would be activated in case of a security breach, or fire.

## 5.1.6 Emergency Evacuation

In the event of an emergency evacuation, students and staff would exit from the building and site to the adjacent public right-of-way (ROW). The two pedestrian gates from the outdoor play area/parking lot area, two emergency exit stairs, four classroom doors, and one main entrance door would provide emergency exits.

## 5.1.7 Utilities and Infrastructure

Stormwater runoff from the project site would be directed to the proposed on-site bio-retention basins, where the stormwater would be treated and then directed to the existing on-site Alameda County Flood Control and Water Conservation District culvert (Figure 5-8). Water supply facilities for the proposed project would connect to the existing City water main facilities to provide water to the project site. Water service for the proposed project would be served by East Bay Municipal Utility District (EBMUD). Sanitary sewer facilities for the proposed project would connect to existing facilities located in Derby Avenue, which ultimately connects to the 24-inch sewer line in International Boulevard.

The proposed project would incorporate a renewable energy component that could potentially consist of but not be limited to rooftop solar, and/or solar site parking lot light, and/or an onsite renewable battery energy storage system (Figure 5-5).

## 5.1.8 Proposed Project Construction

#### **Project Site Remediation Efforts**

The project site is listed as an active school cleanup site on the State "Cortese" list pursuant to Government Code Section 65962.5. A Phase I Environmental Site Assessment was prepared for the project site, and concluded that the following potential contaminants of concern were identified within the project site: petroleum hydrocarbons in soil associated with runoff from a parking lot, a trench, and a former heating oil tank, and petroleum hydrocarbons and chlorinated solvents in groundwater associated with the former Walt's Transmission facility, located approximately 1,150 feet northeast (and potentially up-gradient) of the project site. A PEA was prepared for the project site, which concluded that the DTSC's RAW process would need to be completed prior to redevelopment of the project site.

On September 6, 2016, Aspire Public Schools executed a School Cleanup Agreement with DTSC for review and approval of a RAW. Construction of the proposed project is required to implement



the requirements of the RAW. The RAW was prepared on November 10, 2016, and approved by DTSC on June 30, 2017. The objectives, remedial actions, and discussion of the extent of the chemicals of concern are included in Attachment G. In compliance with the CEQA exemption, DTSC has prepared a Notice of Exemption, which determined that the proposed project would have no potential to have a significant impact on the environment, with implementation of the RAW. The Applicant is actively working with DTSC to remediate the project site prior to construction.

#### **Project Demolition and Site Preparation**

Other site preparation activities would include removal of the existing paved surfaces, and existing vegetation including trees and shrubs on-site and along the frontage of East 15<sup>th</sup> Street and Derby Avenue. In addition, site preparation activities would include minor grading and trenching for installation of utilities. All construction staging would be within the project boundaries. Sediment barriers would be installed along the perimeter of the project site catch basins, and would be maintained throughout construction. Construction of the proposed project would involve minimal grading including one-foot maximum cut and two-foot maximum fill. Soils would be transported to a permitted off-site facility. Construction would occur during hours compliant with the City's Municipal Code.



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#### **Construction Timeline**

Construction of the proposed project is anticipated to begin in the second quarter of 2018 and would commence over a 10-month period, ending in summer 2019.

## 5.1.9 Surrounding Land Uses

The project site is surrounded by various land uses, including medical and multi-family residential to the north; commercial and medical to the south; multi-family residential and medical to the west; and multi-family residential to the east. The medical and commercial uses surrounding the project site primarily consist of single- and two-story structures, while the multi-family residential structures primarily consist of two- to four-story buildings. The Fruitvale Medical Building (3022 International Boulevard) is a six-story structure located on the parcel immediately south of the project site. There is a previously disturbed vacant parcel located directly east of the project site across Derby Avenue. The Alfred H. Cohen House (Cohen-Bray House), a designated City of Oakland Local Landmark, abuts the northwest boundary of the project site.

## 5.1.10 Other Public Agencies Whose Approval is Required (e.g., Permits, Financing Approval, or Participation Agreement.)

The proposed project requires the following discretionary actions/approvals, including but not limited to:

#### Actions by the City of Oakland

- Regular Design Review
- Major Conditional Use Permit
   Non-residential development over 25,000 square feet
- Minor Conditional Use Permit
  - o School facility
- Minor Variances
  - o Building height
  - o Building in the front yard setback
  - o Street side yard setback
  - o Green living-wall height
- Shared Parking Agreement for parking on the adjacent lot
- Parcel Map Wavier (Condition of Approval)



#### Actions by Other Agencies

- Division of the State Architect (DSA) Building permit (for public school construction).
- DTSC Approval of RAW.
- Alameda County Flood Control and Water Conservation District Approval to discharge to the County's stormwater drainage system via the culvert.
- Regional Water Quality Control Board (RWQCB) Acceptance of a Notice of Intent to
  obtain coverage under the General Construction Activity Storm Water Permit, and Notice
  of Termination after construction is complete. Granting of required clearances to confirm
  that all applicable standards, regulations, and conditions for all previous contamination at
  the site have been met.
- EBMUD Approval of new service requests and water meter installation.



# 6.0 SUMMARY OF FINDINGS

An evaluation of the proposed project is provided in the CEQA Analysis below. This evaluation concludes that the proposed project qualifies for an exemption from additional environmental review and the proposed project is consistent with the development density and land use characteristics established by existing zoning and General Plan policies, and any potential environmental impacts associated with its development were adequately analyzed and covered by the analysis in the applicable Program EIRs, which are the 1998 LUTE EIR and the CCERP EIR.

The proposed project would be required to comply with the applicable mitigation measures identified in the Program EIRs, as modified, and in some cases wholly replaced, to reflect the City's current standard language and requirements of its SCAs, as well as any applicable City of Oakland SCAs (Attachment A). With implementation of the applicable SCAs, the proposed project would not result in a substantial increase in the severity of significant impacts that were previously identified in the General Plan or any new significant impacts that were not previously identified in the prior EIRs. The Applicant has agreed to incorporate and/or implement the required SCAs as part of the proposed project.

In accordance with Public Resources Code Sections 21083.3 and 21094.5, and State CEQA Guidelines Sections 15183 and 15183.3, and as set forth in the CEQA Checklist below, the proposed project qualifies for an exemption because the following findings can be made:

- **Community Plan Exemption**: The analysis within Attachment B demonstrates the proposed project is consistent with the development density established by existing zoning and General Plan policies for which an EIR was certified (e.g., the Program EIRs), and therefore qualifies for a community plan exemption. The analysis herein considers the Program EIRs and concludes that the proposed project would not result in significant impacts that (1) would be peculiar to the proposed project or its site, (2) were not previously identified as significant project-level, cumulative, or off-site effects in the Program EIRs, or (3) were previously identified as significant but as a result of substantial new information that was not known at the time the Program EIRs were certified would increase in severity above the level described in the EIR. The proposed project is exempt from further environmental review in accordance with Public Resources Code Section 21083 and 21083.05, and CEQA Guidelines Section 15183.
- Qualified Infill Exemption: The following analysis demonstrates that the proposed project is
  in an urban area on a site that has been previously developed; satisfies the performance
  standards provided in CEQA Guidelines Appendix M. The proposed project is proposed on
  a developed site, surrounded by urban uses, and is consistent with the land use, density,
  building intensity, and applicable policies for the site. The proposed project meets the
  requirements for an infill exemption, as evidenced in Attachment C to this document. This
  CEQA Analysis concurs that the proposed project would not cause any new specific
  effects or more significant effects than previously identified in applicable Program EIRs and
  that uniformly applicable development policies or standards (SCAs) would substantially
  mitigate the proposed project's effects.



Summary of Findings

• **Program EIRs:** The analyses in the Program EIRs, and this CEQA Analysis demonstrate that the proposed project would not result in substantial changes or involve new information that would warrant preparation of a subsequent EIR, per CEQA Guidelines Section 15162, because the level of development proposed for the site is within the broader development assumptions analyzed in the previous EIRs. The effects of the proposed project have been addressed in those EIRs and no further environmental documents are required in accordance with CEQA Guidelines Section 15168 (c).

Each of the above findings provides a separate and independent basis for CEQA compliance.

Sianature

Date 3/16/18

Darin Ranelletti, Deputy Director, Bureau of Planning Environmental Review Officer

) Stantec

# 7.0 CEQA CHECKLIST

#### Overview

This CEQA Checklist provides a summary of the potential environmental impacts that may result from adoption and implementation of the proposed project. This CEQA checklist also summarizes the impacts and findings of the Program EIRs that covered, specifically or as part of the cumulative analyses; the environmental effects of the proposed project and that are still applicable to the proposed project.

This CEQA Checklist provides a determination of whether the proposed project would result in:

- Equal or Lesser Severity of Impact previously identified in the 1998 LUTE EIR or CCERP EIR;
- Substantial Increase in Severity of previously identified significant impact in EIR; or
- New Significant Impact.

No Substantial Increase in Severity of previously identified significant impact in the Program EIRs, or New Significant Impact was identified.



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# 7.1 **AESTHETICS**

	Would the Project:	Equal or Less Severity of Impact Previously Identified in LUTE or CCERP EIRs	Substantial increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a)	Have a substantial adverse effect on a public scenic vista ( <b>NOTE</b> : Only impacts to scenic views enjoyed by members of the public generally [but not private views] are potentially significant.)?			
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings located within a state or locally scenic highway?	$\boxtimes$		
C)	Substantially degrade the existing visual character or quality of the site and its surroundings?	$\boxtimes$		
d)	Create a new source of substantial light or glare which would substantially and adversely affect day or nighttime views in the area?	$\boxtimes$		
e)	Introduce landscape that would now or in the future cast substantial shadows on existing solar collectors (in conflict with California Public Resource Code sections 25980-25986)?	$\boxtimes$		
f)	Cast shadow that substantially impairs the function of a building using passive solar head collection, solar collectors for hot water heating, or photovoltaic solar collectors?	$\boxtimes$		
g)	Cast shadow that substantially impairs the beneficial use of any public is quasi-public park, lawn, garden, or open space?	$\boxtimes$		
h)	Cast shadow on a historic resource, as defined by CEQA Guidelines 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 eligibility for listing in the National Register of Historical Resources, Local Register of Historical Resources, or a historical resource survey form (DPR Form 523) with a rating of 1-5?			
i)	Require an exception (variance) to the policies and regulations in the General Plan, Planning Code, or California Building Code, and the exception cause a fundamental conflict with policies and regulations in the General Plan, Planning Code, and California Building Code addressing the provision of adequate light related to appropriate uses?			
j)	Create winds exceeding 36 mph for more than 1 hour during daylight hours during the year?	$\boxtimes$		



Would the Project:	Equal or Less Severity of Impact Previously Identified in LUTE or CCERP EIRs	Substantial increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
(NOTE: The wind analysis only needs to be done if the project's height is 100 feet or greater [measured to the roof] <u>and</u> 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 5. The wind analysis must consider the project's contribution to wind impacts to on- and off-site public and private spaces. Only impacts to public spaces [on- and off-site] and off-site private spaces are considered CEQA impacts. Although impacts to on-site private spaces are considered a planning-related non-CEQA issue, such potential impacts still must be analyzed.)			

#### Previously Completed Environmental Analysis

#### <u>LUTE EIR</u>

The LUTE EIR determined impacts to scenic vistas and scenic highway corridors would be less than significant with the incorporation of the following OSCAR Element policies: OS-9.1, OS-9.2, OS-9.3, OS-10.1, and OS-10.2.

The LUTE EIR determined potential impacts related to visual character, visual quality, and shadows would be less than significant with the incorporation of Downtown Policies: D2.1, D8.1, D10.3, D10.5, D12.5, Neighborhood Policies: N1.8, N3.8, N3.9, N3.10, and N8.2, and mitigation measures. The LUTE EIR identifies the following six mitigation measures: F.2a, F.2b, F.2c, F.3a, F.3b, and F.3c, to reduce potential visual character, visual quality, and shadow impacts to a less than significant level. These mitigation measures are summarized in the following paragraph. Full descriptions of these previously identified mitigation measures are provided in Attachment K.

Mitigation Measure F.2a pertains to developing a "step back" ordinance for height and bulk for new development projects in the downtown area. Mitigation Measure F.2b pertains to analyzing the desired height of downtown office development and to develop zoning regulations that support the preferred skyline design. Mitigation Measure F.2c pertains to defining view corridors and designating appropriate height limits. Mitigation Measure F.3a pertains to developing standard design guidelines for all Neighborhood Commercial areas that require continuous or nearly continuous storefronts along the front yard setback. Mitigation Measure F.3b pertains to designing structures in an attractive manner which harmonizes with or enhances the visual appearance of the surrounding environment by adopting industrial and commercial design guidelines. Mitigation Measure F.3c pertains to developing design guidelines for parking facilities of all types.



#### CCERP EIR

The CCERP EIR determined impacts to scenic vistas, scenic highways, and visual character were adequately analyzed under the previously certified LUTE EIR. As such, the CCERP EIR determined impacts to scenic vistas and scenic highways would be less than significant with adherence to the following General Plan policies, as derived from the LUTE EIR: Policy OS-10.1 and Policy OS-10.2.

The CCERP EIR concluded impacts to visual character would be less than significant with the incorporation of the following General Plan policies and mitigation measures, as derived from the LUTE EIR: Policy OS-10.2, Policy N1.8, Policy N3.8, Policy N3.10, Policy N8.2, Mitigation Measure F.3a, and Mitigation Measure F.3b. Due to the nature of the proposed project LUTE EIR Mitigation Measure F.3b are not applicable, as discussed below.

The CCERP EIR determined implementation of the CCERP would not create new sources of substantial light or glare. The CCERP Project Area is highly urbanized and is already subject to extensive lighting for security reasons. The CCERP EIR determined the introduction of new sources of light and glare would not result in a significant effect.

#### Project Analysis and Conclusion

- a) The project site is in an urban commercial and residential area with generally flat topography. Construction of the project, and site improvements as well as the removal of trees at the project site would not result in a substantial effect on a scenic vista. The area surrounding the project area is substantially built out, and existing views of the surrounding hillsides and the shoreline, northeast and southwest are obscured by the surrounding development. Furthermore, private scenic vistas are not protected under the City of Oakland General Plan. The proposed project would have no impact on scenic vistas.
- b) The proposed project would have adverse effects if it would "substantially damage" scenic resources within a state scenic highway. State Route 580 is the only scenic highway within the City, located over 1.5 miles north of the project site, across town. The project site is not visible from a State scenic highway, and there are no such highways within the project vicinity. Furthermore, the project site is fully disturbed, and is currently occupied by a parking lot and vacant parcel. Therefore, by definition, the proposed project would have no impact on scenic resources within a state scenic highway.
- c) The project site is currently a disturbed site consisting of a parking lot and vacant parcel. The proposed project would involve the development of a three-story public charter school, and does not involve the development of an industrial, office, commercial use, or parking facility. Furthermore, the proposed project is not located in a Neighborhood Commercial area, the City's Downtown Showcase District, or Coliseum Showcase District. Therefore, previously identified LUTE EIR Mitigation Measure F.3a, Mitigation Measure F.3b, Mitigation Measure F.2a, Mitigation Measure F.2b, Mitigation Measure F.2c, and Mitigation Measure F.3c are not applicable to the proposed project.



The exterior of the new school building would consist of a combination of metal siding, metal grate awnings, and aluminum clad windows. The project design would introduce a new architectural style in the area, but would not conflict with the design of the surrounding land uses, as the surrounding vicinity already contains a large mix of architectural styles. The proposed project would be visually more massive than what currently exists on the project site, although would not exceed the height of the adjacent medical and residential buildings. The proposed project would be required to meet the findings for approval of a Regular Design Review Permit. With the compliance of these findings, the proposed project would be designed in an attractive manner which harmonizes with or enhances the visual appearance of the surrounding environment. Additionally, the proposed project would be required to comply with City SCA AES-1 (#17), Landscape Plan. As discussed in the project description, the proposed project would incorporate low volume irrigation and drought tolerant plantings in all landscape areas, bioretention basins, and a green living wall. With the incorporation of landscaping and compliance with the City's Regular Design Review Permit, the design and appearance of the proposed project would have a less than significant impact on the visual character of the project site and its surroundings.

- d) The proposed project would incorporate exterior lighting for parking and walkways as needed. The lighting for the proposed project would be required to comply with City SCA AES-2 (#18), Lighting, ensuring that the proposed project is consistent with the City's design review requirements. Compliance with SCA AES-2 (#18) would require new exterior lighting fixtures to be adequately shielded to point below the light bulb and reflector to prevent unnecessary light or glare onto adjacent properties. Project impacts related to light and glare would be less than significant with implementation of SCA AES-2(#18).
- e) There are no existing solar collectors within the vicinity of the project site. Landscaping introduced by the proposed project would not cast substantial shadows on existing solar collectors, or conflict with California Public Resource Code sections 25980-25986. The proposed project would have no impact on existing solar collectors.
- f) The construction of the proposed project would result in an increase in shadows on the project site, but would not cast shadows on existing solar collectors. There are no buildings near the project site that are using passive solar heat collection, solar collectors for hot water heating, or photovoltaic solar collectors. The proposed project would not cast shadows that would result in the impairment of solar collectors, and no impact would occur.
- g) The project site is in a densely urban, residential, and commercial area in the City. There are no public or quasi-public parks, lawns, gardens, or open space areas located near the project site that would receive shadows from the proposed project. No shadow impact would occur.
- h) The Cohen-Bray House, located northwest of the project site, and the six-story Fruitvale Medical are listed on the National Register of Historic Places, and are considered historic resources. The Cohen-Bray House is setback more than 200 feet from the west boundary



of the project site, as well as screened from the project site by a row of mature trees. The six-story Fruitvale Medical Building is approximately 50 feet from the southeast corner of the project site. The proposed project would be constructed as a three-story public charter school and would introduce new shadows on the project site. However, the proposed project would not affect the historical significance of the nearby structures since these structures are already located in a compact urban area and already subject to shadows from adjacent structures and landscaping during certain periods of the day. As such, shadows introduced by the proposed project would not impair the historic significance of the nearby buildings, and impacts would be less than significant.

- i) The proposed project includes minor variances for building height, height of the green living wall, street side yard setback, and building in the front yard setback. The variances requested for the proposed project would not conflict with the policies and regulations in the General Plan, Planning Code, or Building Code regarding the provision of adequate light related to appropriate uses, and no impact would occur.
- j) The proposed project would be a maximum height of approximately 49 feet. The proposed project would not exceed 100 feet in height nor are the surrounding buildings greater than 100 feet, located in Downtown, or near a substantial body of water. As such, the proposed project would not create winds that exceed 36 miles per hour, and no wind impacts would occur.

Both the LUTE and CCERP EIRs noted aesthetic impacts would be less than significant with the incorporation of mitigation measures. As discussed above, these mitigation measures do not apply to the proposed project because the project is not located in the Downtown Showcase District, or Coliseum Showcase District; does not involve the development of a commercial, office, parking facility, or industrial use; and is not located in a Neighborhood Commercial area. Furthermore, the project will adhere to the City's design review findings. The proposed project would be required to implement City SCA AES-1 (#17) and SCA AES-2 (#18) related to landscaping and lighting plans, and SCA AES-3 (#16), Graffiti Control. Based on the project-specific analysis and the findings and conclusions in the Program EIRs, implementation of the proposed project would not substantially increase the severity of previously identified significant impacts, or result in new significant impacts related to aesthetics that were not identified in the Program EIRs.



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# 7.2 AGRICULTURE AND FORESTRY RESOURCES

	Would the Project:	Equal or Less Severity of Impact Previously Identified in LUTE or CCERP EIRs	Substantial increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
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 Resources Agency, to non- agricultural use?	$\boxtimes$		
b)	Conflict with existing zoning for agricultural use or a Williamson Act contract?	$\boxtimes$		
c)	Conflict with existing zoning for, or cause rezoning of, forestland (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	$\boxtimes$		
d)	Result in the loss of forestland or conversion of forestland to non-forest use?	$\boxtimes$		
e)	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forestland to non-forest use?			

#### Previously Completed Environmental Analysis

#### LUTE EIR and CCERP EIR

The LUTE EIR and CCERP EIR determined there are no significant agricultural resources in the project area. The project area has been urbanized since the mid-1800s, and therefore no agricultural resources or prime agricultural soils are located within the project area. Furthermore, there are no Williamson Act contracts in effect in the project area. As such, both the LUTE EIR and CCERP EIR determined implementation of the LUTE and CCERP would have no impact on agricultural or forestry resources.

#### Project Analysis and Conclusion

a-e) The project site and vicinity are located within an urban area in the City of Oakland. There are no agricultural resources, Williamson Act-contracted lands, or forestlands located on or near the project site. The site and all surrounding properties are classified as "Urban and Built-Up Land" on the State Department of Conservation's Farmland Mapping and Monitoring Maps (2010). The proposed project would not conflict with existing zoning for farmland or forestlands, or result in the conversion of farmland or forestlands to an urban use. The proposed project would have no impact on agricultural or forestlands.



#### CEQA Checklist

The LUTE EIR and CCERP EIR did not identify any impacts related to agriculture and forestry resources, and no mitigation measures related to agriculture and forestry were identified. As such, the project's agriculture and forestry impacts would result in an equal or a less severe impact than previously identified in the LUTE EIR or CCERP EIR.



#### 7.3 **AIR QUALITY**

a)

b)

C)

d)

Would the Project:	Equal or Less Severity of Impact Previously Identified in LUTE or CCERP EIRs	Substantial increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
During project construction result in average daily emissions of 54 pounds per day of ROG, NO <sub>x</sub> , or PM <sub>2.5</sub> or 82 pounds per day of PM <sub>10</sub> ?	$\boxtimes$		
During project operation result in average daily emissions of 54 pounds per day of ROG, NOx, or PM <sub>2.5</sub> , or 82 pounds per day of PM <sub>10</sub> ; or result in maximum annual emissions of 10 tons per year of ROG, NO <sub>x</sub> , or PM <sub>2.5</sub> or 15 tons per year of PM <sub>10</sub> ?			
Contribute to carbon monoxide (CO) concentrations exceeding the California Ambient Air Quality Standards (CAAQS) of nine parts per million (ppm) averaged over eight hours and 20 ppm for one hour [NOTE: Pursuant to BAAQMD CEQA Guidelines, localized CO concentrations should be estimated for projects in which (a) project-generated traffic would conflict with an applicable congestion management program established by the county congestion management agency or (b) project-generated traffic would increase traffic volumes at affected intersections to more than 44,000 vehicles per hour (or 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited, such as tunnels, parking garages, bridge underpasses, natural or urban street canyons, and below-grade roadways). In Oakland, only the MacArthur Maze portion of Interstate 580 exceeds the 44,000 vehicles per hour screening criteria.]?			
For new sources of Toxic Air Contaminants (TACs), during either project construction or project operation expose sensitive receptors to substantial levels of TACs under project conditions resulting in (a) an increase in cancer risk level greater than 10 in one million, (b) a non-cancer risk (chronic or acute) hazard index greater than 1.0, or (c) an increase of annual average PM2.5 of greater than 0.3 micrograms per cubic meter?; or, under cumulative conditions, resulting in (a) a cancer risk level greater than 100 in a million, (b) a non-cancer risk (chronic or acute) hazard index greater than 10.0, or (c) annual average PM2.5 of greater than 0.8 micrograms per cubic meter [NOTE: Pursuant to the BAAQMD CEQA Guidelines, when siting new TAC sources consider receptors located within 1,000			



	Would the Project:	Equal or Less Severity of Impact Previously Identified in LUTE or CCERP EIRs	Substantial increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
e)	feet. For this threshold, sensitive receptors include residential uses, schools, parks, daycare centers, nursing homes, and medical centers. The cumulative analysis should consider the combined risk from all TAC sources.] Expose new sensitive receptors to substantial ambient levels of (TACs) resulting in (a) a cancer risk level greater than 100 in a million, (b) a non-cancer risk (chronic or acute) hazard index greater than 10.0, or (c) annual average PM <sub>2.5</sub> of greater than 0.8 micrograms per cubic meter ( <b>NOTE</b> : Pursuant to the BAAQMD CEQA Guidelines, when siting new sensitive receptors consider TAC sources located within 1,000 feet including, but not limited to, stationary sources, freeways, major roadways [10,000 or greater vehicles per day], truck distribution centers, airports, seaports, ferry terminals, and rail lines. For this threshold, sensitive receptors include residential uses, schools, parks, daycare centers, nursing homes, and medical centers.]?			
f)	Frequently and for a substantial duration, create or expose sensitive receptors to substantial objectionable odors affecting a substantial number of people? [NOTE: For this threshold, sensitive receptors include residential uses, schools, daycare centers, nursing homes, and medical centers (but not parks).]			

#### Previously Completed Environmental Analysis

#### <u>LUTE EIR</u>

The LUTE EIR identified implementation of the LUTE would not be consistent with population and vehicle miles traveled assumptions used in air quality planning, and would result in increased regional emissions of criteria air pollutants. The LUTE EIR determined this impact would remain significant and unavoidable.

The LUTE EIR determined the LUTE would be consistent with the objectives and transportation control measures outlined in the Clean Air Plan, and potential impacts would be less than significant.

The LUTE EIR identified mixed commercial and residential developments could result in odor nuisance problems at residential receptors. To mitigate this impact to a less than significant level, the LUTE EIR calls for the implementation of Mitigation Measure E.4. Mitigation Measure E.4 requires residential development located above commercial uses, parking garages, or other uses with the potential to generate odors to be properly ventilated.


The LUTE EIR also determined construction impacts in the Downtown Showcase District and Coliseum Showcase District would be less than significant with incorporation of Mitigation Measure E.5a, Mitigation Measure E.5b, and Mitigation Measure E.5c. Incorporation of these mitigation measures would require the implementation of basic control measures and BAAQMD dust control measures to reduce dust and combustion emissions, specifically in the Downtown Showcase District and Coliseum Showcase District. Full descriptions of these previously identified LUTE EIR mitigation measures are provided in Attachment K.

### CCERP EIR

The CCERP EIR determined the projected population and VMT growth under the CCERP would be consistent with the Clean Air Plan and would result in a less than significant environmental effect.

The LUTE EIR determined the objectives and policies of the LUTE are consistent with the objectives and transportation control measures of the Clean Air Plan. The CCERP is consistent with the LUTE; therefore, redevelopment activity in the CCERP Project Area would also be consistent with the Clean Air Plan. The CCERP EIR determined implementation of the CCERP would result in a less than significant impact.

The CCERP EIR identified traffic increases associated with the CCERP would not exceed BAAQMD thresholds for reactive organic gases (ROG), nitrous oxides (NO<sub>x</sub>), or PM<sub>10</sub>. The CCERP EIR determined implementation of the CCCERP would have a less than significant impact on regional air quality.

The CCERP EIR also identified redevelopment activities would not significantly increase CO emissions along roadways or at intersections within the Plan Area or its vicinity. The CCERP EIR determined implementation of the CCERP would have a less than significant impact on local air quality.

The CCERP EIR determined implementation of the CCERP would result in no impact related to the generation of objectionable odors.

The CCERP EIR determined the generation of dust and combustion emissions from construction activities would be less than significant with the implementation of Mitigation Measure 6-5: Construction. Mitigation Measure 6.5 recommends contractors to implement BAAQMD dust control measures as outlined in BAAQMD CEQA Guidelines, or any subsequent applicable BAAQMD updates to reduce construction-related air quality impacts. A full description of Mitigation Measure 6-5 is provided in Attachment K.

### Project Analysis and Conclusion

a) The City of Oakland utilizes screening criteria to provide a conservative indication for whether a project would result in potentially significant air quality impacts related to construction emissions. To determine the proposed project's potential air quality impact related to construction, Stantec Consulting Services Inc. (Stantec) prepared an Air Quality and Greenhouse Gas Technical Report (Attachment D).



Construction activities associated with development of the proposed project would include site preparation, grading, paving, building construction, and painting. Generally, the most substantial air pollutant emissions would be dust generated from site preparation and grading. If uncontrolled, these emissions could lead to both health and nuisance impacts. Construction activities would also temporarily create emissions from equipment exhaust and other air contaminants. To reduce temporary emissions from construction activities, the proposed project would be required to comply with City SCAs **ADMIN-1** (#13), Construction Management Plan, and **SCA AIR-1 (#19)**, Construction-Related Air Pollution Controls (Dust and Construction Emissions), which require application of appropriate emissions control measures recommended by the BAAQMD.

The project construction emissions are shown in Table 8 in Attachment D, by construction phase in annual tons and provides the average daily emissions. As shown in Table 8 in Attachment D, the proposed project's average daily construction-emissions would be 1.61 pounds for ROG, 15.95 pounds for NO<sub>x</sub>, 0.97 pounds for PM<sub>2.5</sub>, and 0.41 pounds for PM<sub>10</sub>. As such, the proposed project's average daily construction emissions would not exceed the City's thresholds of 54 pounds per day for ROG, NO<sub>x</sub>, or PM<sub>2.5</sub>; or 82 pounds per day for PM<sub>10</sub> for construction. Impacts associated with project construction emissions would be less than significant.

b) Long-term operation of the proposed project would generate an increase in traffic volumes on local roadways within the project vicinity and as such would increase localized emissions. Note that operational emissions have not been estimated for potential stationary source equipment such as generators since none have currently been proposed. The proposed project's annual, and daily summer and winter operational emissions are presented below in Tables 7.3-1 through 7.3-3.

	Annual Emissions (tons)					
	ROG	NOx	<b>PM</b> 10	PM <sub>2.5</sub>		
Project Operations	0.45	1.36	0.53	0.15		
BAAQMD Threshold of Significance	10	10	15	10		
Exceed Significance Threshold? No No No No						
Note: Operational emissions were based on an earlier operational date of 2019; actual operational emissions will decrease in later operational years as vehicle fleets become cleaner.						

Table 7.3-2: Daily Operational Emission	ns (2019) (Summer)
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	Overall Operational Ibs./day (Maximum Daily Emissions – Criteria Pollutants)				
	ROG	NOx	<b>PM</b> 10	PM2.5	
Project Operations	3.16	10.11	4.21	1.19	
City of Oakland Thresholds of Significance	54	54	82	54	



	Overall Operational Ibs./day (Maximum Daily Emissions – Criteria Pollutants)					
	ROG NOx PM10 PM2.5					
Exceed Significance Threshold?	No	No	No	No		
Note: Operational emissions were based on an earlier operational date of 2019; actual operational emissions will decrease in later operational years as vehicle fleets become cleaner.						

Table 7.3-3: Daily	<sup>7</sup> Operational	Emissions	(2019)	(Winter)
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	Overall Operational Ibs./day (Maximum Daily Emissions – Criteria Pollutants)					
	ROG NO <sub>x</sub> PM <sub>10</sub> PM <sub>2</sub>					
Project Operations	2.93	10.53	4.21	1.19		
City of Oakland Threshold of Significance	54	54	82	54		
Exceed Significance Threshold? No No No						
Note: Operational emissions were based on an earlier operational date of 2019; actual operational emissions will decrease in later operational years as vehicle fleets become cleaner.						

As shown in these tables, the proposed project's average daily operation emissions would not exceed the City's daily thresholds of 54 pounds per day for ROG, NO<sub>x</sub>, or PM<sub>2.5</sub>, or 82 pounds per day for PM<sub>10</sub> for operation. Additionally, the proposed project would not exceed the City's annual thresholds of 10 tons for ROG, NO<sub>x</sub>, or PM<sub>2.5</sub>, or 15 tons for PM<sub>10</sub>. Impacts related to operational emissions generated by the proposed project would be less than significant.

- c) Localized high levels of carbon monoxide (CO) are associated with traffic congestion, idling, or slow-moving vehicles. The BAAQMD recommends a screening analysis to determine if a project has the potential to contribute to a CO hotspot. The screening criteria identifies when site-specific CO dispersion modeling is necessary. The proposed project would result in a less than significant impact to air quality for local CO if the following screening criteria are met:
  - The proposed project is consistent with an applicable congestion management program established by the county congestion management agency for designated roads or highways, regional transportation plan, and local congestion management agency plans; or
  - The proposed project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour; or
  - The proposed project traffic would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal



mixing is substantially limited (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon, below-grade roadway).

The proposed project is consistent with the 2015 Congestion Management Plan for Alameda County. According to the Traffic Impact Study prepared by Stantec (Attachment E) the proposed project would generate approximately 318 new net trips during the a.m. peak hour and 212 new net trips during the p.m. peak hour and would not substantially increase traffic volumes on nearby roadways above 44,000 vehicles per hour. Furthermore, the adjacent roadways are not located in an area where vertical and/or horizontal mixing, or the free movement of the air mass, is substantially limited by physical barriers such as bridge overpasses, or urban/natural canyon walls. The proposed project would not significantly contribute to an existing or projected CO hotspot, and impacts would be less than significant.

d, e) During construction, the proposed project would implement SCAs ADMIN-1 (#13) and AIR-1 (#19) to reduce emissions of both criteria air pollutants and toxic air contaminants (TACs). SCAs ADMIN-1 (#13) and AIR-1 (#19) require the preparation of a Construction Management Plan that would implement basic control measures to minimize construction health risks from TACs and fugitive dust by requiring exposed surfaces to be watered; trucks hauling sand, soil, and other loose materials to be covered; visible dirt track-out to be removed daily; new roads, driveways, sidewalks to be paved within one month of grading or as soon as possible; stockpiles to be enclosed, covered, and water twice daily; vehicle speeds on unpaved roads to be limited; and idling time to be limited. Therefore, with implementation of SCAs ADMIN-1 (#13) and AIR-1 (#19) temporary construction emissions would be minimized and the potential health risk impact from TACs would be less than significant.

Operation of the proposed project would locate new sensitive receptors (students and staff) in an area where they could be subject to existing sources of TACs. A quantitative Health Risk Assessment (HRA) to assess the proposed project's exposure to TACs was prepared by Placeworks (2016). The HRA identified two stationary sources within a quartermile of the project site, three high volume roadways (average annual daily traffic counts more than 10,000 vehicles per day), and emissions generated by diesel locomotives from Amtrak passenger trains and UP freight trains to the southwest of the site. The results of the HRA from individual and cumulative emission sources are provided in Table 7.3-4.



	Cancer Risk (per million)		Chronic			
Source	Staff Exposure	Student Exposure	Hazard Index	Acute Hazard Index	PM2.5 (μg/m³ <b>)</b>	
		Refined Mo	odeling Values			
Pro Speed Auto Body	0.00	0.00	< 0.001	< 0.001	N/A	
H&H Auto Collision, Inc.	0.00	0.00	< 0.001	< 0.001	N/A	
Amtrak/UP Railroad	0.03	0.06	< 0.001		N/A	
		Screen	ing Values	•		
International Boulevard	2.65	2.86	0.030	0.030	0.14	
Fruitvale Avenue	venue 0.33 0.35 0.030		0.030	0.02		
East 12 <sup>th</sup> Street	0.56	0.61	0.030	0.030	0.03	
City of Oakland Project-level Threshold	10	10	1.0	1.0	0.30	
Exceed City of Oakland Project- level Threshold?	No	No	No	Νο	No	
Cumulative Total	3.57	3.88	0.09	0.09	0.19	
City of Oakland Cumulative Threshold	100	100	10	10	0.80	
Exceed City of Oakland Cumulative Threshold?	Νο	No	No	No	No	
Notes: N/A = not applicable Source: Placeworks 2016						

Table 7.3-4: Health Risk	<b>Assessment Results</b>
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The HRA determined that the excess cancer risk from each individual stationary and mobile source within a quarter-mile of the project site is less than the City's project-level threshold of 10 in a million for a lifetime cancer risk and less than the non-carcinogenic chronic hazard index of 1.0. The PM<sub>2.5</sub> concentrations for all individual emission sources are below the City's threshold of 0.3 micrograms per cubic meter ( $\mu$ g/m<sup>3</sup>). In addition, the cumulative health risks from all evaluated emission sources are below the City's cumulative significance thresholds of 100 in a million for a lifetime cancer risk, non-carcinogenic chronic hazard index of 10, and PM<sub>2.5</sub> concentrations for all individual emission sources are below the City's threshold of 0.8  $\mu$ g/m<sup>3</sup>. Hazardous air emissions generated from the stationary and mobile sources within a quarter-mile of the project site are not anticipated



to pose an actual or potential endangerment to students and staff. Potential impacts associated with the exposure of TACs to new sensitive receptors would be less than significant, and the proposed project would not require implementation of City **SCA AIR-2** (#20), Exposure to Air Pollution (Toxic Air Contaminants), because TACs would be below the City's thresholds.

f) The proposed project does not involve the development of a mixed-use (residential above commercial), which would expose residences to odors. Therefore, previously identified LUTE EIR Mitigation Measure E.4 would not be applicable to the proposed project.

The construction of the proposed project would emit ROG during construction, the odors of which are objectionable to some. However, these odors would disperse rapidly from the project site, and would not create objectionable odors that affect a substantial number of people. The proposed project does not include the development of a land use that would emit objectionable odors. Furthermore, the project site is not located within the recommended screening distances of any typical sources of objectionable odors, which typically include agricultural operations (e.g., dairies, feedlots, etc.), landfills, wastewater treatment plants, refineries, and other types of industrial land uses. Odor impacts would be less than significant during the construction and operation of the proposed project.

Both the LUTE EIR and CCERP EIR noted potential air quality impacts would be less than significant with incorporation of mitigation measures. The project is not located above a parking garage or an odor generating business. Furthermore, the City has since adopted SCAs which further clarify and expand on the mitigation measures identified in the previous EIRs and have been found to be equivalent or more stringent. The proposed project would be required to comply with City **SCA ADMIN-1 (#13)** and **SCA AIR-1 (#19)**. Based on the project-specific analysis and the findings and conclusions in the Program EIRs, implementation of the proposed project would not substantially increase the severity of previously identified significant impacts, or result in new significant impacts related to air quality.



# 7.4 BIOLOGICAL RESOURCES

	Would the Project:	Equal or Less Severity of Impact Previously Identified in LUTE or CCERP EIRs	Substantial increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a)	Have a substantial adverse effect, either directly or through habitat modifications, on any species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	$\boxtimes$		
b)	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations, or by the California Department of Fish or U.S. Fish and Wildlife Service?	$\boxtimes$		
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?	$\boxtimes$		
d)	Substantially interfere 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?	$\boxtimes$		
e)	Fundamentally conflict with any applicable habitat conservation plan or natural community conservation plan?	$\boxtimes$		
f)	Fundamentally conflict with the City of Oakland Tree Protection Ordinance (Oakland Municipal Code (OMC) Chapter 12.36) by removal of protected trees under certain circumstances [ <b>NOTE</b> : 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) protected trees to remain, with special consideration given to native trees.12 Protected trees include Quercus agrifolia (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 Pinus radiata (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.1?			



Would the Project:	Equal or Less Severity of Impact Previously Identified in LUTE or CCERP EIRs	Substantial increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
<ul> <li>g) Fundamentally conflict with the City of Oakland Creek Protection Ordinance (OMC Chapter 13.16) intended to protect biological resources. [NOTE: 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/or 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.]</li> </ul>			

## Previously Completed Environmental Analysis

### LUTE EIR

The LUTE EIR determined impacts to habitat for special status species, resource conservation areas, special status plants and wildlife, and the loss of mature trees would be less than significant. The LUTE EIR did not identify any mitigation measures pertaining to biological resources.

## CCERP EIR

The CCERP EIR determined impacts to the loss of habitat for special status species, wetlands, resource conservation areas, and conflicts with the City of Oakland Tree Preservation Ordinance were adequately analyzed under the previously certified LUTE EIR. As such, the CCERP EIR determined impacts to special status species, wetlands, resource conservation areas, and conflicts with the City of Oakland Tree Preservation Ordinance would be less than significant with adherence to the following General Plan policies, as derived from the LUTE EIR: Policy CO-5.3, Policy-6.4, Policy-6.5, Policy CO-7.4, Policy CO-8.1, Policy CO-9.1, and Policy W3.1.

All development/redevelopment within the CCERP Project Area is required to adhere to the City of Oakland's Protected Tree Ordinance, which is intended to protect and preserve trees by regulating their removal and preventing unnecessary tree loss. All redevelopment activities would be required to obtain a permit for the removal of a protected tree, or if construction is to occur within 10 feet of a protected tree on the project site. The CCERP EIR determined compliance with the requirements of the City's Protected Tree Ordinance would reduce potential biological impacts to protected trees to a less than significant level.



#### **Project Analysis and Conclusion**

a-g) The project site and vicinity are located within an urban area in the City of Oakland and within the CCERP project area. The project site consists of paved parking lots, landscape, and previously developed areas. No wetlands, riparian or other habitat, or suitable habitat for special-status wildlife occur on-site or adjacent to the site. The project site does not provide a suitable corridor for wildlife movement, as it is completely disturbed with a parking lot and a vacant parcel and not adjacent to habitat, or wildlife movement areas. However, migratory birds and raptors may be disturbed if they are occupying nearby trees and shrubs. The project would incorporate City **SCA BIO-1 (#26)**, Tree Removal During Bird Breeding Season, which would require that the removal of any tree and/or other vegetation suitable for nesting of birds does not occur during the bird breeding season from February 1 to August 15. If tree removal must occur during the bird breeding season, the trees proposed to be removed would be surveyed by a qualified biologist 15 days prior to the start of construction. Impacts on species identified by the Migratory Bird Treaty Act would be less than significant with implementation of SCA BIO-1 (#26).

The proposed project would involve the removal of 24 trees; however, only 11 of these trees meet the protection requirement (larger than nine inches diameter breast height) under the City's tree protection guidelines and were included in the Tree Permit. None of the trees to be removed are native trees. A Tree Permit was submitted to the City on December 20, 2015. The proposed project would be required to comply with **SCA BIO-2** (#27), Tree Permit, in accordance with the City's Tree Protection Ordinance. The proposed project would not conflict with the City's Tree Ordinance, and potential impacts from the removal of trees would be less than significant.

An arched concrete culvert, constructed to convey stormwater from Sausal Creek, is located beneath and upstream of the project site. According to the project site plan, the western portion of the project site would be located over the culvert. There are no open sections of the Creek near or within the project site and the site has not been designated a creek fronting parcel due to the underground (culverted nature of the creek. Therefore, the proposed project would not conflict with the City's Creek Protection Ordinance, or with the provisions of an adopted Habitat Conservation Plan because the City does not have any such adopted plan, and the site is fully disturbed.

The LUTE EIR and CCERP EIR determined impacts to biological resources would be less than significant, and no mitigation measures were identified. The proposed project would be required to comply with City **SCAs BIO-1 (#26)** and **BIO-2 (#27)**. Therefore, implementation of the proposed project would not substantially increase the severity of previously identified significant impacts, or result in new significant impacts related to biological resources.



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# 7.5 CULTURAL RESOURCES

	Would the Project:	Equal or Less Severity of Impact Previously Identified in LUTE or CCERP EIRs	Substantial increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a)	Cause a substantial adverse change in the significance of a historical resource as identified in Section 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, Local Register, or historical resources survey form (DPR Form 523) with a rating of 1-5)?			
b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	$\boxtimes$		
C)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	$\boxtimes$		
d)	Disturb any human remains, including those interred outside of formal cemeteries?	$\boxtimes$		

### Previously Completed Environmental Analysis

### LUTE EIR

The LUTE EIR determined impacts to undiscovered paleontological remains would be less than significant. The LUTE EIR determined impacts related to the demolition of historical resources would be less than significant with adherence to the following existing policies from the City's Historic Preservation Element: Policy 1.3, Policy 2.1, Policy 2.4, Policy 2.5, Policy 2.6, Policy 3.4, and Policy 3.5.

The LUTE EIR determined potential impacts to undiscovered archeological resources would be less than significant with the implementation of Mitigation Measure G.2. Mitigation Measure G.2 calls for establishing criteria and interdepartmental referral procedures for determining when discretionary City approval of ground-disturbing activities should be subject to special conditions to safeguard potential archaeological resources.

The LUTE EIR identified historic resources located downtown and along transit corridors could be at risk for demolition or removal for new redevelopment and high density uses. The LUTE determined this impact would be less than significant with implementation of Mitigation Measure



#### CEQA Checklist

G.3a and Mitigation Measure G.3b. These mitigation measures call for the City to amend the Zoning Regulations text to incorporate new preservation regulations and incentives, and adopt design guidelines for Landmarks and Preservation Districts. Full descriptions of these mitigation measures are provided in Attachment K.

## CCERP EIR

The CCERP EIR determined impacts to historic buildings would be less than significant. The CCERP EIR identified the potential for subsurface archaeological resources, and human remains to occur within the CCERP project area. The CCERP EIR determined redevelopment activities would have a less than significant impact on archaeological resources, paleontological resources, and human remains with the implementation of Mitigation Measure 11-1. Mitigation Measure 11-1 calls for work in the vicinity to stop immediately if previously unidentified cultural resources are encountered during development. If the resource is found to be significant under CEQA, Mitigation Measure 11-1 recommends an appropriate mitigation plan to be developed. A full description of Mitigation Measure 11-1 is provided in Attachment K.

## **Project Analysis and Conclusion**

a-e) A Historic Resources Evaluation (HRE) (Attachment H) was conducted for the proposed project by Stantec on June 23, 2017. The HRE noted the Cohen-Bray House, located on a parcel adjacent to the project site, is listed on the National Register Historic Property (NRHP) and is also identified as a City of Oakland Local Landmark. Additionally, the HRE noted the six-story Fruitvale Medical building, located directly south of the project site, appears eligible for listing on the NRHP under Criterion A and California Register of Historical Resources (CRHR) Criterion 1 and Criterion C, and CRHR Criterion 3 (Stantec 2017). There was one building located within the project site, a 1926 multi-family dwelling located at 3007 East 15<sup>th</sup> Street, that has since been demolished. As indicated in the HRE report, this multi-family dwelling is not designated a historic resource or landmark per City policies, and is not eligible for listing on the NRHP or the CRHR (Attachment H). As such, the multi-family dwelling is not considered a CEQA historic resource per City thresholds, and its demolition is considered a less than significant impact.

As identified in Section 15064.5, a substantial adverse change in the significance of a historic resource is defined as the "physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired." The proposed project would not cause a substantial adverse change in terms of physical demolition, destruction, or relocation of the Fruitvale Medical Building, or Cohen-Bray House. As such, the proposed project would have no direct or indirect impacts on a historical resource.

Unidentified archaeological or paleontological resources may be discovered during construction. If so, the proposed project would be required to comply with **SCA CUL-1** (#29), Archaeological and Paleontological Resources- Discovery During Construction, to avoid potential impacts. Compliance with SCA CUL-1 (#29) would fulfill the requirements



of previously identified CCERP EIR Mitigation Measure 11-1. As such, impacts to archeological and paleontological resources would be less than significant.

Human remains may be discovered on the project site during construction activities. If so, the proposed project would be required to comply with **SCA CUL-2 (#31)**, Human Remains-Discovery During Construction, which would stop all construction activities immediately to reduce impacts. As such, impacts related to the discovery of human remains would be less than significant.

Both the LUTE and CCERP EIRs noted that impacts to paleontological, archeological, human remains, and historic resources would be less than significant with the incorporation of mitigation measures. Implementation of the LUTE EIR Mitigation Measures are to be carried out by the City not project applicants, and therefore are not applicable to the proposed project. The Mitigation Measure identified in the CCERP has been replaced by adopted SCAs which further clarify and expand on the Mitigation Measures and have been found to be equivalent or more stringent. The proposed project would be required to comply with City SCA CUL-1 (#29) and SCA CUL-2 (#31). The project's cultural impacts would result in an equal or a less severe impact than previously identified in the LUTE EIR and CCERP EIR.



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# 7.6 GEOLOGY AND SOILS

	Would the Project:	Equal or Less Severity of Impact Previously Identified in LUTE or CCERP EIRs	Substantial increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a)	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death, involving:	$\boxtimes$		
	<ul> <li>Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? [NOTE: Refer to California Geological Survey 42 and 117 and Public Resources Code section 2690 et. seq.]?</li> </ul>			
(ii)	Strong seismic ground shaking?	$\boxtimes$		
	(iii) Seismic-related ground failure, including liquefaction?	$\boxtimes$		
	(iv) Landslides?	$\boxtimes$		
b)	Result in substantial soil erosion or the loss of topsoil, creating substantial risks to life, property, or creeks/waterways?	$\boxtimes$		
C)	Be located on expansive soil, as defined in Table 18-1-B of the California Building Code, creating substantial risks to life or property?	$\boxtimes$		
d)	Be located above a well, pit, swamp, mound, tank vault, or unmarked sewer line, creating substantial risks to life or property	$\boxtimes$		
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.	$\boxtimes$		
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?	$\boxtimes$		

### Previously Completed Environmental Analysis

#### <u>LUTE EIR</u>

The LUTE EIR determined potential impacts related to ground failure and other earthquake-related hazards would be less than significant. Additionally, the LUTE EIR determined that implementation of the LUTE would result in a less than significant impact related to geologic hazards, landslides, expansive soils, and soil erosion. The LUTE EIR did not identify any mitigation measures related to geology and soils. The geologic setting of the project area has not changed since the certification of the LUTE EIR.



#### **CEQA** Checklist

## <u>CCERP EIR</u>

The geologic setting of the project area has not changed since the certification of the CCERP EIR. The CCERP EIR determined impacts related to potential geologic hazards, erosion, and soil hazards were adequately analyzed under the previously certified LUTE EIR. As such, the CCERP EIR determined potential geologic and soil impacts would be less than significant with the incorporation of the following General Plan policies, as derived from the LUTE EIR: Policy CO-2.2, Policy CO-2.3, Policy CO-1.1, Policy CO-2.4, and Policy CO-2.3. The CCERP EIR determined potential impacts related to landslides would be less than significant. The CCERP EIR did not identify any mitigation measures related to geology and soils.

## Project Analysis and Conclusion

- a) (i-ii) A Geotechnical Investigation and Geologic Hazards Evaluation was completed for the proposed project by Cornerstone Earth Group (Cornerstone) in December 2015 (Attachment I). The Geotechnical Investigation concluded that the project site is not located within an Alguist-Priolo Earthquake Fault Zone and risk of fault rupture on the project site is low. However, the project site is, like the rest of the San Francisco Bay Area, located in an area subject to high risk from seismic shaking. The Geotechnical Report recommends that the proposed project be designed in accordance with the seismic design criteria outlined in the California Building Code (CBC). The Geotechnical Investigation Report finds that with reasonable site preparation such as, grading and excavating for foundations, the proposed project is geotechnically feasible (Cornerstone 2015). In addition, the proposed project would be required to implement SCA GEO-1 (#33), Construction-Related Permit(s), which requires the proposed project to comply with all standards, requirements, and conditions contained in the City's construction-related codes to ensure structural integrity and safe construction. Therefore, with implementation of SCA GEO-1 (#33) and compliance with the recommendations of the Geotechnical Investigation Report, impacts related to the exposure of people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking would be less than significant. The proposed project would also be required to comply with SCA GEO-2 (#36), Seismic Hazards Zone, which would further reduce potential seismic impacts by submitting a geotechnical report, and incorporating any site-specific design measures. Impacts related to the exposure of people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking would be less than significant with implementation of SCA GEO-1 (#33) and SCA GEO-2 (#36).
  - (iii) The Geotechnical Investigation Report determined that several soil layers could potentially experience liquefaction or loss of undrained shear strength, which could result in post-liquefaction total settlement at the ground surface, ranging from 0.50 inch to 0.75 inch. As such, the Geotechnical Investigation Report concluded that the project site is within a State-designated Liquefaction Hazard Zone (Cornerstone 2016). As outlined in the Geotechnical Evaluation and required under SCA GEO-2 (#36), the proposed project would be designed to adhere to the DSA strict design standards



and designed to meet CBC seismic design parameters. Impacts related to liquefaction would be less than significant with implementation of **SCA GEO-2 (#36)**.

- (iv) The project site is not within an area subject to landslides. Therefore, no impact related to landslides would occur.
- b) The proposed project could result in potential impacts related to soil erosion and loss of topsoil. During construction activities, the proposed project would be required to adhere to SCA HYD-1 (#45), Erosion and Sedimentation Control Plan for Construction, and SCA HYD-2 (#50), NPDES C.3 Stormwater Requirements for Regulated Projects. Compliance with SCA HYD-1 (#45) and HYD-2 (#50) would require the Applicant to implement standard stormwater pollution prevention and erosion control measures, and comply with the City's Municipal Regional Stormwater Permit. Impacts related to soil erosion and loss of the topsoil would be less than significant with implementation of SCAs HYD-1 (#45) and HYD-2 (#50).
- c) The Geotechnical Investigation Report concluded that highly expansive surficial soils blanket the project site. The Geotechnical Investigation Report recommends that slabs-on-grade be sufficiently reinforced by a layer of non-expansive fill, and footings should extend below the zone of seasonal moisture fluctuation. The Geotechnical Investigation Report also recommends moisture changes in the surficial soil be limited by using positive drainage, directed away from the building, and limited landscaping watering. Furthermore, as determined in the CCERP EIR, impacts related to expansive soils would be less than significant with compliance to the City of Oakland's Grading Ordinance, Sediment, and Erosion Control Ordinance, and the NPDES permit program. As such, the proposed project would implement SCAs HYD-1 (#45) and HYD-2 (#50) to ensure the proposed project would not be located on expansive soil in a manner that would create substantial risks to life or property. Impacts related to expansive soils would be less than significant with implementation of City SCAs HYD-1 (#45) and HYD-2 (#50).
- d) The project site is flat, and disturbed with a parking lot and vacant parcel. According to the Phase 1 report, there is no evidence of mounds, pits, or swamps. There is an arched concrete culvert, which was constructed to convey stormwater from Sausal Creek, located upstream of the project site. According to the project site plan, the western portion of the project site would be located over the culvert (Figure 5-1). The proposed project would adhere to the recommendations set forth in the Geotechnical Investigation and Geologic Hazards Evaluation conducted by Cornerstone (Attachment I), which include that the school building foundation system be designed to span the culvert. As such, the proposed project would not create a substantial risk to life or property, and impacts would be less than significant.
- e) The proposed project would not create a substantial risk to life or property related to landfills as one is not located close to the site. No impact would occur.
- f) The project site is served by a sanitary sewer system maintained and operated by the City, and discharged to the EBMUD sewer interceptor system. The proposed project would have



access to these systems, and the use of septic systems would be neither required nor permitted. The project would have no impact in this regard.

Both the LUTE EIR and CCERP EIR determined geologic and soil impacts would be less than significant, and no mitigation measures were identified. The proposed project would be required to comply with City **SCAs GEO-1 (#33)**, **GEO-2 (#36)**, **HYD-1 (#45)**, and **HYD-2 (#50)**. Therefore, the project's geological and soils impacts would result in an equal or a less severe impact than previously identified in the LUTE EIR or the CCERP EIR.



# 7.7 GREENHOUSE GAS AND EMISSIONS

	Would the Project:	Equal or Less Severity of Impact Previously Identified in LUTE or CCERP EIRs	Substantial increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a)	<ul> <li>Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment, specifically:</li> <li>i. For a project involving a stationary source, produce total emissions of more than 10,000 metric tons of CO2e annually [NOTE: Stationary sources are projects that require a BAAQMD permit to operate.]</li> <li>ii. For a project involving a land use development, produce total emissions of more than 1,100 metric tons of CO2e annually [NOTE: Land use development, produce total emissions of CO2e per service population annually [NOTE: Land use developments are projects that do not require a BAAQMD permit to operate. The service population includes both the residents and the employees of the project. The project's impact would be considered significant if the emissions exceed BOTH the 1,100 metric tons threshold. Accordingly, the impact would be considered less than significant if the project's emissions are below EITHER of these thresholds.] [NOTE: The project's emissions during construction should be annualized over a period of 40 years and then added to the expected emissions during operation for comparison to the threshold. A 40-year period is used because 40 years is considered the average life expectancy of a building before it is remodeled with considerations for increased energy efficiency. The thresholds are based on the BAAQMD thresholds met originally developed for project operation impacts only. Therefore, combining both the construction emissions and operation</li> </ul>	Identified in LUTE or CCERP EIRs	Identified Significant Impact in EIR	Impact
b)	<ul> <li>Fundamentally conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing areenhouse gas emissions?</li> </ul>	$\boxtimes$		



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## Previously Completed Environmental Analysis

### LUTE EIR and CCERP EIR

Climate change and greenhouse gas (GHG) emissions were not expressly addressed in the LUTE EIR or the CCERP EIR prepared in 2002. Since information on climate change and GHG emissions were known, or could have been known when the Program EIRs were certified, it is not new information as specifically defined under CEQA. This is consistent with the First District Court of Appeal's ruling in Concerned Dublin Citizens v. City of Dublin, 214 Cal.App.4th 1301 (2013).

## Project Analysis and Conclusion

a) The proposed project is in Alameda County, which is a part of the San Francisco Bay Area Air Basin (Air Basin). The Air Basin is regulated by the BAAQMD. Greenhouse gas emissions were estimated for construction and operation of the proposed project using the California Emissions Estimator model version 2013.2.2 (Attachment D). The proposed project would emit GHG emissions during construction from off-road equipment, worker vehicles, and from any hauling activities that may occur. Greenhouse gas emissions from project construction equipment and worker vehicles are shown below in Table 7.7-1.

Year	Emissions (MTCO <sub>2</sub> e)
2017	76
2018	104
Total Construction Emissions	180
Amortized emissions (40-year life expectancy)	4.5

#### Table 7.7-1: Construction Greenhouse Gas Emissions

Construction of the proposed project would generate GHGs. However, the project's construction emissions in addition to the operational emissions are less than 1,100 MTCO<sub>2</sub>e annually, and 4.6 MTCO<sub>2</sub>e per service population annually. As such, construction emissions would not conflict with the City's screening thresholds, which are based on the BAAQMD thresholds. Project construction emissions would have a less than significant impact on the environment.

Long-term operational GHG emissions would result from project generated vehicular traffic, on-site combustion of natural gas, operation of any landscaping equipment, offsite generation of electrical power over the life of the proposed project, the energy required to convey water to and wastewater from the project site, and the emissions associated with the hauling and disposal of solid waste from the project site. Operational emissions for the proposed project are shown below in Table 7.7-2.



Emission Source	Emissions (MTCO <sub>2</sub> e)
Area Sources	0.01
Energy	119
Mobile (Motor Vehicles)	660
Waste	57
Water	8
Total Operational Emissions	844
Amortized Construction Emissions	4.5
Total GHG Emissions	849
City of Oakland Screening Threshold	1,100
Significant Impact?	No

Table 7.7-2: Operational G	Greenhouse Gas	Emissions	(2019)
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As shown in Table 7.7-2, total operational emissions for the proposed project would be approximately 849 MTCO2e, and would not exceed the City of Oakland's screening threshold of 1,100 MTCO2e. Additionally, project operation emissions would be 4.5 MTCO2e, and would not exceed the City of Oakland's screening threshold of 4.6 MTCO2e per service population annually. The City of Oakland set the thresholds of 1,100 MTCO2e and 4.6 MTCO2e per service population as a screening mechanism for determining whether projects would have significant GHG emissions. Projects that are below the screening thresholds would not have the potential to cause a significant GHG impact. Impacts related to project operation emissions would be less than significant.

b) The City of Oakland's adopted Energy and Climate Action Plan (ECAP) provides strategies to reduce GHG emissions. The purpose of the ECAP is to identify and prioritize actions the City can take to reduce energy consumption and GHG emissions associated with the City. The ECAP outlines a 10-year plan including more than 150 actions that will enable the City to achieve a 36% reduction in GHG emissions below the 2005 level by 2020. These measures support implementation of the green planning policies in the City of Oakland's General Plan by promoting energy efficiency and minimizing vehicle emissions. The proposed project is consistent with, and would not hinder, the GHG reduction goals set forth in the ECAP and the green planning policies of the General Plan because the proposed project would promote transit use, pedestrian activity, and bicycling by incorporating bicycle racks into the project design. There is also a public transit stop located within 200 feet of the project site and additional public transit via BART nearby. The Fruitvale BART station is within a half mile of the project site. The proposed project would also be required to comply with the City's Green Building Ordinance, which supports the goals, policies, and actions of the ECAP and General Plan.

The proposed project is subject to the City's SCAs, some of which reduce GHG emissions. These include but are not limited to **SCAs TRAN-1 (#71)**, Transportation and Parking Demand Management; **UTIL-3 (#74)**, Construction and Demolition Waste Reduction and Recycling; and **UTIL-4 (#76)**, Recycling Collection and Storage Space. The proposed project would not be subject to a GHG Reduction Plan under City SCA #38, because estimated GHG emissions are below the City's thresholds of significance and the proposed



project is not large enough to trigger the requirement for a GHG Reduction Plan. Therefore, it can be concluded that the proposed project complies with the applicable Assembly Bill 32 Scoping Plan. The proposed project would not conflict with applicable GHG plans, policies, or regulations and this impact would be less than significant.

Neither the LUTE EIR nor the CCERP EIR analyzed climate change or GHG emissions. The proposed project would not result in new significant impacts related to GHG emissions during construction or operation, and no mitigation measures are required. The proposed project would be required to comply with City SCA TRAN-1 (#71), SCA UTIL-3 (#74), and SCA UTIL-4 (#76).



# 7.8 HAZARDS AND HAZARDOUS MATERIALS

	Would the Project:	Equal or Less Severity of Impact Previously Identified in LUTE or CCERP EIRs	Substantial increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	$\boxtimes$		
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?	$\boxtimes$		
c)	Create a significant hazard to the public through the storage or use of acutely hazardous materials near sensitive receptors [NOTE: Per the BAAQMD CEQA Guidelines, evaluate whether the project would result in persons being within the Emergency Response Planning Guidelines (ERPG) exposure level 2 for acutely hazardous air emissions either by siting a new source or a new sensitive receptor. For this threshold, sensitive receptors include residential uses, schools, parks, daycare centers, nursing homes, and medical centers]?			
d)	Emit hazardous emissions or handle hazardous or acutely-hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	$\boxtimes$		
e)	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?	$\boxtimes$		
f)	Result in less than two emergency access routes for streets exceeding 600 feet in length unless otherwise determined to be acceptable by the Fire Chief, or his/her designee, in specific instances due to climatic, geographic, topographic, or other conditions.	$\boxtimes$		
g)	Be 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 significant safety hazard for people residing or working in the project area?	$\boxtimes$		
h)	Be located within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	$\boxtimes$		
i)	Fundamentally impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	$\boxtimes$		
j)	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?	$\boxtimes$		



## Previously Completed Environmental Analysis

### LUTE EIR

The LUTE EIR determined potential impacts related to the release, transport, use, or exposure to hazardous waste and materials would be less than significant with compliance to existing City policies and applicable regulatory requirements. The LUTE EIR identified the following City policies to reduce potential impacts to a less than significant level: Policy I/C4.2, Policy N5.1, Policy W1.2, Policy W6.2, Policy I/C2.2, Policy CO-1.2, Action CO-1.2.1, Policy I/C2.1, and Policy I/C.3. The LUTE EIR did not identify any mitigation measures related to hazards and hazardous materials.

## CCERP EIR

The CCERP EIR determined potential impacts related to the release, transport, use, or exposure to hazardous waste and materials would be less than significant with compliance to existing General Plan policies and applicable regulatory requirements. The following General Plan policies, as derived from the LUTE EIR, would reduce potential impacts from development within the CCERP: Policy I/C4.1, Policy W1.3, Policy W2.2, Policy W9.1, Policy N5.1, Policy N5.2, Policy T1.6, Policy I/C2.1, Policy CO-1.2, and Action CO-1.2.1. The CCERP EIR did not identify any mitigation measures related to hazards and hazardous materials.

## **Project Analysis and Conclusion**

a-c, e) The project site is listed as an active school cleanup site on the State "Cortese" list pursuant to Government Code Section 65962.5. The project site is listed on the DTSC EnviroStor Database as case number 60002285.

Pursuant to City **SCA HAZ-1 (#40)**, Hazardous Building Materials and Site Contamination, a Phase I Environmental Site Assessment was prepared for the project site, and concluded that the following potential contaminants of concern were identified within the project site: petroleum hydrocarbons in soil associated with runoff from a parking lot, a trench, and a former heating oil tank; and petroleum hydrocarbons and chlorinated solvents in groundwater associated with Walt's Transmission facility, located approximately 1,150 feet northeast (and potentially up-gradient) of the project site.

On January 6, 2016, DTSC issued a Phase I Determination Letter requiring a PEA to further investigate the project site. An Environmental Oversight Agreement was fully executed on February 4, 2017. DTSC approved the PEA Workplan on May 4, 2016 and the PEA fieldwork was conducted the week of May 9, 2016. On October 25, 2016, DTSC approved the PEA Report, which concluded that DTSC's RAW process would need to be completed prior to redevelopment of the site. On September 6, 2016, the Applicant entered into a School Cleanup Agreement to address contaminants of concern in surface soil and volatile organic carbons in groundwater impacting soil vapor. A RAW was prepared by Cornerstone on November 10, 2016, and approved by DTSC on June 30, 2017 (Attachment G).



The RAW presents removal action objectives, evaluates alternatives, and describes the proposed alternative for the project site. The major elements of the RAW would include the following:

- Removal of approximately 22 truckloads of contaminated soil and transport to • offsite disposal facility;
- Implementation of dust control measures during soil excavation and loading • activities within work zone;
- Monitoring of dust generated during soil removal activities; •
- Collection of soil confirmation samples from floor and sidewalls of excavation;
- Capping of soil containing naturally occurring asbestos across entire project site; and
- Installation of a vapor mitigation system beneath the planned school building.

The RAW would be conducted in accordance with protocols of the Comprehensive Environmental Response, Compensation, and Liability Act and the National Oil and Hazardous Substances Pollution Contingency Plan codified in Part 300 of Code of Federal Regulations, and Title 40 (40 CFR 300). The Applicant is required to comply with City SCA GEN-1 (#15), Regulatory Permits and Authorizations from Other Agencies. SCA GEN-1 (#15) would require the Applicant to comply with all requirements and conditions of the RAW, and submit evidence of the approvals/authorizations from DTSC to the City.

As part of the approval process for the RAW, a Notice of Exemption was prepared to comply with CEQA. Implementation of the RAW would address remedial action and the general steps that would be taken to remediate the project site, and reduce potential impacts to human health and the environment from the identified contaminants of concern impacted soil, soil vapor, and groundwater to less than significant levels. Although the project site is listed on the DTSC EnviroStor Database, the Applicant is actively working with DTSC to remediate the site. As such, impacts related to on-site contamination would be less than significant with compliance to City SCA HAZ-1(#40) and SCA GEN-1 (#15).

The construction of the proposed project would involve the use, transport, and handling of hazardous materials such as diesel fuels, lubricants, solvents, asphalt, paints, building materials, finishing materials, pesticides, and fertilizers. The transportation and handling of these materials could result in the exposure of workers to hazardous materials, or could be inadvertently spilled or otherwise spread if not properly handled. The transportation and handling of hazardous materials would be required to follow all applicable laws and regulations related to the transportation, use, and storage of all hazardous materials to safeguard workers and the public. The construction of the proposed project would be required to comply with City SCA HAZ-2 (#39), Hazardous Materials Related to Construction, which would ensure best management practices (BMPs) are implemented



by the contractor to properly maintain, store, and transport hazardous materials. Impacts associated with the transport, use, disposal, or storage of hazardous materials during construction would be less than significant with compliance with **SCA HAZ-2 (#39)**.

Operation of educational and administrative functions at the project site would not create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials. Schools do not generate or use significant amounts of hazardous materials and require only limited storage of materials for use in education labs, routine cleaning of buildings, or landscape maintenance. These materials would be used, stored, and disposed of in accordance with applicable federal, state, and local procedures and regulations. Impacts related to the transport, use, disposal, or storage of hazardous materials during operation would be less than significant.

d) Operation of a public K-8<sup>th</sup> grade charter school would not generate or use significant amounts of hazardous materials, and would only require limited storage of materials for use in education labs, and for routine cleaning of buildings, or maintenance of landscaping. Hazardous materials associated with educational and administrative activities, as well as maintenance activities would comply with the applicable federal, State, and local regulations and standards.

During operation of the proposed project, accumulated soil vapor would have the potential to migrate through cracks in the foundation, drain tiles, utility pipes, sumps, and conduit penetrations if the pressure underneath the slab is greater than the pressure inside the building. As a result, vapors may be inhaled posing potential health risks. The proposed project would comply with **SCA HAZ-1 (#40)**, which would incorporate a vapor intrusion mitigation plan and install a passive sub-slab ventilation (SSV) system. The purpose of the SSV system is to inhibit the accumulation of soil vapors underneath the building slab using a soil vapor vent pipe, which is routed outside the building and into the outdoor air. Activities related to the long-term operation and maintenance of the passive SSV mitigation system are further described in Attachment G. As such, impacts related to the handling of hazardous materials within one-quarter mile of an existing or proposed school would be less than significant with implementation of City **SCA HAZ-1 (#40)**.

- f, h) The project area is not within an airport land use planning area, or within two miles of a public airport or private airstrip. The nearest airport is the Oakland International Airport, located more than four miles to the south. The proposed project would not result in a safety hazard for people residing or working in the project area. The proposed project would remain consistent with the findings of the CCERP EIR, and no impact would occur.
- g, i) Operation of the proposed project would not involve any physical changes to streets, access, evacuation routes, or incorporate unusual design features that could result in traffic hazards. Internal circulation is expected to be adequate for the proposed project, and project traffic would not spill over to Derby Avenue; assuming student pick-up and drop-off times are staggered. If any temporary roadway closures are required during construction of the proposed project, the Applicant would be required to comply with **SCA ADMIN-1 (#13)**, and submit a construction management plan to the City for review



and approval. The construction management plan would contain measures to minimize potential impacts from construction traffic. As such, impacts related to emergency access would be less than significant with implementation of the proposed project.

j) The project area is not within an area subject to wildland fire hazards. No impact related to wildland fire hazards would occur.

Both the LUTE EIR and CCERP EIR determined that impacts related to hazards and hazardous materials would be less than significant, and no mitigation measures were identified. As discussed above, contamination does exist on-site and a RAW was prepared and approved by DTSC on June 30, 2017 to address the remediation activities (Attachment G). The proposed project would be required to comply with the requirements of the RAW and implement City **SCA HAZ-1 (#40)**, **SCA GEN-1 (#15)**, **SCA HAZ-2 (#39)**, and **SCA ADMIN-1 (#13)** to further reduce potential hazards and hazardous materials impacts to less than significant levels. As such, the proposed project would result in an equal or less severe impact than previously identified in the LUTE EIR or CCERP EIR.



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# 7.9 HYDROLOGY AND WATER QUALITY

	Would the Project:	Equal or Less Severity of Impact Previously Identified in LUTE or CCERP EIRs	Substantial increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a)	Violate any water quality standards or waste discharge requirements?	$\boxtimes$		
b)	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there should 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)	Result in substantial erosion or siltation on- or off-site that would affect the quality of receiving waters?	$\boxtimes$		
d)	Result in substantial flooding on- or off- site?	$\boxtimes$		
e)	Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems?	$\boxtimes$		
f)	Create or contribute substantial runoff which would be an additional source of polluted runoff?	$\boxtimes$		
g)	Otherwise substantially degrade water quality?	$\boxtimes$		
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?	$\boxtimes$		
i)	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	$\boxtimes$		
j)	Expose people or structures to a significant risk of loss, injury or death involving flooding?	$\boxtimes$		
k)	Expose people or structures to a substantial risk of loss, injury, or death as a result of inundation by seiche, tsunami, or mudflow?	$\boxtimes$		
I)	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?			



Would the Project:	Equal or Less Severity of Impact Previously Identified in LUTE or CCERP EIRs	Substantial increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
<ul> <li>m) Fundamentally conflict with the City of Oakland Creek Protection Ordinance (OMC Chapter 13.16) intended to protect hydrologic resources. [Note: 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?]</li> </ul>			

#### Previously Completed Environmental Analysis

#### LUTE EIR

The LUTE EIR identified that implementation of the LUTE would result in increased development activity at various locations throughout the city, including locations adjacent to creeks and waterways, which could result in water quality impacts during construction. The LUTE EIR determined that this impact would be less than significant.

The LUTE EIR also identified that implementation of the LUTE would result in increased development activity that could alter drainage patterns, could increase impermeable surfaces leading to increased volume of runoff, and could potentially affect the quality of stormwater runoff. The areas proposed for the greatest change are already developed with similar uses, the changes in runoff patterns, volume, and quality would be negligible. The LUTE EIR determined that this impact would be less than significant.

The LUTE EIR did not identify any mitigation measures pertaining to hydrology and water quality.

### CCERP EIR

The CCERP EIR concluded impacts related to groundwater; inundation by seiche, tsunami, or mudflow; flooding from dam or reservoir failure; and increase in runoff and drainage were adequately analyzed under the previously certified LUTE EIR. As such, the CCERP EIR determined potential hydrology and water quality impacts would be less than significant. The CCERP EIR did not identify any mitigation measures related to hydrology and water quality



#### **Project Analysis and Conclusion**

- The project site is currently a disturbed site consisting of a parking lot and one vacant a, g) parcel. The proposed project would consist of a three-story school structure and associated outdoor space and would not substantially increase impervious surfaces since the majority of the site is paved under existing conditions. As presented on Figure 5-8, the total site area is approximately 38,046 square feet. The total existing/pre-project impervious surface area is approximately 36,496 square feet (which included the multi-family building). The proposed project would result in approximately 33,836 square feet of replaced impervious surface. Implementation of the proposed project would result in a net reduction of impervious surface by approximately 2,000 square feet. Therefore, postconstruction runoff is not expected to exceed runoff from existing conditions. Although the building site is less than one acre in size and post-construction runoff is not expected to significantly exceed existing runoff conditions, both construction and operational activities have the potential to violate water quality standards or otherwise degrade water quality unless proper measures are taken. The City of Oakland requires implementation of SCA HYD-1 (#45): Erosion and Sedimentation Control Plan; and SCA HYD-2 (#50): NPDES C.3 Stormwater Requirements for Regulated Projects, which include measures to prevent the significant degradation of water quality. Impacts to water quality would be less than significant with implementation of SCA HYD-1 (#45) and HYD-2 (#50).
  - b) The project site does not represent a major groundwater recharge source because it is already disturbed, primarily covered by impervious surface, and surrounded by urban development. In 2015, the groundwater depth at the project site was measured between 20.5 and 42 feet below current grades, with a historic high depth mapped at 10 feet below current grades (Cornerstone 2016). Excavation for the proposed project would not exceed 2.5 feet in depth, and therefore it is unlikely that excavation for the proposed project would encounter groundwater. The proposed project would have no impact on groundwater supplies, recharge, or local groundwater table levels.
- c-f, I) The project site is almost entirely covered by impervious surface (including the previous multi-family building) and is topographically flat. The proposed project would replace approximately 33,836 square feet of impervious surface, and incorporate landscaped areas, bioretention basins, and permeable paving to incrementally increase the site's permeability. The proposed project would not cause an increase in runoff. The proposed project would also not introduce new uses that would produce an increase in polluted runoff compared to the existing uses.

Stormwater runoff from the project site would be directed to the proposed on-site bioretention basins and then to the existing on-site Alameda County Flood Control and Water Conservation District culvert, which connects to the County's stormwater drainage system. Water on the proposed perimeter curb and gutters would be directed to the City's stormwater drainage system (Figure 5-8). A stormwater drain is currently present atop the culvert, on the project site. The proposed project would include abandonment of this stormwater drain, and construct a new stormwater drain to collect stormwater from the proposed on-site bio-retention basins, and discharge to the culvert. The culvert was



constructed in the 1800s to convey stormwater from Sausal Creek, located upstream of the project site. There are no creeks, streams, or rivers in the immediate vicinity or on the project site that would be altered with implementation of the proposed project.

The proposed project would be required to implement erosion and sedimentation control measures to prevent excessive stormwater runoff or the carrying by stormwater of sediments onto adjacent lands, public streets or to creeks due to grading operations. The proposed project would not result in substantial erosion or siltation that would affect the quality of receiving waters. Furthermore, the proposed project would not significantly alter the site's drainage patterns or increase impervious surface area over existing conditions. To ensure that the proposed project does not contribute significant amounts of substantially polluted post-construction runoff, the City of Oakland requires the incorporation of site-specific design measures for post-construction stormwater pollution management. Examples of such measures include minimizing impervious surfaces, the appropriate replacement of impervious paving surfaces with permeable paving, and establishing vegetated buffer areas. In addition, the City requires the implementation of operational BMPs for structural source control measures to limit the generation, discharge, and runoff of stormwater pollution. The proposed project would implement **SCA HYD-2 (#50)** to further reduce impacts to a less than significant level.

- h-i) The proposed project does not include a residential component, and is not within a 100year or 500-year flood hazard zone. No impacts would occur related to flood hazards.
  - j) EBMUD has four reservoirs located to the east (topographically higher) of the project area that could potentially cause flooding within the project area in the event of failure. However, flood waters would normally follow existing stream beds or drainage courses, and would not likely affect redevelopment areas. The proposed project would not expose people or structures to a significant risk of loss, injury or death involving flooding, and impacts would be less than significant.
  - k) The project site is not mapped within an area susceptible to mud flows, seiches, or tsunamis. The proposed project would not expose people or structures to a substantial risk of loss, injury, or death from inundation by seiche, tsunami, or mudflow, and no impact would occur.
  - m) There is an arched concrete culvert constructed to convey stormwater from Sausal Creek, and located upstream of the project site. According to the project site plan, the western portion of the project site would be located over the culvert. There are no open sections of the creek near or within the project site, and the project is not designated as a creek fronting property. The proposed project would implement SCAs HYD-1 (#45) and HYD-2 (#50) to minimize or eliminate indirect water quality impacts on Sausal Creek. The proposed project would not conflict with the City's Creek Protection Ordinance. Potential impacts related to hydrological resources, as defined by the City's Creek Protection Ordinance, would be less than significant with implementation of City SCAs.



Both the LUTE EIR and CCERP EIR determined that impacts related to hydrology and water quality would be less than significant. The proposed project would be required to comply with City **SCAs HYD-1 (#45)** and **HYD-2 (#50)**. Based on the project-specific analysis and the findings and conclusions in the Program EIRs, implementation of the proposed project would not substantially increase the severity of previously identified significant impacts, or result in new significant impacts related to hydrology and water quality that were not identified in the Program EIRs.



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## 7.10 LAND USE AND PLANNING

	Would the Project:	Equal or Less Severity of Impact Previously Identified in LUTE or CCERP EIRs	Substantial increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a)	Physically divide an established community?	$\boxtimes$		
b)	Result in a fundamental conflict between adjacent or nearby land uses.	$\boxtimes$		
c)	Fundamentally conflict with any 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?			
d)	Fundamentally conflict with any applicable habitat conservation plan or natural communities' conservation plan?	$\boxtimes$		

## Previously Completed Environmental Analysis

### LUTE EIR

The LUTE EIR determined impacts regarding conflicts with nearby or adjacent land uses would be less than significant with adherence to General Plan policies I/C4.1, I/C4.2, (Industrial/Commercial Policies) D10.7 (Downtown Policies), WI.2, W2.2, W3.2, W7.1, W8.7, W9.6, W10.7, W10.5, (Waterfront Policies) N1.5, N2.7, N3.9, N5.1, N8.2, and N12.6 (Neighborhood Policies) including those neighborhoods within the CCERP project area. The LUTE EIR determined all other potential impacts related to land use would be less than significant. The LUTE EIR did not identify any mitigation measures related to land use and planning.

## <u>CCERP EIR</u>

The CCERP EIR determined impacts related to land use would be less than significant. The CCERP is intended to be consistent with and assist in further implementation of specific improvement strategies of the LUTE for each sub-area within the project area. All new development and redevelopment activity pursuant the CCERP is required to be consistent with the land use designations and planning policies of the City of Oakland General Plan. The CCERP EIR did not identify any mitigation measures related to land use and planning.

## **Project Analysis and Conclusion**

a) The proposed project would result in the infill development of a K-8<sup>th</sup> public charter school. The proposed project would occupy a portion of an existing city block that was previously disturbed and is now vacant. The project site is surrounded by medical and residential development. The proposed project would not involve construction of a physical feature (e.g., a highway or rail line), or the removal of an existing means of access (e.g., a road or



bridge linking different portions of a community) that would physically divide an established community. Instead, the proposed project would represent the continuation of an already developed area on the block, and no impact would occur.

b, c) The proposed project would be consistent with the LUTE and the CCERP. The strategies contained in the LUTE are intended to strengthen multiple-unit neighborhoods and preserve, maintain, and strengthen single family areas through zoning, housing rehabilitation, and code enforcement. These strategies also include bringing vacant and underutilized properties back into productive use to increase employment opportunities and improve economic vitality.

As discussed in further detail in Attachment B, the proposed project is aligned with policies N1.8, N3.2, and N12.2 set forth in the LUTE and CCERP. The proposed project would be consistent with the findings of the Program EIRs, and would revitalize an underutilized parcel to create employment opportunities, and accommodate Oakland's growing community. The proposed project is generally consistent with the surrounding land uses that include a mix of commercial, multi-family, and medical land uses. The proposed project would be consistent with the development density/intensity in the Planning Code for RM-4 Zone upon approval of a CUP. The building height limit for RM-4 zone is 35 feet. The proposed project would require a variance to exceed the 35 feet height. Additionally, the proposed project design includes a green living wall up to 23 feet in height near the southwest boundary of the project site and would require a variance to exceed the maximum fence height of 8 feet, and a variance for building in the front yard setback and street side yard setback. The increased building height and green living wall height would be compatible with the surrounding land uses as there are two- to six-story structures in the project area. Furthermore, the proposed project would be required to comply with the City's design standards and surrounding streetscape, as specified in the Planning Code and City's design review process.

Additionally, the California Department of Education (CDE) standards are required to be implemented for all proposed school construction projects. Considerations that factor into this determination include standards for school site selections (Title 5 California Code of Regulations) including:

- The site's net usable acreage and projected enrollment must be consistent with the standards published in the CDE's document, "School Site Analysis and Development." If less than the recommended acreage is available, the proposed project must explain how the students will be provided an adequate educational program, including physical education.
- All school buildings and play areas must be setback at least a minimum distance from power lines, ranging from 100 feet for lines of 133 kilovolts or less, to 350 feet for lines of 500 kilovolts or more.
- Sites normally must be at least 1,500 feet from a railroad track easement or highpressure transmission line.


- The site cannot be adjacent to a road or freeway posing safety problems or generating sound levels that would adversely affect the educational program.
  Particular attention must be paid to student ingress and egress and crossing at or near heavily trafficked arteries.
- The site must not contain an earthquake fault or fault trace.
- It should not be within a flood or dam flood inundation area, unless the cost mitigating this impact is reasonable.
- It must not be located near an above-ground water or fuel storage tank posing a safety hazard.
- It should not be subject to liquefaction or landslide problems.
- The site should be roughly proportionate in dimensions to the projected layout of buildings, fields, and other facilities, so that the time required to reach classes is kept reasonable.
- It should be easily accessible by road and allow safe visibility at site entrances and exits.
- It should not be located on major arterial streets with a heavy traffic pattern as determined by site-related traffic studies including those that require student crossing.
- Existing and proposed zoning of surrounding properties should be compatible with school presence and pose no health or safety risks to students or staff.
- The site should be located within the proposed attendance area to encourage students to walk to school and to minimize the need for busing, except where used to promote diversity.
- It should promote joint use of parks, libraries, museums, and other public services.
- It should be conveniently located for fire and police protection, public transit, and trash disposal.
- Other considerations include a range of environmental factors such as light, wind, noise, aesthetics, and air pollution as well as potential complications as easements that might restrict access, the costs of bringing utility service to the site, site preparation and eminent domain costs, landscaping and maintenance expenses, and existence of protected wildlife habitat, wetlands, or environmentally sensitive vegetation.



• If a proposed site is on or within 2,000 feet of a significant hazardous waste disposal site, the district must contact DTSC to determine whether the property should be considered a Hazardous Waste Property or Border Zone Property.

Potential conflicts with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect would be less than significant.

d) There are currently no approved Habitat Conservation Plans or Natural Community Conservation Plans applicable to the project site, or its immediate surroundings. The proposed project would not conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan. No impact would occur.

Both the LUTE EIR and CCERP EIR determined land use and planning impacts would be less than significant. The Program EIRs did not identify any mitigation measures or SCAs related to land use and planning, and none would be required for the proposed project. The project's land use and planning impacts would result in an equal or a less severe impact than previously identified in the LUTE EIR or CCERP EIR.



# 7.11 MINERAL RESOURCES

	Would the Project:	Equal or Less Severity of Impact Previously Identified in LUTE or CCERP EIRs	Substantial increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a)	Result in the loss of availability of a known mineral resource that would be of value to region and the residents of the State?	the		
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?			

#### Previously Completed Environmental Analysis

#### LUTE EIR and CCERP EIR

The LUTE EIR and CCERP EIR determined that there are no known mineral deposits of local importance, or value to the region or residents of the State, nor are there locally-important mineral resource recovery sites within the central and east portions of Oakland. The CCERP EIR determined that there would be no impact to mineral resources with implementation of the LUTE or the CCERP.

#### Project Analysis and Conclusion

a-b) The project site is in a highly-urbanized area without known mineral resources of value. As previously determined under the LUTE EIR and CCERP EIR, the proposed project would have no impact on mineral resources. The Program EIRs did not identify any mitigation measures or SCAs related to minerals, and none would be required for the proposed project.

The LUTE EIR and CCERP EIR determined no impacts would occur to mineral resources. The Program EIRs did not identify any mitigation measures or SCAs related to minerals, and none would be required for the proposed project. The project's minerals impacts would result in an equal or a less severe impact than previously identified in the LUTE EIR or CCERP EIR.



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# 7.12 NOISE

	Would the Project:	Equal or Less Severity of Impact Previously Identified in LUTE or CCERP EIRs	Substantial increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a)	Generate noise in violation of the City of Oakland Noise Ordinance (Oakland Planning Code section 17.120.050) regarding construction noise, except if an acoustical analysis is performed that identifies recommended measures to reduce potential impacts? 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, noise levels received by any land use from construction or demolition shall not exceed the applicable nighttime operational noise level standard?			
b)	Generate noise in violation of the City of Oakland nuisance standards (Oakland Municipal Code section 8.18.020) regarding persistent construction-related noise?	$\boxtimes$		
C)	Generate noise in violation of the City of Oakland Noise Ordinance (Oakland Planning Code section 17.120.050) regarding operational noise?	$\boxtimes$		
d)	Generate noise resulting in a 5 dBA permanent increase in ambient noise levels in the project vicinity above levels existing without the project; or, if under a cumulative scenario where the cumulative increase results in a 5 dBA permanent increase in ambient noise levels in the project vicinity without the project (i.e., the cumulative condition including the project compared to the existing conditions) and a 3 dBA permanent increase is attributable to the project (i.e., the cumulative condition including the project compared to the cumulative baseline condition without the project) [NOTE: Outside of a laboratory, a 3 dBA change is considered a just- perceivable difference. Therefore, 3 dBA is used to determine if the project-related noise increases are cumulative considerable. Project-related noise should include both vehicle trips and project operations.]?			
e)	Expose persons to 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)?			
f)	Expose the project to community noise in conflict with the land use compatibility guidelines of the Oakland General Plan	$\boxtimes$		



	Would the Project:	Equal or Less Severity of Impact Previously Identified in LUTE or CCERP EIRs	Substantial increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
	after incorporation of all applicable Standard Conditions of Approval?			
g)	Expose persons to or generate noise levels in excess of applicable standards established by a regulatory agency (e.g., occupational noise standards of the Occupational Safety and Health Administration [OSHA])?	$\boxtimes$		
h)	During either project construction or project operation expose persons to or generate groundborne vibration that exceeds the criteria established by the Federal Transit Administration (FTA)?	$\boxtimes$		
i)	Be located within an airport land use plan and would expose people residing or working in the project area to excessive noise levels?	$\boxtimes$		
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?	$\boxtimes$		

# Previously Completed Environmental Analysis

#### LUTE EIR

The LUTE EIR determined impacts related to General Plan map changes to allow a mix of commercial and residential uses would be less than significant with adherence to the following General Plan policies and mitigation measures: Policy I/C4.1, Policy I/C4.2, Policy N1.5, Mitigation Measure L.3a, Mitigation Measure L.3b, and Mitigation Measure L.4. Mitigation Measure L.3a calls for establishing buffers between residential uses and large-scale commercial development. Mitigation Measure L.3b calls for rezoning to consider compatible land uses, specifically mixed residential and non-residential neighborhoods. Mitigation Measure L.4 calls for high density residential developments to be designed in a manner that minimizes potential noise impacts.

The LUTE EIR identified General Plan map changes to allow live-work and other forms of housing in transitional industrial areas could result in future noise compatibility problems. The LUTE EIR determined such impacts would be less than significant with the implementation of Mitigation Measure L.5a, Mitigation Measure L.5b, Mitigation Measure L.5c, and Mitigation Measure L.5d. Mitigation Measure L.5a pertains to the city establishing distinct definitions of live/work operations and defining appropriate locations for such uses. Mitigation Measure L.5b pertains to eliminating residential zoning within predominantly industrial areas. Mitigation Measure L.5c pertains to establishing performance-based standards for noise, odors, light/glare, and traffic volumes for industrial activities located near residential or commercial areas. Mitigation Measure L.5d pertains to developing performance zoning regulations that permit industrial and commercial uses based on their compatibility with adjacent land uses.



The LUTE EIR identified implementation of the LUTE could result in future transportation improvements that could create aggravate noise compatibility problems with sensitive receptors. The LUTE EIR determined such noise impacts would be less than significant with implementation of Mitigation Measure L.7. Mitigation Measure L.7 calls for future transit improvements to be designed sufficiently to estimate noise levels along streets. Full descriptions of these mitigation measures are provided in Attachment K.

The LUTE EIR determined construction noise impacts in the Downtown Showcase District and Coliseum Showcase District would be significant and unavoidable.

#### CCERP EIR

The CCERP EIR determined short-term increases in noise and vibration during redevelopment construction activities would be less than significant with implementation of Mitigation Measure 7-1: Construction Noise. Mitigation Measure 7.1 calls for projects to comply with the City Noise Ordinance and implement noise reduction measures to minimize potential vibration and noise impacts to adjacent sensitive receptors during project construction.

The CCERP EIR determined potential impacts from increased traffic noise would be less than significant. The CCERP EIR determined noise compatibility impacts of mixed use developments would be less than significant.

The CCERP EIR identified potential noise compatibility impacts could occur from future development. To mitigate potential impacts, the CCERP EIR calls for the incorporation of Mitigation Measure N-3: Noise Compatibility. Mitigation Measure N-3 requires future residential development proposals within 5,000 feet of the I-880 freeway, or along major arterials and collectors identified in the LUTE, to complete a detailed analysis of noise reduction requirements. Full descriptions of Mitigation Measure 7.1 and Mitigation Measure N-3 are provided in Attachment K.

# Project Analysis and Conclusion

a-b) Construction of the proposed project is expected to occur over six months. Construction noise would typically be generated from the use of concrete saws, graders, compactors, dozers, cranes, backhoes, and construction-related traffic. The project construction noise analysis results are provided in Attachment J, Acoustic Technical Report, prepared by Stantec. As discussed in Attachment J, noise impacts associated with project construction would result in temporary or periodic increases in ambient noise levels which range from 71 equivalent sound level (Leq) to 86 Leq based on the type of construction equipment in use (Table 12 of Attachment J). A reasonable worst-case noise condition for general construction activity is that the two loudest pieces of equipment for each construction phase would operate simultaneously. This represents a conservative scenario, as it assumes that the two loudest pieces of equipment would be operating simultaneously at the exact location of the project site closest to the nearest receptor (approximately 35 feet from the project site). The results of this worst-case scenario are provided in Table 13 of Attachment J, and show that the worst-case total noise level at the nearest receptor would range from



77 L<sub>eq</sub> to 87 L<sub>eq</sub> depending on the construction phase and the two loudest pieces of equipment for each phase. Noise impacts during construction would be temporary and occur during daylight hours. The proposed project would be required to comply with City **SCA NOI-1 (#61)**, Project Specific Noise Reduction Measures; **SCA NOI-2 (#58)**, Construction Days/Hours, to limit the days and hours of construction; **SCA NOI-3 (#59)**, Construction Noise, to implement noise reduction Measures; **SCA NOI-4 (#60)**, Extreme Construction Noise, to implement a Construction Noise Management Plan to reduce extreme noise generating construction activities; and **SCA NOI-5 (#62)**, Construction Noise Complaints, to provide measures to respond and track noise complaints, if any. Therefore, with implementation of the City SCAs, noise generated from temporary construction activities would not exceed the City of Oakland's maximum outdoor noise threshold and ensure project construction noise impacts would be less than significant.

Construction-related traffic would pass within 30 feet of several residences located along the access roads. Traffic noise levels for the proposed project were calculated using FTA methodology, which determined project construction-related traffic would generate maximum hourly noise levels of 53 dBA at the nearest receptor (Attachment J). Noise generated by construction-related traffic would meet the daytime maximum exterior residential noise standard of 60 dBA and would result in a less than significant impact.

Additionally, in accordance with **SCA NOI-1 (#61)**, a draft construction noise reduction memo has been prepared for the proposed project (Attachment L). As shown in Table 13 of Attachment J, estimated noise levels at the nearest sensitive receptors are not expected to exceed 90 dB(A) (i.e., "extreme noise" levels per the SCAs). Therefore, the Applicant and its contracting team would incorporate site-specific measures consistent with those cited in the City SCAs to ensure construction noise is minimized to the greatest extent feasible at the closest receptors.

c-d) An acoustic technical study (Attachment J) was prepared to evaluate noise generated by the operation of the proposed project.

# Existing Noise Conditions

To evaluate the project site's existing noise environment, noise surveys were conducted at the project site on March 28, 2017 and September 17, 2017. On March 28, 2017 and September 17, 2017, ambient noise measurements were taken at four locations and one location (Location 3), respectively, to assess existing noise conditions at the project site and at nearby sensitive receptors. Readings were taken during daytime hours (7:00 a.m. to 10:00 p.m.) and nighttime hours (10:00 p.m. to 6:00 a.m.). Results of the ambient noise measurements are presented in Table 7.12-1.



	Lec					
Measurement Location	Daytime Hours (7:00 a.m. to 10:00 p.m.)	Nighttime Hours (10:00 p.m. to 6:00 a.m.)	Estimated Ldn (dBA)			
Location 1 (1442 Derby Avenue)	60	58	65			
Location 2 (3022 International Boulevard)	59	54	62			
Location 3 (2950 International Boulevard)	57	54	61			
Location 4 (3020 E 15 <sup>th</sup> Street)	60	52	61			
Note: Measurements were conducted between the hours of 5:00 a.m. and 6:00 p.m.						

Table: 7.12-1:	Ambient Noise	Levels at Sen	sitive Receptor
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In accordance with Section 17.120.050, Noise, of the City Planning Code the maximum allowable receiving noise level standards for civic uses is 60 dBA for a 20 minute cumulative period during daytime hours, and 45 dBA during nighttime hours. Recess periods for the proposed project would exceed 20 minutes in any hour; therefore, the receiving noise limit would be 60 dBA per the City Planning Code. However, because most of the project's operational noise would be generated by outdoor activities, which includes recess and PE; sources consisting primarily of speech, each noise level is reduced by 5 dB in accordance with Section 17.120.050 of the City's Planning Code. As such, by applying the 5 dBA penalty this would reduce the receiving noise level standard from 60 dBA to 55 dBA.

However, during the noise survey, Stantec measured average ambient noise levels during daytime hours at 2950 International Boulevard (Location 3) at 57 dBA and 60 dBA at 1442 Derby Avenue (Location 1). As these ambient noise levels exceed the receiving noise level standard (55 dBA), Stantec adjusted the maximum noise limit to equal the measured ambient noise levels of 57 dBA, and 60 dBA, respectively.

# **Operation Noise**

During operation of the proposed project, noise would be generated from site maintenance, children playing during recess, the bell system, and student pickup and drop-off.

#### <u>Site Maintenance</u>

Site maintenance activities would typically consist of landscape maintenance equipment, and small power tools. Site maintenance activities would be temporary and occur only during daytime hours between 7 a.m. and 9 p.m. While ambient noise levels in the vicinity of these tools would temporarily increase, the noise levels are generally expected to be



similar to site maintenance activities at the adjacent receptors. Noise impacts from temporary site maintenance activities would be less than significant.

#### <u>Bell System</u>

The proposed project would install a bell system to notify 6<sup>th</sup>-8<sup>th</sup> grade students of school events/schedule. Bell systems to notify students of school events/schedule are exempt from the City's municipal code (City of Oakland 2017), and would be a less than significant impact.

#### Playground Noise Analysis

The proposed project would include a playground with a climbing playset, located approximately 50 feet from the nearest residential receptor at 2950 International Boulevard; and a turf field designed for sports activities and general play, located approximately 116 feet from the same receptor. Playground activity would typically consist of 70 students at recess during daytime hours and 30 students outside for PE classes. To support the project's operational noise modeling, Stantec collected additional operational noise data at four existing Aspire Charter Schools in the City of Oakland that are comparable in size to the project's proposed recess and PE classes. Noise measurements were taken at the four existing schools with and without students at recess and/or PE classes. The measurements with students present were evaluated and compared to the corresponding measurements without students present to determine the overall student noise contribution, and then averaged to add existing background ambient levels at the Aspire ERES site. Based on these results, noise levels at 2950 International Boulevard with the added project contributions from sport activities, recess, and PE is expected to be, on average, 57 dBA with the green living wall feature (Figure 5-1). As the measured exterior ambient noise level at this receptor was 57 dBA (Attachment J), the playground activity with the green living wall feature in place would not generate an increase in ambient noise levels and impacts from recess activities at the project site would be less than significant.

The proposed project would also include an exterior rooftop recreation area on the eastern facade of the school building. The center of the rooftop recreation area would be approximately 65 feet from the multi-family residential receptor at 1442 Derby Avenue, and 105 feet from the multi-family residential receptor at 3020 E. 15th Street. Lunch-time break activities would typically take place on the exterior rooftop and consist of approximately 60 students. The new noise level at 1442 Derby Avenue with added contributions from student break-time activities is expected to be, on average, 60 dBA with a minimal number of students near the eastern border of the rooftop area and with outdoor seating provisions, as shown in the site plan (Figure 5-5). As the recorded ambient noise level at both of these receptors was 60 dBA (Attachment J), the student activities would not generate an increase in ambient noise levels, and operation noise impacts from the exterior rooftop recreation area would be less than significant.



Operation of the proposed project would be required to comply with City **SCA NOI-6 (#64)**, Operation Noise. SCA NOI-6 (#64) calls for operation of the project to adhere to the performance standards in Chapter 17.120 of the Oakland Planning Code, and Chapter 8.18 of the Oakland Municipal Code. As such, the proposed project would not violate the City of Oakland operational noise standards, or Section 17.120.050 of the City's Planning Code with implementation of SCA NOI-6 (#64).

### Project Traffic Noise

Long-term operation of the proposed project would slightly increase traffic volumes on the local roadways within the project vicinity. As discussed in Attachment J, based on the existing peak traffic volume per hour of 1668 on International Boulevard and the expected project peak traffic volume per hour (Table 7.16-3) noise levels along International Boulevard would increase by approximately 1 dB with implementation of the proposed project. In addition, noise at the four measurement locations (Table 7.12-1) from project traffic along Derby Avenue and within the project site is also expected to increase peak hourly noise by 1 to 7 dB (Attachment J). However, the highest predicted level would still be several decibels less than the contribution from traffic along International Boulevard. Therefore, the expected peak hourly noise increase from project traffic at all receptor locations is approximately 1 dB. Per the Federal Transit Authority, a 0 to 2 dB increase would result in no impact when the existing background noise levels are already 60 dBA Ldn. Additionally, the expected Ldn values would meet the City of Oakland thresholds for residential and commercial land uses. Impacts from the increase in noise levels at the receptors from project traffic would be less than significant.

Furthermore, because project roadway noise and other exterior operational noise conditions are below the City's exterior thresholds the proposed project would not result in a cumulative noise impact. Cumulative noise impacts would be less than significant with implementation of the proposed project

e-f) The proposed project does not include the development of a residential use, hotels, motels, dormitories, or long-term care facilities. Therefore, there is no impact due to exposure of residents to interior noise greater than 45 dBA Ldn or CNEL.

As shown in Table 7.12-1, occupants of the proposed project would be subject to ambient outdoor noise levels that range from 61 to 65 Ldn. This noise environment is regarded as a "conditionally acceptable" exposure level for educational facilities. The City of Oakland General Plan indicates that development within a "conditionally acceptable" environment requires an analysis of noise-reduction requirements, and if necessary, noise-mitigation features in the design. Pursuant to standards established by DSA the design of the proposed project would incorporate noise reduction features to ensure long-term interior noise levels are below the City's thresholds. The proposed project would also be required to comply with City **SCA NOI-7 (#63)**, Exposure to Community Noise, which would require incorporation of noise reduction measures into the building design based upon the proposed project would not be exposed to unacceptable interior noise levels. The design



of the proposed project would be in accordance with the City's land use compatibility guidelines, and therefore impacts would be less than significant with implementation of **SCA NOI-7 (#63)**.

- g) The construction and operation of the proposed project would not result in noise levels, which exceed applicable standards established by a regulatory agency. The proposed project would be required to comply with City SCAs NOI-1 (#61), NOI-2 (#58), NOI-3 (#59), NOI-4 (#60), NOI-5 (#62), NOI-6 (#64), and NOI-7 (#63). Compliance with these SCAs would reduce potential noise impacts from project construction and operation activities, and would not expose sensitive receptors to excessive noise levels. The proposed project would comply with the applicable regulatory agency standards, and construction and operation noise impacts would be less than significant.
- h) During construction of the proposed project, equipment such as backhoes, cranes, dozers, graders, loaders, and rollers may be used as close as 35 feet from the nearest sensitive receptor, and 200 feet from the historic Cohen-Bray House. As shown in Attachment J, Table 14, construction equipment that would be used during project construction would generate vibration levels between 0.002 and 0.127 PPV as measured at 35 feet from the operating machinery, which is below the Caltrans cosmetic damage vibration threshold of 0.3 PPV for older residential buildings at the nearest receptor. The Cohen-Bray House is located approximately 200 feet from the project site. Groundbourne vibration levels at 200 feet would be between 0.0001 and 0.009 PPV, which is below the threshold of 0.1 PPV for fragile buildings (e.g., Cohen-Bray House). At the nearest residential receptor, the vibration levels are also below the human annoyance threshold of 0.1 PPV, except for the vibratory compactor (roller), which would be 0.210 PPV. Operation of the roller would occur for less than 5 days during daytime hours. Construction-related groundborne vibration impacts would be less than significant.
- i-j) The proposed project is not located within an airport land use planning area, or within the vicinity of a private airstrip. The proposed project would not expose people working in the project area to excess noise levels, or conflict with an airport land use plan. No impact would occur.

Both the LUTE EIR and CCERP EIR determined noise impacts would be less than significant with incorporation of mitigation measures. As discussed above, the previously identified LUTE EIR and CCERP mitigation measures are not applicable to the proposed project. Specifically, Mitigation Measures L.3a, L.3b, L4 L.5a, L.5b, L.5c, L.5d and L.7 relate to noise and large-scale commercial uses, high-scale residential, rezoning, live/work operations, incompatible industrial uses, and transit which are not applicable to the school. The City has since adopted SCAs which further clarify and expand on the mitigation measures in the previous EIRs and have been found to be equivalent or more stringent. As such Mitigation Measure 7.1 and N-3 are no longer applicable. The proposed project would be required to comply with City SCA NOI-1 (#61), SCA NOI-2 (#58), SCA NOI-3 (#59), SCA NOI-4 (#60), SCA NOI-5 (#62), SCA NOI-6 (#64), and SCA NOI-7 (#63). As such, the project's noise impacts would result in an equal or a less severe impact than previously identified in the LUTE EIR or the CCERP EIR.



# 7.13 POPULATION AND HOUSING

	Would the Project:	Equal or Less Severity of Impact Previously Identified in LUTE or CCERP EIRs	Substantial increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
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) such that additional infrastructure is required but the impacts of such were not previously considered or analyzed?			
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?	$\boxtimes$		
C)	Displace substantial numbers of people necessitating the construction of replacement housing elsewhere in excess of that contained in the City's Housing Element?	$\boxtimes$		

#### **Previously Completed Environmental Analysis**

#### LUTE EIR

The LUTE EIR determined impacts to population and housing would be less than significant, and no mitigation measures are required.

#### CCERP EIR

The CCERP EIR determined redevelopment activities would not result in the displacement of substantial numbers of existing housing, or populations that would necessitate the construction of replacement housing elsewhere, and no mitigation measures are required.

#### **Project Analysis and Conclusion**

a) The proposed project does not propose the construction of any new housing. The proposed school would accommodate up to 620 students and employ up to 51 faculty and staff. New students may come from within the City or outside, but it is not likely that students would relocate just to attend the proposed school as there are other public schools located in Oakland. Any demand for new housing would be minor and would not be considered substantial. Employment of 51 faculty and staff by the school would be small, and thus no substantial population growth related to employment would be induced by the proposed project.

The construction phase would not result in construction workers relocating their place of residence. Additionally, the proposed project is located adjacent to existing development



and would not require new services, roads, or utilities that might induce growth. Implementation of the proposed project would result in less than significant impacts related to project-induced population growth.

- b) The project site is currently disturbed with a parking lot and vacant parcel. The vacant parcel was historically developed with a 5,264 square-foot 5-plex residential structure located on the northeast portion of the project site. In April 2017 the multi-family structure was demolished. The building was unoccupied at the time of demolition. Therefore, the proposed project would not result in a substantial decrease in the number of housing units that would necessitate the construction of replacement housing elsewhere, and no impact would occur.
- c) A 5-plex residential structure was previously located on the project site, and demolished in April 2017. The building was unoccupied and previous inhabitants were already relocated. The proposed project would not displace any existing population, and no impact would occur.

As discussed above, the proposed project would result in an equal or a less severe impact than previously identified in the LUTE EIR or the CCERP EIR. The Program EIRs did not identify any mitigation measures or SCAs related to population and housing, and none would be required for the proposed project.



# 7.14 PUBLIC SERVICES

	Would the Project:	Equal or Less Severity of Impact Previously Identified in LUTE or CCERP EIRs	Substantial increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
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 public services:			
	Fire protection?	$\boxtimes$		
	Police protection?	$\boxtimes$		
	Schools?	$\boxtimes$		
	Other public facilities?	$\boxtimes$		

#### Previously Completed Environmental Analysis

#### LUTE EIR

The LUTE EIR concluded that development consistent with the LUTE would result in higher levels of population and employment, thereby increasing the demand for police services, fire protection services, schools, and other public services. The LUTE EIR determined these impacts would be less than significant with the incorporation of the following policies from the LUTE: N13.1, N2.2, N7.2, N13.5, and T3.8. Additionally, the LUTE EIR identified 18 mitigation measures to further reduce potential impacts should such impacts not be reduced to a less than significant level with the adherence to the identified LUTE policies. Implementation of these 18 mitigation measures call for the City to implement specific parameters for the review and development of additional public services. Full descriptions of these 18 previously identified mitigation measures are provided in Attachment K.

#### <u>CCERP EIR</u>

The CCERP EIR determined potential impacts to police and fire protection services were adequately analyzed under the previously certified LUTE EIR. As such, the CCERP EIR determined impacts to police and fire protection services would be less than significant with implementation of the following policies and mitigation measures, as derived from the LUTE EIR: N13.1, N13.5, Mitigation Measure D.5-1a, Mitigation Measure D.5-1b, Mitigation Measure D.5-1c, Mitigation Measure D.5.1-e, Mitigation Measure D.6.1a, Mitigation Measure D-6.1b, and Mitigation Measure D-6.1d. The incorporation of these mitigation measures calls for the City to consider the availability of fire and police services when reviewing new projects, develop target ratios based on the City's



population, and for the Oakland Police and Fire Departments to review new developments to ensure adequate fire and police services are provided.

The CCERP EIR identified implementation of the CCERP would generate an increase in students attending public schools in the CEERP Plan Area. The CCERP EIR determined the increase in students would result in a less than significant impact. All new development is required to pay school impact fees to offset the costs of new school facilities, and to mitigate potential impacts from the increased school capacity demand to a less than significant level.

The CCERP EIR identified the addition of new students would contribute to a deficit in the availability of classrooms to serve student populations, and result in a potential cumulative impact. The CCERP EIR determined this potential impact would be less than cumulatively considerable with incorporation of Mitigation Measure 10.2-1, Mitigation Measure 10.2-2, and Mitigation Measure 10.2-3. These three mitigation measures call for the Redevelopment Agency to coordinate with the Oakland Unified School District to identify additional school sites, form joint use agreements with the City Parks Department for shared school grounds/public park space, and to pursue local funding opportunities. Full descriptions of the CCERP EIR previously identified mitigation measures are provided in Attachment K.

# Project Analysis and Conclusion

a) The proposed project involves the construction of a three-story school structure that would require fire protection services. Since fire services needs are calculated based on the number of residents in an area, the proposed project does not technically generate an additional need. The CCERP EIR indicates that fire protection response times within the CCERP project area are acceptable from existing fire stations and that redevelopment in the CCERP project area is not expected to result in the need for new or physically altered fire stations, the construction of which could cause significant environmental impacts. The Oakland Fire Department aims to provide emergency service within seven minutes of notification 90% of the time, and can generally provide service in that timeframe to areas within 1.5 miles of a fire station. The proposed project would be served by Oakland Fire Department Station #13, located at 1225 Derby Avenue, approximately 0.10 mile south of the project site. According to the CCERP EIR, redevelopment activity within the CCERP project area could also reduce certain fire hazards by constructing new buildings that incorporate sprinkler systems and other fire prevention measures. Furthermore, any increases in the need for fire protection facilities or services would be less than significant with adherence to General Plan Policies N.12.1, N.12.2, and N.12.5.

The proposed project is a school facility and no housing would be constructed as part of the project. However, the proposed project involves uses that would require police services, and may, though unlikely, generate a minimal additional need for expansion of facilities, the development of which may have adverse environmental impacts. The Oakland Police Department would serve the proposed project. Calls for police service are defined and dispatched based on their urgency. Priority A calls are dispatched within one to two minutes, Priority B calls are dispatched within five to ten minutes, and Priority C and D calls take lower priority and can exceed to one hour. The Oakland Police Department is



approximately 3.1 miles northwest of the project site. Any increases in the need for police protection facilities would be less than significant with adherence to General Plan Policies N.12.1, N.12.2, and N.12.5.

The proposed project would result in the construction of a K-8<sup>th</sup> grade public charter school. The proposed project would improve school facilities available for residents within the area. As such, the proposed project would have a less than significant impact on schools.

Both the LUTE EIR and CCERP EIR determined impacts related to public services would be less than significant with incorporation of mitigation measures. However, most of these mitigation measures are to be carried out by the City not project applicants, and are not applicable to the proposed project. The project complies with Mitigation Measure D.7-1d as a school use and because the project includes before and after school programs. In addition, the project complies with Mitigation Measure D.7-1g and 10.2-1 as the project will be purchasing City property for a school-use. The Program EIRs did not identify any SCAs related to public services, and none would be required for the proposed project. Furthermore, the proposed project would be required to pay the City's Capital Improvement Impact Fees, which has recently been adopted by the City Council for this purpose. Based on the project-specific analysis and the findings and conclusions in the Program EIRs, implementation of the proposed project would not substantially increase the severity of previously identified significant impacts, or result in new significant impacts related to public services that were not identified in the Program EIRs.



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# 7.15 RECREATION

	Would the Project:	Equal or Less Severity of Impact Previously Identified in LUTE or CCERP EIRs	Substantial increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
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?	$\boxtimes$		
b)	Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	$\boxtimes$		

# Previously Completed Environmental Analysis

#### <u>LUTE EIR</u>

The LUTE EIR determined impacts associated with recreation would be less than significant with adherence to the following existing policies outlined in the City's OSCAR Element: Policy REC-3.1, Policy REC-3.2, Policy REC-3.3, Policy REC-4.1, Policy REC-6.1, Policy REC-6.2, Policy REC-6.3, Policy REC-7.1, Policy REC-10.1, Policy REC-10.2, and Policy OS-2.5. The LUTE EIR did not identify any mitigation measures related to parks or recreation facilities.

#### CCERP EIR

The CCERP EIR determined impacts associated with park facilities and park demand would be less than significant.

The CCERP EIR determined new development would contribute to the City's deficit in the availability of parks and recreation facilities, and result in a potential cumulative impact. To mitigate this impact to a less than cumulatively considerable impact, the CCERP EIR identified the following mitigation measures: Mitigation Measure 10.1-1, Mitigation Measure 10.1-2, and Mitigation Measure 10.1-3. These three mitigation measures call for the Redevelopment Agency to coordinate with the Office of Parks and Recreation to identify new park sites for acquisition, promote joint use agreements for the use of non-park recreational facilities, and identify local funding opportunities to augment the existing General Fund. Full descriptions of these mitigation measures are provided in Attachment K.

#### Project Analysis and Conclusion

a) At project completion, the site would accommodate up to 620 K-8<sup>th</sup> grade students, and 51 staff members for a total population of 671 people. The proposed project would include approximately 9,500 square-foot outdoor play/recreation area; complete with a green living wall, play structure and synthetic turf area, a 2,617 square-foot rooftop outdoor recreation area, and a 3,013 square-foot indoor multi-purpose room. While the increase in



student population has the potential to increase demand for recreation facilities, the proposed project improvements would likely reduce the demand for off-site recreation by providing on-site recreational facilities. Most of the students are likely to reside in Oakland. Accordingly, the proposed project is not likely to result in an increased demand for use of neighborhood and regional parks that could result in physical deterioration of existing facilities, and impacts associated with the proposed project would be less than significant.

b) The proposed project includes the construction of recreational facilities associated with the school. The proposed project includes a 9,500 square feet exterior play area and a 3,013 square feet interior play area. The exterior play area includes a play structure surrounded by a rubber safety surface. All proposed recreational facilities would be constructed in a previously disturbed area that is currently covered by an asphalt parking lot. The recreational facilities include synthetic turf, which would improve the precipitation percolation, thereby reducing stormwater run-off from the site. Construction of the proposed recreational facilities would not have an adverse physical effect on the environment and would provide additional stormwater drainage facilities. The proposed project would not require the construction or expansion of recreation facilities, and impacts would be less than significant.

The LUTE EIR determined impacts related to parks and recreation facilities would be less than significant, and no mitigation measures were identified. The CCERP EIR determined implementation of the CCERP would contribute to the City's parks and recreation deficit and result in a less than cumulatively considerable impact with the incorporation of Mitigation Measure 10.1-1, 10.1-2, and 10.1-3. However, these mitigation measures are to be carried out by the Redevelopment Agency (which was dissolved), not project applicants, and therefore, are not applicable to the proposed project. The proposed project would provide on-site recreation facilities, and would not contribute to a cumulatively considerable impact. Based on the project-specific analysis and the findings and conclusions in the Program EIRs, implementation of the proposed project would not substantially increase the severity of previously identified significant impacts, or result in new significant impacts related to recreation that were not identified in the Program EIRs.



# 7.16 TRAFFIC AND TRANSPORTATION

	Would the Project:	Equal or Less Severity of Impact Previously Identified in LUTE or CCERP EIRs	Substantial increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a)	Conflict with a plan, ordinance, or policy addressing the safety or performance of the circulation system, including transit, roadways, bicycle, and pedestrian facilities (except for automobile level of service or other measures of vehicle delay)?	$\boxtimes$		
b)	Cause substantial additional vehicle miles traveled (per capita, per servic population, or other appropriate efficiency measure)?	e 🛛		
c)	Substantially induce additional automobile travel by increasing physical roadway capacity in congested areas or by adding new roadways to the network.			

# Previously Completed Environmental Analysis

#### LUTE EIR

The LUTE EIR identified implementation of the LUTE would degrade intersection levels of services (LOS) on several roadway segments. The LUTE EIR determined this impact would remain significant and unavoidable.

The LUTE EIR identified projects in the Coliseum Showcase District would result in the degradation of LOS. The LUTE EIR determined this impact would be less than significant with implementation of previously identified Mitigation Measure B.4a, Mitigation Measure B.4b, Mitigation Measure B.4c, and Mitigation Measure B.4d. These mitigation measures call for the installation of a traffic signal at the intersection of 66<sup>th</sup> Avenue and I-880 southbound and northbound ramps, installation of a traffic signal at the intersection of 66<sup>th</sup> Avenue and Oakport Street, and to widen the northbound approach at the High Street and Coliseum Way intersection.

The LUTE EIR identified development of Downtown Showcase District projects would result in degradation of intersection levels of service. The LUTE EIR determined this impact would be less than significant with implementation of Mitigation Measure B.3. Mitigation Measure B.3 calls for the intersection of 12<sup>th</sup> Street and Brush Street cycle length to be increased to 120 seconds. Full descriptions of these mitigation measures are provided in Attachment K.

#### <u>CCERP EIR</u>

The CCERP EIR identified that although redevelopment activities would increase traffic on roadway segments, the amount of traffic would be relatively small. The CCERP EIR determined this impact would be less than significant.



#### CEQA Checklist

The CCERP EIR identified the combination of past, current, and future projects would cause some signalized intersections to operate at unacceptable levels of service, and result in a potential cumulative impact. To mitigate this cumulative impact, the CCERP EIR identified the following mitigation measures: Mitigation Measure 5.2A, Mitigation Measure 5.2B, Mitigation Measure 5.2C, and Mitigation Measure 5.2D. These mitigation measures call for the modification of traffic signal phasing at the High Street/International Boulevard intersection, addition of a right turn lane and left turn lane at the 73<sup>rd</sup> Avenue and Bancroft Avenue, and increase traffic signal cycle length at the 98<sup>th</sup> Avenue and MacArthur Boulevard intersection.

The CCERP EIR identified redevelopment activity would increase traffic at two non-signalized intersections: Embarcadero/5<sup>th</sup> Avenue and Embarcadero/ I-880 NB off-ramp. The CCERP EIR determined this would result in a less than significant impact with implementation of Mitigation Measure 5.3A and Mitigation Measure 5.3B. These mitigation measures call for the installation of a traffic signal at the Embarcadero/5<sup>th</sup> Avenue intersection, and Embarcadero/I-880 northbound off-ramp intersection, respectively.

The CCERP EIR identified redevelopment activities in the CCERP project area would increase AC Transit and BART transit ridership. The CCERP EIR determined this would result in a less than significant impact. However, the CCERP EIR identified the increase in AC Transit ridership in combination with past, current, and future projects could result in a cumulative impact. To mitigate this cumulative impact, the CCERP EIR recommends the incorporation of Mitigation Measure 5.4. Mitigation Measure 5.4 calls for developers to provide funding for AC Transit if redevelopment would exceed the average load factor on any specific AC Transit line by 125 percent during a peak thirty-minute period. The CCERP EIR identified the CCERP's contribution of peak hour ridership on BART trans would result in a less than cumulatively considerable impact.

The CCERP identified implementation of the CCERP with other transit oriented development proposed near the Fruitvale BART station would likely result in a cumulative impact on BART service fare gates. The CCERP EIR calls for the implementation of Mitigation Measure 5.5 to reduce such impacts. Mitigation Measure 5.5 requires the City to work with BART to assure adequate fare gate capacity is available at the Fruitvale BART station.

The CCERP EIR identified redevelopment activities could result in traffic hazards to motor vehicles, bicycles, or pedestrians due to inadequate design features or incompatible uses. The CCERP EIR determined this impact would be less than significant with implementation of Mitigation Measure 5.6. Mitigation Measure 5.6 requires redevelopment projects to be designed in accordance with City of Oakland Design Standards.

The CCERP EIR identified redevelopment activities could conflict with applicable plans, policies, or programs supporting alternative transportation. To mitigate this potential significant impact, the CCERP EIR recommends implementation of Mitigation Measure 5.7. Mitigation Measure 5-7 calls for the review of individual redevelopment projects to conform to City of Oakland development standards and support alternative transportation modes.

The CCERP EIR identified redevelopment projects could result in inadequate parking supply. To mitigate this impact, the CCERP EIR recommends implementation of Mitigation Measure 5.8.



Mitigation Measure 5.8 calls for new redevelopment projects to comply with the City's parking code. Full descriptions of these mitigation measures are provided in Attachment K.

#### **Project Analysis and Conclusion**

- a) The proposed project is consistent with applicable plans, ordinances, and policies, and would not cause a significant impact by conflicting with adopted plans, ordinances, or policies addressing the safety and performance of the circulation system including transit, roadways, bicycle lanes, and pedestrian paths. The proposed project is located within a half mile of the Fruitvale BART station and is served by AC Transit service. The proposed project would be required to implement SCA TRAN-1 (#71) and prepare a Transportation Demand Management (TDM) Plan (Attachment F). The TDM Plan would implement various strategies, outline in Attachment F, which encourage the use of non-automobile transportation modes such as public transit, bicycling, and walking. The proposed project would be consistent with the City's Bicycle Master Plan and Pedestrian Master Plan. The proposed project would not result in major modifications to the existing pedestrian or bicycle facilities in the surrounding areas, and would not adversely affect the installation of future facilities. Furthermore, the proposed project would provide on-site bicycle parking facilities, and incorporate features that would facilitate pedestrian access to the project site. The proposed project would be generally consistent with the City's Planning Code and would meet the property development standards and code requirements for driveway width, and vehicle parking with the approval of a minor variance. As such, the proposed project would not conflict with applicable plans, ordinances, or policies, and project impacts would be less than significant with compliance with SCA TRAN-1 (#71). Compliance with SCA TRAN-1 (#71) would fulfill the requirements of previously identified CCERP EIR Mitigation Measure 5-7.
- b) Vehicle Miles Travelled

The City recently adopted new thresholds of significance on September 21, 2016, to implement the directive from Senate Bill 743 (Steinberg 2013) to modify local environmental review processes by removing automobile delay, as described solely by LOS or similar measures of vehicular capacity or traffic congestion, as a significant impact on the environment pursuant to CEQA. The new thresholds replace LOS with VMT criteria to determine whether a project causes a significant impact on the environment related to transportation.

The City provides screening criteria for land use development projects, based on project size, project location in a low-VMT area, and project location near transit stations, to apply as an initial step in assessing the potential significance of impacts from VMT. If the project meets any one of the screening criteria, its impacts on transportation are presumed to be less than significant and detailed VMT analysis is not required. A Traffic Impact Study was prepared by Stantec to assess the project's potential VMT impact (Attachment E). The screening guidelines used for the VMT analysis are as follows, and accompanied by the applicability of each criterion to the proposed project:



1. Presumption of Less Than Significant Impact for Small Projects: Projects that generate fewer than 100 vehicle trips per day.

<u>Project:</u> The proposed project would generate more than 100 vehicle trips per day, and therefore does not meet the presumption of less than significant impacts based on project site.

# 2. Presumption of Less Than Significant Impact for Residential, Retail, and/or Office Projects in Low-VMT Areas:

<u>Project:</u> As shown in Table 7.16-1, in 2020 the average daily VMT per worker in TAZ 927 is 20.7 miles. This is 10.8% below the regional average daily VMT per capita of 23.2 in 2020. Given the project site is in an area where the VMT is less than 15% below the regional average, the proposed project does not meet this screening criteria.

Land Use	Bay Area				
	Regional Average	Regional Average minus 15%	TAL 927		
Office (workers)	23.2	19.7	20.7		

#### Table 7.16-1: Year 2020 Daily Vehicle Miles Travelled

3. **Presumption of Less Than Significant Impact Near Transit Stations:** Presume that residential, retail, and office projects, as well as mixed use projects, proposed within 0.5 mile of an existing major transit stop or an existing stop along a high-quality transit corridor will have a less than significant impact on VMT. The presumption would not apply, however, if project-specific or location-specific information indicates that the project will still generate significant levels of VMT.

<u>Project</u>: The proposed project site is located within 0.5 mile of Fruitvale BART Station, which is an existing major transit stop. However, the proposed project would still generate significant levels of VMT since students typically come by vehicles. Therefore, the proposed project does not meet this screening criteria. However, the proposed project is required to implement **SCA TRAN-1 (#71)**, which would include the development of a Transportation and Parking Demand Management Plan (Attachment F) to reduce VMT impacts to a less than significant level. The Transit Demand Management Plan would be prepared with the goal of reducing automobile trips by 20% and improving traffic circulation in the vicinity of the proposed project. Therefore, transportation impacts are presumed less than significant and a detailed VMT analysis is not required.



Transportation Demand Management Plan

Pursuant the City's SCAs, all land use projects that generate more than 50 net new AM or PM peak-hour vehicle trips must prepare a TDM Plan. The project TDM Plan was developed for the proposed project to develop a set of strategies to reduce the number of single occupancy vehicle trips to and from the project site. The Aspire Public School and staffing faculty would implement the TDM Plan with a 20% reduction in single occupancy vehicle trips by promoting users to select alternate modes of transportation, including: walking, bicycling, transit, carpooling, and/or other modes.

As shown in Table 7.16-2, the 20% reduction results in decreasing the peak hour a.m. and p.m. trips to a total of 241 and 164 trips, respectively, through the use of the TDM programs and measures. The TDM programs and measures are described in more detail in Attachment F.

	Target User SOV Trip and		Estimated SOV	Estimated Vehicle Trip Reduction <sup>3</sup>		
TDM Strategy <sup>1</sup> Group Rate		VMT Reduction Rate Range	Trip and VMT Reduction Rate <sup>2</sup>	AM Peak Hour	PM Peak Hour	
School Pool and Bike/Walk Program	All Students	7.2 - 15.8%	14%	42	27	
Transit Subsides and Pre-Tax Commuter Benefits	Grades 6-8 and Staff	.3% to 20%	15%	19	13	
Bike Parking	All	0.625%	0.625%	2	2	
TDM Coordinator	All	-	2.5%	8	6	
		Total		71	48	
Total Proje	ct Trips (Estimat	ed Trips Minus TDM R	eductions)	241	164	
Total TD	OM Strategy Rec	luctions		22.3%		

# Table 7.16-2: TDM Measures

Notes:

<sup>1</sup> The TDM strategies and estimated vehicle trip reduction rate were obtained from CAPCOA and the BAAQMD TDM Tool.

<sup>2</sup> Vehicle trip reduction rate estimated based on the estimated level of adoption and aggressiveness of implementation of a given strategy.

<sup>3</sup> Vehicle trip reduction estimated by applying the estimated vehicle trip reduction rate to the vehicle trips generated by the target user group.



As shown in Table 7.16-2, it is expected the project VMT would be reduced up to 22.3%, by deploying the measures described above. Therefore, the 20% reduction in vehicle trips would be achieved by the proposed project, and impacts related to VMT would be less than significant.

c) Access and circulation for various travel modes in and around the project site are described below.

### Vehicle Access and On-Site Circulation

The project site is located at the terminus of E. 15<sup>th</sup> Street and Derby Avenue. The proposed project would result in an increased vehicular activity on a confined project site. The proposed site plan was reviewed to evaluate on-site circulation and access. The site plan shows that the project driveway on the north side of Derby Avenue between International Boulevard and E. 15th Street would be used as entry only for pick-up and drop-off activities and the cul-de-sac on E. 15th Street north of Derby Avenue would be used to exit the project site during pick-up and drop-off. This two-lane access driveway is proposed to be 20 feet wide, which would provide adequate access for cars and small trucks to the site. The proposed project would not involve any changes to the roadway network.

A queuing assessment was conducted for the project site during the morning peak hour to evaluate impacts to nearby streets and to determine adequate capacity for queuing without impacting the circulation system. As shown in Table 7.16-3, the proposed project would generate a total of 318 vehicle arrival trips to the school during the morning peak hour. This comprises of vehicle trips by parents/guardians of students to drop off their kids and vehicle trips by faculty/staff and part-time staff. Similarly, the afternoon pick-period would result in an estimated approximately 212 vehicle arrival trips to the school. It is reasonable to assume that most faculty/staff would arrive and depart the school before and after business hours and would not arrive/depart during student drop-off/pick-up periods.

Land Use (ITE	C:	A.M. Peak Hour			P.M. Peak Hour				Daily Trips		
Code)	31Ze	Rate	In	Out	Total	Rate	In	Out	Total	Rate	Total
Private School (K-8) (534)	620 Students	0.9	307	251	558	0.6	175	197	372	2.48	1538
Transit/Bike/W alk Trips Reduction	43.0%	-	132	108	240	-	75	85	160	-	661
Totals		-	175	143	318	-	100	112	212	-	877
Image: International system   Image: International system											

# Table 7.16-3: Project Trip Generation



categories.

The school would provide a drop-off window between 7:15 a.m. and 8:15 a.m., and assign specific drop-off times for students by grade. Typically, during the morning drop-off period, the highest amount of arrivals typically occurs within the last 15-minute window before the classes start. However, the start time and end time for grades would be staggered to avoid all vehicles arriving at the same time (e.g., middle school breakfast starts at 7:15 a.m. and the school starts at 7:45 a.m., kindergarten breakfast starts at 7:45 a.m., and school starts at 8:15 a.m.). Current analysis assumed that 10% of the students would attend the breakfast program and there would be 422 students total in grades K-5 and 198 students total in grades 6-8. Due to staggered school timing, it is estimated that about 52 vehicles would arrive between 8:00 a.m. – 8:15 a.m. This assumes that kindergarten school starts at 8:15 a.m. and middle school starts at 7:45 a.m. During this 15-minute window, the estimated number of vehicles to arrive at the school would equate to about three vehicles per minute.

Based on an average arrival of three vehicles per minute and a drop-off time of approximately 15 seconds, the expected queuing at the drop-off area is 7 cars. According to the latest project site plan, the proposed drop-off area would be designed to accommodate 32 cars within the school boundaries, without spilling over to Derby Avenue. Also, the proposed project would implement **SCA TRAN-1 (#71)**, which would include a detailed Transportation and Parking Demand Management Plan that would encourage students to use transit, bike, or walk to school and utilize car sharing and carpooling to school. All vehicles would use the intersection of Derby Avenue and E. 15th Street either to drop-off or pick-up students. Therefore, a school crossing guard should be present at this intersection during the a.m. and the p.m. peak hours.

Additionally, independent of CEQA all projects within the City of Oakland are required to obtain an Obstruction Permit from the City prior to placing any temporary construction-related obstruction in the public ROW, including City streets and sidewalks; submit a Traffic-Control Plan to the City, for implementation during construction; and repair any damage to the public ROW, including streets and sidewalks caused by project construction. During construction, the proposed project would be required to comply with **SCA TRAN-2 (#68)**, Construction Activity in the Public Right-of-Way, to reduce project construction activity impacts in the public ROW.

#### Bicycle Access and Bicycle Parking

There is a Class III bike route that runs on Fruitvale Avenue east of E. 12th Street. The shared lane marking is placed on the outer land or Fruitvale Avenue for both directions. West of E. 12th Street, Fruitvale Avenue becomes a Class II bike route with one striped bike lane in each direction. According to the Bicycle Master Plan Recommended Network for the City, International Boulevard and 35th Avenue are designated as corridors for future Class II (on-street) striped bicycle facilities in the project vicinity.

Chapter 17.117 of the Oakland Municipal Code requires long-term and short-term bicycle parking for new buildings. Long-term bicycle parking includes lockers or locked enclosures and short-term bicycle parking includes bicycle racks. The City's Municipal Code



requirements for long-term parking includes one space for each 10 employees plus one space for each 20 students of planned capacity. The requirement for short-term parking includes one space per each 20 students of planned capacity. The proposed project would provide approximately 67 bicycle spaces total with 62 interior bicycle spaces on the ground level of the building, and 5 short-term exterior bicycle spaces adjacent to the main entrance of the building. The proposed project would meet the long-term and short-term parking requirements defined in the City's Municipal Code and **SCA TRAN-3 (#69)**: Bicycle Parking.

# Parking Requirements

In accordance with the City's Off-Street Parking and Loading Update (as of August 29, 2016), the proposed project is required to provide 0.5 space per 1 classroom (City of Oakland 2016). In accordance with the City's updated parking requirements, the proposed project would include 15 parking spots. Eleven of these parking spots would be provided on-site, and four would be provided offsite via the shared parking agreement with the adjacent property owner. In addition, the Applicant would have joint use of the adjacent property owner's remaining 26 parking spaces during special events. Aspire will also be responsible for securing agreements with neighboring commercial establishments such as Goodwill, A Better Way for temporary access to 80-120 spaces for special events that are within walking distance of the project site (< 0.25 Miles). Aspire will not hold special events if sufficient temporary offsite parking cannot be secured. The proposed project would also comply with SCA TRAN-1 (#71) and incorporate TDM measures and programs that would manage parking demand (Attachment F). The proposed project would comply with the City's Parking Code, and would not require the implementation of previously identified Mitigation Measure 5.8. Parking shortage impacts would be less than significant.

#### **Conclusion**

The proposed project would not add any new roadways to the area, or incorporate new design features which could result in traffic hazards to motor vehicles, bicycles, or pedestrians.

As discussed above, the proposed project would comply with SCA TRAN-1 (#71), SCA TRAN-2 (#68), and SCA TRAN-3 (#69). Impacts related to traffic congestion would be less than significant.

Both the LUTE EIR and CCERP EIR determined traffic and transportation impacts would be less than significant with incorporation of mitigation measures. As discussed above, several previously identified LUTE EIR and CCERP EIR mitigation measures are not applicable to the proposed project. Specifically, the project is not located near any intersection that was previously identified requiring Mitigation Measures or the Mitigation is requirement of the City and not project applicants. In addition, the project as a K-8 school would not cause transit impacts regarding loads. The project would need to meet the City's Design Review Guidelines, parking requirements (with a Shared Parking Agreement) and includes a TDM



to address alternative modes. Furthermore, the City has since adopted SCAs which further clarify and expand on the mitigation measures in the previous EIRs and have been found to be equivalent or more stringent. The proposed project would be required to comply with City SCA TRAN-1 (#71), SCA TRAN-2 (#68), and SCA TRAN-3 (#69). The project's traffic and transportation impacts would result in an equal or a less severe impact than previously identified in the LUTE EIR or the CCERP EIR.



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# 7.17 UTILITIES AND SERVICE SYSTEMS

	Would the Project:	Equal or Less Severity of Impact Previously Identified in LUTE or CCERP EIRs	Substantial increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a)	Exceed wastewater treatment requirements of the San Francisco Bay Regional Water Quality Control Board?	$\boxtimes$		
b)	Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, construction of which could cause significant environmental effects?	$\boxtimes$		
C)	Exceed water supplies available to serve the proposed 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?	$\boxtimes$		
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?			
e)	Be served by a landfill with sufficient 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?	$\boxtimes$		
f)	Violate applicable federal, State, and local statutes and regulations related to solid waste?	$\boxtimes$		
g)	Violate applicable federal, State, and local statutes and regulations relating to energy standards?	$\boxtimes$		
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 provider' 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?			



# Previously Completed Environmental Analysis

#### <u>LUTE EIR</u>

The LUTE EIR identified that implementation of the LUTE would allow for the continued development of hill area subdivisions and additional development of vacant land in the Oakland Hills, which could increase stormwater drainage problems. The LUTE EIR determined that this impact would be less than significant with the incorporation of previously identified Mitigation Measure D.3-2a, Mitigation Measure D.3-2b, Mitigation Measure D.3-2c, and Mitigation Measure D.3-2d. These mitigation measures call for the City to review new development proposals within the Oakland Hills area to determine project water, wastewater, and storm drainage loads. Additionally, these mitigation measures call for the preparation of a comprehensive drainage study for the Oakland Hills area and identify additional drainage policies for the area in the City's Safety Element.

The LUTE EIR also found that new development consistent with the LUTE would increase the demand for solid waste services. The LUTE EIR determined that this impact would be less than significant with incorporation of Mitigation Measure D.4-1a, Mitigation Measure D.4-1b, and Mitigation Measure D.4-1c. These mitigation measures call for the City to continue to implement programs and incentives that reduce the amount of solid waste by encouraging recycling, composting, and other activities consistent with the City's Source Reduction and Recycling Element.

The LUTE EIR identified that development consistent with the LUTE would result in an increase in water demand, flows to the regional wastewater treatment plant, and an increase in stormwater runoff. The LUTE EIR determined these potential impacts would be less than significant.

The LUTE EIR identified that increased water demand and sanitary sewer flows would require localized improvements to the water delivery system and sewage collection systems. These increases could require the addition of new infrastructure. The LUTE EIR determined that these impacts would be less than significant with implementation of Mitigation Measure D.1-2 and Mitigation Measure D.2-2. Mitigation Measure D.2-2 calls for the review of new major development projects to determine projected water, wastewater, and storm drainage loads.

Full descriptions of Mitigation Measure D.1-2, Mitigation Measure D.2-2, Mitigation Measure D.3-2a, Mitigation Measure D.3-2b, Mitigation Measure D.3-2c, Mitigation Measure D.3-2d, Mitigation Measure D.4-1a, Mitigation Measure D.4-1b, and Mitigation Measure D.4-1c are provided in Attachment K.

#### CCERP EIR

The CCERP EIR identified that redevelopment activities could result in an increased demand for water supply. The CCERP EIR determined that these potential impacts would be less than significant.

The CCERP EIR identified redevelopment activities may require localized improvements to the water delivery and wastewater collection systems to provide adequate pipeline capacity,



particularly along major transit corridors. The CCERP EIR determined these potential impacts would be less than significant with the implementation of Mitigation Measure 9.2. Mitigation Measure 9.2 calls for the review of major new development projects to determine projected water and wastewater loads compared to available capacity. A full description of previously identified Mitigation Measure 9.2 is provided in Attachment K.

The CCERP EIR identified that redevelopment activities could result in an increased demand for wastewater treatment and disposal. The CCEERP EIR determined these potential impacts would be less than significant.

# Project Analysis and Conclusion

#### a-h) <u>Water Supply and Wastewater Facilities</u>

Water supply is provided to the project site by EMBUD. EBMUD has accounted for the water demand projections associated with redevelopment in the project area. EBMUD determined redevelopment would have a less than significant impact on existing water supplies. Water supply facilities for the proposed project would connect to the existing City water main facilities to provide water to the project site. The proposed project would have a less than significant impact on existing water supplies and facilities

EBMUD has adequate wastewater treatment capacity to accommodate increased sewer generation in the project area and redevelopment activity would not require or result in the construction of new wastewater treatment facilities or the expansion of existing treatment facilities. The project could increase sewer capacity demand and impact localized sewer transmission infrastructure. The proposed project would accommodate up to 620 students and 51 faculty/staff, creating a potential impacting on sanitary sewer facilities. Sanitary sewer facilities for the proposed project would connect to the existing facilities located in Derby Avenue, which ultimately connects to the 24-inch sewer line in International Boulevard. To address impacts on sanitary sewer infrastructure, the proposed project would be required to comply with City **SCA UTIL-1 (#79)**: Sanitary Sewer System, and provide an Impact Analysis of estimated pre-project and post-project would be less than significant with implementation of **SCA UTIL-1 (#79)**.

#### Stormwater Drainage

The proposed project would not substantially increase impervious surfaces since most of the site is paved under existing conditions. As presented on Figure 5-8, the total site area is approximately 38,046 square feet. The total post-project impervious surface would be approximately 33,836 square feet, resulting in a net reduction in impervious surface of approximately 2,000 +/- square feet from the proposed project. Stormwater runoff from the project site would be directed to bio-retention swales for treatment prior to discharge to the existing on-site culvert. The proposed perimeter curbs and gutters would be designed to direct stormwater into the city's stormwater drainage system. The proposed project would implement SCA UTIL-2 (#80): Storm Drain System, HYD-1 (#45), and HYD-2



(#50) to address potential impacts on stormwater drainage facilities. Impacts on stormwater drainage facilities would be less than significant with implementation of the City's UTIL-2 (#80), HYD-1 (#45), and HYD-2 (#50).

### Solid Waste and Recycling

Solid waste collection service at the project site is provided by Waste management. Trash from the project site would be disposed of at the Altamont Landfill. The Altamont Landfill has sufficient capacity to accommodate solid waste generated by the project. California Waste Solutions provides recycling service, upon request, and recycling service at the project site is an open market in Oakland. To reduce and recycle waste from project construction and operation activities, the proposed project would implement the City's **SCAs UTIL-3 (#74):** Construction and Demolition Waste Reduction and Recycling, and **UTIL-4 (#76):** Recycling Collection and Storage Space. Impacts pertaining to solid waste services and landfill capacity be less than significant with implementation of City **SCAs UTIL-3 (#74)** and **UTIL-4 (#76)**.

# <u>Energy</u>

The proposed project would be required to comply with the standards of Title 24 of the California Code of Regulations. In addition, the proposed project would implement **SCA UTIL-5 (#75):** Underground Utilities, which require all construction projects to underground utilities. All new utilities would be installed in accordance with standard specifications of the utility provider. The proposed project would have a less than significant impact on energy resources with implementation of City **SCA UTIL-5 (#75)**.

Both the LUTE EIR and CCERP EIR noted that impacts to utilities and service systems would be less than significant with the incorporation of mitigation measures. Since the project site is not located in the Oakland Hills area, and therefore previously identified LUTE EIR Mitigation Measures D.3-2c, and D.3-2d are not applicable to the proposed project. Furthermore, the City has since adopted SCAs which further clarify and expand on the mitigation measures identified in the previous EIRs, and have been found to be equivalent or more stringent. Specifically, compliance with SCA UTIL-1(#79) would fulfill the requirements of previously identified LUTE EIR Mitigation Measure 1-2, Mitigation Measure D.2-2, D.3-2a, D.3-2b and CCERP EIR Mitigation Measure 9.2. Compliance with SCA UTIL-3 (#74) and UTIL-4 (#76) would fulfill the requirements of previously identified LUTE EIR Mitigation Measure D.4-1c. The proposed project would be required to comply with City SCA UTIL-1 (#79), SCA UTIL-2 (#80), SCA UTIL-3 (#74), and SCA UTIL-4 (#76). City SCA UTIL-5 (#75), SCA HYD-1 (#45), and SCA HYD-2 (#50) would also be required. As such, the project's utility and service systems impacts would result in an equal or a less severe impact than previously identified in the LUTE EIR or CCERP EIR



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