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I. INTRODUCTION

A. PURPOSE OF THE EIR

In compliance with the California Environmental Quality Act (CEQA), this report describes the environmental consequences of the 39th and Adeline Mixed-Use Project (project) proposed for the redevelopment of an approximately 1.12-acre (48,820 square foot) site that straddles the City of Oakland and the City of Emeryville border. This Environmental Impact Report (EIR) is designed to inform the City of Oakland and the City of Emeryville decision-makers, responsible agencies and the general public, of the proposed project and the potential physical consequences of project approval. This EIR thoroughly examines the following environmental topics: 1) Land Use and Planning Policy; 2) Transportation, Circulation and Parking; and, 3) Cultural and Paleontological Resources. Other environmental topics were determined to be associated with less-than-significant impacts on the basis of the Initial Study prepared for the project (see Appendix B). The EIR also recommends mitigation measures to reduce or avoid potentially significant physical impacts and examines alternatives to the proposed project. The City of Oakland and the City of Emeryville will act as co-Lead Agencies. This EIR will be used by the City of Oakland, City of Emeryville, and the public in their review of the proposed project and associated approvals.

B. PROPOSED PROJECT

The project considered in this EIR is the redevelopment of a 1.12-acre site located along Adeline Street between Yerba Buena Avenue and 39th Street, consisting of five parcels. The site straddles the City of Oakland/City of Emeryville border, with the western three-quarters of the site located in the City of Emeryville. The proposed project would result in the demolition of an existing structure on the site and the development of four interconnected three-story (plus mezzanine) buildings. In total, the development would consist of 101 residential rental units (including studios, one- to three-bedroom units, live/work spaces, and work/live spaces¹), 1,000 square feet of retail space located at the corner of Adeline Street and 39th Street, and 119 parking spaces. All parking, except for the on-street parking, would be located in a below-grade parking structure. In addition, the project would include a multi-purpose room and a landscaped courtyard located in the interior of the site.

C. EIR SCOPE

The City of Oakland and City of Emeryville circulated a Notice of Preparation (NOP) notifying responsible agencies and interested parties that an EIR would be prepared for the project and indicating the environmental topics anticipated to be addressed in this EIR. The NOP was published on August 30, 2007. The NOP was mailed to public agencies, organizations, and individuals likely to be interested in the potential impacts of the project. Comments on the NOP were received by the lead agencies and considered during preparation of the EIR. The City of Emeryville held a Draft EIR scoping session at the Planning Commission on September 27, 2007 and the City of Oakland held a

¹ All work/live units would be located in the City of Oakland and considered a commercial use.

scoping session at the Planning Commission on October 3, 2007. In total, four comment letters in response to the NOP were received. A copy of the NOP and the comment letters received are included in Appendix A of this EIR.

The following environmental topics are analyzed in this EIR:

- Land Use
- Planning Policy
- Transportation and Circulation
- Cultural and Paleontological Resources

It has been determined that the following potential effects of the proposed project would be less than significant or have no impact, and will not be studied in the EIR: aesthetics, agricultural resources, air quality, biological resources, geology and soils, hazards and hazardous materials, hydrology and water quality, mineral resources, noise, population and housing, public services and utilities, and recreation.

D. REPORT ORGANIZATION

This EIR is organized into the following chapters:

- *Chapter I – Introduction:* Discusses the overall EIR purpose, provides a summary of the proposed project and the environmental impact report scope, and summarizes the organization of the EIR.
- *Chapter II – Summary:* Provides a summary of the proposed project and of the impacts that would result from implementation of the proposed project, and describes mitigation measures recommended to reduce or avoid significant impacts. A list and brief discussion of alternatives to the proposed project is also provided.
- *Chapter III – Project Description:* Provides a description of the project site, site development history, project objectives, required approval process, and details of the project itself.
- *Chapter IV – Setting, Impacts and Mitigation Measures:* Describes the following for each environmental topic: existing conditions (setting); potential environmental impacts and their level of significance; and measures to mitigate identified impacts. Potential adverse impacts are identified by levels of significance, as follows: less-than-significant impact (LTS), significant impact (S), and significant and unavoidable impact (SU). The significance of each impact is categorized before and after implementation of any recommended mitigation measure(s).
- *Chapter V – Alternatives:* Provides an evaluation of two alternatives to the proposed project in addition to the No Project alternative.
- *Chapter VI – CEQA Required Assessment Conclusions:* Provides additional specifically-required analyses of the proposed project's growth-inducing effects, significant irreversible changes, cumulative impacts, and effects found not to be significant.
- *Chapter VII – Report Preparation:* Identifies preparers of the EIR, references used and persons and organizations contacted.

II. SUMMARY

A. PROJECT UNDER REVIEW

This EIR has been prepared to evaluate the environmental impacts of the proposed 39th and Adeline Mixed-Use Project (project) proposed for the redevelopment of 1.12 acres in the City of Emeryville and City of Oakland. A detailed description of the proposed project is provided in Chapter III, Project Description. The key elements of the project are summarized in Table II-1. The uses listed in Table II-1 would be combined on the project site to create a mixed-use development.

B. SUMMARY OF IMPACTS AND MITIGATION MEASURES

This summary provides an overview of the analysis contained in Chapter IV, Setting, Impacts and Mitigation Measures, and Chapter V, Alternatives. CEQA requires a summary to include discussion of: 1) potential areas of controversy; 2) significant impacts; 3) recommended mitigation measures; and 4) alternatives to the proposed project.

1. Potential Areas of Controversy

The potential areas of controversy surrounding the proposed project identified as part of the EIR scoping and Notice of Preparation (NOP) process are each evaluated in Chapter IV of this EIR and are listed below.

- land use compatibility;
- traffic on local roads and highways;
- impacts to historical resources; and
- impacts to neighborhood character.

2. Significant and Less-than-Significant Impacts

Under CEQA, a significant impact on the environment is defined as: a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.¹

As discussed in Chapter IV of this EIR, implementation of the proposed project has the potential to result in adverse environmental impacts in several areas. Impacts associated with the following environmental topics would be significant without the implementation of mitigation measures, but would be reduced to a less-than-significant level if the mitigation measures recommended in this EIR are implemented:

¹ CEQA Sections 21060.5 and 21068.

Table II-1: Project Summary

Project Lane Use	Size/Number of Units	Description
Residential	101 units	The development of 101 residential units in four distinct three-story buildings. The units would include 41 studios (each approximately 500 square feet); 36 one-bedroom units (each approximately 680 square feet); 9 two-bedroom units (each approximately 785 square feet); 5 three-bedroom units (each approximately 1,197 square feet); 4 live/work units (approximately 700 square feet); and 6 work/live units (approximately 700 square feet). The work/live units would be located exclusively within the City of Oakland.
Retail	1,000 square feet	Retail space located at the corner of Adeline Street and 39 th Street. Based on the current project plan, the proposed space would include a café, with patio and outdoor seating.
Parking	119 parking stalls	All parking would be located in the sub-grade parking garage.
Courtyard/Open Space	18,067 square feet	An interior courtyard would be centrally located between the four buildings. In addition, outdoor patio space would be developed adjacent to the retail space.
Circulation and Access	—	Pedestrian access to the site would occur via a main entrance on Adeline Street, a doorway into the proposed retail space at the corner of Adeline Street and 39 th Street, and stairs and gates at the locations of the inter-building pedestrian crossings. Vehicle access to the underground parking structure would occur via a 20-foot-wide driveway at 39 th Street that would connect to the sub-grade parking garage.

Source: LSA Associates, Inc. 2007

- Prehistoric and Historic Archaeological Resources (Including Human Remains)
- Paleontological Resources

Impacts associated with the following environmental topics would be considered less than significant and would not require any mitigation measures based on the identified criteria of significance:

- Land Use
- Planning Policy
- Transportation and Circulation

3. Significant Unavoidable Impacts

As discussed in Chapters IV and VI of this EIR, the proposed project would not result in one significant unavoidable impact to the environment: demolition of the Standard Beverages Limited building on the project site, which is considered a historic resource pursuant to CEQA.

4. Alternatives to the Project

The following alternatives to the project are considered in this EIR:

- The **No Project alternative** assumes that the project would not be developed within the short term; it would remain under its existing General Plan designations for both Oakland and Emeryville (Mixed Housing Type Residential and General Commercial, respectively), which would allow for future development.

- The **Preservation and Adaptive Reuse alternative** would preserve the former light industrial masonry structure's entire façade but demolish the rest of its roof and interior and reconstruct the building's shell according to its current dimensions. A redesigned interior would accommodate a café on the corner of 39th Street and Adeline Street as well as 20 residential units.
- The **Preservation, Adaptive Reuse, and Partial Project alternative** would preserve the former light industrial masonry structure's façade along 39th Street and Adeline Street but develop the project site with retail and residential uses at a similar scale, density, and design as the proposed project. This alternative would include a café on the corner of 39th Street and Adeline Street, as well as a mix of studios, one-, two- and three-bedroom units, live/work units, and work/live units.

C. SUMMARY TABLE

Table II-2 identifies the impacts and mitigation measures for the proposed project. The information in the tables is organized to correspond with environmental issues discussed in Chapter IV. The tables are arranged in four columns: 1) impacts; 2) level of significance prior to mitigation measures; 3) mitigation measures; and 4) level of significance after mitigation. For a complete discussion and analysis of potential impacts and recommended mitigation measures, please refer to Chapter IV.

Table II-2: Summary of Impacts and Mitigation Measures

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures/Conditions of Approval	Level of Significance With Mitigation
A. LAND USE			
<i>There are no significant land use impacts.</i>			
B. PLANNING POLICY			
<i>There are no significant planning policy impacts.</i>			
C. CULTURAL AND PALEONTOLOGICAL RESOURCES			
<u>CULT-1</u> : The proposed project would demolish a building considered to be a historical resource.	S	<u>CULT-1</u> : The building shall be documented to Historic American Buildings Survey (HABS) Level 3 standards, according to the Outline Format described in the <i>Historic American Buildings Survey Guidelines for Preparing Written Historical Descriptive Data</i> . ² Photographic documentation shall follow the <i>Photographic Specifications – Historic American Building Survey</i> , including 15-20 archival quality large-format photographs of the exterior and interior of the building and its architectural elements. Construction techniques and architectural details shall be documented, especially noting the measurements of structural members, hardware, and other features that tie the architectural elements to a specific date. A copy of the documentation, with original photo negatives and prints, shall be placed in a historical archive or history collection accessible to the general public. Five copies of the documentation with archival photographs shall be produced for distribution to local and regional repositories. One copy shall be provided to the Northwest Information Center of the California Historical Resources Information System, Sonoma State University, Rohnert Park, California. A brochure shall also be prepared that includes a brief historical overview and photographs of the buildings and is made available for distribution to local libraries, museums, and schools. In addition, the project applicant shall make a good faith effort to relocate the building located at 3900 Adeline Street to a site acceptable to the City. Good faith efforts include, at a minimum, the following:	SU

² Pacific Coast Basin Regional Office, U.S. National Park Service 1993.

Table II-2 *Continued*

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures/Conditions of Approval	Level of Significance With Mitigation
CULT-1 <i>Continued</i>		a) Advertising the availability of the building by: (1) posting of large visible signs (such as banners, at a minimum of 3'x 6' size or larger) at the site; (2) placement of advertisements in Bay Area news media acceptable to the City; and (3) contacting neighborhood associations and for-profit and not-for-profit housing and preservation organizations; b) Maintaining a log of all the good faith efforts and submitting that along with photos of the subject building showing the large signs (banners) to the City of Oakland Planning and Zoning Division; c) Maintaining the signs and advertising in place for a minimum of 90 days; and Making the building available at no or nominal cost (the amount to be reviewed by the Oakland Cultural Heritage Survey) until removal is necessary for construction of a replacement project, but in no case for less than a period of 90 days after such advertisement.	
<u>CULT-2</u> : Ground-disturbing activities associated with site preparation and the construction of building foundations and underground utilities could disturb archaeological deposits.	S	<u>CULT-2</u>: Pursuant to <i>CEQA Guidelines</i> Section 15064.5 (f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. Therefore, in the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist or paleontologist to assess the significance of the find. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified archaeologist would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and a report prepared by the qualified archaeologist according to current professional standards. In considering any suggested measure proposed by the consulting archaeologist in order to mitigate impacts to historical resources or unique archaeological resources, the project applicant shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible,	LTS

Table II-2 *Continued*

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures/Conditions of Approval	Level of Significance With Mitigation
CULT-2 <i>Continued</i>		other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while measure for historical resources or unique archaeological resources is carried out. Should an archaeological artifact or feature be discovered on-site during project construction, all activities within a 50-foot radius of the find would be halted until the findings can be fully investigated by a qualified archaeologist to evaluate the find and assess the significance of the find according to the CEQA definition of a historical or unique archaeological resource. If the deposit is determined to be significant, the project applicant and the qualified archaeologist shall meet to determine the appropriate avoidance measures or other appropriate measure, subject to approval by the City, which shall assure implementation of appropriate measure measures recommended by the archaeologist. Should archaeologically-significant materials be recovered, the qualified archaeologist would recommend appropriate analysis and treatment, and would prepare a report on the findings for submittal to the Northwest Information Center.	
<u>CULT-3</u> : Ground-disturbing activities associated with site preparation and the construction of building foundations and underground utilities could disturb human remains, including those interred outside of formal cemeteries.	S	<u>CULT-3</u>: In the event that human skeletal remains are uncovered at the project site during construction or ground-breaking activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and follow the procedures and protocols pursuant to Section 15064.5 (e)(1) of the <i>CEQA Guidelines</i>. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.	LTS

Table II-2 *Continued*

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures/Conditions of Approval	Level of Significance With Mitigation
<u>CULT-4</u> : Ground-disturbing activities associated with site preparation and the construction of building foundations and underground utilities could adversely impact paleontological resources within Pleistocene deposits that underlie the project area.	S	<u>CULT-4</u> : Due to the presence of several Pleistocene-aged fossil localities in proximity to the project area, and the uncertain depth of Pleistocene-aged sediments a paleontologist shall be present to monitor initial project ground disturbing activities at or below thirty feet from the original ground surface. A sample of sediment below this depth shall be taken for presence-absence testing of microvertebrate fossils. Subsequent to the initial monitoring and sediment sampling, the paleontologist can then determine if further monitoring, periodic site reviews, or no further monitoring for paleontological resources is appropriate. If significant paleontological resources are discovered all work within a 25 foot radius shall be stopped until a qualified paleontologist has been able to evaluate the find and make recommendations for the protection, excavation, and mitigation of the find. Mitigation for significant paleontological resources shall include monitoring of ground-disturbing activities, data recovery and analysis, preparation of a data recovery report or other reports, and accessioning recovered fossil material to an accredited paleontological repository, such as the University of California Museum of Paleontology. Upon project completion, a report shall be prepared documenting the methods and results of monitoring. This report shall be submitted to the project proponents.	LTS
<u>CULT-5</u> : Ground-disturbing activities associated with site preparation and the construction of building foundations and underground utilities could adversely impact paleontological resources within the soil/fill layer that underlies the project area.	S	<u>CULT-5</u> : In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards (SVP 1995,1996)). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find under the criteria set forth in Section 15064.5 of the <i>CEQA Guidelines</i> . The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.	LTS

Table II-2 *Continued*

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures/Conditions of Approval	Level of Significance With Mitigation
D. TRANSPORTATION, CIRCULATION AND PARKING			
<i>There are no significant transportation, circulation, and parking impacts.</i>			

Source: LSA Associates, Inc., 2007.

NOTICE OF PREPARATION (NOP)

TO: Affected Agencies, Including Emeryville and Oakland Planning Commissions and City Councils (via Certified Mail)
Property Owners within 500 Feet of the Affected Property (via US Mail)
Interested Organizations and Persons (via US Mail)

FROM: City of Emeryville and City of Oakland

SUBJECT: **Notice of Preparation of a Draft Environmental Impact Report**

LEAD AGENCIES: City of Emeryville
1333 Park Avenue
Emeryville, CA 94608-3517
(510) 596-3785
Contact: Miroo Desai
mdesai@ci.emeryville.ca.us

CONSULTANT: LSA Associates, Inc
2215 Fifth Street
Berkeley, CA 94710
(510) 540-7331
Contact: Adam Weinstein
adam.weinstein@lsa-assoc.com

City of Oakland
Community and Economic Development Agency
250 Frank H. Ogawa Plaza
Oakland, CA 94612
Contact: Catherine Payne
cpayne@oaklandnet.com

Notice is hereby given that the City of Emeryville and the City of Oakland will be the Lead Agencies for the project described below. The site is located within the City of Emeryville and the City of Oakland. Based on a preliminary review of the project's environmental issues, the Lead Agencies have determined that an Environmental Impact Report (EIR) is the appropriate environmental documentation for the project. We are requesting comments on the scope and content of this EIR. The City of Emeryville and the City of Oakland will use the EIR prepared for this project when considering approval of the project. A description of the project, its location, and the probable environmental effects are provided in the attached materials. The scoping period for this project will extend from September 6, 2007 to October 5, 2007. Please provide comments on the scope of this EIR to **Miroo Desai, Senior Planner**, by **Friday, October 5, 2007**, at the address shown above.

Further notice is hereby given that, pursuant to Section 15082 of the CEQA Guidelines, Public Scoping Sessions will be held to accept comments from Responsible Agencies and the public about the scope of the EIR. The Public Scoping Session in the City of Emeryville will be held on **Thursday, September 27, 2007, at 7 p.m., in the City Council Chambers at 1333 Park Avenue**. The Public Scoping Session in the City of Oakland will be held on **Wednesday, October 3, 2007, at 6 p.m., in Hearing Room One, Oakland City Hall, 1 Frank H. Ogawa Plaza**.

Project Title: 39th and Adeline Mixed-Use Project

Project Applicant: Murakami/Nelson Architectural Corporation

Project Location: The approximately 1.12-acre (48,820-square-foot) project site is located along Adeline Street between Yerba Buena Avenue and 39th Street, and consists of five parcels (APNs: 012-953-027, 012-953-031, 012-953-032, 012-953-033, and 012-953-034). The site straddles the City of Oakland/City of Emeryville border; the western three-quarters of the site are located in the City of Emeryville; the eastern quarter of the site is located in Oakland. Figures 1 and 2 depict the location of the project site and land uses in the vicinity of the site.

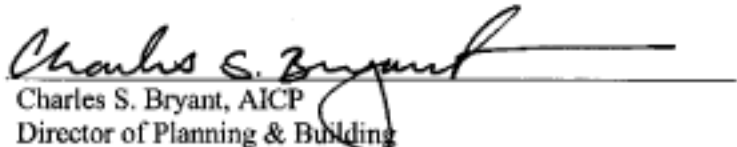
Project Description: Implementation of the proposed project would result in the demolition of the existing structure on the project site and development of four three-story + mezzanine buildings. In total, the buildings would

contain 101 residential units (including studios, one-bedroom units, two-bedroom units, three-bedroom units, and live/work and work/live spaces), 1,000 square feet of retail space located at the corner of Adeline Street and 39th Street, and 119 parking spaces (including 114 parking spaces for residential uses and five guest parking spaces). All parking would be located below grade. In addition, the project would also include a multi-purpose room and landscaped courtyard. Figure 3 shows the project site plan; Figure 4 includes representative building elevations and sections.

The major components of the project and areas of environmental concern anticipated to be analyzed in the EIR are described more fully in the attachments to this NOP. The applicant is requesting a demolition permit, building permit, conditional use permit, parking variance, design review, and major design review.

DATE: August 30, 2007

SIGNATURE:


Charles S. Bryant, AICP
Director of Planning & Building
City of Emeryville

Attachments: Project Description and Probable Environmental Effects
Figure 1 – Regional Location
Figure 2 – Land Uses Around the Project Site
Figure 3 – Site Plan
Figure 4 – Representative Building Elevations and Sections

39th and ADELINE MIXED-USE PROJECT DESCRIPTION

A brief description of the proposed project is provided below.

Proposed Project.

Implementation of the proposed project would result in the demolition of the existing structure on the project site and development of four three-story + mezzanine buildings. The existing structure that would be demolished is a brick manufacturing building constructed between 1925 and 1930 that was originally occupied by Standard Beverages, Ltd. The building is considered a Potentially Designated Historic Property (PDHP) by the City of Oakland, but is not classified as being on Oakland's Local Register of Historic Resources.

In total, the buildings would contain 101 residential units, 1,000 square feet of retail space located at the corner of Adeline Street and 39th Street, and 119 parking spaces (in a below-grade garage). In addition, the project would also include a multi-purpose room and landscaped courtyard. Pedestrian access to the site would occur via a main entrance on Adeline Street, a doorway into the proposed retail space at the corner of Adeline Street and 39th Street, and pedestrian gates along Yerba Buena Avenue and 39th Street. Vehicle access (both entry and exit) would occur via a driveway at 39th Street.

Residential Component. Implementation of the proposed project would result in the development of 101 rental residential units in four distinct buildings. Approximately 77 percent of the units would be studio or one-bedroom units. The remaining units would be two-bedroom units, three-bedroom units, and live/work or work/live units.

Retail Component. The project would include 1,000 square feet of ground-level retail space, located at the corner of Adeline Street and 39th Street. Based on the current project application (dated July 11, 2007), the proposed retail space would be a café, with a patio and outdoor seating.

Architecture and Design. The project, which was designed by Murakami/Nelson of Oakland, consists of four distinct buildings arranged around a courtyard. The building with the largest footprint would bend around the corner of Adeline Street and 39th Street and would contain the proposed café at its point (i.e., the intersection of Adeline Street and 39th Street). The buildings would be designed with modern/industrial motifs typical of loft-style redevelopment projects in Emeryville and other cities in the Bay Area. The architecture would be characterized by: metal elements; flat to sloping rooflines; horizontal, multi-partitioned windows; and pedestrian-level doorways and windows. Portions of the building facades would be set-back, and would feature corrugated steel siding, aluminum frame windows, and recessed balconies with painted steel railings. The façade of the retail space would include large windows and pigmented concrete columns. All four buildings would be connected via painted steel bridges with hardwood decking. A concrete wall would be built along the eastern boundary of the project site. Doorways would be positioned along the north, south, and west perimeters of the project site. The buildings would be a maximum of 50 feet high.

Circulation and Parking. Pedestrian access to the site would occur via a main entrance on Adeline Street, a doorway into the proposed retail space at the corner of Adeline Street and 39th Street, and stairs/gates at the locations of the inter-building pedestrian crossings. Existing sidewalks along the Yerba Buena Avenue, 39th Street, and Adeline Street frontages of the project site would remain as part of the project. Vehicle access (both egress and ingress) would occur via a 20-foot-wide driveway at 39th Street, which would connect to the sub-grade parking garage. Entry into the driveway and parking garage would be regulated by a painted steel grille-style garage door.

The project includes 119 8-foot by 17-foot parking spaces, including five designated guest parking spaces. All parking would be located in a sub-grade parking garage. Bicycle parking would be provided within the garage, near Adeline Street. The parking garage would also contain six motorcycle parking spaces, stairs to upper floors, and utility/trash rooms. The number of proposed parking spaces would not meet the parking requirements of the City of Emeryville; therefore, a parking variance would be required. As part of the project, the project applicant is also proposing to add 13 street parking spaces along Yerba Buena Avenue, 39th Street, and Adeline Street.

Landscaping and Open Space. Open space on the site would be provided by balconies and private patios (provided in select residential units), an interior courtyard, and an outdoor patio adjacent to the retail space. The landscape architect for the project is The Guzzardo Partnership of San Francisco. The interior courtyard and other outdoor space would comprise approximately 18,067 square feet. The courtyard, which would be built on the ground floor above the parking garage, would contain decorative paving, planters, a lawn, planters, garden sculpture, and a central water feature. The entire project site is currently covered with impervious surfaces. Based on the conceptual storm drain filtering plan prepared for the project, impervious surfaces would be reduced to approximately 63 percent of the site after implementation of the proposed project.

Construction and Site Development. Implementation of the project would require the demolition of the existing structure on the site and the removal of all debris. In addition, 11,590 cubic yards of soil would be removed from the site.

Requested Approvals. The project would require approval of the following:

- Building Permit (Emeryville)
- Demolition Permit (Emeryville)
- Conditional Use Permit (Emeryville)
- Parking Variance (Emeryville)
- Design Review (Emeryville and Oakland)
- Major Conditional Use Permit (Oakland)
- Minor Variance (Oakland)

POTENTIAL ENVIRONMENTAL EFFECTS

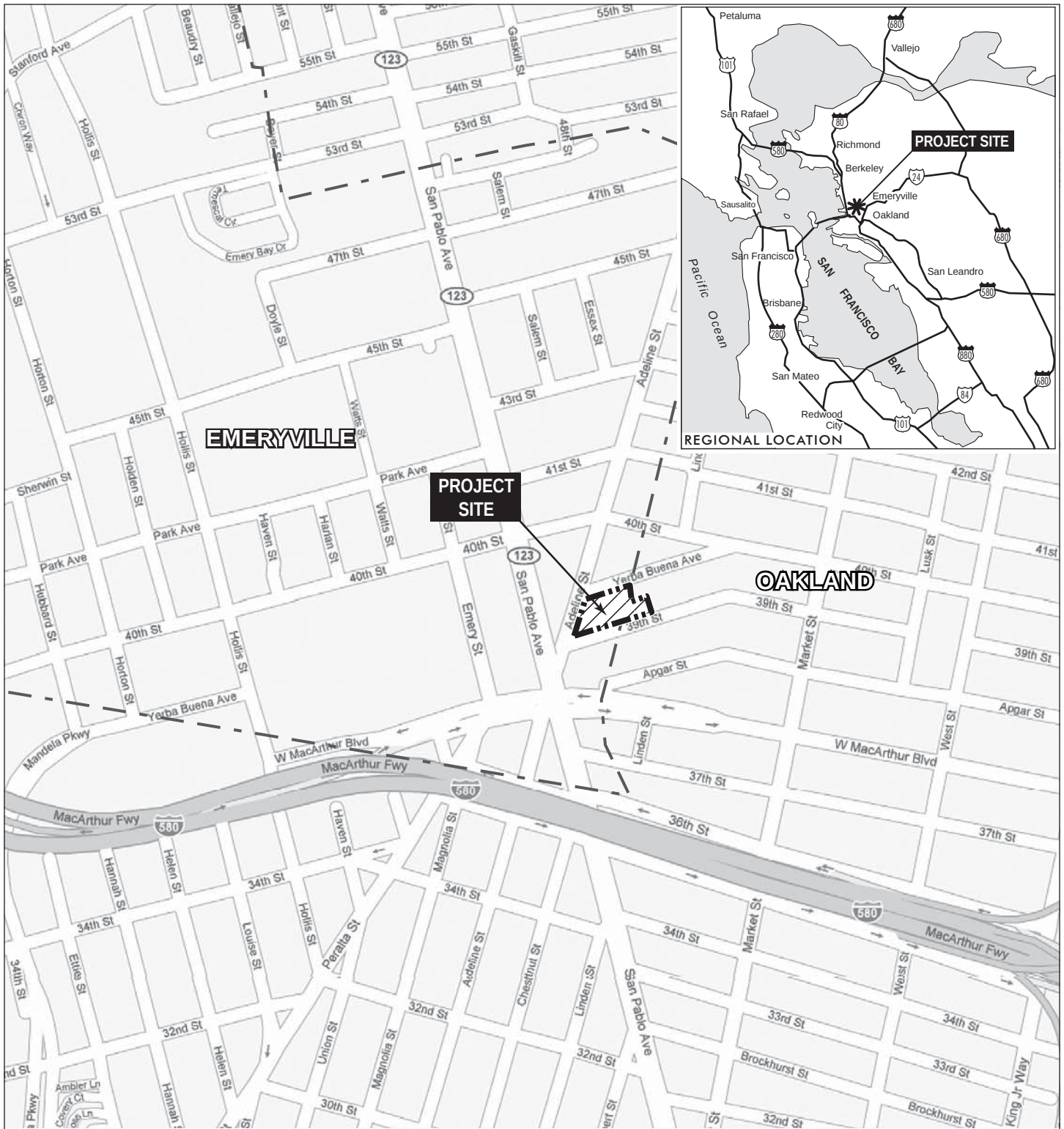
The EIR for this project is anticipated to examine thoroughly the following environmental topics:

- Land Use and Planning Policy
- Transportation, Circulation and Parking
- Cultural and Paleontological Resources

The level of analysis for these subject areas may be refined or additional subject areas may be analyzed based on responses to this NOP and/or refinements to the project that may occur subsequent to the publication of this NOP.

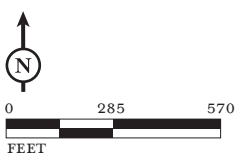
ENVIRONMENTAL EFFECTS NOT LIKELY TO REQUIRE FURTHER ANALYSIS

It is anticipated that the following potential environmental effects of the proposed project would be less than significant or have no impact and will not be further studied in the EIR: aesthetics, agricultural resources, air quality, biological resources, geology and soils, hazards and hazardous materials, hydrology and water quality, mineral resources, noise, population and housing, public services and utilities, and recreation.



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FIGURE 1



- EMERYVILLE/OAKLAND BORDER
-  PROJECT SITE

39th and Adeline Mixed-Use Project
 Project Vicinity and
 Regional Location

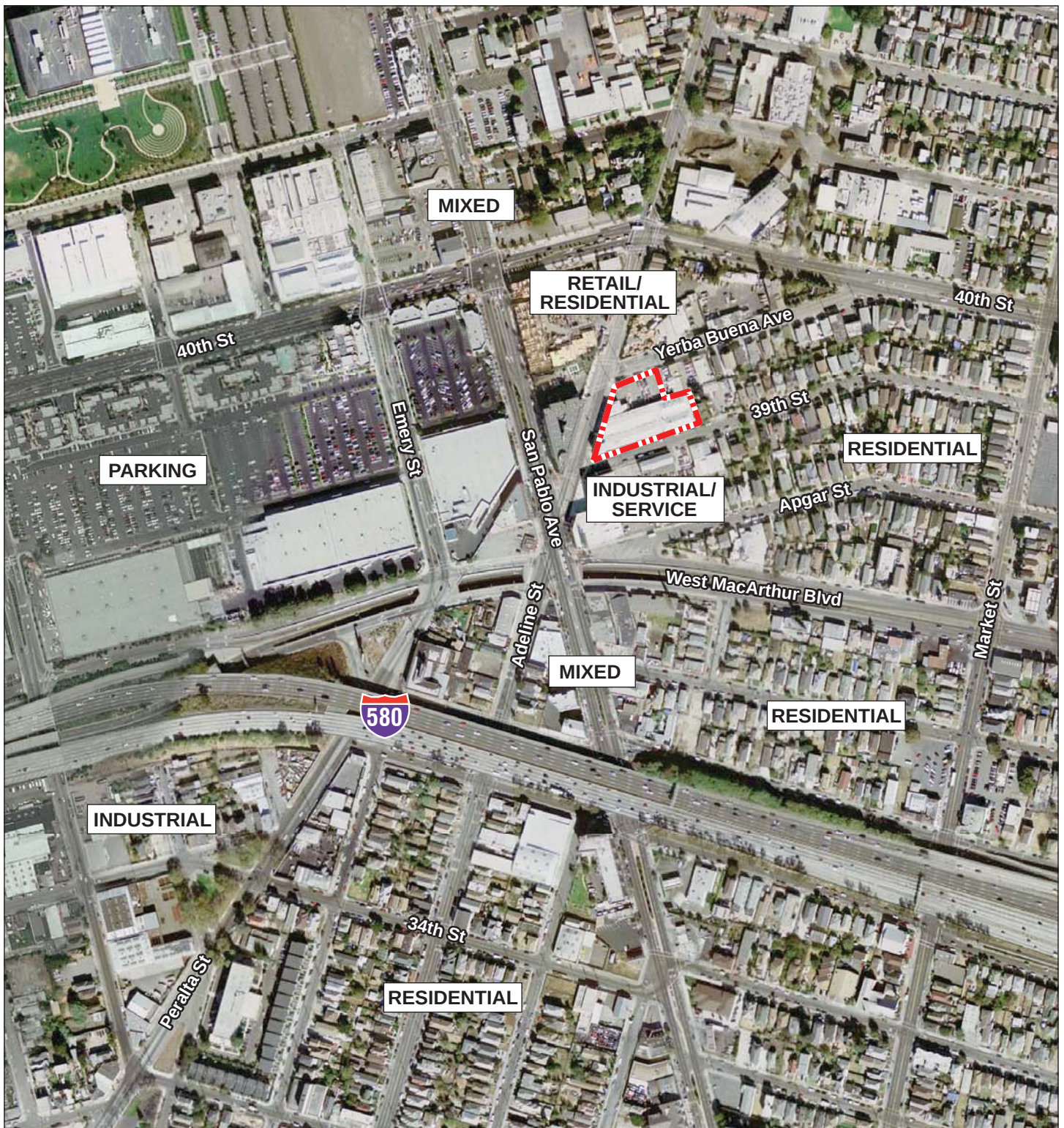
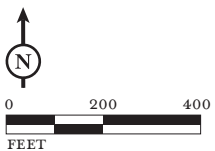


FIGURE 2

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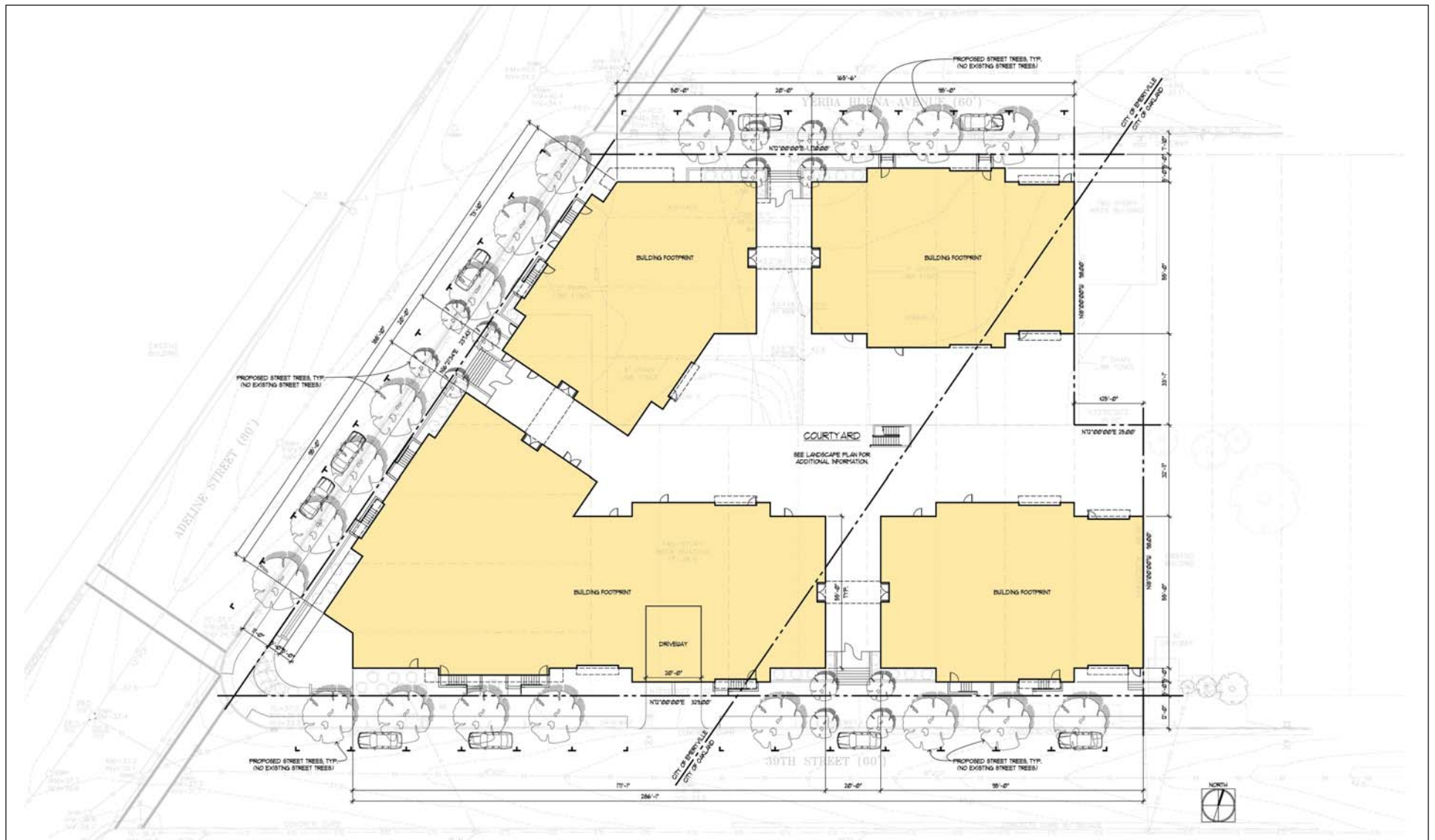


PROJECT SITE

39th and Adeline Mixed-Use Project
Land Uses Around Project Site

SOURCE: GOOGLE EARTH, 2007.

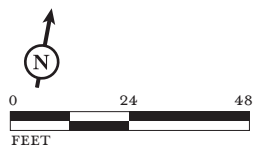
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LSA

FIGURE 3

39th and Adeline Mixed-Use Project
Site Plan



SOURCE: MURAKAMI NELSON, 2006.

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III. PROJECT DESCRIPTION

This chapter describes the 39th and Adeline Mixed-Use Project (project), proposed by the Murakami/Nelson Architectural Corporation (applicant). A description of the proposed project's objectives and background is provided, in addition to a discussion of the intended uses of the EIR, and required project approvals and entitlements.

The project examined in this EIR is the redevelopment of a 1.12-acre site located along Adeline Street between Yerba Buena Avenue and 39th Street, consisting of five parcels. The site straddles the City of Oakland/City of Emeryville border, with the western three-quarters of the site located in the City of Emeryville.

The proposed project would result in the demolition of the existing structure on the project site and the development of four three-story (plus mezzanine) buildings. Implementation of the proposed project would result in the following uses:

- *Residential.* The proposed project includes 101 residential rental units in the four distinct buildings. The units would include 41 studios (each approximately 500 square feet), 36 one-bedroom units (each approximately 680 square feet), 9 two-bedroom units (each approximately 785 square feet), 5 three-bedroom units (each approximately 1,197 square feet), 4 live/work units¹ (each approximately 700 square feet), and 6 work/live units (each approximately 700 square feet). The work/live units would be located exclusively within Oakland's portion of the project site.
- *Retail.* The project proposes 1,000 square feet of retail space to be located at the corner of Adeline Street and 39th Street. Based on the current project plan, the proposed space would include a café with patio and outdoor seating.
- *Parking, Circulation, and Access.* Pedestrian access to the site would occur via a main entrance on Adeline Street, a doorway into the proposed retail space at the corner of Adeline Street and 39th Street, and stairs and gates at the locations of the inter-building pedestrian crossings. Existing sidewalks along the Yerba Buena Avenue, 39th Street, and Adeline Street frontages of the project site would remain as part of the project. Vehicle access to the underground parking structure would occur via a 20-foot-wide driveway at 39th Street that would connect to the sub-grade parking garage. Entry into the driveway and garage would be regulated by a painted steel grille-style door.

The project includes plans for 119 8-foot by 17-foot residential parking spaces, including 11 designated guest parking spaces. All on-site parking would be located in the sub-grade parking garage. The garage would also contain bicycle parking, motorcycle spaces, stairs to the upper floors, and utility and trash rooms. Since the total number of parking spots does not meet the parking requirements of the City of Emeryville, a parking variance would be required. As part of

¹ All work/live units would be located in the City of Oakland and considered a commercial use.

the project, the applicant is also proposing to stripe 13 street parking spaces along 39th Street, Yerba Buena Avenue, and Adeline Street.

- *Open Space.* Open space would be provided by private balconies and patios connected to select residential units. In addition, an interior, centrally-located, courtyard, and an outdoor patio adjacent to the retail space would be provided. The interior courtyard, and all other outdoor space, would comprise approximately 18,067 square feet of the site.

A. PROJECT SITE

The following discussion describes the geographic context of the project site and provides a brief overview of existing land uses within and around the site.

1. Location

The approximately 1.12-acre project site is located at 39th Street and Adeline Street, and straddles the border between the City of Oakland and the City of Emeryville in Alameda County. The neighborhood surrounding the project site has undergone a substantial amount of redevelopment activity in recent years, including the construction of several multi-story residential and mixed-use projects. The area in the vicinity of the project site contains a mixture of land uses, including condominiums, retail and light industrial uses, and single-family homes. The site is bordered by Yerba Buena Avenue and multi-family residential and offices uses to the north; industrial and single-family residential uses to the east; 39th Street and miscellaneous industrial uses to the south; and Adeline Street and mixed uses to the west. Figures III-1 and III-2 show the project site in relation to the greater Bay Area and surrounding land uses, respectively. The project site is designated for Commercial and Mixed Housing Type Residential Uses in the City of Emeryville and City of Oakland General Plans, respectively. The Emeryville portion of the site is zoned for General Commercial (C-G) uses; the Oakland portion of the site is zoned Housing and Business Mix (HBX-2).

Regional vehicular access to the project site occurs via Interstate 580, San Pablo Avenue, West MacArthur Boulevard, and Adeline Street. The project site is located approximately two blocks away from 40th Street, which has a number of Emery-Go-Round buses running along it. These buses provide access to the Hollis Amtrack station and BART station. In addition, San Pablo Avenue is a major transit corridor to the East Bay.

2. Site Characteristics and Current Site Conditions

The project site includes legal parcels (APNs: 012-953-027, 012-953-031, 012-953-032, 012-953-033, and 012-953-034). The project site contains one brick manufacturing building that was constructed between 1917 and 1924 and was originally occupied by a Standard Beverages, Ltd. bottling plant. Though it is essentially one building, it was constructed in three parts. The main part of the building, located at the corner of Adeline and 39th, extends halfway up Adeline and is mostly one-story, though it rises to two stories at the corner of Adeline and 39th. The 39th Street façade extends six bays in length. This portion of the building mirrors the main building's façade, though it is simpler than the main building and may have been built separately.² The roofline is also more steeply

² Preservation Architecture, 2006. "3900 Adeline Street: Existing Building Evaluation." November 6.

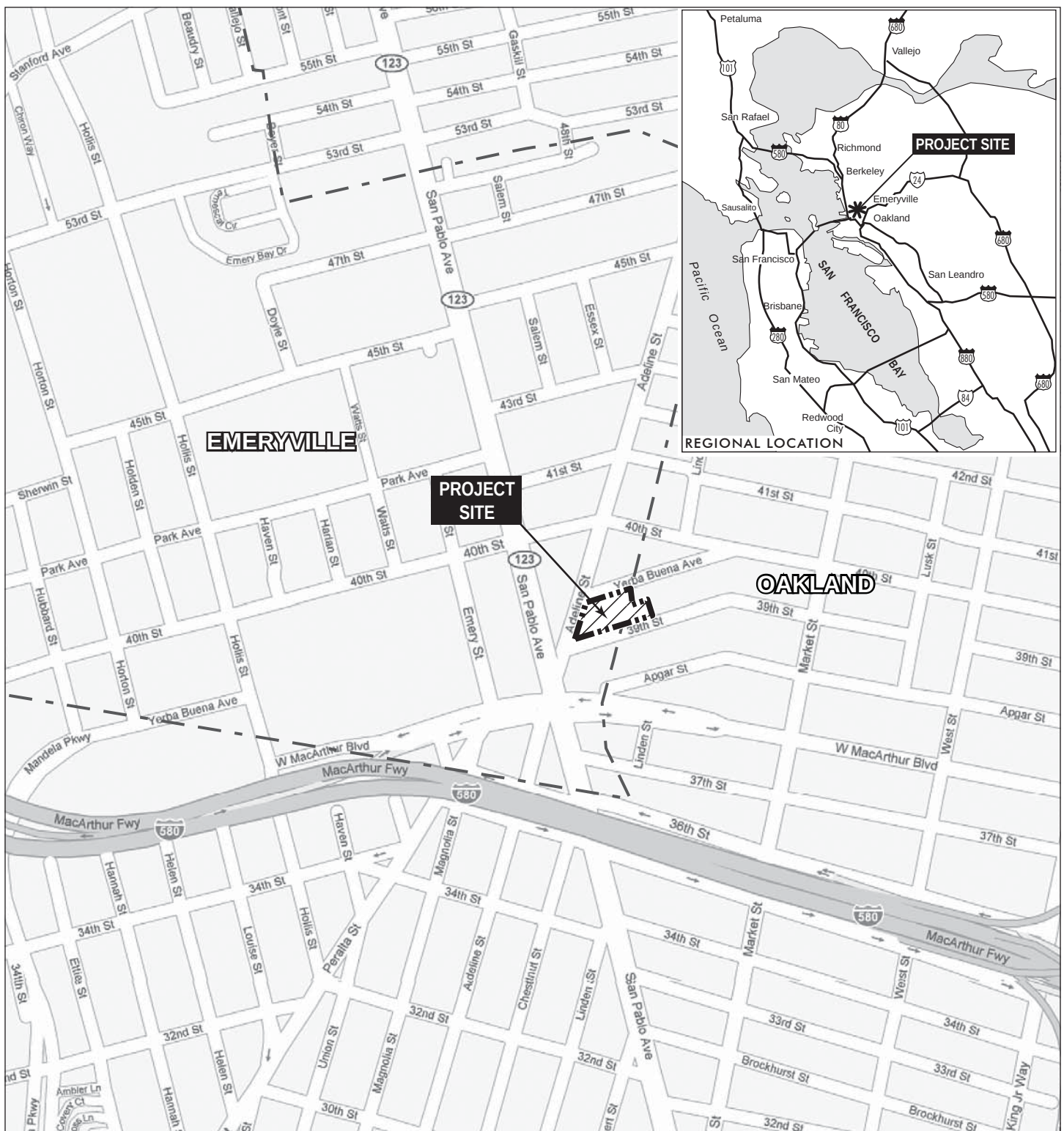
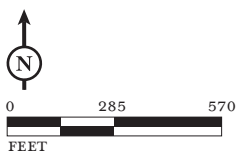


FIGURE III-1

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— - — EMERYVILLE/OAKLAND BORDER
 PROJECT SITE

39th and Adeline Mixed-Use Project EIR

Project Vicinity and Regional Location

SOURCE: GOOGLE MAPS, 2007.

I:\CEM0702 39th-Adeline\figures\EIR\Fig_III-1.ai (12/10/07)

pitched than the roof on the main building. In addition, there is a small extension of the building at the north end of Adeline Street, which also has a simplified version of the main building's façade and was also most likely constructed after the main building.³ The portion of the site adjacent to Yerba Buena street is a fenced rear area providing parking and service areas to the building.

The building is a good example of a light industrial masonry building. The brick façades are largely intact though there is noticeable instability, and the original windows and doors have mostly been altered or replaced. In addition, the low-sloping roofs and clay tile rear elevations appear weathered and worn.

The City of Oakland's Cultural Heritage Survey rated the property as "C3", meaning that it is an property of "Secondary Importance" and is a "superior or visually important example." According to the City of Oakland General Plan, Historic Preservation Element, "C" rated buildings are not historic resources for environmental review purposes, unless they fall within an Area of Primary Importance. The project site vicinity is not considered a historic district of primary or secondary importance.⁴ However, the building is considered a historic resource pursuant to CEQA because its Status Code on a Department of Parks and Recreation Form 523 is "5S," meaning that it is not eligible for listing on the National Register of Historic Places, but is of local interest. The City of Emeryville has classified the building as "significant" pursuant to Emeryville Municipal Code Ordinance 06-013 because it is more than 50 years old and has met a minimum of five building feature requirements.⁵ In Emeryville, the proposed demolition of a significant structure and plans for replacement development must be evaluated and approved by City Council. However, the City of Emeryville does not consider the building *historically* significant.

B. PROJECT OBJECTIVES

The project applicant's main objective is to develop a mixed-use project on the project site consisting of approximately 1,000 square feet of retail space and 101 residential units. Other project objectives are as follows:

- Redevelop an underutilized site to create a vibrant mixed-use development.
- Increase the supply of housing in the City of Emeryville and City of Oakland.
- Create development that enhances the visual character of the neighborhood.
- Develop the site in a way that is economically feasible.

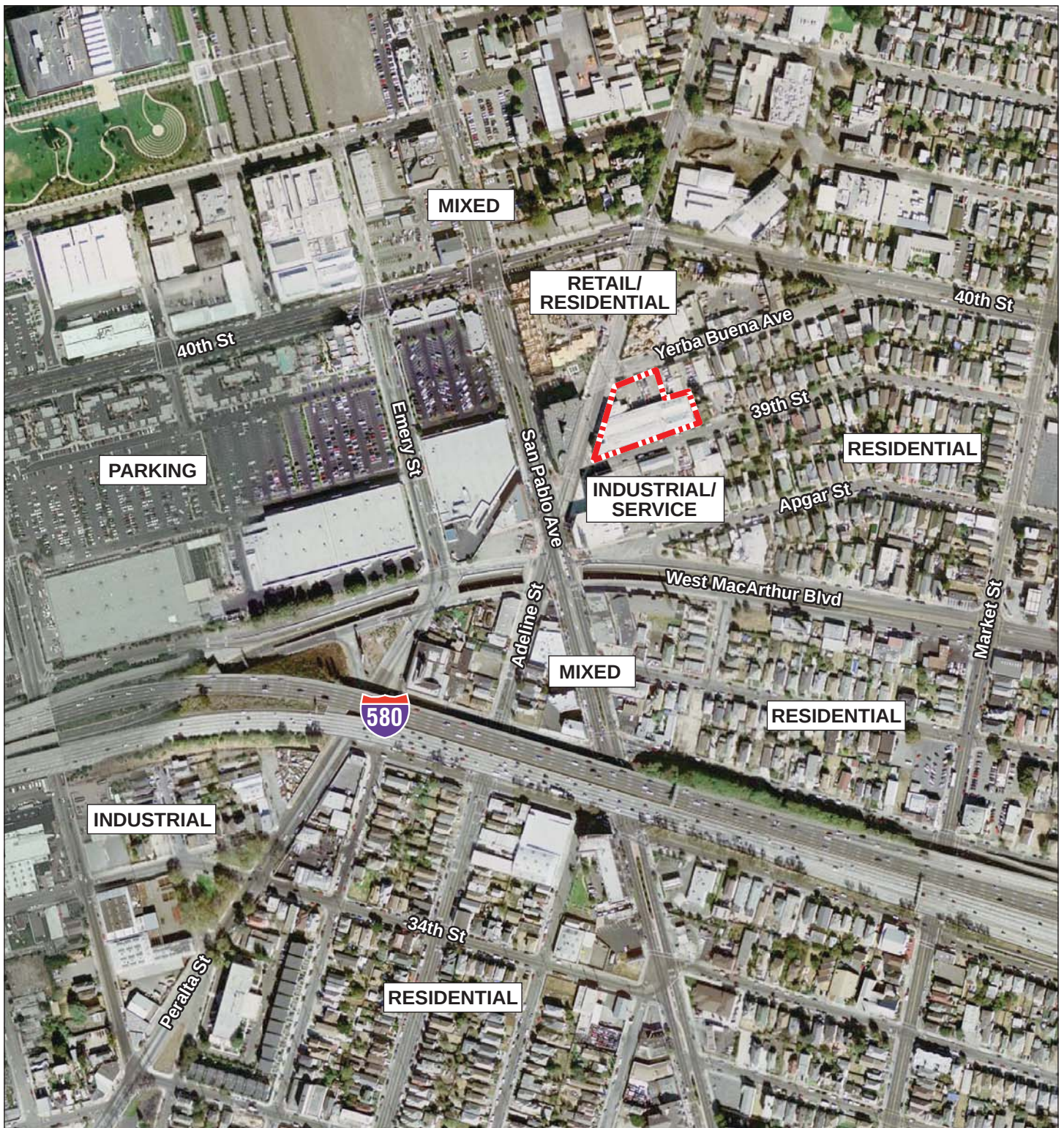
C. PROPOSED PROJECT

This EIR considers the environmental effects of the 39th and Adeline Mixed-Use Project. The following discussion provides a detailed description of the components of the project.

³ Ibid.

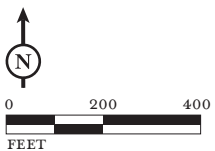
⁴ Ibid.

⁵ Emeryville, City of, 2006. Municipal Code, Title 9, Planning and Zoning, Article 67 "Demolition of Significant Structures." September.



LSA

FIGURE III-2



PROJECT SITE

39th and Adeline Mixed-Use Project EIR
Land Uses Around the Project Site

SOURCE: GOOGLE EARTH, 2007.

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The 39th and Adeline Mixed-Use Project would require the demolition of the structure currently on the project site, the construction four new buildings, an underground parking structure, and a courtyard. The new buildings would be three stories (plus mezzanine) above-grade. All buildings would be a maximum of 50 feet high.

The buildings would be designed with modern/industrial motifs typical of loft-style redevelopment projects in Emeryville and other cities in the Bay Area. The architecture would be characterized by metal elements, flat to sloping rooflines, and multi-portioned windows. Figure III-3 shows the proposed first and second floor plans for the proposed project, and Figure III-4 provides elevation views.

a. Residential. The proposed project would result in the development of 101 rental residential units in the four distinct buildings. Approximately 76 percent of the units would be studio or one-bedroom units. The residential units would include 41 studios (500 square feet), 36 one-bedroom units (680 square feet), 14 two- and three-bedroom units (785 square feet and 1,197 square feet, respectively), four live/work units (700 square feet), and six work/live units (700 square feet). Residential units would be located in the first, second and third above-grade floors, and mezzanine of the four structures, which would be connected by pedestrian bridges and corridors. The first floor of the buildings would contain all four live/work units, nine studios, eleven one-bedrooms, one two-bedroom unit, and two three bedroom units. In addition, the courtyard, multipurpose room, and building management space would also be located on the first floor. The second floor of the building would contain 4 work/live units, 16 studios, 14 one-bedroom units, and one two-bedroom unit. The third floor and the mezzanine levels would contain 16 studios, 11 one-bedroom units, seven two-bedroom units, and three two-story three bedroom units, in which the mezzanine would only contain the second levels of the two story units (10 lofts). The City of Emeryville requires that 20 percent of units be priced at affordable levels. It is assumed that 20 of the units would be within the City of Oakland (17 studio/one-bedroom units, two two-bedroom units, and one three-bedroom unit) and 81 of the units would be within the City of Emeryville (70 studio/one-bedroom units, seven two-bedroom units, and 4 three-bedroom units).

b. Retail Uses. The proposed project would contain 1,000 square feet of ground-level retail space located at the corner of Adeline Street and 39th Street. The proposed retail space would contain a café with a patio and outdoor seating.

c. Outdoor Space. Proposed outdoor space includes an interior courtyard surrounded by all four buildings. The courtyard, along with all other landscaped space on the site, would comprise approximately 18,067 square feet. The courtyard would be located on the ground floor, above the parking garage, and would contain decorative paving, planters, a lawn, garden sculpture, and a central water feature. The courtyard and outdoor pedestrian corridors would be planted with a variety of trees, shrubs, groundcover, perennials, grasses, and vines.

In addition, an outdoor patio would be located adjacent to the retail space at the corner of Adeline Street and 39th Street. The patio would be surrounded by a 30-inch high buffer wall, and would feature interlocking pavers and a water feature. Also, street trees would be planted along Yerba Buena Avenue, 39th Street, and Adeline Street frontages of the project site.

d. Architecture and Materials. The project consists of four distinct buildings arranged around a courtyard. The building with the largest footprint would bend around the corner of Adeline Street and 39th Street and would contain the proposed café and patio area. The buildings would be designed in the modern industrial style of many loft-style redevelopment projects throughout the Bay Area. The buildings would have flat to sloping rooflines, metal elements, and pedestrian level features, such as doorways and windows. Portions of the building would be set back, and would feature corrugated steel siding, aluminum frame windows, and recessed balconies with painted steel railings. The facade of the retail space would include large windows and pigmented concrete columns. All four buildings would be connected via painted steel bridges with hardwood decking.

In addition, doorways would be positioned along the northern, southern, and western perimeters of the project site. Also, a concrete wall would be built along the eastern boundary of the project site. All buildings would have a maximum height of 50 feet.

e. Site Access, Circulation, and Parking. Pedestrian access to the site would occur via a main entrance on Adeline Street with a doorway into the proposed retail space, and stairs and gates at the locations of the inter-building pedestrian crossings. Existing sidewalks along the Yerba Buena Avenue, 39th Street, and Adeline Street Frontages of the project site would remain as part of the project.

Vehicle access (both into and out of the site) would occur via a 20-foot-wide driveway at 39th Street, which would connect to the sub-grade parking garage. Entry into the driveway and parking garage would be regulated by a steel garage door. In addition, the project would include 119 parking stalls, including 11 designated guest parking spaces. However, according to the Emeryville Planning Code, 134 parking spots would be required for the project. As such, the project applicant would need to obtain a parking variance that would allow 108 residential and 11 guest parking spaces.

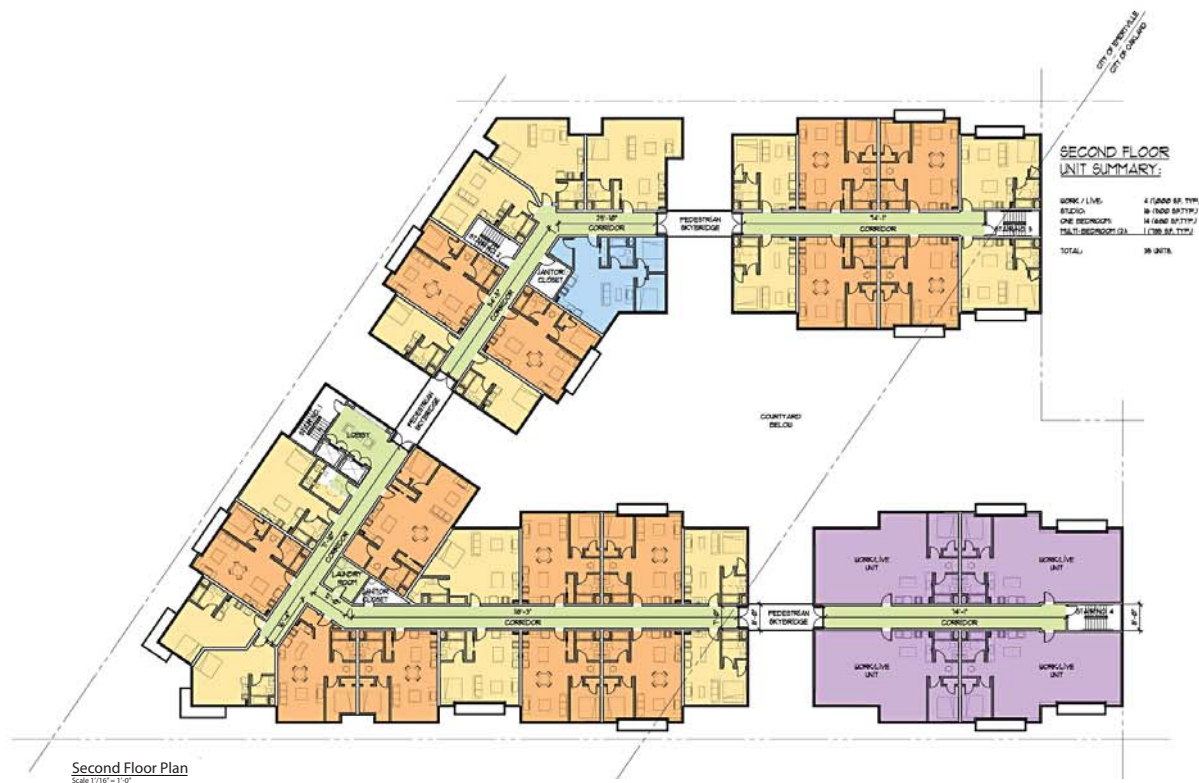
All of the parking on the site would be accommodated within a sub-grade parking garage. In addition, 12 bicycle storage lockers and 6 motorcycle parking spaces would be available inside the parking garage, along with utility and trash rooms. In addition, the applicant is proposing to stripe 13 parking spots along Yerba Buena Avenue, 39th Street, and Adeline Street, adding to the existing 15 spots (for a total of 28 on-street parking spaces).

f. Entitlements. Following is a discussion of the entitlements that would be requested as part of implementation of the proposed project.

(1) Conditional Use Permit (Emeryville). The project site is currently zoned for General Commercial (C-G) uses by the City of Emeryville. Under this zone, residential uses are not permitted without a conditional use permit.

(2) Parking Variance (Emeryville). The project site is located in Emeryville Zone C-G, which requires 1 parking space for every studio and one-bedroom apartment, 1.5 spaces for every two- and three-bedroom apartment and live/work or work/live unit, and 0.25 guest spaces per unit (excluding live/work or work/live units).⁶ As such, the Emeryville Municipal Code would require the project to include a total of 136 parking stalls, including 113 resident and 23 visitor stalls.

⁶ Emeryville, City of, 2004. *Municipal Code, Title 9, Planning and Zoning.*



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NOT TO SCALE

LEGEND

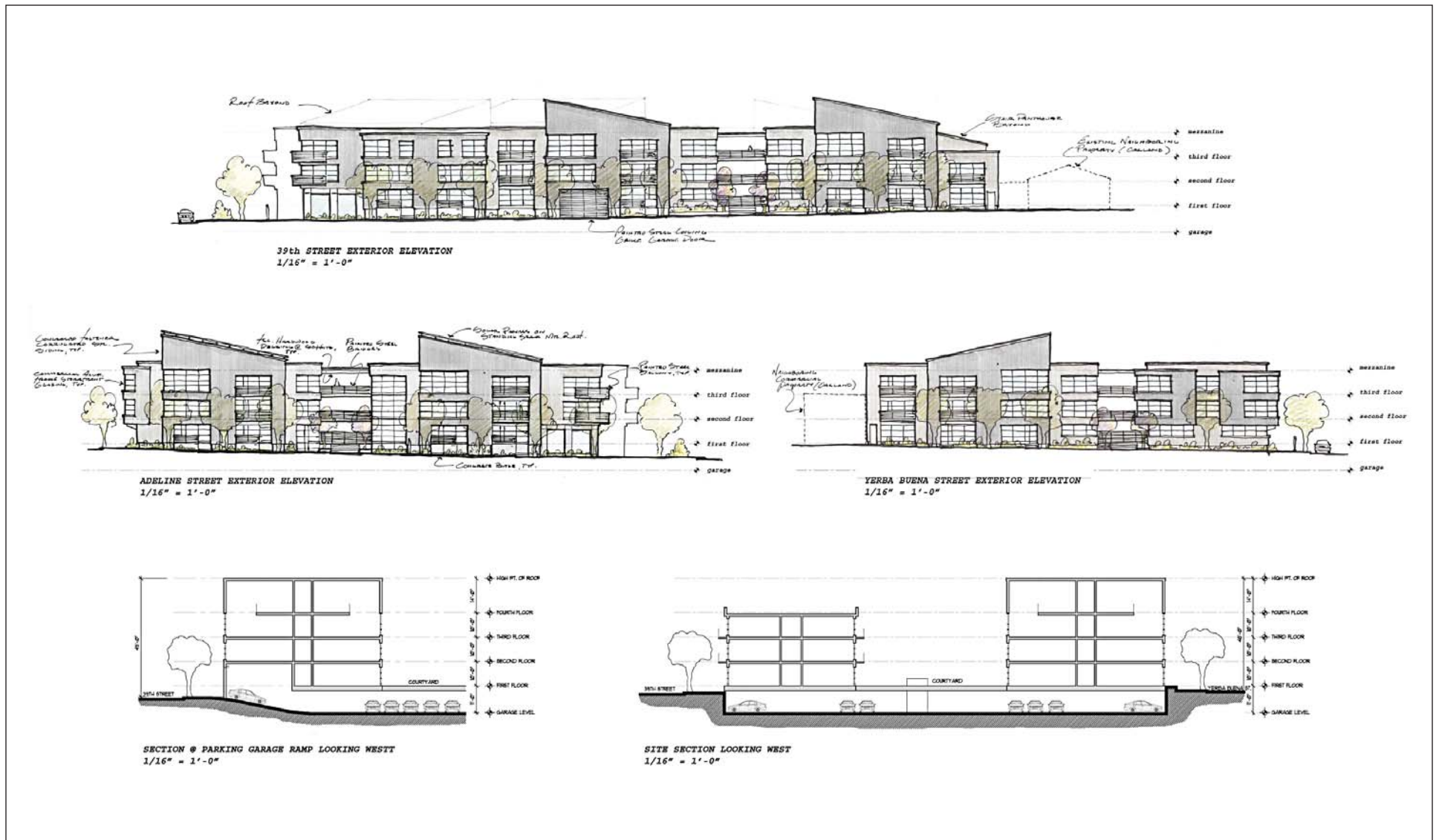
- COMMON AREA
- STUDIO
- ONE BEDROOM
- MULTI-BEDROOM UNIT
- LIVE WORK UNIT

FIGURE III-3

39th and Adeline Mixed-Use Project EIR
Floor Plans

SOURCE: MURAKAMI NELSON, 2007

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LSA

FIGURE III-4

39th and Adeline Mixed-Use Project EIR
Elevations

NOT TO SCALE

The proposed project would only include a total of 119 spaces (including 108 resident spaces and 11 visitor spaces), and would not meet the requirements of the Municipal Code. Consequently, a parking variance would need to be obtained from the City of Emeryville.

(3) Height Variance (Emeryville). Because the project site is in a 30-foot height district, and the proposed buildings would have a maximum height of 50 feet, a height variance would need to be obtained from the City of Emeryville.

(4) Major Conditional Use Permit (Oakland). The project site is currently zoned as Housing and Business Mix (HBX-2) by the City of Oakland. The purpose of this zone is to establish standards that allow residential and business activities to co-exist in a compatible manner and to provide a transition between industrial areas and residential neighborhoods.⁷ Under this zoning designation, the maximum residential density is 46.8 units per acre; however, the project would result in density of 91.7 units per acre. As such, the project applicant would need to get a conditional use permit from the City of Oakland.

(5) Minor Variance (Oakland). Possible minor variances, depending on final project design, may be required for open space, parking, and other development standards issues.

(6) Demolition and Building Permits (Emeryville). Emeryville would function as the lead agency for issuance of the demolition and building permits because most of the project site is located within Emeryville's jurisdiction.

(7) Design Review (Emeryville and Oakland). Both Emeryville and Oakland would review the project's design characteristics.

g. Utilities. The following discussion describes utilities that are proposed as part of the project.

(1) Stormwater Management. Minor drain inlets are proposed to collect surface runoff and prevent ponding. These inlets would connect to existing municipal storm drain lines.

(2) Sanitary Sewer Service. A 6-inch wastewater line is proposed to connect the project to the existing wastewater lines.

(3) Electric, Gas, Telephone and Cable Service. AT&T and Pacific Gas and Electric would provide telecommunications and energy services to the site. The project would connect to existing utility lines in the vicinity of the project site. In addition, the applicant is exploring the use of solar water heating as well as a utility connected photovoltaic electricity generating system (solar panels).

h. Demolition and Construction Phasing. Implementation of the proposed project would require the demolition of the existing building within the project site and the removal of debris. In addition, 11,590 cubic yards of soil would be removed from the site. The erosion control plan prepared for the project indicates that a silt fence or straw rolls would be placed around the perimeter of site slopes (resulting from excavation), and a sedimentation basin would be placed at each drain inlet to filter potentially polluted storm water.

⁷ Oakland, City of, 2007. Oakland Municipal Code, Title 17, Planning, Chapter 17.65 "HBX Housing and Business Mix Commercial Zone Regulations." April.

D. USE OF THIS EIR

It is anticipated that this EIR will provide environmental review for all discretionary approvals necessary for the proposed project. As described above, a number of permits and approvals would be required before the development of this project could proceed. A list of the required permits and approvals that may be required by the City of Emeryville and City of Oakland and other agencies is provided in Table III-1.

Table III-1: Required Permits and Approvals

Lead Agency	Permit/Approval
City of Emeryville	• Building Permit • Demolition Permit • Conditional Use Permit • Parking Variance • Design Review • Height Variance
City of Oakland	• Design Review • Major Conditional Use Permit • Minor Variance
Responsible Agencies	
East Bay Area Municipal Utility District (EBMUD)	• Approval of water line, water hookups and review of water needs; approval of wastewater hookups; sewer permit.
San Francisco Bay Regional Water Quality Control Board	• General construction permit.
Other Agencies and Service Providers	
AT&T	• Approval of communication line improvements and connection permits.
Pacific Gas & Electric (PG&E)	• Approval of electric/natural gas improvements and connection permits.
California Department of Toxic Substances Control (DTSC)	• Approval and oversight of hazardous material remediation, if required
Bay Area Air Quality Management District (BAAQMD)	• Permitting of asbestos and lead abatement activities.

Source: LSA Associates, Inc., 2006.

A. LAND USE

This section describes existing land uses at and in the vicinity of the project site, and evaluates the compatibility of proposed land uses with existing land uses. Potential land use impacts that would result from development of the proposed project are identified, and mitigation measures are recommended, as appropriate. The project's consistency with land use planning policies is discussed in Chapter IV.B, Planning Policy.

1. Setting

This section discusses existing and planned land uses in and around the project site.

a. Existing Conditions and Land Use at the Project Site. The approximately 1.12-acre project site is located along Adeline Street between Yerba Buena Avenue on the north and 39th Street on the south, and consists of five parcels (APNs: 012-953-027, 012-953-031, 012-953-032, 012-953-033, and 012-953-034). The site straddles the City of Oakland/City of Emeryville border; the western three quarters of the site are located in the City of Emeryville; the eastern quarter of the site is located in Oakland.

The project site currently contains a brick building that originally was used for manufacturing, as well as a parking and service area in the northern part of the site along Yerba Buena Avenue. Though it is essentially one building, it consists of three distinct parts. The main, corner building at Adeline and 39th extends halfway up Adeline and is mostly a one-story building, though it extends to two-stories at the corner of Adeline and 39th. The east end of the 39th Street façade extends six bays in length. This part of the building matches the main building's façade, though it is simpler than the main building and may have been built separately.¹ Standard Beverages, Ltd. originally occupied the building, which was constructed in phases between 1917 and 1924. Current building occupants include Oriental spa, a T-shirt silk-screener, a hair studio/salon, and a vintage automobile restoration service.

b. Existing Land Use at the Project Site Vicinity. The site is bordered by Yerba Buena Avenue and multi-family residential and offices uses to the north; industrial and single-family residential uses to the east; 39th Street and miscellaneous industrial uses to the south; and Adeline Street and mixed uses to the west. Existing land uses at the project site vicinity are shown in Figure IV.A-1, and are described in more detail below.

(1) North of the Project Site. The area north of the project site contains a mix of retail and residential uses. A three-story loft-style residential building (Key Route Lofts) is located just north of the project site, across Yerba Buena Avenue on Adeline Street. A four-story residential development (Avalon) with an associated multi-level parking garage sits just northwest of the project site across Adeline Street. The area further north along Adeline Street and San Pablo Avenue includes a mix of retail and residential development,



Photo V.A-1: View looking north along Adeline Street. The project site is on the right.

¹ Preservation Architecture, 2006. "3900 Adeline Street: Existing Building Evaluation." November 6.

with some older light industrial buildings to the northeast. A significant amount of mixed-use and residential development along San Pablo Avenue and Adeline Street is three or four stories high and was constructed in the last decade. Residential uses further to the northeast are predominantly older single- and multi- family detached homes, between one and three stories high.

(2) East of the Project Site. The area east of the project site along the north-facing side of Yerba Buena Avenue, 39th Street, and Apgar Street (one block south of 39th Street) consists predominantly of detached single- and multi-family homes. These homes form the western portion of a medium-density residential neighborhood that extends east to Highway 24, with several small-scale light industrial and commercial uses scattered in between. Oakland Military Institute, a school, is located at Lusk Street and 39th Street, 0.4 miles east of the project site.



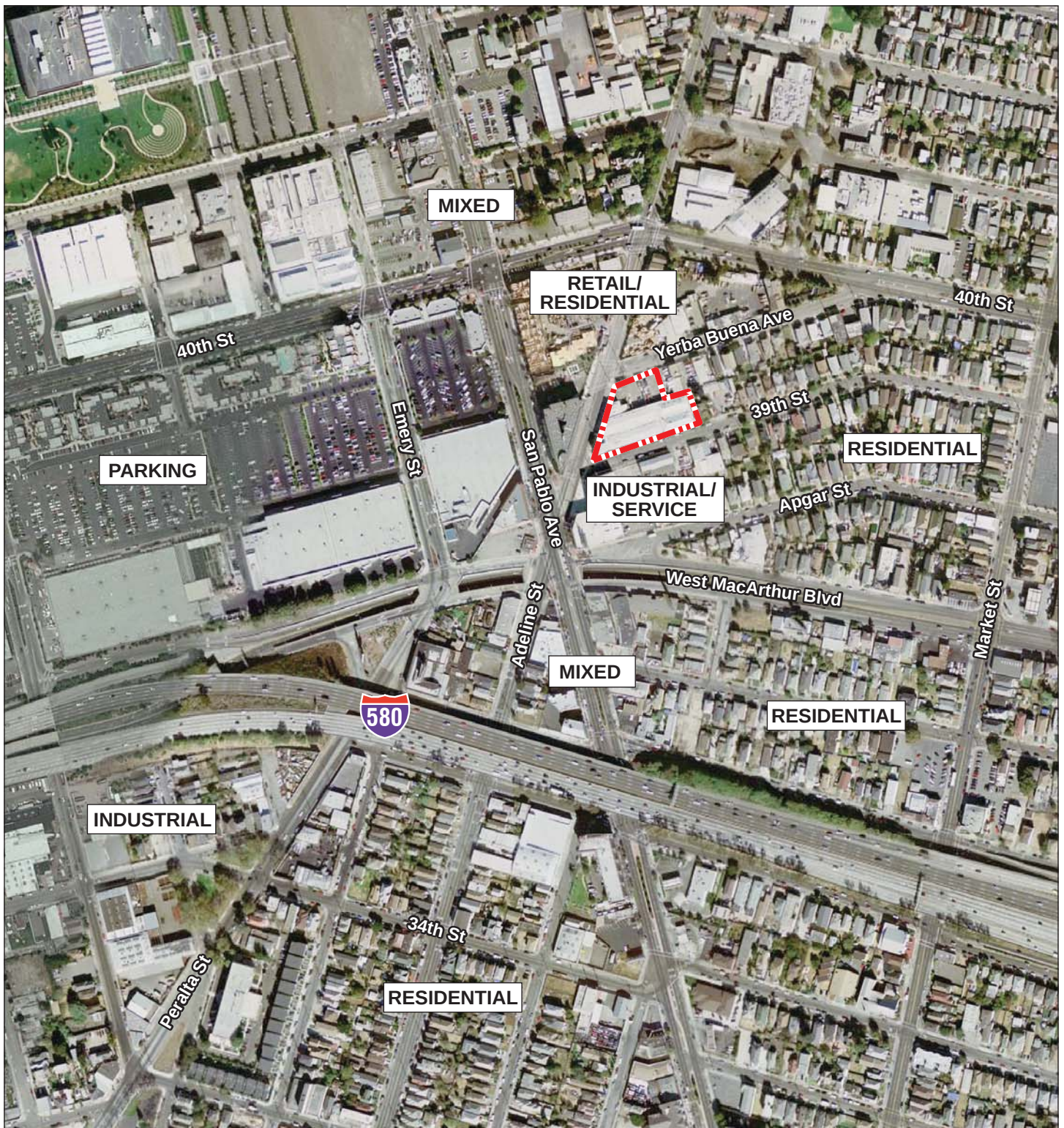
Photo V.A-2: View southwest from the project site, across Adeline Street and San Pablo Avenue.

(3) South of the Project Site. The area south of the project site is a mix of light industrial and residential uses. An auto repair service, auto center, and other miscellaneous service uses lie just to the south of the project site along Adeline Street. Residential uses to the south of West MacArthur Boulevard, which is one block south of the project site, include a mix of one- to three-story single- and multi-family detached homes, as well as larger multi-family developments. San Pablo Avenue south of the project site is lined with a mixture of land uses.



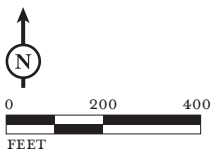
Photo V.A-3: View of residences east of the project site, down 39th Street.

(4) West of the Project Site. A four-story structure with ground-floor retail space and residential uses on the top three floors is located directly west of the project site on Adeline Street. Uses to the west of this building are predominantly large-scale retail with associated street-level parking lots. A few single- and multi-family homes lie south of the retail center, abutting the northern edge of Interstate 580.



LSA

FIGURE IV.A-1



PROJECT SITE

39th and Adeline Mixed-Use Project
Land Uses Around the Project Site

SOURCE: GOOGLE EARTH, 2007.

I:\CEM0702 39th-Adeline\figures\EIR\Fig_IVA1.ai (11/29/07)

c. **Planned Projects in the Project Site's Vicinity.** A number of parcels in Emeryville² and Oakland³ are undergoing redevelopment or anticipated to be redeveloped in the near future. Projects that are within ½-mile of the project site are summarized below.

- *Oak Walk Mixed Use Project* (4002 San Pablo Avenue in Emeryville, 0.2 miles northwest of the site). This mixed-use project would consist of 5,500 square feet of retail space and up to 62 residential condominiums, including construction of a new four-story building with a podium-level courtyard and 113 at-grade parking spaces. This project is currently under construction.
- *Ambassador Site* (1168 36th Street in Emeryville, 0.2 miles southwest). This project would construct 55 for-sale affordable residential units. The Emeryville Planning Commission approved the project in December 2004.
- *Arts and Cultural Center* (4060 Hollis Street in Emeryville, 0.5 miles west). This project would be the Space for Celebration of Arts, including space for performing arts and the Historical Society. This project is in the planning stage.
- *Emeryville Center of Community Life* (site to be determined). This project involves the construction of a multi-purpose community facility, including arts, recreation, education, and community support space. Environmental review and planning approvals are anticipated in 2008 to 2009.
- *Bakery Lofts Phase IV* (53rd Street and Adeline Street in Emeryville, 0.5 miles northeast). This project would develop 18 residential loft units and a 1,450 square-foot café. The City of Emeryville approved the project in November 2007.
- *Flatiron Building* (3645 San Pablo Avenue in Emeryville, 0.2 miles south). This project would redevelop the existing building as 3,000 square feet of retail space. The City Council approved the project on March 6, 2007.
- *MacArthur San Pablo Mixed Use* (San Pablo Avenue/MacArthur Boulevard/37th Street in Emeryville and Oakland, 0.2 miles south). This project would develop 94 residential units and 5,800 square feet of retail space. The City of Emeryville approved the project in December 2007 and the City of Oakland approved the project in January 2008.
- *4520 San Pablo Townhouses* (San Pablo Avenue and 45th Street in Emeryville, 0.4 miles northwest). This project would develop 29 residential units. The Planning Commission approved the project in 2006.
- *Adeline Place ("Check Cashing")* (San Pablo Avenue/West MacArthur Boulevard/Adeline Street in Emeryville, 0.1 miles southwest). This project would develop 36 residential units and 2,400 square feet of retail space. The project is under construction.
- *Salem Manor* (4333 Salem Street in Emeryville, 0.4 miles north). This project would include three new condo units in detached two-story structures. This project is under construction.

² Emeryville, City of, 2007. City of Emeryville Planning and Building Department: Status of Major Development Projects – City of Emeryville. Website: www.ci.emeryville.ca.us/planning. August.

³ Oakland, City of, 2007. City of Oakland Community and Economic Development Agency: Active Major Development Projects; Sept-Oct. 2007. Website: www.oaklandnet.com/government/ceda. October.

- *Vue 46 ("46th Street Lofts")* (Adeline between 45th Street and 46th Street, 0.4 miles north). This project would redevelop an existing industrial building as 79 residential loft units. This project is near completion.
- *3250 Hollis* (3250 Hollis Street in Oakland, 0.5 miles southwest). This project would redevelop the entire block with 46 live/work units and 74 residential units. An extension for the project was granted in December, 2006.
- *Hollis 34* (3241 Hollis Street in Oakland, 0.5 miles southwest). This project would redevelop the entire block with 124 live/work units. The City of Oakland Planning Commission approved this project in October, 2006.
- *898 41st Street* (989 41st Street in Oakland, 0.3 miles northeast). This project would consist of 48 residential units. The project was approved in August, 2007.
- *46th Street Lofts (formerly Flecto Project)* (47th Street and Adeline, in Oakland and Emeryville, 0.5 miles northeast). This mixed-use project would redevelop the former Flecto building into 79 residential units and 3,000 square feet of commercial space. The project is under construction.
- *Green City Loft Project* (41st and Adeline in Oakland and Emeryville, 0.2 miles northeast). This project would redevelop a former office/warehouse site into 62 residential loft units. The project has been completed.

2. Impacts and Mitigation Measures

The following section presents a discussion of the impacts related to land use that could result from implementation of the proposed project. The section begins with the criteria of significance, establishing the thresholds to determine whether an impact is significant. The latter part of this section presents the land use impacts that would result from the proposed project.

a. Thresholds of Significance. The proposed project would have significant land use and planning impacts if it would:

- Physically divide an established community;
- Result in a fundamental conflict between adjacent or nearby land uses;
- 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; or
- Fundamentally conflict with any applicable habitat conservation plan or natural community conservation plan.

b. Less-than-Significant Land Use Impacts. Implementation of the proposed project would result in the following less-than-significant land use impacts.

(1) Divide an Established Community. The physical division of an established community typically refers to the construction of a physical feature (such as an interstate highway or railroad tracks) or removal of a means of access (such as a local road or bridge) that would impair mobility within an existing community, or between a community and outlying areas.

The proposed project is located in an urban area on five developed parcels that currently contain one former manufacturing building and a parking and service area. Redevelopment of the site would result in the removal of the existing building and associated parking and service area. Construction of the proposed project would result in the development of four three-story (plus mezzanine) buildings. The building with the largest footprint would bend around the corner of Adeline Street and 39th Street and would contain the proposed café at its point (i.e., the intersection of Adeline Street and 39th Street).

No new roadways would be constructed to accommodate the project, though it would stripe 13 new on-street parking spaces along Yerba Buena Avenue, 39th Street, and Adeline Street. The café would include a patio and outdoor seating. While the café's extension into the sidewalk could slightly alter pedestrian flow, it would likely enhance the pedestrian environment along the project site and open up the storefront to the street.⁴ No substantial physical barriers would be developed on the project site that would impede access to and around the site, and no existing vehicular access would be permanently removed. Construction of the proposed project would not result in the impediment of access between the commercial area west of Adeline Street and the predominantly detached single- and multi-family homes to the east of the project site. Furthermore, the project's bulk would be similar to other residential and mixed-use development along Adeline Street and in the vicinity of the site. Therefore, the proposed project would not divide an established community.

(2) Compatibility with Surrounding Land Uses. As described above, the project site is located in an urban area characterized by a mix of commercial, residential, and light industrial uses. The site is bordered by Yerba Buena Avenue and multi-family residential and offices uses to the north; industrial and single-family residential uses to the east; 39th Street and miscellaneous industrial uses to the south; and Adeline Street and mixed uses to the west.

The proposed project would result in the development of four three-story (plus mezzanine) residential buildings with one ground-level café on the corner of 39th Street and Adeline Street. The project's schematic design suggests that it would be similar in height and bulk to the four-story residential building with ground-floor retail directly west of the project site across Adeline Street, as well as to the three-story residential building north of the project site across Yerba Buena Avenue. Many other planned or newly-constructed projects along Adeline Street and San Pablo Avenue to the north, west, and south of the project site share a similar height and bulk, and mix of residential and commercial uses.

The project would place new residences and a café adjacent to an auto repair service immediately south of the project site, on the corner of 39th Street and Adeline Street. However, these auto repair uses are of low intensity and are not grossly incompatible with residential uses.

The proposed project would increase the intensity of uses on the site, particularly in the context of the one- and two-story detached homes to the east along 39th Street and Buena Vista Way. Because the project would provide a mix of residential and commercial uses, it would serve as a buffer between the residential neighborhood to the east of Adeline Street and the large-scale retail centers to the west

⁴ For a comparison between existing and proposed aesthetic and cultural resources on the project site, please refer to Section IV.C, Cultural and Paleontological Resources for a discussion of the project's potential effects on the historic character of the neighborhood.

of San Pablo Avenue. The ground-level café would be compatible with the predominantly residential neighborhood to the east, and would enhance commercial activity and the pedestrian experience along Adeline Street. It is not expected that noise or odors from the café would be perceptible at the existing residential uses. In addition, trees would be planted along all streets adjacent to the project site. The project's eastern-most buildings would be only two stories high with a setback of approximately four and one-half feet, which would create a transition into the smaller-scale residential area to the east of the site.

For the reasons described above, the proposed project would be mostly compatible with surrounding land uses, and would not result in a significant adverse impact on the area's mixed-use character.

(3) Conflict with Land Use Policy. Conflicts between the project and applicable policies do not constitute significant physical environmental impacts in and of themselves. A policy inconsistency is considered to be a significant adverse environmental impact only when it is related to a policy adopted for the purpose of avoiding or mitigating an environmental effect and it is anticipated that the inconsistency would result in a significant adverse physical impact. Section IV.B, Planning Policy discusses the project's conformance with applicable plans or policies adopted for the purposes of mitigating an environmental effect. As described in Section IV.B, the proposed project would not substantially conflict with any such applicable plans or policies. As such, development of the proposed project would result in a less-than-significant impact on adopted land use plans and policies.

(4) Habitat Conservation Plan/Natural Community Conservation Plan. The very urbanized project site is not subject to the provisions of a Habitat Conservation Plan or Natural Community Conservation Plan (HCP/NCCP).

c. Significant Land Use Impacts. Implementation of the proposed project would not result in any significant land use impacts.

B. PLANNING POLICY

This chapter addresses the proposed project's consistency with land use planning policies of the City of Emeryville and the City of Oakland. Policy conflicts are not in and of themselves considered significant environmental impacts under CEQA if they would not result in physical environmental impacts. Potential conflicts between proposed and existing land uses in the vicinity of the project site are addressed in Section IV.A, Land Use. Other local, regional or State plans and policies, such as those relating to cultural resources or transportation, are discussed in those sections of this EIR.

The primary City of Emeryville documents regulating land use within and around the project site are: the 1993 General Plan, including the 2001 Housing Element; the Zoning Ordinance; the 1976 Emeryville Redevelopment Plan; and the 1998 Bike and Pedestrian Plan. A summary of the purpose and major components of each of these plans is provided below, followed by a discussion of the proposed project's consistency with applicable policies. The primary City of Oakland documents regulating land use within and around the project site are: several elements from the General Plan (the 1998 Land Use and Transportation Element, the 2004 Housing Element; the 2002 Pedestrian Master Plan, the 2007 Bicycle Master Plan; the 1996 Open Space, Conservation, and Recreation Element, and the 1994 Historic Preservation Element); the Planning Code; and the Sustainable Community Development Initiative.

1. Applicable City of Emeryville Regulatory Documents.

The following section summarizes the relevant plans, policies and regulations adopted by the City of Emeryville that are applicable to the proposed project.

a. Emeryville General Plan. The Emeryville General Plan (General Plan), which was adopted in 1993, "...consists of a series of policy statements (in text and map form) regarding the future of the city. It focuses on issues which may be affected, to varying degrees, by actions of the city government... As its name implies, it is not a specific blueprint of what the city should be. Rather, it attempts to establish a generalized framework to guide city change, looking some 15 years into the future."

The Emeryville General Plan includes each of the seven required topical areas within three chapters. These three chapters are organized broadly and include:

(1) Community Development: This chapter provides policies related to where people live and work, how they travel around town, what services are provided to improve the community's quality of life, and how the aesthetic of structures, roadways, and the community are integrated to create a cohesive community identity. Specifically, Community Development policies are provided under the following topical headings: housing; economic development; circulation; public facilities and services; land use; and community design. In accordance with Government Code Section 65580, housing policy provided in the General Plan was last updated in 2001, and is a stand-alone Housing Element.

(2) Environmental Resources: Policies provided in this chapter address natural and human-built resources, including those related to air quality, energy, water, biological resources, and cultural and historic resources.

(3) Public Health and Safety: Policies in this chapter address health and safety hazards, and help plan for emergencies. Policies in this chapter are organized under the following topics: geotechnical hazards; flood hazards; noise; hazardous materials; fire and crime; and emergency preparedness.

(4) Land Use Policies. The General Plan Land Use Plan provides a land use designation for each parcel within the City's corporate limits, ranging from residential to industrial uses. Six land use designations are provided for on the General Plan Land Use Plan, as summarized in the Table IV.B-1. The proposed project's General Plan land use designation is Commercial (Figure IV.B-1).

The site is located in the Triangle Neighborhood, as depicted on the General Plan Neighborhoods and Districts Map.¹ Commercial Districts include a range of commercial activities, such as small business serving local neighborhoods, regional retail centers, and administrative offices. However, residential uses are encouraged in some Commercial Districts where offices are the predominant commercial use.²

The General Plan Building Intensity Map depicts the maximum floor area ratio (FAR) for non-residential development for the portion of the project site that lies within Emeryville as 0.7 (allowing up to 70 percent of the project site area to be covered with non-residential floor area), as depicted in Figure IV.B-1 on the following page.³ According to the General Plan Building Heights Map, the maximum building height on the project site is 30 feet.⁴

For residential development on the project site, General Plan policy states that the "bulk of residential development in Emeryville should be of medium density,"⁵ which is defined on the Land Use Plan as

Table IV.B-1: General Plan Land Use Designation Descriptions

General Plan Land Use Designation	Description
Medium Density Residential	Attached single- and multiple-family residential units at a density of 20 to 45 dwelling units per acre/
High Density Residential	Attached multiple-family residential units at a density of 45 or more dwelling units per acre.
Commercial	Uses which serve the needs of the general public such as dry cleaners, restaurants, retailers, and auto dealers. Residential uses are encouraged in some Commercial areas.
Mixed Use	A mixture of commercial, office, residential, industrial, lodging, and civic uses within one building or function as one development within separate buildings.
Industrial	The General Plan states that in areas designated for industrial uses, "a variety of uses [ranging] from heavy manufacturing to research and development and arts and crafts may function efficiently side by side. In certain locations, residential uses may also be acceptable."
Open Space	Areas typically used for passive or active recreation, either for private or public use, such as parks, pedestrian corridors, balconies/patios, and plazas.

Source: Emeryville General Plan, 1993; LSA Associates, 2007

¹ Emeryville, City of, 1993. *Emeryville General Plan: Neighborhoods and Districts Map*. March 2.

² Emeryville, City of, 1993. *Emeryville General Plan*. March 2.

³ Emeryville, City of, 1993. *Emeryville General Plan: Building Intensity Map*. March 2.

⁴ Ibid.

⁵ City of Emeryville, 1993. *Emeryville General Plan, Community Development Chapter, Land Use Policy 6*, p. 22.

Figure IV.B-1: Emeryville General Plan Land Use Designations

8.5 x 11 color

Back of IV.B-1

20 to 45 dwelling units per acre.⁶ However, there is no prescribed residential or commercial density on the project site.

The General Plan provides long range policy direction intended to guide City decision making in the form of goals, objectives, policies, implementation measures, and programs. Goals are broad, generalized expressions of community held values and objectives are subsets of individual goals that are more narrowly defined and represent concrete expressions of community intent. One goal may encompass two or more objectives, each responsive to a particular aspect of the more broadly stated goal. Policies are fairly precise statements that indicate how public regulatory powers and fiscal resources should be allocated over time to achieve specific objectives. Implementation measures provided direction, generally to the City, itself, to take specific action to ensure the enactment of policies. Programs provide the same function as implementation measures, but are only found within the 2001 Housing Element document.

Table IV.B-2, located at the end of this section, provides the goals, objectives, policies, implementation measures, and programs applicable to the proposed project and site. As indicated, goals, objectives, policies, implementation measures, and programs that are applicable to discrete environmental topics (e.g., cultural resources, transportation) are discussed in those topical EIR sections in Chapter IV.

b. Emeryville Zoning Ordinance. The following section provides a general description of the Emeryville Zoning Ordinance, including Zoning Ordinance standards that are applicable to the proposed project. The section concludes with an analysis of the consistency of the proposed project with applicable Zoning Ordinance standards.

The Emeryville Zoning Ordinance (Zoning Ordinance) was adopted on September 6, 1988, and most recently amended in 2006. The purpose of the Zoning Ordinance is to serve the public health, safety, and general welfare of Emeryville residents and employees, and to implement the General Plan, including the following objectives:

- To encourage the most appropriate use of land and the harmonious relationship among land uses;
- To promote a safe and efficient traffic circulation system;
- To provide open spaces for light and air;
- To prevent the overcrowding of land and the undue concentration of population, and to secure safety from fire and other dangers;
- To facilitate the provision of needed community facilities;
- To conserve and stabilize the value of property; and
- To conserve the City's natural beauty, to improve its appearance, and to enhance its physical character.

The portion of the project site situated in Emeryville is currently zoned General Commercial (C-G), as depicted in Figure IV.B-2 on page 37 of this chapter. Permitted uses in a C-G District include a wide variety of civic and commercial uses. Residential uses are conditionally permitted, as are many

⁶ City of Emeryville, 1993. Emeryville General Plan, Figure 1: *Land Use Plan*.

other civic and commercial uses not on the list of always-permitted uses. Industrial uses are excluded from C-G Districts. Article 22, C-G General Commercial District, includes the following regulations:

- *Density and Height:* There is no maximum density for C-G Districts. According to the General Plan Building Heights Map, the maximum permitted height on the project site is 30 feet.⁷
- *Permitted Uses:* Civic and commercial uses are permitted by right; residential uses are conditionally permitted. The work activity associated with a live/work unit must be permitted by the regulations of the C-G District.
- *Floor-Area Ratio:* The maximum permitted floor-area ratio (FAR) for nonresidential structures in a C-G zone is 0.7. There is no maximum FAR for residential structures in a C-G zone. Not more than 50 percent of the floor area of each live/work unit may be devoted to living area in C-G districts.
- *Lot Size:* There is no minimum building site area in a C-G District.
- *Open Space:* There is no minimum open space requirement for permitted uses in C-G Districts. There is a minimum of 36 square feet of private or common usable outdoor recreation or landscaped open space for every conditionally permitted residential unit,⁸ including live/work units.⁹
- *Parking:* The following parking requirements apply to C-G Districts: 1 off-street parking space for each studio or one-bedroom residential unit; 1.5 off-street parking spaces per two- or three-bedroom unit; 1.5 off-street parking spaces per live/work unit or per 1,000 net square feet of live/work space, whichever is greater; 1 off-street loading area provided for every 50,000 square feet of live/work space; 0.25 guest spaces per residential unit of any kind; 1 space per 125 square feet of Full Service Eating/Drinking Establishments, including cafes.
- *Setbacks:* There are no required setbacks.

In September 2006, the Emeryville City Council adopted ordinance 06-013, which included an amendment to the Municipal Code (Sections 9-4.67.1 through 9-4.67.9). The purpose of the amendment is to require City Council approval prior to moving, removal, or demolition of a “significant structure.” A significant structure is one that is at least 50 years old and is “a prominent structure that is emblematic of Emeryville and important to the history of Emeryville” or a structure that has five of the following features in its street façade(s).¹⁰

- Predominantly brick, poured-in-place concrete or wood;
- Windows and doors covering at least 30 percent of a street façade;
- Repetitive rhythm or symmetry as defined by window and door openings on most of a façade;

⁷ In Emeryville, site development “density” requirements are specified in the General Plan.

⁸ Emeryville, City of, 1996. *Emeryville Zoning Ordinance. Article 57. Multiple-Use Development Regulations.* February 13.

⁹ Emeryville, City of, 1996. *Emeryville Zoning Ordinance. Article 58. Live/Work Regulations.* February 13.

¹⁰ Although ordinance 06-013 provides an added layer of protection to certain buildings over 50 years old, it is not a historic preservation ordinance.

Figure IV.B-2: Emeryville Zoning Designations

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Back of Figure IV.B-2

Multi-paned windows (at least half of the windows having panes measuring no more than 3 feet by 4 feet);

- Window sills protruding from walls;
- Window frames at least 4 inches wide on more than half of the windows (such as wood frames or brick pattern on all sides of windows);
- Roofline with varied heights or angled or curved shapes at street front;
- Decorative bas relief, concrete inlays, ironwork, stained glass, tiles or other decorative features;
- Walls with horizontal articulation such as columns, curves or recesses of at least 1 foot;
- Walls with vertical articulation such as cornices;
- Varied patterns in the predominant cladding material;
- Major entrance on the street; and
- Arches or angles over the main entrance.

If a non-residential structure meets the above criteria, the City Planning Commission is required to review a proposed project that may affect the significant structure and recommend that the project be approved, conditionally approved, or denied. The Planning Commission is then required to forward its recommendation to the City Council, to make a final determination on a proposed application for demolition or removal of the significant structure.

This ordinance also provides for the creation of an inventory of Significant Structures. Under the authority of the Planning Director, structures that meet the criteria listed above that reside outside of the Park Avenue District (located northwest of the project area) shall comprise the inventory. Any structure that meets the criteria, regardless of whether it has been inventoried, shall be subject to the ordinance.

The Standard Beverages Limited Building contains all of the features indicative of “significant” buildings, pursuant to Ordinance 06-013. Thus the building is considered “significant.” However, as noted above, Ordinance 06-013 is not a historic preservation ordinance. Therefore, the significance designation of the building does not in and of itself make the Standard Beverages Limited building a historic resource.

c. Emeryville Redevelopment Plan. The Emeryville Redevelopment Plan (Plan), initially adopted in 1976 and amended in 1994, was established to provide a mechanism to eliminate existing physical, social, and economic blight and improve the physical, social, and economic fabric of the City. The Plan was enacted for a 50 year period, through 2026, at which time the Redevelopment Agency (Agency) would no longer receive the additional tax increment for the established redevelopment project area.¹¹

Implementation of the Plan is the responsibility of the Agency. The Agency achieves the Plan’s objectives through the following techniques:

¹¹ Emeryville, City of, 1976. *Emeryville Redevelopment Plan*. Amended March 15, 1994.

- Rehabilitation, revitalization, and relocation of existing structures
- Participation of owners and business tenants in Owner Participation Agreements.
- Acquisition of real property.
- Installation, construction, or reconstruction of streets, sidewalks, parking, utilities, landscaping, and other on-and off-site public improvements, and provision of open space and recreational uses.
- Redevelopment of land by private enterprise or public agencies for use in accordance with the Plan.
- Relocation assistance to displaced residential and nonresidential occupants.
- Demolition or removal of buildings and improvements.
- Disposition of property for uses in accordance with the Plan, which are those consistent with the General Plan and Zoning District designations.

The project site is located within Subarea II of the Plan, which is generally bounded by a line parallel to and approximately 400 feet south of Park Avenue, and on the south and east by the Emeryville-Oakland city limit. Redevelopment of Subarea II is envisioned in the Plan to: “eliminate the extensive mixed uses and deteriorating physical quality of the improvements in the area.” The Neighborhood Impact Statement in the Plan further specifies that in light of higher-than-average crime rates, physical deterioration, and an incompatible mixture of commercial and residential uses, redeveloping Subarea II as a primarily commercial area “will have substantial economic and social benefits to the entire community and will eradicate an intensifying blight within the City of Emeryville.” The Plan identifies the potential need to relocate some existing businesses and residents in order to achieve long-term economic and social benefits.

Subarea II of the Plan, more specially, aims to achieve redevelopment objectives by allowing the Agency to:

- Undertake a comprehensive study of this area.
- Provide the opportunity for new commercial development within the area which will stabilize the economic and physical deterioration in the area as well as provide new employment opportunities.
- Provide an attractive and identifiable “gateway” to the southeastern entrance to the City.

d. Emeryville Bike and Pedestrian Plan (1998-2010). The Emeryville Bike and Pedestrian Plan (July 1998) “sets forth a bicycle and pedestrian network to provide access to all parts of the City, transit hubs, and neighboring cities” and “also seeks to make cycling more convenient and enjoyable through improved bicycle parking, bicycle detectors in traffic signals, and signs.” The Bicycle and Pedestrian Plan calls for connecting the Class II bike lanes on Adeline Street, 40th Street, and Emery Street to City of Oakland bikeways at Adeline Street/53rd Street and along 40th Street (to the MacArthur BART station).

2. Applicable City of Oakland Regulatory Documents

The following section summarizes the relevant plans, policies and regulations adopted by the City of Oakland that are applicable to the proposed project.

a. **City of Oakland General Plan.** The City of Oakland General Plan (General Plan) is a comprehensive plan for growth and development of the City. The General Plan includes policies related to: land use and transportation; open space, conservation and recreation; housing; historic resources; noise; and bikes and pedestrians. These topics are addressed within individual elements of the General Plan.

(1) **Land Use and Transportation Element.** The Land Use and Transportation Element¹² (LUTE) was adopted in March 1998 and addresses land use and transportation issues. In order to accomplish a more integrated planning process that incorporates City-wide infrastructural needs with neighborhood decision-making, the LUTE includes general development policies for the City, in addition to district-specific policies. The overriding vision for the City that is outlined in the LUTE involves creating: “clean and attractive neighborhoods rich in character and diversity, each with its own distinctive identity, yet well-integrated into a cohesive urban fabric” in addition to “a diverse and vibrant downtown with around-the-clock activity.” An analysis of LUTE policies that are applicable to the project is provided in Table IV.B-1.

The LUTE includes land use designations for all land within the City of Oakland. The land use designation for the portion of the project site in Oakland is Mixed Housing Type Residential, as is shown in Figure IV.B-3. This classification is primarily used in the older, more established neighborhoods in Oakland where a mix of small-scale housing types and neighborhood-serving businesses predominates. The LUTE describes the Mixed Housing Type Residential classification as follows:

- *Intent:* Create, maintain, and enhance those residential areas typically located near the City’s major arterials that are characterized by a mix of single family homes, townhouses, small multi-unit buildings, and neighborhood businesses where appropriate.
- *Desired Character and Uses:* Residential, with live-work types of development, small commercial enterprises, schools, and other small scale, compatible civic uses.
- *Intensity/Density:* Single family homes, townhouses, and small multi-unit buildings are allowed. Maximum allowable density is 30 principal units per gross acre. There are some areas within this classification that are low density housing. These areas should be preserved through appropriate zoning designations.
- *Policy Framework Basis for the Classification:* Neighborhood Goals; Neighborhood Objectives N2, N3, N6, N7, N8, N10, N11 and related policies; Waterfront Objectives W8, W12, and related policies; Downtown Objectives D1, D10, and related objectives.

(2) **Housing Element.** The Housing Element¹³ of the General Plan was adopted by the City Council on June 15, 2004. California law requires that each city and county adopt a housing element that includes: an assessment of housing needs; a statement of the community’s goals, objectives and policies related to housing; and a 5-year schedule of actions to implement the goals and objectives of the housing element. An analysis of the key Housing Element policies that are applicable to the project are provided in Table IV.B-2 at the end of this section.

¹² City of Oakland Community and Economic Development Agency, 1998. *Land Use and Transportation Element*, March.

¹³ City of Oakland, 2004. *Housing Element, January 1, 1999 – June 30, 2006*. June 15.

The following goals are identified in the Housing Element:

- *Goal 1:* Provide adequate sites suitable for housing for all income groups.
- *Goal 2:* Promote the development of adequate housing for low and moderate-income households.
- *Goal 3:* Remove constraints to the availability and affordability of housing for all income groups.
- *Goal 4:* Conserve and improve older housing and neighborhoods.
- *Goal 5:* Preserve affordable rental housing.
- *Goal 6:* Promote equal housing opportunity.
- *Goal 7:* Promote sustainable development and smart growth.
- *Goal 8:* Increase public access to information through technology.

(3) Pedestrian Master Plan. The Pedestrian Master Plan¹⁴ is intended to promote pedestrian safety and access to ensure that Oakland is a safe, convenient, and attractive place to walk. It establishes a Pedestrian Route Network which includes streets, walkways, and trails that connect to schools, libraries, parks, neighborhoods, and commercial districts throughout the City. The Pedestrian Master Plan is a part of the LUTE of the General Plan. An analysis of key Pedestrian Master Plan policies that are applicable to the project is provided in Table IV.B-3.

The goals of the Pedestrian Master Plan include the following:

- *Pedestrian Safety.* Create a street environment that strives to ensure pedestrian safety.
- *Pedestrian Access.* Develop an environment throughout the City – prioritizing routes to school and transit – that enables pedestrians to travel safely and freely.
- *Streetscaping and Land Use.* Provide pedestrian amenities and promote land uses that enhance public spaces and neighborhood commercial districts.
- *Education.* Educate citizens, community groups, business associations, and developers on the safety, health, and civic benefits of walkable communities.
- *Implementation.* Integrate pedestrian considerations based on federal guidelines into projects, policies, and the City's planning process.

The Pedestrian Master Plan designates a Pedestrian Route Network that extends throughout Oakland, and identifies common walking routes to pedestrian destinations. Adeline Street, which borders the western edge of the project site, is designated as a District-serving pedestrian route. 39th Street and Yerba Buena Avenue, which border the project site to the south and north respectively, are designated as Neighborhood-serving pedestrian routes. A portion of San Pablo Avenue south of Highway 580, 0.2 miles south of the project site, is within the Pedestrian Route Network.

(4) Bicycle Master Plan. The Bicycle Master Plan¹⁵ (BMP) is the official policy document addressing the development of facilities and programs to enhance the role of bicycling as a viable transportation choice in Oakland. The BMP is part of the LUTE of the General Plan. The BMP

¹⁴ City of Oakland, 2002. *Pedestrian Master Plan*. November.

¹⁵ City of Oakland, 2007. *Bicycle Master Plan*. December 4.

Figure IV.B-3: City of Oakland General Plan Land Use and Zoning Designations
8X11, color

Back of Figure IV.B-3

defines new City policies and recommends actions that would encourage and support bicycle travel improvements. An analysis of key BMP policies that are applicable to the project site is provided in Table IV.B-3.

The goals of the BMP include the following:

- Goal 1 – Infrastructure: Develop the physical accommodations, including a network of bikeways and support facilities, to provide for safe and convenient access by bicycle.
- Goal 2 – Education: Improve the safety of bicyclists and promote bicycling skills through education, encouragement, and community outreach.
- Goal 3 – Coordination: Provide a policy framework and implementation plan for the routine accommodation of bicyclists in Oakland's projects and programs.

The Bicycle Master Plan includes the following facilities in the vicinity of the project site:

- Installation of a Class II bikeway (striped lanes) on Adeline Street from 36th Street to 3rd Street and from Emeryville city limits near 47th Street to 40th Street north towards Berkeley;
- Installation of a Class II bikeway (striped lanes) on 40th Street between Adeline Street and Telegraph Avenue;
- Installation of a Class III bikeway (bike route) on 40th Street between Adeline Street and San Pablo Avenue;
- Installation of a Class III bikeway (bike route) on Emery Street between Park Avenue and MacArthur Boulevard; and
- Installation of a Class II bikeway (striped lanes) on MacArthur Boulevard east of Market Street.

(5) Open Space, Conservation and Recreation Element. The Open Space, Conservation, and Recreation Element¹⁶ (OSCAR) is the official policy document addressing the management of open land, natural resources and parks in Oakland, and is part of the Oakland General Plan. This element is divided into four major chapters that discuss Open Space, Conservation, Recreation, and Area Plans.

The majority of open space within the City is along the waterfront and in the Oakland Hills. The project site is located in OSCAR's North Oakland planning area. Of the 10,000 acres of open space within the City of Oakland, approximately 108 acres (4.7 percent) is located within North Oakland. Only 54.5 acres of that open space is active parkland, including public schoolyards and athletic fields. At the time of OSCAR's publication, North Oakland had a ratio of 1.18 acres of parkland per 1,000 residents, which is just over one quarter of the City-wide standard.¹⁷ But while much of North Oakland is parkland deficient, OSCAR does not consider the area in close vicinity to the project site to be deficient.¹⁸ OSCAR policies that are applicable to the project site are discussed in Table IV.B-3.

¹⁶ City of Oakland, 1996. *Open Space, Conservation, and Recreation (OSCAR) Element*. June.

¹⁷ Ibid.

¹⁸ Ibid.

(6) Historic Preservation Element. The Historic Preservation Element¹⁹ (HPE) is part of the City of Oakland General Plan and defines goals, objectives, policies and actions that encourage preservation and enhancement of Oakland's older buildings, districts and other physical environmental features having special historic, cultural, educational, architectural or aesthetic interest or value.

HPE policies define the criteria for legal significance that must be met by a resource before it is listed in Oakland's local register of historical resources. Based on a city-wide preliminary architectural inventory completed by the Oakland Cultural Heritage Survey (OCHS), pre-1945 properties have been assigned a significance rating of A, B, C, D, or E and assigned a number (1, 2, or 3) which indicates its district status. The ranking system indicates a property's status as a historical resource and identifies those properties warranting special consideration in the planning process. Refer to Section IV.C, Cultural and Paleontological Resources, for more detail on the HPE and the OCHS rating of the on-site building.

The goals of the Historic Preservation Element include the following:

- **Goal 1:** To use historic preservation to foster the economic vitality and quality of life in Oakland by:
 - (1) Stressing the positive community attributes expressed by well-maintained older properties;
 - (2) Maintaining and enhancing throughout the City the historic character, distinct charm, and special sense of place provided by older properties;
 - (3) Establishing and retaining positive continuity with the past thereby promoting pride, a sense of stability and progress, and positive feelings for the future;
 - (4) Stabilizing neighborhoods, enhancing property values, and conserving housing stock, increasing public and private economic and financial benefits, and promoting tourist trade and interest through preservation and quality maintenance of significant older properties;
 - (5) Preserving and encouraging a city of varied architectural styles and environmental character reflecting the distinct phases of Oakland's cultural, social, ethnic, economic, political, and architectural history; and
 - (6) Enriching the quality of human life in its educational, spiritual, social, and cultural dimensions through continued exposure to tangible reminders of the past.
- **Goal 2:** To preserve, protect, enhance, perpetuate, use, and prevent the unnecessary destruction or impairment of properties or physical features of special character or special historic, cultural, educational, architectural or aesthetic interest or value. Such properties or physical features include buildings, building components, structures, objects, districts, sites, natural features related to human presence, and activities taking place on or within such properties or physical features.

b. Planning Code. The Oakland Planning Code (Title 17 of the Oakland Municipal Code) implements the policies of the General Plan and certain other of the City's plans, policies, and ordinances. The Planning Code divides the City into zones, each of which is assigned different regulations. These regulations direct the construction, nature, and extent of building use.

¹⁹ City of Oakland, 1994. *City of Oakland Historic Preservation, an Element of the Oakland General Plan*. March 8.

The project site is zoned Housing and Business Mix (HBX-2). The HBX zone allows for mixed-use districts that include both residential and business activities. According to the Planning Code, HBX zones are intended to “establish development standards that allow residential and business activities to compatibly co-exist,” and “provide a transition between industrial areas and residential neighborhoods.”²⁰ Permitted and conditionally permitted facilities in an HBX zone include residential uses and sidewalk cafes, in addition to a wide variety of other residential, civic, commercial, manufacturing, and agricultural activities.²¹ Chapter 17.65, HBX Housing and Business Mix Commercial Zone Regulations, includes the following regulations:

- *Density and Height:* The maximum density for HBX-2 is 930 square feet of lot area per residential unit (or 46.8 units per acre). The maximum height for HBX-2 is 55 feet when the lot abuts a street right of way that is 80 feet wide or more.
- *Permitted Uses:* Permitted uses in HBX Live/Work and Work/Live units are: any activity that would qualify as a home occupation in a residential facility, as delineated in Chapter 17.112 of the Planning Code;²² all other permitted and conditionally permitted activities in an HBX zone.
- *Floor-Area Ratio:* The maximum permitted floor-area ratio (FAR) for residential structures in an HBX-2 zone on a lot that is abutting a street right-of-way of 80 feet wide or more is 3.4. The maximum permitted FAR for nonresidential structures in an HBX-2 zone is 3.0. Work/live units are considered nonresidential facilities.
- *Lot Size:* The minimum lot area in an HBX-2 zone is 4,000 square feet. The minimum lot width in an HBX-2 zone is 35, and the minimum lot frontage is also 35 feet.
- *Open Space:* Each lot containing 2 or more living units shall provide 150 square feet of group (communal) usable open space per dwelling unit. Each square foot of private usable open space can be substituted for two feet of group open space. Group open space may be located anywhere on the lot and may be located entirely on the roof of any building on the site.
- *Parking:* One off-street parking space is required for each residential unit.
- *Setbacks:* There are no required setbacks.

c. **Sustainable Community Development Initiative.** The Oakland City Council adopted a Sustainable Community Development Initiative (Initiative) in 1998. The Initiative is a program that seeks to enhance the environmental sustainability of City operations and private development within the City. The major objectives of the Initiative include the following: economic development; employment training and continuing education; encouragement of in-fill housing, mixed use development, and sustainable (“green”) building; making City operations and services a model of

²⁰ Oakland, City of, 1998. *Oakland Planning Code*.

²¹ Sidewalk cafes are subject to the provisions of Section 17.102.335: Standards for Sidewalk Cafes in the Oakland Planning Code.

²² *Oakland Planning Code, Chapter 17.112.020 Definition of Home Occupation:* A “home occupation” is an accessory activity of a nonresidential nature which is performed within a living unit, or within a garage attached thereto and reserved therefore, by an occupant of the living unit and which is customarily incidental to the residential use of the living unit. A home occupation may include, but is not limited to, the handicraft manufacture of products, the conduct of an art or profession, the offering of a service, or the conduct of a business, subject to the provisions of Sections 17.112.030, 17.112.040, 17.112.050, and 17.112.060.

sustainable practices; and increasing community involvement. The Sustainable Development Initiative comprises voluntary guidelines intended to preserve environmental health and increase economic development, and private developers are not required to incorporate them into projects.

3. Policy Consistency

As noted earlier, conflicts with adopted policy documents do not inherently result in a significant effect on the environment within the context of CEQA. As stated in Section 15358(b) of the *CEQA Guidelines*, “[e]ffects analyzed under CEQA must be related to a physical change.”

a. City of Emeryville General Plan. This subsection addresses the proposed project’s consistency with applicable General Plan policies. Table IV-3, at the end of this chapter, provides a policy-by-policy listing that indicates the proposed project’s relationship and consistency with each applicable General Plan planning policy.

The proposed project would result in changes to the project site that would intensify land uses on the site by redeveloping it with residential and commercial uses. General Plan policies applicable to the proposed project address: compatibility of land uses in mixed use developments; providing services for the local resident and work force populations; creating developments that are compatible with the character and scale of the existing, surrounding neighborhood; providing affordable housing opportunities; consistency with adopted General Plan intensity and density maps; protecting historical and cultural resources; and, improving pedestrian accessibility and open space. The proposed project, which would allow for redevelopment of former manufacturing site, is generally consistent with applicable policies in the General Plan, as follows:

- Policies related to the mixing of land uses, particularly in projects that incorporate dwelling units into commercial and office developments, include City-wide Goal 2, Housing Program II-A-6, Housing Policies II-C-1 and II-C-2, Land Use Objective A, and Land Use Policy 9. The proposed project would add 101 residential units and a ground-floor café to a former manufacturing site in a Commercial District characterized by a mixture of residential, commercial, and light industrial uses. The project would be consistent with the above-mentioned policies
- Policies related to the provision of services to the City’s residential and workforce populations include City-wide Goal 1, Economic Development Objective C, Land Use Objective B, and Land Use Policy 9. The proposed project would add a 1,000 square foot café to the project site, which would support demand created for services by area resident and workforce populations. The project would comply with the above-mentioned policies.
- Policies related to development that is compatible with the character and scale of existing, development include City-wide Goal 2, Land Use Objective A, and Land Use Policies 1, 6, 7, and 8. Buildings to the north, west, and south of the project site range in height between one and four stories, while residences to the east range in height from one to two stories. The proposed project would be of a similar height and bulk as other residential and mixed use developments to the north, west, and south. The project’s four-story buildings would be taller than the one- and two-story detached single- and multi-family homes to the east of the site. However, the buildings on the eastern border of the project site would be only two stories tall and would be set back approximately 4.5 feet to step down in height to the homes to the east. The project would be generally consistent with the above-mentioned policies.

- Policies related to providing affordable housing opportunities include Housing Policies II-B-2, II-C-1, and II-C-2. The City requires all residential projects of at least 30 units to provide 20 percent of the units to moderate-, low-, and very low-income residents. According to this policy, 16 of the 81 units located in the portion of the site in Emeryville would be required to be affordable units.
- Policies related to consistency with adopted General Plan intensity and density maps include Land Use Policies 1, 6, and 9. As previously described, the General Plan nonresidential intensity for the project site is 0.7 FAR. The proposed project would result in an average FAR of 0.08 for the nonresidential (commercial) space on the site. For residential development on the project site, General Plan policy states that the “bulk of residential development in Emeryville should be of medium density,” which is defined on the Land Use Plan as 20 to 45 dwelling units per acre. However, there is no prescribed residential or commercial density on the project site. The proposed 101 residential units would average 100 units per acre over the 0.81 acres of the site in Emeryville. Although the project would exceed a “medium density,” as defined in the General Plan, the proposed density is appropriate for the project site, which is located in close proximity to mass transit, the San Pablo Avenue commercial district, and job centers in Emeryville and Oakland. The proposed density of the project would not result in significant environmental impacts in and of itself.
- Policies relating to protecting historical and cultural resources include Community Design Policy 16, Cultural and Historic Resources Objective A, and Cultural and Historic Resources Policy 3. The former manufacturing building on the project site is considered “significant” under the City of Emeryville Ordinance 06-013, and would require City Council approval prior to demolition. According to the above-mentioned policy, the “historic industrial-warehouse image found in many parts of Emeryville” should be preserved and enhanced either through retaining significant structures, such as the one existing on the project site, or constructing new buildings that are architecturally compatible with the previously mentioned “industrial-warehouse image.” The proposed project would demolish a “significant” structure according to Ordinance 06-013 and construct new buildings that would incorporate modern/industrial architectural motifs typical of loft-style redevelopment projects in Emeryville and other cities in the Bay Area. The City Council would be required to determine the adequacy of the proposed project as a replacement for a “significant” structure according to the set of criteria described in Section 9-4.67.8 of the Emeryville Municipal Code. Please refer to Section IV.C, Cultural and Paleontological Resources, for a detailed discussion of historic and cultural resources on the project site, and the impacts of the project on these resources.
- Policies related to improving pedestrian accessibility and open space opportunities include Community Design Objective G and Community Design Policy 2. The proposed project would improve the pedestrian environment on the corner of 39th Street and Adeline Street through the addition of a café with a patio and outdoor seating. The project would also include bicycle parking in the below-grade parking garage.

b. City of Emeryville Zoning Ordinance. This subsection provides a discussion of the consistency of the proposed project with Zoning Ordinance regulations.

As described above, the project site is zoned General Commercial (C-G). As a multiple use project, the proposed project is subject to Zoning Ordinance Article 22, C-G General Commercial District

requirements. The following describes how the proposed project would be consistent with Article 22 requirements:

- *Density and Height:* There is no maximum density for C-G Districts. The project would be generally 36 feet high, though portions of it could be up to 50 feet high. This would exceed the General Plan's 30 foot height limit on the project site.
- *Permitted Uses:* Multifamily residential uses on the project site are conditionally permitted. The City would require that work activities associated with live/work units be permitted by the zoning regulations of the district where it will be located.
- *Floor-Area Ratio:* The maximum permitted floor-area ratio (FAR) for nonresidential structures in a C-G zone is 0.7. There is no maximum permitted FAR for residential structures in a C-G zone. The nonresidential FAR would be 0.08, far below the maximum permitted FAR.
- *Lot Size:* There is no minimum building site area in a C-G District.
- *Open Space:* There is no minimum open space required for permitted uses in C-G Districts. There is a minimum of 36 square feet of private or common usable outdoor recreation or landscaped open space for every conditionally permitted residential unit,²³ including live/work units. The project would provide 150 square feet of open space per residential unit.
- *Parking:* The project would not comply with off-street parking requirements for visitors, and would be required to secure a parking variance.
- *Setbacks:* There are no required setbacks.

c. City of Emeryville Redevelopment Plan. The proposed project would achieve some but not all specific goals for Emeryville Redevelopment Plan Subarea II, in which the project site is located. As described above, the Redevelopment Plan's goals for Subarea II include eliminating mixed uses, developing the area as a primarily commercial district, eliminating physical deterioration and blight, and providing new employment opportunities. The project proposes to replace a former manufacturing building with a mix of residential and commercial uses. The proposed café on the corner of 39th Street and Adeline Street would help increase commercial vitality in the Subarea. While the project would resemble several other residential and mixed use developments to the north, west, and south of the project site, the Redevelopment Plan does not specifically encourage residential development in Subarea II. The proposed café would create jobs, though relatively few in the context of the Redevelopment Plan's vision of the area as a primarily commercial district. In addition, the proposed project would cause a net loss in jobs on the project site due to removal of the existing Oriental Spa, T-shirt silk-screener, hair studio/salon, and vintage automobile restoration service.

d. City of Emeryville Bike and Pedestrian Master Plan (1998-2010). The proposed project would not conflict with any of the bike facilities anticipated in the Bike and Pedestrian Master Plan.

e. City of Oakland General Plan. The General Plan contains many policies, which may in some cases address different goals; thus some policies may compete with each other. The Planning Commission/City Council, in deciding whether to approve the proposed project, must decide whether, on balance, the project is consistent (i.e., in general harmony) with the General Plan.

²³ Emeryville, City of, 1996. *Emeryville Zoning Ordinance. Article 9-4.57.5 Multiple-Use Standards*. February 13.

Regarding a project's consistency with the General Plan in the context of CEQA, the Oakland General Plan states the following: "The General Plan contains many policies which may in some cases address different goals, policies and objectives and thus some policies may compete with each other. The Planning Commission and City Council, in deciding whether to approve a proposed project, must decide whether, on balance, the project is consistent (i.e., in general harmony) with the General Plan. The fact that a specific project does not meet all General Plan goals, policies and objectives does not inherently result in a significant effect on the environment within the context of the California Environmental Quality Act (CEQA). (City Council Resolution No. 79312 C.M.S.; adopted June 2005)"

The proposed project, and its relationship to policies within the General Plan, are briefly described in a Table IV.B-3. The project's consistency with the regulatory documents summarized in the previous section is briefly described below.

(1) Land Use and Transportation Element. As described above, the General Plan designates the project site as Mixed Housing Type Residential. This land use designation, which primarily occurs in the City's older residential neighborhoods, encourages a mix of different types of residential units with neighborhood-serving businesses.

As noted in Table IV.B-3, the proposed project is generally consistent with the development parameters established for the Mixed Housing Type Residential designation. The project would provide a variety of residential unit types, as well as a neighborhood-serving café. However, the maximum allowable density in this land use designation is 30 principal residential units per gross acre. The portion of the proposed project in Oakland would be 64.5 units per acre.

The project's buildings, which would be generally 36 feet high but up to 50 feet high at some points, would be at a similar scale to other buildings to the north, west, and south of the project site. As noted in Table IV.B-3, the project would be taller than the detached one- and two-story homes to the east of the site. The buildings on the eastern border of the project site would be only two stories tall and would be set back approximately 4.5 feet to create the impression of shorter structures that step down in height towards the one- and two-story buildings to the east.

The proposed project would be inconsistent with height and density restrictions for the Mixed Housing Type Residential designation. Although the site is located adjacent to a lower density residential neighborhood to the east, the project would not be out of scale with other recent development along Adeline Street and San Pablo Avenue. In this sense, the site could serve appropriately as a transition point between the smaller houses to the east and the mixed use and retail uses to the north, south, and west. The site's location on the edge of a residential area, as opposed to being entirely enclosed, make the project's impacts less-than-significant.

(2) Housing Element. The proposed project would be generally consistent with the Housing Element policies listed in Table IV.B-3, with a few exceptions.

The project would include a total of 101 residential units. The City of Emeryville would require that 20 percent of the project's units located in the portion of the site in Emeryville be made affordable to very low-, low-, and moderate-income renters. Of the 101 total units, 81 would be in Emeryville, meaning 16 of the project's units would be guaranteed affordable units. Although the City of Oakland

does not require market rate projects to include affordable units, policies 2.1 and 2.4 recommend that new housing developments include units affordable to very low-, low-, and moderate-income renters. In addition, Action 7.1.1 recommends that all new private residential development use the Alameda County New Home construction Green Building Guidelines.

The applicant has not indicated whether it would adhere to Oakland's policies that encourage affordable housing in new developments. If the applicant were to follow the City of Emeryville's affordable housing policy, 4 of the 20 units (20 percent) located in Oakland would be affordable units. However, if Oakland were to not include any affordable units on its portion of the site, a small number of units constructed elsewhere in the City would not constitute a significant adverse impact on the physical environment under CEQA. In addition, the applicant has not indicated whether the project would incorporate sustainable design or energy efficient features.

(3) Pedestrian Master Plan. The proposed project is generally consistent with the Pedestrian Master Plan, as it incorporates features that would enhance and facilitate pedestrian access to and within the project site. The project would include a mix of residential and commercial uses, which itself have the potential to generate pedestrian activity. The ground-floor café, which would include an outdoor patio and seating, would improve the pedestrian environment along Adeline Street.

(4) Bicycle Master Plan. The proposed project is generally consistent with Bicycle Master Plan. Bicycle parking facilities will be incorporated into the below-grade parking garage.

(5) Open Space, Conservation and Recreation Element. The proposed project is generally consistent with the Open Space, Conservation and Recreation Element. The project would include private balconies and patios, an interior shared courtyard, and an outdoor patio adjacent to the café on the corner of 39th Street and Adeline Street. In addition, the project's mix of residential and commercial uses (including six work/live units) complies with Policy CO-12.1, which calls for land use patterns that encourage use of alternative transportation modes to improve air quality.

(6) Historic Preservation Element. The proposed project, which would demolish a building considered a historic resource pursuant to CEQA, is generally inconsistent with the Historic Preservation Element. The City of Oakland's Cultural Heritage Survey (OCHS) rated the property (former manufacturing building on the project site) C3, meaning that it is of secondary historical importance. It is also rated as a Potentially Designated Historic Property (PDHP) by the City of Oakland, though is not classified as being on the City of Oakland's Local Register of Historical Resources. The project site is not located in an Area of Primary Importance. For further discussion of the historic significance of the existing structure on the project site, please see Section IV.C, Cultural and Paleontological Resources.

f. City of Oakland Planning Code. The proposed project is located in a Housing and Business Mix (HBX-2) zone. The HBX zone allows for mixed-use districts that include both residential and business activities. The proposed project would be generally consistent with the HBX-2 zone designation, and would create an adequate transition between the residential neighborhood to the east of the site and the large-scale retail centers to the west of the site.

The project's residential floor area ratio (FAR) of 1.86 and nonresidential FAR of 0.08 would comply with the zone's FAR restrictions, as well as its parking, open space, and height restrictions. However, the project's proposed residential density of 64.5 units per acre would be significantly higher than the allowed density for an HBX-2 zone, which is one unit per 930 square feet of lot area, or 46.8 units per acre.

g. Sustainable Community Development Initiative. The proposed project would be an infill project consisting of a mix of residential and commercial uses. In this sense, it is compatible with the Sustainable Community Development Initiative. However, the project applicant has not indicated whether affordable units would be included in the Oakland portion of the site, or if the project would employ green building and construction principles. As discussed above in relation to the Housing Element of the General Plan, the non-inclusion of a small number of affordable units on the site would not have a significant impact on the physical environment.

Table IV.B-2: Relationship of Proposed Project to Applicable City of Emeryville General Plan Policies

General Plan Citation	Goal, Objective, Policy, Program or Implementation Language	Project's Relationship to Policy
CITY OF EMERYVILLE GENERAL PLAN		
<i>City-wide Goal 1</i>	Provide services and facilities for Emeryville's citizens. Protect public health and safety and improve opportunities for education and cultural entertainment.	The proposed project would achieve this goal by adding a 1,000 square-foot café on the corner of Adeline Street and 39th Street. The café would serve area residents and visiting shoppers, and would improve the pedestrian environment.
<i>City-wide Goal 2</i>	Encourage a land use pattern in which a variety of uses – residential, commercial and industrial – are intermingled in a compatible fashion, and which minimize potential threats to public health, safety and the environment.	The proposed project would achieve this goal by adding both residential and commercial uses to a former industrial site. The project would be compatible with surrounding land uses.
<i>City-wide Goal 3</i>	Establish a circulation system allowing for the free movement of persons and goods to, from, and within the city while avoiding an overaccommodation to vehicles at the expense of land use and pedestrian movement.	The proposed project would achieve this goal by adding a café on the corner of Adeline Street and 39th Street that would improve the pedestrian environment. In addition, all vehicle parking on-site would be sub-grade. The project, which would be located near several major transit routes, would support the use of alternative transportation.
<i>Housing Program II-A-6</i>	Encourage and facilitate the conversion of underutilized industrial sites to mixed use or residential projects that include low and very low income units.	The proposed project would convert a former manufacturing building to residential and commercial uses. The City would require 16 of the 81 proposed units (20 percent) in the Emeryville portion of the site to be affordable units.
<i>Housing Program III-A-6</i>	Support development of affordable live/work space for artists.	The proposed project would include four live/work units and six live/work units, and would include 16 affordable units in the Emeryville portion of the site.
<i>Housing Policy II-B-2</i>	Maintain the Affordable Housing Set-Aside Ordinance, requiring projects with 30 units or more to provide 20 percent of the units affordable to moderate, low or very low income households.	The City would require 16 of the 81 proposed units (20 percent) in the portion of the site in Emeryville to be affordable units.
<i>Housing Policy II-C-1</i>	Encourage non-traditional group housing, live-work units, and housing in multiple use projects and mixed use areas.	The proposed project would achieve this policy by redeveloping a former manufacturing site with residential, live/work, work/live, and commercial uses.
<i>Housing Policy II-C-2</i>	Encourage residential and live work development in industrial areas, where appropriate.	The proposed project achieves this policy by adding residential uses to an underutilized former manufacturing site.
<i>Economic Development Objective C</i>	Encourage the establishment of retail and service activities now absent but desired and needed by the Emeryville residents.	The proposed project would add a café on the corner of Adeline Street and 39th Street. The café would serve area residents, the local workforce, and visiting shoppers. However, the project would demolish the existing structure and displace business operating within it. These businesses currently include an Oriental spa, a T-shirt silk-screener, a hair studio/salon, and a vintage automobile restoration service. Therefore, the project would likely result in a net loss of jobs on the project site.

Table IV.B-2 *Continued*

General Plan Citation	Goal, Objective, Policy, Program or Implementation Language	Project's Relationship to Policy
<i>Land Use Objective A</i>	Create a major activity center in the Bay Area with new office, commercial and high-tech industries and new housing of all types replacing obsolete, incompatible and low-intensity prior uses.	The proposed project would achieve this objective by replacing a former manufacturing site with a more dense mixed-use development with residential and commercial uses.
<i>Land Use Objective B</i>	Create a living and working environment which protects and enhances existing development, while providing new amenities and facilities for an expanded work force and residential population.	The project would result in the demolition of the existing building on the site (and would displace existing commercial and service uses from the site), but would create a new commercial space and 101 new housing units.
<i>Land Use Policy 6</i>	The bulk of residential development in Emeryville should be of medium density. High density development will be permitted only in selected locations where high density development already exists or can be accommodated in accordance with City policy. The plan defines medium density as consisting of no more than 45 dwelling units per gross acre and a high density as any development exceeding that. Assuming an average household size of 1.7 persons (the present city-wide average), 45 dwelling units would house some 77 persons.	The proposed project would average 91.7 du/ac over the 1.12-acre project site, which would exceed the average density standard in the City. However, the project site is an appropriate place for higher-density uses: it is located in the vicinity of job centers in Oakland and Emeryville, numerous transit routes, and local-serving retail uses. City of Emeryville policies generally support development of higher-density uses on sites similar to the project site.
<i>Land Use Policy 7</i>	Infill residential development in established residential areas should respect the prevailing building type in the surrounding areas, so that new development is not incompatible with the area's existing scale and character.	The proposed project would add four new buildings to the site that would be of a scale, height, and building type consistent with many buildings surrounding the project site. The proposed buildings would be three stories in height. Surrounding buildings include the four-story mixed-use development to the west, the three-story residential development to the north, the two-story light industrial buildings to the south, and the one- and two-story detached homes to the east. Many other developments to the north, west, and south along Adeline Street and San Pablo Avenue are of a similar scale as the proposed project. The proposed buildings on the eastern edge of the project site would be stepped down to provide a transition to the smaller, lower-density homes to the east. These buildings would also be set back approximately 4.5 feet from the homes to the east.
<i>Land Use Policy 8</i>	The City shall review residential projects to ensure that the housing offers a quality living environment and is compatible with surrounding neighborhood character.	The City's Planning Commission and City Council will review the proposed project to ensure that it provides a quality living environment and is compatible with the character of the surrounding neighborhood.

Table IV.B-2 *Continued*

General Plan Citation	Goal, Objective, Policy, Program or Implementation Language	Project's Relationship to Policy
<i>Land Use Policy 9</i>	The Land Use Plan establishes the general locations of commercial activities. These consist of office and general commercial activities ranging from small businesses serving local neighborhoods to regional retail and administrative offices including hospitals, medical office buildings and related support facilities. While both commercial activities will be located throughout the city, except in residential districts, and the bulk of offices will be found in mixed use districts, areas are established where they are to be the predominate use. Residential use, in addition to the primary commercial use of property, is strongly encouraged in these areas.	The development of residential and commercial uses on the project site, as proposed, would accomplish the aim of this policy by integrating residential uses into a commercial district.
<i>Community Design Objective G</i>	Improve the experience of pedestrian, cyclist and motorist movement throughout the city.	The proposed project would achieve this goal by improving the pedestrian environment on the corner of 39th Street and Adeline Street through the addition of a café with a patio and outdoor seating and through the planting of street trees along the project site frontages.
<i>Community Design Policy 2</i>	The City shall protect the existing character and low-rise scale (no more than 40 feet, generally) of residential areas in the Triangle, North of Powell and South of Powell.	The project site is located in the Triangle neighborhood. According to the General Plan Building Heights Map, the maximum allowed height on the project site is 30 feet. Most of the proposed project would be 36 feet high, though some portions of it could be up to 50 feet high.
<i>Community Design Policy 16</i>	The historic industrial-warehouse image found in many parts of Emeryville should be preserved and enhanced through the retention of architecturally significant structures and the addition of architecturally compatible new construction.	The former manufacturing building on the project site is considered "significant" under City of Emeryville Ordinance 06-013, and would require City Council approval prior to demolition. The project's architecture would incorporate modern/industrial motifs typical of loft-style redevelopment projects in Emeryville and other cities in the Bay Area. The City Council would be required to determine the adequacy of the proposed project as a replacement for a "significant" structure according to the set of criteria described in Section 9-4.67.8 of the Emeryville Municipal Code. Please refer to Section IV.C, Cultural and Paleontological Resources, for a detailed discussion of historic and cultural resources on the project site, and the impact of the project on these resources.
<i>Cultural and Historic Resources Objective A.</i>	Protect Emeryville's historic and cultural resources and encourage future development to reflect that heritage.	Refer to Community Design Policy 16 above.
<i>Cultural and Historic Resources Policy 3</i>	The City strongly endorses the reuse of heritage buildings.	Refer to Community Design Policy 16 above.

Table IV.B-3: Relationship of Proposed Project to Applicable City of Oakland General Plan Policies

Policy #	Policy	Relationship
City of Oakland General Plan, Land Use and Transportation Element		
Industry and Commerce Policies		
Policy I/C1.4	Investing in Economically Distressed Areas of Oakland. Economic investment, consistent with the City's overall economic strategy, should be encouraged, and, where feasible, should promote viable investment in economically distressed areas of the City.	The proposed project would redevelop a former manufacturing building and provide residential and community space. The project would invest money in the neighborhood.
Policy I/C3.4	Strengthening Vitality. The vitality of existing neighborhood mixed use and community commercial areas should be strengthened and preserved.	The proposed project would increase the population of the area and add a café on the corner of 39th Street and Adeline Street. The café's presence would enhance community vitality. In addition, street trees would be planted along all streets adjacent to the project site, which would improve the urban design vitality of the area.
Transportation and Transit-Oriented Development Policies		
Policy T2.3	Promoting Neighborhood Services. Promote neighborhood-serving commercial development within one-quarter to one-half mile of established transit routes and nodes.	The Land Use and Transportation Element Transportation Diagram designates San Pablo Avenue as a "regional transit street." The proposed project would provide commercial uses within one ½-mile of San Pablo Avenue.
Policy T4.1	Incorporating Design Features for Alternative Travel. The City will require new development, rebuilding, or retrofit to incorporate design features in their projects that encourage use of alternative modes of transportation such as transit, bicycling, and walking.	The proposed project would include bicycle parking in the below-grade garage. In addition, the project would allow for use of public transit because the site is located within easy walking distance of numerous transit routes.
Neighborhood Policies		
Policy N1.1	Concentrating Commercial Development. Commercial development in the neighborhoods should be concentrated in areas that are economically viable and provide opportunities for smaller scale, neighborhood-oriented retail.	The project would include a 1,000 square foot café on the corner of 39th Street and Adeline Street. The cafe would be oriented towards neighborhood serving uses.
Policy N1.5	Design Commercial Development. Commercial development should be designed in a manner that is sensitive to surrounding residential uses.	Commercial uses would be incorporated into the mostly residential project. The proposed café would include an associated patio, and would enhance the residential environment of the neighborhood.
Policy N3.1	Facilitating Housing Construction. Facilitating the construction of housing units should be considered a high priority for the City of Oakland.	The proposed project would construct 101 residential units and would increase the housing supply in Oakland and Emeryville.
Policy N3.2	Encouraging Infill Development. In order to facilitate the construction of needed housing units, infill development that is consistent with the General Plan should take place throughout the City of Oakland.	The proposed project would be considered infill development and would redevelop an already-developed parcel in an urban neighborhood in Oakland. The proposed project would be consistent with the General Plan.

Table IV.B-3 *Continued*

Policy #	Policy	Relationship
Policy N3.4	Encouraging Housing Development. The City should actively encourage development of housing in designated mixed housing type and urban housing areas through regulatory and fiscal incentives, assistance in identifying parcels that are appropriate for new development, and other measures.	The General Plan designates the part of the project site that is located in Oakland as Mixed Housing Type Residential. The proposed project would develop 101 residential units on the project site.
Policy N3.9	Orienting Residential Development. Residential developments should be encouraged to face the street and to orient their units to desirable sunlight and views, while avoiding unreasonably blocking sunlight and views for neighborhood buildings, respecting the privacy needs of residents of the development and surrounding properties, providing for sufficient conveniently located on-site open space, and avoiding undue noise exposure.	The proposed project would orient residential units towards the street. Additionally, all buildings would incorporate group open space in the center of the development to provide more unit access to light and air. The proposed buildings would step down in height to the east, and would not unreasonably block sunlight. The buildings would also be set back approximately 4.5 feet from properties to the east.
Policy N3.10	Guiding the Development of Parking. Off-street parking for residential buildings should be adequate in amount and conveniently located and laid out, but its visual prominence should be minimized.	All residential parking would be provided underground and would not be visible from the street. The project also proposes to add 13 on-street parking spaces along 39th Street, Adeline Street, and Yerba Buena Avenue. These new parking spaces would not detract from the area's visual quality.
Policy N4.2	Advocating for Affordable Housing. The City encourages local non-profit organizations, affordable housing proponents, the business community, the real estate industry, and other local policy makers to join in efforts to advocate for the provision of affordable housing in communities throughout the Bay Area region.	The project would include 16 affordable units in the portion of the site in Emeryville. None of the 20 units in the Oakland portion of the site would be required to be affordable. The applicant has not indicated whether any of these units would be affordable.
Policy N5.3	Supporting Live-Work Development. The city should support and encourage residents desiring to live and work at the same location whether neither the residential use nor the work occupation adversely affects nearby properties or the character of the surrounding area.	The proposed project would include four live/work units and six work/live units, the latter of which would be located exclusively in the portion of the site in Oakland. These uses would be compatible with existing uses around the project site, which include commercial, residential, and service uses.
Policy N6.1	Mixing Housing Types. The City will generally be supportive of a mix of projects that provide a variety of housing types, unit sizes, and lot sizes which are available to households with a range of incomes.	While the majority of residential units in the proposed project would be studio or one-bedroom units, the remaining units would be a mixture of two- and three-bedroom units and live/work and work/live units.

Table IV.B-3 *Continued*

Policy #	Policy	Relationship
Policy N7.1	Ensuring Compatible Development. New residential development in Detached Unit and Mixed Housing Type areas should be compatible with the density, scale, design, and existing or desired character of surrounding development.	The project's buildings would be similar in scale to other buildings to the north, west, and south of the project site. The project's four-story buildings would be taller than the detached one- and two-story single- and multi-family homes to the east. However, the buildings on the eastern border of the project site would be only two stories tall and would be set back approximately 4.5 feet to create a transition to the lower-density neighborhood to the east.
Policy N8.2	Making Compatible Interfaces Between Densities. The height of development in urban residential and other higher density residential areas should step down as it nears lower density residential areas to minimize conflicts at the interface between the different types of development.	Refer to Policy N7.1 above.
Housing Element		
Policy 2.1	Affordable Housing Development Programs. Provide financing for the development of affordable housing for low- and moderate-income households. The City's financing programs will promote a mix of housing types, including homeownership, multifamily rental housing, and housing for seniors and persons with special needs.	The project applicant has not indicated whether any of the proposed project's residential units in the Oakland portion of the site would be affordable to moderate, low, and very low income tenants.
Policy 2.4	Inclusion of Affordable Units in Market Rate Projects. Seek voluntary agreements with private developers of market rate housing to include units affordable to lower-income households, especially those projects involving Redevelopment Agency support or requiring major planning approvals.	Refer to Policy 2.1 above.
Policy 4.3	Commercial District Revitalization. Continue to implement programs to revitalize commercial districts in low income neighborhoods. Commercial revitalization will serve as a catalyst for investment in conserving and improving the housing stock in surrounding areas.	The proposed project would include a 1,000 square foot café on the corner of 39th Street and Adeline Street and would enhance the commercial districts along Adeline Street and San Pablo Avenue.
Action 7.1.1	Green Building Design for Private Development. Foster the design and building of durable, low-maintenance dwellings and make optimum use of existing infrastructure. All new residential developments and major retrofits will be encouraged to use the "Alameda County New Home construction Green Building Guidelines" in the design and construction of buildings.	The proposed project would conform to the energy efficiency regulations outlined in Title 24. The applicant has not indicated whether the project would incorporate other sustainable design or energy efficiency features.

Table IV.B-3 *Continued*

Policy #	Policy	Relationship
Policy 7.2	Energy Conservation. Encourage the incorporation of energy conservation design features in existing and future residential development.	Please refer to Action 7.1.1 above.
Policy 7.3	Infill Development. Continue to direct development toward existing communities and encourage infill development at densities consistent with the surrounding communities.	The proposed project would be considered infill development. The project would be higher than some buildings surrounding the project site, and it would exceed the allowed density on the site according to the General Plan.
Policy 7.5	Mixed Use Development. Encourage a mix of land uses in the same zoning district or on the same site in certain zoning districts.	The proposed project would include a mix of residential and commercial uses.
Pedestrian Master Plan		
PMP Policy 3.1	Streetscaping. Encourage the inclusion of street furniture, landscaping, and art in pedestrian improvement projects.	The proposed project would include a café on the corner of 39th Street and Adeline Street. The café would include a patio and seating that would extend onto the sidewalk. In addition, street trees would be planted along all streets adjacent to the project site and would improve the pedestrian environment.
Action 3.2.1	Land Use: Use buildings and zoning codes to encourage a mix of uses, connect entrances and exits to sidewalks, and eliminate “blank walls” to promote street-level activity.	The proposed project would include a mix of residential and commercial uses. The café on the corner of 39th Street and Adeline Street would include a patio and seating that would extend onto the sidewalk, improving the pedestrian environment and opening the storefront to the street.
Bicycle Master Plan		
Action 1D.7	Consider reduced automobile parking requirements in exchange for bicycle facilities as part of transportation demand management strategies in new development.	The proposed project would include bicycle parking in the below-grade garage, and would require a parking variance from the City of Emeryville.
Historic Preservation Element		
Policy 1.2:	Potential Designated Historic Properties. The City considers any property receiving an existing or contingency rating from the Reconnaissance or Intensive Surveys of “A” (highest importance), “B” (major importance), or “C” (secondary importance) and all properties determined by the Surveys to contribute or potentially contribute to an Area of Primary or Secondary Importance to warrant consideration for possible preservation. Unless already designated as Landmarks, Preservation Districts, or Heritage properties will be called “Potential Designated Historic Properties”.	The City of Oakland’s Cultural Heritage Survey (OCHS) rated the property (former manufacturing building on the project site) C3, meaning that it is of secondary historical importance. It is also rated as a Potentially Designated Historic Property (PDHP) by the City of Oakland, though is not classified as being on the City of Oakland’s Local Register of Historical Resources. The project site is not located in an Area of Primary or Secondary Importance. As described in Section IV.C, the existing building is considered a historic resource pursuant to CEQA due to its rating on a Department of Parks and Recreation form. Therefore, demolition of the building would be considered a substantial adverse impact to historic resources.

Table IV.B-3 *Continued*

Policy #	Policy	Relationship
Policy 3.8	Definition of “Local Register of Historical Resources” and Historic Preservation “Significant Effects” for Environmental Review Purposes: For the purposes of environmental review under the California Environmental Quality Act, the following properties will constitute the City of Oakland’s Local Register of Historical Resources: 1) All Designated Historic Properties, and 2) Those Potential Designated Historic Properties that have an existing rating of “A” or “B” or are located within an Area of Primary Importance. Until complete implementation of Action 2.1.2 (Redesignation), the Local Register of Historical Resources will also include the following designated properties: Oakland Landmarks, S-7 Preservation Combining Zone properties, and Preservation Study List properties. Complete demolition of a Historic Resource will normally be considered a significant effect that cannot be mitigated to a level less than significant and will, in most cases, require preparation of an Environmental Impact Report. A proposed addition or alteration to a Historical Resource that has the potential to disqualify a property from Landmark or Preservation District eligibility or may have substantial adverse effects on the property’s Character-Defining Elements will normally, unless adequately mitigated, be considered to have a significant effect. Possible mitigation measures are suggested in Action 3.8.1.	Refer to Policy 1.2 above.

Table IV.B-3 *Continued*

Policy #	Policy	Relationship
Action 3.8.1:	Include Historic Preservation Impacts in City's Environmental Review Regulations. Include Policy 3.8's definitions of "Local Register of Historic Resources" and historic preservation "significant effect" in the City's Environmental Review Regulations. Amend the Regulations to include specific measures that may be considered to mitigate significant effects to a Historical Resource. Measures appropriate to mitigate significant effects to a Historical Resource may include one or more of the following measures depending on the extent of the proposed addition or alteration. 1) Modification of the project design to avoid adversely affecting the character defining elements of the property. 2) Relocation of the affected Historical Resource to a location consistent with its historical or architectural character. If the above measures are not feasible, then other measures may be considered including, but not limited to the following: 3) Modification of the project design to include restoration of the remaining historic character of the property. 4) Modification of the project design to incorporate or replicate elements of the building's original architectural design. 5) Salvage and preservation of significant features and materials of the structure in a local museum or within the new project.	Refer to Policy 1.2 above.

Table IV.B-3 *Continued*

Policy #	Policy	Relationship
Action 3.8.1 <i>Continued</i>	6) Measures to protect the Historical Resource from effects of on-site or other construction activities. 7) Documentation in a Historic American Buildings Survey report or other appropriate format: photographs, oral history, video, etc. 8) Placement of a plaque, commemorative marker, or artistic or interpretive display on the site providing information on the historical significance of the resource. 9) Contribution to a Façade Improvement Fund, the Historic Preservation Revolving Loan Fund, and Oakland Cultural Heritage Survey, or other program appropriate to the character of the resource.	
Open Space, Conservation and Recreation Element		
Policy OS-4.1	Provision of Useable Open Space. Continue to require new multi-family development to provide useable outdoor open space for its residents.	The proposed project would include private balconies and patios, an interior shared courtyard, and an outdoor patio adjacent to the café. In addition, street trees would be planted along all streets adjacent to the project site, which would enhance the sidewalk environment.
Policy CO-5.3	Control of Urban Runoff. Employ a broad range of strategies, compatible with the Alameda Countywide Clean Water Program, to: (a) reduce water pollution associated with stormwater runoff; (b) reduce water pollution associated with hazardous spills, runoff from hazardous materials areas, improper disposal of household hazardous wastes, illicit dumping, and marina “live-aboards;” and (c) improve water quality in Lake Merritt to enhance the lake’s aesthetic, recreational, and ecological functions.	Incorporation of the City’s Standard Conditions of Approval related to storm water runoff would reduce the project’s potential impacts to water quality. In addition, construction of the proposed project would result in a slight net decrease of impervious surfaces on the site due to the addition of landscaped areas.
Policy CO-12.1	Land Use Patterns Which Promote Air Quality. Promote land use patterns and densities which help improve regional air quality conditions by: (a) minimizing dependence on single passenger autos; (b) promoting projects which minimize quick auto starts and stops, such as live-work development, mixed use floor retail space; (c) separating land uses which are sensitive to pollution from the sources of air pollution; and (d) supporting telecommuting, flexible work hours, and behavioral changes which reduce the percentage of people in Oakland who must drive to work on a daily basis.	The project is a moderately dense mixed-use project. Because the project would place a new residential population within walking distance of several major transit routes and numerous local-serving retail uses, it has the potential to reduce dependence on motor vehicles. The live/work and work/live units on the site would also allow for reduced commuting rates, and could contribute to regional improvements in air quality.

Table IV.B-3 *Continued*

Policy #	Policy	Relationship
Policy CO-13.3:	Construction Methods and Materials. Encourage the use of energy-efficient construction and building materials. Encourage site plans for new development which maximize energy efficiency.	The project applicant has not indicated whether construction or building materials would be energy-efficient. However, the project would locate a new residential population near several major transit routes, potentially reducing per capita energy expenditures on transportation.

C. CULTURAL AND PALEONTOLOGICAL RESOURCES

This section evaluates the proposed project's potential impacts to cultural and paleontological resources. Cultural resources are sites, buildings, structures, objects, and districts that may have traditional or cultural value due to their historical significance. Paleontological resources are the fossilized remains of prehistoric plant and animal life.

The first part of this section describes the methods used to conduct the cultural resources analysis, and is followed by a brief historical overview of the project area. The second section describes the methods used for the paleontological resources analysis, and is followed by a description of the existing paleontological setting in and around the project site. The third section describes the regulatory setting for cultural and paleontological resources. The final section presents the results of the impact analysis and, where feasible, provides mitigation measures to reduce such impacts to less-than-significant levels.

1. Cultural Resources

This section describes the methods used to identify the cultural resources setting and baseline conditions for the project area. Following this, a brief overview of the prehistoric, ethnographic, and historical setting of the project area and its vicinity is provided.

a. Methods. This cultural resources analysis includes a records search, literature review, field survey, and consultation with potentially-interested parties. This work was conducted to: (1) identify cultural resources or cultural resource studies within or adjacent to the project area; and (2) gather the archaeological, ethnographic, and historical information necessary to characterize the potential of the site to contain cultural resources.

(1) Records Searches. On May 21, 2007, a records search of the project site (File #06-1832) was conducted at the Northwest Information Center (NWIC) of the California Historical Resources Information System, Sonoma State University, Rohnert Park. The NWIC, an affiliate of the State of California Office of Historic Preservation, is the official State repository of cultural resources records and reports for Alameda County.

A review of the NWIC database indicated that no archeological resource studies have been completed of the project area. No prehistoric or historical archaeological sites are recorded within or immediately adjacent to the project area. However, the California Office of Historic Preservation¹ assigned the Standard Beverages Limited building (the existing structure in the project area) a rating of "5S2" in 1995, indicating it is eligible for a local historical listing or designation.

On May 22, 2007, a records search was conducted by the Oakland Cultural Heritage Survey (OCHS) of the project area. The OCHS is a division of the Oakland Community and Economic Development Agency and has completed Historic Resources Inventory and/or California Department of Parks and Recreation 523 forms for numerous buildings and structures of historical interest within the City.

¹ Office of Historic Preservation, 2007. *Directory of Properties in the Historic Property Data File*. California Department of Parks and Recreation, Sacramento. March 28.

The OCHS has reviewed the Standard Beverages Limited building on the project site and recorded it on a State of California Department of Parks and Recreation 523 form (including a Primary Record and Building, Structure, and Object Record). On Department of Parks and Recreation 523 forms, buildings are assigned a National Register of Historic Places Status Code ranging from “1” (Listed in the National Register) to “7” (Undetermined). The National Register of Historic Places Status Code assigned to the building on the Building, Structure, and Object Record prepared by OCHS is “5S.” A Status Code of “5” indicates that a structure is ineligible for the National Register but is still of local interest. As already noted, the California Office of Historic Preservation assigned the building a rating of “5S2” in 1995, indicating it is eligible for a local historical listing or designation.

The OCHS also assigned a local significance rating of “C3” to the building, indicating that it is considered a building of secondary importance and is not a contributor to a historic district under the Historic Preservation Element of the City of Oakland’s General Plan. The building is not classified as being on Oakland’s Local Register of Historic Resources, but is considered a Potentially Designated History Property (PDHP).

The OCHS file for the Standard Beverages Limited building includes a historical evaluation report of the Standard Beverages Limited building. A 2006 report prepared by Preservation Architecture concluded that although “the subject building generally characterizes Emeryville’s industrial past; overall the actual building has limited substance.”²

On May 21, 2007, a letter and map depicting the project area were faxed to the Native American Heritage Commission (NAHC) in Sacramento requesting a review of NAHC’s sacred lands file for any Native American cultural resources that might be affected by the proposed project. The NAHC is the official State repository of locational information on Native American sacred areas within California.

Katy Sanchez, NAHC Program Analyst, responded in a faxed letter on May 24, 2007, that a review of the sacred lands file did not indicate any “Native American cultural resources in the immediate project area.”

(2) Literature Review. LSA reviewed prehistoric, ethnographic, and historical data for information about the project area. Materials reviewed are listed in the Cultural Resources technical report, which is on-file at the City of Emeryville.

(3) Field Survey. An architectural historian with LSA conducted a field review to record and assess the integrity of the Standard Beverages Limited building in the project area on May 21, 2007. The existing building and parking lot obscure the native ground surface and precluded an effective archaeological survey of the site.

(4) Consultation. On May 21, 2007, a letter describing the project and a map depicting the project area was sent to the Alameda County Historical Society and Lori Fogarty, Executive Director

² Preservation Architecture, 2006. *3900 Adeline Street Existing Building Evaluation*. Preservation Architecture, Oakland.

of the Oakland Museum of California, requesting information or concerns regarding historical sites in the project area. A summary of these contacts is presented below:

Alameda County Historical Society. On June 6, 2007, a follow-up phone call was made to the Historical Society to determine if the organization had any information or concerns about historical sites in the project area. A Historical Society representative stated that the Society had no concerns or comments about the project.

Lori Fogarty, Executive Director, Oakland Museum of California. On June 6, 2007, a follow-up phone call was made to Lori Fogarty. Ms. Fogarty's assistant stated that Ms. Fogarty did not have any concerns regarding the project.

b. Cultural Resources Overview. The following cultural overview briefly describes: (1) the prehistoric and ethnographic background of the project area and its vicinity; (2) the general historical development of the project area vicinity; and (3) the focused historical background of the project area.

(1) Prehistory and Ethnography. The Paleo-Archaic-Emergent cultural sequence developed by Fredrickson³ is commonly used to interpret the prehistoric occupation of Central California. The sequence consists of three broad periods: the Paleoindian Period (10,000-6,000 B.C.); the three-staged Archaic Period, consisting of the Lower Archaic (6,000-3,000 B.C.), Middle Archaic (3,000-500 B.C.), and Upper Archaic (500 B.C.-A.D. 1,000); and the Emergent Period (A.D. 1,000-1,800).

The Paleo Period began with the first entry of people into California. These people probably subsisted mainly on big game, minimally processed plant foods, and had few or no trade networks. Current research, however, is indicating more sedentism, plant processing, and trading than previously believed. During the Lower Archaic, milling stones appear in abundance and hunting is less important than plants as a source of food. Artifacts are made predominantly from local materials, suggesting that few if any extensive trade networks were established at this time. During the Middle Archaic, the subsistence base began to expand and diversify with a developing acorn economy, as evidenced by the mortar and pestle, and the growing importance of hunting. Status and wealth distinctions also developed in the Upper Archaic archaeological record; regional exchange networks were well established at this time with exchange of goods and ideas, such as obsidian and Kuksu ceremonial practices involving spirit impersonations. Increasing social complexity continued during the Lower Emergent. Territorial boundaries were well established by this time with regularized inter-group exchanges involving greater quantities and variations of goods, people, and ideas. Bow and arrow technology was also introduced. By the Upper Emergent, a monetary system based on the exchange of clamshell disk beads was established. Native population reached its zenith during this time, as evidenced by high site densities and large village sites in the archaeological record.

Historically, archaeological excavations in the East Bay have focused on shellmounds. These sites contain a rich, diverse assemblage of dietary remains, artifacts, and human remains. Excavations at two major shellmounds near the project area—the Emeryville Shellmound, CA-ALA-309, and the West Berkeley Shellmound, CA-ALA-307—have helped refine our understanding of the Bay Area's

³ Fredrickson, David A., 1974. Cultural Diversity in Early Central California: A View from the North Coast Ranges. *Journal of California Anthropology* 1(1):41-53.

earliest inhabitants. Excavations at the Emeryville Shellmound^{4, 5, 6} have identified hundreds of human burials, groundstone (e.g., mortars, pestles, and “charmstones”), flaked stone (e.g., obsidian and chert projectile points and flaking debris), bone tools, and dietary debris, including clams, mussels, oysters, and land and sea mammal bones. Uhle,⁷ Nelson,⁸ and Bennyhoff⁹ have identified temporal changes in artifact types, dietary refuse, and human interments in multiple strata at the site. Excavations at the West Berkeley Shellmound¹⁰ have identified an assemblage as diverse as the Emeryville Shellmound’s, with two cultural components at the site. The oldest component at the West Berkeley Shellmound is believed to predate 2,000 B.C. and the earliest known occupation of the Emeryville Shellmound.¹¹

The project area is situated within territory occupied by Costanoan—also commonly referred to as Ohlone—language groups. Ohlone territories comprised one or more land holding groups that anthropologists refer to as “tribelets.” The tribelet, a nearly universal settlement throughout native California, consists of principal village, which was occupied year round, and a series of smaller hamlets and resource gathering and processing locations occupied intermittently or seasonally.¹² Population densities of tribelets ranged between 50 and 500 persons, which were largely determined by the carrying capacity of a tribelet’s territory. According to Milliken,¹³ the *Huchiun* tribelet occupied the Emeryville-Oakland area at the time of Spanish contact.

By the late eighteenth century, Spanish exploration and settlement of the Bay Area transformed Ohlone culture. Spanish settlers moved into northern California and established the mission system. Mission records indicate that the first *Huchiun* was baptized in 1787 with the first large group from that tribelet arriving at Mission San Francisco in the fall of 1794.¹⁴ Following the secularization of the missions in 1834, many Ohlone worked as manual laborers on ranchos.¹⁵

⁴ Nelson, Nels C., 1996. *Excavation of the Emeryville Shellmound, 1906: Nels C. Nelson’s Final Report*, transcribed and prefaced by Jack M. Broughton. Contributions of the University of California Archaeological Research Facility, Number 54. Berkeley.

⁵ Schenck, W. Egbert, 1926. The Emeryville Shellmound Final Report. *University of California Publications in American Archaeology and Ethnology* 23(3):147-282. Berkeley.

⁶ Uhle, Max, 1907. The Emeryville Shellmound. *University of California Publications in American Archaeology and Ethnology* 7(1):1-106. Berkeley.

⁷ Ibid.

⁸ Nelson, Nels C., 1996.

⁹ Bennyhoff, James A., 1986. *The Emeryville Site, Viewed 93 Years Later*. In *Symposium: A New Look at Some Old Sites: Papers from the Symposium Organized by Francis A. Riddell*. Coyote Press Archives of California Prehistory 6:65-74. Coyote Press, Salinas, California.

¹⁰ Wallace, William J., and Donald W. Lathrap, 1975. *West Berkeley (CA-ALA-307): A Culturally Stratified Shellmound on the East Shore of San Francisco Bay*. Contributions of the University of California Archaeological Research Facility, Number 29. Berkeley.

¹¹ Wallace, William J., and Donald W. Lathrap, 1975:55, 58.

¹² Kroeber, Alfred L., 1955. Nature of the Land-Holding Group. *Ethnohistory* 2:303-314.

¹³ Milliken, Randall, 1995:243. *A Time of Little Choice: The Disintegration of Tribal Culture in the San Francisco Bay Area, 1769-1810*. Ballena Press, Menlo Park, California.

¹⁴ Milliken, Randall, 1995:243.

¹⁵ Levy, Richard, 1978:486.

(2) Project Area Vicinity History. The project area is located entirely within the Rancho San Antonio land grant, originally granted to Luis Maria Peralta on August 3, 1820 for his service to the Spanish government. His 44,800-acre rancho included what are now the cities of Emeryville, Oakland, Berkeley, Alameda, Piedmont, and a part of San Leandro. Peralta's land grant was confirmed after Mexico's independence from Spain in 1822, and this title was honored when California entered the Union by treaty in 1848. In 1842, Peralta's son Vicente received the southwestern portion of the rancho lands, which included today's Emeryville, central and north Oakland, and Piedmont.

In 1859, Joseph Emery, for whom Emeryville is named, purchased 185 acres of an unincorporated tract north of Oakland that would become the city of Emeryville. At that time, Emeryville contained two major highways, Park and San Pablo avenues, and a section of the Southern Pacific railroad that paralleled the shoreline of San Francisco Bay. Emery built a Victorian mansion on the corners of San Pablo and Park avenues, and then subdivided and sold the remainder of his land. In 1871, Emery built the San Pablo Avenue Horse Car Railroad which connected Oakland with Emeryville, drawing new residents and development to Emeryville.¹⁶

Emeryville's first major development was the construction of the Oakland Trotting Park in 1871. The popularity of the race track drew supporting businesses, including saloons, restaurants, hotels and bordellos to the surrounding area. By 1874, the Northern Railway connected Oakland to Martinez, through Emeryville. The same year, Shell Mound Park, a picnic area and resort with a dance hall, was developed on top of the Emeryville Shellmound, a substantial prehistoric archaeological site adjacent to the race track. The park drew local residents and weekend visitors from around the Bay. Emery Station, at the foot of Park Avenue, and Shellmound Station provided rail access to the park and to the race track.¹⁷ In 1896, the Oakland Trotting Park was replaced by the California Jockey Club.

Business investors and concerned citizens, including Joseph Emery, proposed incorporating Emeryville in 1896. The group was interested in maintaining control of profits and taxes related to its investment. Local voters agreed and the city of Emeryville was established.¹⁸

Despite the closure of the race track in 1911 and Shell Mound Park in 1924, Emeryville continued to develop and prosper. In the 1920s, the City's Board of Trustees promoted Emeryville's prime location on San Francisco Bay as an excellent location for business enterprises, and its proximity to major cities, ports, and transportation. Coupled with the offer of reduced taxes, Emeryville became the home of industrial businesses. By 1935, 100 manufacturing plants operated within the city.¹⁹ The construction of the Bay Bridge connected Emeryville with San Francisco in 1939 and led to further industrial growth. Paint factories, steel mills, and other heavy industries continued to thrive during and after World War II.

¹⁶ Hausler, Donald, 1992:1. The History of Park Avenue, Emeryville, California. *Journal of Emeryville Historical Society*.

¹⁷ Hausler, Donald, 1994:6-13. The Emeryville Horse Race Track: 1871-1915. *Journal of Emeryville Historical Society* V(1):3-14.

¹⁸ Ibid.

¹⁹ Walker, Richard A., 2004. *Industry Builds out the City: The Suburbanization of Manufacturing in the San Francisco Bay Area, 1850-1940*. Department of Geography, University of California, Berkeley.

Currently, Emeryville is less reliant on industry and has moved towards restoring former factories and converting them into work/live spaces. Service, shopping facilities, educational, entertainment, and biological and other high tech uses are the new industries of Emeryville.

Oakland experienced a similar trajectory of growth, although with significant setbacks immediately after World War II. The City originally grew up around its waterfront, with development limited by the available modes of transportation. Steam ferry service to San Francisco was established in 1850, and by 1869 the first horse-car followed a route from the Oakland Estuary up Telegraph Avenue to 40th Street, northeast of the project site. The horse-car lines were gradually replaced by electric streetcars. The devastation of the 1906 earthquake and fire in San Francisco prompted the development of new residential areas in Oakland to accommodate displaced San Francisco residents. Older neighborhoods became more densely populated and new apartment buildings and related growth became part of Oakland's residential fabric. Vestiges of this densification can be seen today in the vicinity of the project area.

Unlike Emeryville, Oakland as a whole experienced significant economic losses after World War II, as the inner core of the City began a multi-decade decline. The massive suburbanization of the East Bay in the post-War period was followed by high unemployment, racial tension, and reduced economic opportunity in Oakland. However, this trend began to reverse itself in the 1980s as reinvestment and redevelopment helped invigorate portions of Oakland.

(3) Project Area History and Background. The 1902-1903 Sanborn Fire Insurance map indicates that the project area was a vacant lot at the turn of the 20th century. Parcels in the immediate vicinity were occupied predominately by dwellings, with some businesses, including a bank and machine shop directly across from the project site on Adeline Street and a hardware store, warehouse, and feed and fuel shop south and across the street from the project site at 39th Street and Adeline Street.

According to County Assessor's records reviewed by Preservation Architecture, the main corner building at 39th and Adeline was constructed in 1917, with a garage occupying the first floor and a residence on the second floor.²⁰ These records also indicate that a shop addition was made to the northwest portion of the building at 3908 Adeline Street in 1924. Preservation Architecture's research did not identify the original architect of the building, nor was the original occupant(s) determined. The Standard Beverages Limited Company, which blended and bottled Nehi, Royal Crown, Coca Cola, and Par-T-Pak sodas occupied the building from approximately 1930 until 1950. Currently, the Standard Beverages Limited building is occupied by an Oriental Spa, a T-shirt silk-screener, a hair studio/salon, and a vintage automobile restoration service.

²⁰ Preservation Architecture, op. cit.

The Standard Beverages Limited building has been evaluated to determine its eligibility for listing in the California Register of Historical Resources or status as an “historical resource” pursuant to *CEQA Guidelines* Section 15064.5(a). The building qualifies as a “significant structure” under Emeryville Ordinance 06-013, but is not considered by Emeryville to be a significant *historical* resource. However, the structure is considered a historical resource for the purposes of CEQA because the National Register of Historic Places Status Code for the building on a Department of Parks and Recreation 523 form is “5S,” meaning that it is a building of local interest (but is not eligible for the National Register of Historic Places). The City of Oakland considers buildings with Status Codes of 1 through 5 to be considered historic resources for the purposes of CEQA. The building’s Status Code and the significance of this rating are also evaluated in the discussion of the project’s potential cultural resources impacts.



The parapet contains decorative features, including a cartouche that may have contained the Standard Beverages Ltd. insignia.

The Standard Beverages Limited building is a single story, three-cornered industrial block with a two-story central office section containing the main entrance on the corner of 39th Street and Adeline Street. This structure is a good example of a light industrial masonry building. The building is of composite masonry construction, with concrete blocks behind decorative and varied face brick veneer and sits on an undetermined type of foundation, most likely concrete. The decorative face brick veneer displays a repeating and interesting stylistic banding and diamond shaped motifs all along street-facing façades. The decorative masonry features include a band of rowlock bricks above the general common bond style of masonry with a repeating diamond-shaped motif every 10 to 12 feet. The upper band of common-bond brickwork is a band of soldier bricks, which rest above a band of header brick. Below the header brick the wall recesses and the masonry returns to a common bond style, which in turn rests on a band of stretcher brick. The stretcher brick rests on a band of rowlock bricks that are placed above a band of soldier bricks. Below the band of soldier bricks are the window casements.

The windows are metal framed and consist of three main windows divided into twenty small panes each divided by metal muntins and are of fixed, non-opening design. Below the window is a band of semi-exposed rowlock bricks forming the window sill. The multi-paned windows appear to be in their original metal sash design with the later installation of flat-iron bars, presumably for security purposes. From the sill to ground level, the common band masonry style resumes.



The multi-paned windows appear to be in their original metal sash design. Flat-iron bars were installed after construction of the original windows, probably for security purposes.

This unique masonry/fenestration pattern on the south facade repeats itself ten times and is divided into sections by brick pilasters. The five roll-up door sections are minimal in decorative masonry expression. The masonry/fenestration pattern is not featured on the west facade of the structure, suggesting the primary facade at the time of construction was 39th Street.

The principal entrance is in the Emeryville portion of the property and is a two story office block that now is occupied by a spa. The roofline of the two-story portion is concealed by a parapet that is part staggered corbie gable and curved fractable gable under a crowning band of rowlock bricks. The gable face features the decorative diamond-shaped motifs which flank an elaborate cast stone cartouche²¹ that may at one time have contained the Standard



The principal entrance of the building is a two-story office block.

Beverages Ltd. insignia. Below the decorative cartouche, common bond bricks give way to a band of painted or cast dripstone that wraps around the three-cornered second story portion. Below the dripstone, common bond bricks are broken by a band of rowlock bricks that form part of the window casement. The windows on the second story portion are a mix of original wooden double-hung sash windows on the west facade and more modern aluminum sash slider type windows on the main entrance façade and the south facade. The windows appear to be in their original location and possess their original casement size. They have narrow surrounds and are recessed into the walls. A row of semi-exposed rowlock bricks form the window sill which in turn, rests on a band of soldier bricks. The soldier bricks are above a single band of header bricks that rest on common bond bricks. The main entrance is enframed by three rows of rowlock bricks above a recessed area for the oriental spa signage and is flanked by flush common bond walls. The main entrance is of modern metal framed glass swing-out double door design. The entryway is under a curved awning with brick planter boxes flanking it.

2. Paleontological Resources

This section presents the results of a paleontological resources analysis of the project area. A description of the research methods used is followed by a description of the project area's physical characteristics as they relate to fossils.

a. Methods. Background research consisted of a fossil locality search and a literature review. Background research was conducted to: (1) identify fossils found within or adjacent to the project area; and (2) identify the geological formations within and adjacent to the project area and determine whether such formations may contain fossils.

²¹ A cartouche is an oval or oblong, slightly convex surface, usually surrounded by ornamental scrollwork, for receiving a painted or low-relief decoration. See photo on previous page.

(1) Fossil Locality Search. A fossil locality search was conducted on May 8, 2007, by the staff at the University of California Museum of Paleontology (UCMP), Berkeley. The locality search identified 20 fossil localities within a 10-mile radius of the project area. These localities contain a wide variety of specimens from the Pleistocene, such as giant ground sloths, horses, bison, deer, mammoths, mastodons, short-faced bears, camels, rodents, reptiles, amphibians, birds, and fish. None of these localities are within or adjacent to the project area.

(2) Literature Review. LSA reviewed paleontological and geological literature relevant to the project area and its vicinity. This review identified the project area as being underlain by Holocene-aged (present to 10,000 years old) alluvial fan deposits. In the vicinity of the project are the Merritt Sands, which are Holocene and Pleistocene in age, as well as Pleistocene alluvial fan deposits.²² The Pleistocene alluvial fan deposits are sensitive for significant paleontological resources, and underlie the Holocene-aged alluvial fan deposits present in the project area, but at an unknown depth. The paleontological and geological literature reviewed is listed in the technical report, which is available for review at the City of Emeryville.

b. Paleontological Setting. The project area is situated on Holocene-aged (present to 10,000 years old) alluvial deposits. This alluvium is not sensitive for paleontological resources. Underlying the Holocene alluvium, but at an unknown depth, is Pleistocene-aged (10,000 to 1.5 million years old) alluvium, which is sensitive for significant paleontological resources. The Franciscan Assemblage, which composes much of the hills east of Oakland, is probably the project area's deepest formation. The geologic formations, from youngest to oldest, are described below.

(1) Soils. The project area is covered by urban land soils of the Clear Lake Complex.²³ The soils are at least 60 inches in depth. Soil material in urban complexes has been heavily altered or mixed during construction activities. Clear Lake soil is formed in alluvium derived mainly from sedimentary sources and tends to be very deep and poorly drained.

(2) Holocene Alluvial Fan Deposits (present to 10,000 years old). These deposits are brown to tan, dense gravelly sands that grade upward to silty clay. These surficial deposits cover the majority of the Oakland metro area, and are too young to contain significant paleontological resources.

(3) Pleistocene Alluvial Fan Deposits (10,000 to 1.5 million years old). This very thick layer of alluvium is present in much of the East Bay, including the project area, but at an unknown depth. Nearby studies have shown it to be at least 150 feet thick,²⁴ but there is no data on the depth and thickness of this deposit in the project area. This alluvium is weakly consolidated and irregularly

²² Graymer, R.W., 2000. *Geologic Map and Map Database of the Oakland Metropolitan Area, Alameda, Contra Costa, and San Francisco Counties, California*. U.S. Geological Survey, Miscellaneous Field Studies MF-2342. U.S. Geological Survey, Washington D.C.

²³ Welch, Lawrence E., 1981:25. *Survey of Alameda County, California, Western Part*. United States Department of Agriculture, Soil Conservation Service, Washington D.C.

²⁴ Graymer, R.W., op. cit.

inter-bedded with clay, silt, sand, and gravel, and can locally contain fossils of fresh water gastropods and bivalves, and such Pleistocene mega-fauna as horse, camel, bison, sloth, and mammoth.^{25, 26, 27, 28}

(4) Franciscan Assemblage. The Franciscan Assemblage is a formation of various igneous and sedimentary rocks formed in the Cretaceous period, and forms the bedrock of the project area. It is buried under hundreds of feet of sediments. It has been known to contain radiolarian fossils in its chert layers, and can contain marine invertebrate fossils and trace fossils in other sedimentary layers.^{29, 30, 31, 32} It is not known for containing vertebrate fossils.^{33, 34}

3. Regulatory Setting

The following section describes CEQA historical resource guidelines, Emeryville's Municipal Code sections 9-4.67.1 to 67.9, and regulatory and policy requirements for cultural and paleontological resources in the Historic Preservation Element of the Oakland General Plan.

a. CEQA Requirements. CEQA defines a "historical resource" as a resource which meets one or more of the following criteria: 1) listed in, or determined eligible for listing, in the California Register of Historical Resources (California Register); 2) listed in a local register of historical resources as defined in Public Resources Code (PRC) Section 5020.1(k); 3) identified as significant in a historical resource survey meeting the requirements of PRC Section 5024.1(g); or 4) determined to be a historical resource by a project's lead agency (Public Resources Code Section 21084.1 and *CEQA Guidelines* Section 15064.5(a)). A historical resource consists of:

"Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engine-

²⁵ Bell, C.J., E.L. Lundelius, Jr., A.D. Barnosky, R.W. Graham, E.H. Lindsay, D.R. Ruez, Jr., H.S. Semken, Jr., S.D. Webb, and R.J. Zakrzewski, 2004. The Blancan, Irvingtonian, and Rancholabrean Mammal Ages. In *Late Cretaceous and Cenozoic Mammals of North America*, edited by M.O. Woodburne, pp. 232-314. Columbia University Press, New York.

²⁶ Helley et al., op. cit.

²⁷ Savage, D.E., 1951. *Late Cenozoic Vertebrates of the San Francisco Bay Region*. University of California Bulletin of the Department of Geological Science 28(10):215-314. Berkeley.

²⁸ Stirton, R.A., 1951. Cenozoic Mammal Remains from the San Francisco Bay Region. University of California Bulletin of the Department of Geological Science 24, Berkeley.

²⁹ Armstrong, C.F., and Kathy Gallagher, 1977. Fossils from the Franciscan Assemblage Alcatraz Island. *California Geology* 30:134-135.

³⁰ Little, Crispin T.S., Richard J. Herrington, Rachel M. Haymon, Taniel Danelian, 1999. Early Jurassic Hydrothermal Vent Community from the Franciscan Complex, San Rafael Mountains, California. *Geology* 27(2):167-170.

³¹ Miller III, William, 1989. Paleontology of Franciscan Flysch at Point Saint George, Northern California. In *Geologic Evolution of the Northernmost Coast Ranges and Western Klamath Mountains, California: 28th International Geological Congress, Field Trip Guidebook T308*, edited by K.R. Aalto and G.D. Harper, pp. 47-52. American Geophysical Union, Washington D.C.

³² Schlocker, Julius, 1974. *Geology of the San Francisco North quadrangle, California*. U.S. Geological Survey Professional Paper 782. U.S. Geological Survey, Washington D.C.

³³ Armstrong and Gallagher, op. cit.

³⁴ Camp, C.L., 1942. Ichthyosaur Rostra from Central California. *Journal of Paleontology* 16(3):362-371.

ering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.... Generally, a resource shall be considered by the lead agency to be 'historically significant' if the resource meets the criteria for listing on the California Register of Historical Resources" *CEQA Guidelines* Section 15064.5(a)(3).

In accordance with *CEQA Guidelines* Section 15064.5(b), a substantial adverse change in the significance of a historical resource is a significant effect on the environment.

CEQA requires a Lead Agency to determine if an archaeological cultural resource meets the definition of a historical resource, a unique archaeological resource, or neither (*CEQA Guidelines* Section 15064.5(c)). Prior to considering potential impacts, the Lead Agency must determine whether an archaeological cultural resource meets the definition of a historical resource in *CEQA Guidelines* Section 15064.5(c)(1). If the archaeological cultural resource meets the definition of a historical resource, then it must be treated like any other type of historical resource in accordance with *CEQA Guidelines* Section 15126.4. If the archaeological cultural resource does not meet the definition of a historical resource, then the lead agency must determine if it meets the definition of a unique archaeological resource as defined at CEQA Section 21083.2(g). In practice, however, most archaeological sites that meet the definition of a unique archaeological resource will also meet the definition of a historical resource.³⁵ Should the archaeological cultural resource meet the definition of a unique archaeological resource, then it must be treated in accordance with CEQA Section 21083.2. If the archaeological cultural resource does not meet the definition of a historical resource or an archaeological resource, then effects to the resource are not considered significant effects on the environment (*CEQA Guidelines* Section 15064.5(c)(4)).

California Health and Safety Code (HSC) Section 7050.5 states that in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the remains are discovered has determined whether or not the remains are subject to the coroner's authority. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Native American Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods.

Public Resources Code (PRC) Section 5097.5 provides for the protection of cultural and paleontological resources. This PRC section prohibits the removal, destruction, injury, or defacement of archaeological and paleontological features on any lands under the jurisdiction of State or local authorities.

c. Ordinance 06-013. In September 2006, the Emeryville City Council adopted ordinance 06-013, which included an amendment to the Municipal Code (Sections 9-4.67.1 through 9-4.67.9). The purpose of the amendment is to require City Council approval prior to moving, removal, or demolition of a "significant structure." A significant structure is one that is at least 50 years old and is "a

³⁵ Bass, Ronald E., Albert I. Herson, and Kenneth M. Bogdan, 1999:105. *CEQA Deskbook: A Step-by-Step Guide on how to Comply with the California Environmental Quality Act*. Solano Press Books, Point Arena, California.

prominent structure that is emblematic of Emeryville and important to the history of Emeryville” or a structure that has five of the following features in its street façade(s).³⁶

- Predominantly brick, poured-in-place concrete or wood;
- Windows and doors covering at least 30 percent of a street façade;
- Repetitive rhythm or symmetry as defined by window and door openings on most of a façade;
- Multi-paned windows (at least half of the windows having panes measuring no more than 3 feet by 4 feet);
- Window sills protruding from walls;
- Window frames at least 4 inches wide on more than half of the windows (such as wood frames or brick pattern on all sides of windows);
- Roofline with varied heights or angled or curved shapes at street front;
- Decorative bas relief, concrete inlays, ironwork, stained glass, tiles or other decorative features;
- Walls with horizontal articulation such as columns, curves or recesses of at least 1 foot;
- Walls with vertical articulation such as cornices;
- Varied patterns in the predominant cladding material;
- Major entrance on the street; and
- Arches or angles over the main entrance.

If a non-residential structure meets the above criteria, the City Planning Commission is required to review a proposed project that may affect the significant structure and recommend that the project be approved, conditionally approved, or denied. The Planning Commission is then required to forward its recommendation to the City Council, to make a final determination on a proposed application for demolition or removal of the significant structure.

This ordinance also provides for the creation of an inventory of Significant Structures. Under the authority of the Planning Director, structures that meet the criteria listed above that reside outside of the Park Avenue District (located northwest of the project area) shall comprise the inventory. Any structure that meets the criteria, regardless of whether it has been inventoried, shall be subject to the ordinance.

The Standard Beverages Limited building contains all of the features indicative of “significant” buildings, pursuant to Ordinance 06-013. Thus the building is considered “significant.” However, as noted above, Ordinance 06-013 is not a historic preservation ordinance. Therefore, the significance designation of the building does not in and of itself make the Standard Beverages Limited building a historic resource.

³⁶ Although Ordinance 06-013 provides an added layer of protection to certain buildings over 50 years old, it is not a historic preservation ordinance.

c. **Oakland General Plan Historic Preservation Element.** The Historic Preservation Element (HPE) of the Oakland General Plan presents goals, policies, and objectives that guide historic preservation efforts in Oakland. HPE policies define the criteria for legal significance that must be met by a resource before it is listed in Oakland's local register of historical resources; such a listing would classify a building as a historical resource under CEQA. Based on a City-wide preliminary architectural inventory completed by the OCHS, pre-1945 properties have been assigned a significance rating of A, B, C, D, or E and assigned a number (1, 2, or 3) which indicates their district status. The ranking system, which is summarized in Table IV.C-1, indicates a property's status as a historical resource and identifies those properties warranting special consideration in the planning process.

The HPE also establishes the following policy with respect to historical resources under CEQA:

- Policy 3.8: For the purposes of environmental review under CEQA, the following properties will constitute the City of Oakland's Local Register:
 - o All "Designated Historic Properties," i.e., those properties that are City Landmarks, which contribute to or potentially contribute to Preservation Districts, and Heritage Properties;
 - o Those "Potential Designated Historic Properties" that have an existing rating of "A" or "B" or are located within an "Area of Primary Importance;"
 - o Until complete implementation of Action 2.1.2 (Redesignation), the "Local Register" will also include the following designated properties: Oakland Landmarks, S-7 Preservation Combining Zone properties, and Preservation Study List properties.

The HPE includes other policies that seek to encourage the preservation of Oakland's significant historic resources while allowing for continued development and growth. These policies are presented below.

- Policy 3.1: Avoid or Minimize Adverse Historic Preservation Impacts Related to Discretionary City Actions. The City will make all reasonable efforts to avoid or minimize adverse effects on the Character-Defining Elements of existing or Potential Designated Historic Properties which could result from private or public projects requiring discretionary actions.
- Policy 3.4: City Acquisition of Historic Preservation Where Necessary. Where all other means of preservation have been exhausted, the City will consider acquiring, by eminent domain if necessary, existing or Potential Designated Historic Properties, or portions thereof, in order to preserve them. Such acquisition may be in fee, as conservation easements, or a combination thereof.
- Policy 3.5: Historic Preservation and Discretionary Permit Approvals. For any project involving the complete demolition of Heritage Properties or Potential Designated Historic Properties requiring discretionary City permits, the City will make a finding that: 1) the design quality of the proposed project is at least equal to that of the original structure and is compatible with the character of the neighborhood; or 2) the public benefits of the proposed project outweigh the benefit of retaining the original structure; or 3) the existing design is undistinguished and does not warrant retention and the proposed design is compatible with the character of the neighborhood.
- Policy 3.7: Property Relocation Rather than Demolition. As a condition of approval for all discretionary projects involving demolition of existing or Potential Designated Historic Properties, the City will normally require that reasonable efforts be made to relocate the properties to an acceptable site.

Table IV.C-1: Oakland Cultural Heritage Survey Significance Ratings

Rating Level	Description
A: Properties of Highest Importance.	This designation applies to properties considered clearly eligible for individual National Register and City Landmark designation. Such properties consist of outstanding examples of an important style, type, or convention, or intimately associated with a person, organization, event, or historical pattern of extreme importance at the local level or of major importance at the State or national level.
B: Properties of Major Importance.	These are properties of major historical or architectural value not sufficiently important to be rated "A." Most are considered individually eligible for the National Register, but some may be marginal candidates. All are considered eligible for City Landmark designation and consist of especially fine examples of an important type, style, or convention, or intimately associated with a person, organization, event, or historical pattern of major importance at the local level or of moderate importance at the State or national level.
C: Properties of Secondary Importance.	These are properties that have sufficient visual/architectural or historical value to warrant recognition but do not appear individually eligible for the National Register. Some may be eligible as City Landmarks and are superior or visually important examples of a particular type, style, or convention, and include most pre-1906 properties
D: Properties of Minor Importance.	These are properties which are not individually distinctive but are typical or representative examples of an important type, style, convention, or historical pattern. The great majority of pre-1946 properties are in this category.
E, F, or *: Properties of No Particular Interest.	Properties that are less than 45 years old or modernized.
District Status	Description
1	A property in an Area of Primary Importance (API) or National Register quality district. An API is a historically or visually cohesive area or property group identified by the OCHS which usually contains a high proportion of individual properties with ratings of "C" or higher.
2	A property in an Area of Secondary Importance (ASI) or a district of local significance. An ASI is similar to an API except that an ASI does not appear eligible for the National Register.
3	A property not within a historic district.

Note: Properties with ratings of "C" or higher or are contributors to or potential contributors to an API or ASI are considered Potential Designated Historic Properties (PDHP) that may warrant consideration for preservation by the City.

Although the HPE focuses primarily on built environment resources, prehistoric and historical archaeological resources are considered under the following policy:

- **Policy 4.1: Archaeological Resources.** To protect significant archaeological resources, the City will take special measures for discretionary projects involving ground disturbances located in archaeologically sensitive areas. This policy entails that mitigation measures are typically incorporated into the project as part of the environmental review process, which can include a surface reconnaissance by an archaeologist to identify archaeological deposits; monitoring of ground disturbance during construction to identify archaeological resources and stopping work if necessary to provide recommendations for the treatment of uncovered archaeological materials; and performing limited pre-construction archaeological excavations to determine whether archaeological materials are present.

Although the Standard Beverage Limited building is a Potential Designated Historic Property (PDHP), it is not a formally designated historic property. The PDHP label is "a category based on

Survey Ratings, and the ratings simply report what the Survey has found throughout Oakland.” All buildings meeting a minimum of significance thresholds (i.e., 50 years and older) are labeled as PDHPs.

4. Impacts and Mitigation Measures

This section analyzes the impacts related to cultural and paleontological resources that could result from implementation of the proposed project, and begins with criteria of significance, which establish the thresholds for determining whether a project impact is significant. The latter part of this section presents the potential cultural and paleontological impacts associated with the proposed project. Mitigation measures are provided as appropriate.

a. Criteria of Significance. Implementation of the project would have a significant impact on cultural and/or paleontological resources if it would:

- Cause a substantial adverse change in the significance of a historical resource as defined in *CEQA Guidelines* 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, the National Register of Historical Resources, Local Register, or historical resources survey form (DPR Form 523) with a rating of 1-5);
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to *CEQA Guidelines* Section 15064.5;
- Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or
- Disturb any human remains, including those interred outside of formal cemeteries.

b. Less than Significant Impacts. Implementation of the proposed project would result in no less-than-significant impacts to cultural resources. .

c. Significant Impacts. The following discussion describes the significant impacts to cultural and paleontological resources that would result from implementation of the proposed project.

Impact CULT-1: The proposed project would demolish a building considered to be a historical resource. (S)

The Standard Beverages Limited building is considered a historic resource pursuant to CEQA, based on the criteria of significance described above. As discussed in the regulatory setting subsection, a historical resource is a resource which meets one or more of the following criteria: 1) is listed in or eligible for listing in the California Register; 2) is listed in a local register of historic resources; 3) is identified as significant in a historical resource survey; or 4) is determined to be a historical resource

by the project's lead agency. The existing building's relationship to each of these criteria is summarized below:

1. *Listed in or Eligible for Listing on the California Register or National Register.* The Standard Beverages Limited building is not currently listed on any register of historic resources, including the California Register or National Register. In addition, the building is not eligible for listing on the California Register or National Register because the structure and its surrounding area do not possess sufficient integrity to convey historic significance. The building has been substantially altered since its original construction. Major alterations to the building include new windows, and new doors at the main entrance to the building and along adjoining street facades. In addition, the neighborhood surrounding the former bottling plant has undergone a radical change from the early twentieth century. Once part of a bustling industrial and distribution area, the neighborhood surrounding the project site now displays a residential and light industrial feeling. Because the Standard Beverages Limited building is isolated from other historic structures and is missing key original structural features, it is not eligible for listing on the California Register or National Register.
2. *Listed in a Local Register.* The City of Emeryville does not maintain a local register of historic resources. In addition, the Standard Beverages Limited building is not listed on Oakland's Local Register (the structure is not a Designated Historic Property, a PDHP with a rating of A B, or a PDHP located within an Area of Primary Importance). Also, the structure is not an Oakland Landmark, or an S-7 Combining Zone property, and is not on the City's Preservation Study List.
3. *Identified as Significant in a Historic Resource Survey.* The City of Emeryville has not undertaken a survey of historic buildings in Emeryville. OCHS has surveyed the Standard Beverages Limited building, but has determined that the structure is a building of secondary importance, which is not considered "significant."
4. *Identified as a Historical Resource by the Lead Agency.* As noted in the setting section, the building is considered "significant" pursuant to City of Emeryville Ordinance 06-013. However, this ordinance is not a historic preservation ordinance; therefore, the Standard Beverages Limited building is not considered a historic resource by the City of Emeryville. The City of Oakland considers a project to have a significant impact on a historic resource if "a project demolishes or materially alters, in an adverse manner, those physical characteristics of the resource that convey its historical significance and that justify its inclusion on, or eligibility for inclusion on an historical resource list (including the California Register of Historical Resources, the National Register of Historical Resources, Local Register, or historical resources survey form (DPR Form 523) with a rating of 1-5)." As discussed in the setting section, the Standard Beverages Limited Building was assigned a National Register of Historic Properties Status Code of "5S" by OCHS, meaning that the building is not eligible for the National Register, but is of local interest. The proposed project would demolish the Standard Beverages Limited building and would thus result in a significant impact to a historic resource.

Implementation of the following mitigation measure would reduce the significance of the impact, but not to a less-than-significant level. Therefore, even after mitigation, the impact would remain significant and unavoidable.

Mitigation Measure CULT-1: The building shall be documented to Historic American Buildings Survey (HABS) Level 3 standards, according to the Outline Format described in the *Historic American Buildings Survey Guidelines for Preparing Written Historical Descriptive Data*.³⁷ Photographic documentation shall follow the *Photographic Specifications – Historic American Building Survey*, including 15-20 archival quality large-format photographs of the exterior and interior of the building and its architectural elements. Construction techniques and architectural details shall be documented, especially noting the measurements of structural members, hardware, and other features that tie the architectural elements to a specific date. A copy of the documentation, with original photo negatives and prints, shall be placed in a historical archive or history collection accessible to the general public. Five copies of the documentation with archival photographs shall be produced for distribution to local and regional repositories. One copy shall be provided to the Northwest Information Center of the California Historical Resources Information System, Sonoma State University, Rohnert Park, California. A brochure shall also be prepared that includes a brief historical overview and photographs of the buildings and is made available for distribution to local libraries, museums, and schools.

In addition, the project applicant shall make a good faith effort to relocate the building located at 3900 Adeline Street to a site acceptable to the City. Good faith efforts include, at a minimum, the following:

- a) Advertising the availability of the building by: (1) posting of large visible signs (such as banners, at a minimum of 3'x 6' size or larger) at the site; (2) placement of advertisements in Bay Area news media acceptable to the City; and (3) contacting neighborhood associations and for-profit and not-for-profit housing and preservation organizations;
- b) Maintaining a log of all the good faith efforts and submitting that along with photos of the subject building showing the large signs (banners) to the City of Oakland Planning and Zoning Division;
- c) Maintaining the signs and advertising in place for a minimum of 90 days; and
- d) Making the building available at no or nominal cost (the amount to be reviewed by the Oakland Cultural Heritage Survey) until removal is necessary for construction of a replacement project, but in no case for less than a period of 90 days after such advertisement. (SU)

Impact CULT-2: Ground-disturbing activities associated with site preparation and the construction of building foundations and underground utilities could disturb archaeological deposits. (S)

Although no prehistoric or historical archaeological sites are recorded within or immediately adjacent to the project site, the possibility of such resources in the project area cannot be ruled out. Implemen-

³⁷ Pacific Coast Basin Regional Office, U.S. National Park Service 1993.

tation of Condition of Approval CULT-2 would ensure that, should archaeological deposits be identified during construction activities, impacts to such deposits would be avoided or mitigated.

Condition of Approval CULT-2: Pursuant to *CEQA Guidelines* Section 15064.5 (f), “provisions for historical or unique archaeological resources accidentally discovered during construction” should be instituted. Therefore, in the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist or paleontologist to assess the significance of the find. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified archaeologist would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and a report prepared by the qualified archaeologist according to current professional standards.

In considering any suggested measure proposed by the consulting archaeologist in order to mitigate impacts to historical resources or unique archaeological resources, the project applicant shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while measure for historical resources or unique archaeological resources is carried out.

Should an archaeological artifact or feature be discovered on-site during project construction, all activities within a 50-foot radius of the find would be halted until the findings can be fully investigated by a qualified archaeologist to evaluate the find and assess the significance of the find according to the *CEQA* definition of a historical or unique archaeological resource. If the deposit is determined to be significant, the project applicant and the qualified archaeologist shall meet to determine the appropriate avoidance measures or other appropriate measure, subject to approval by the City, which shall assure implementation of appropriate measure measures recommended by the archaeologist. Should archaeologically-significant materials be recovered, the qualified archaeologist would recommend appropriate analysis and treatment, and would prepare a report on the findings for submittal to the Northwest Information Center. (LTS)

Impact CULT-3: Ground-disturbing activities associated with site preparation and the construction of building foundations and underground utilities could disturb human remains, including those interred outside of formal cemeteries. (S)

Condition of Approval CULT-3: In the event that human skeletal remains are uncovered at the project site during construction or ground-breaking activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and follow the procedures and protocols pursuant to Section 15064.5 (e)(1) of the *CEQA Guidelines*. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with

specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously. (LTS)

Impact CULT-4: Ground-disturbing activities associated with site preparation and the construction of building foundations and underground utilities could adversely affect paleontological resources within Pleistocene deposits that underlie the project area. (S)

The geotechnical study prepared for the project site indicates that the Pleistocene alluvial deposits may begin at approximately 30 feet in depth,³⁸ although this is just an estimate. These alluvial deposits may contain fossils, and contact with these fossils during the construction period could result in a significant environmental impact. Implementation of Mitigation Measure CULT-4 would ensure that impacts to fossils that may underlie the project area are mitigated.

Mitigation Measure CULT-4: Due to the presence of several Pleistocene-aged fossil localities in proximity to the project area, and the uncertain depth of Pleistocene-aged sediments, a paleontologist shall be present to monitor initial project ground disturbing activities at or below 30 feet from the original ground surface. A sample of sediment below this depth shall be taken for presence-absence testing of microvertebrate fossils. Subsequent to the initial monitoring and sediment sampling, the paleontologist shall determine if further monitoring, periodic site reviews, or no further monitoring for paleontological resources is appropriate. If significant paleontological resources are discovered, all work within a 25 foot radius shall be stopped until a qualified paleontologist has been able to evaluate the find and make recommendations for the protection, excavation, and mitigation of the find. Mitigation for significant paleontological resources shall include monitoring of ground-disturbing activities, data recovery and analysis, preparation of a data recovery report or other reports, and conveying recovered fossil material to an accredited paleontological repository, such as the University of California Museum of Paleontology.

Upon project completion, a report shall be prepared documenting the methods and results of monitoring. This report shall be submitted to the project proponents. (LTS)

Impact CULT-5: Ground-disturbing activities associated with site preparation and the construction of building foundations and underground utilities could adversely affect paleontological resources within the soil/fill layer that underlies the project area. (S)

In the unlikely event that paleontological resources are encountered in the fill/soil layer that underlies the project area or if a paleontological monitor is not present, implementation of Condition of Approval CULT-5 would ensure that impacts to fossils would be avoided or mitigated to a less-than-significant level.

Condition of Approval CULT-5: In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate

³⁸ Cuellar, Daniel, Scott R. Huntsman, and Jay T. Sunderwala, 2006. *Geotechnical Investigation, 3900 Adeline Street, Oakland, California*. TRC Lowney, Oakland.

Paleontology standards (SVP 1995,1996)). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find under the criteria set forth in Section 15064.5 of the *CEQA Guidelines*. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval. (LTS)

D. TRANSPORTATION AND CIRCULATION

This section describes the existing traffic and circulation system, and pedestrian and transit conditions at the project site and vicinity and analyzes potential impacts of the project.

This transportation impact assessment conforms to the requirements and methodologies of the City of Emeryville and the City of Oakland. The traffic analysis describes the operational characteristics of the existing study area circulation system, determines the circulation system needs based on future traffic demand, and summarizes the potential circulation impacts associated with the development of the proposed project. Appendix C contains technical background information related to traffic.

1. Setting

This section describes the existing transportation system in the vicinity of the proposed project, including the regional and local roadway networks, bicycle facilities, pedestrian facilities, and transit service. Existing roadway operations are described and an explanation of the methods used for the traffic analysis is provided. The location of the project is shown in Figure IV.D-1.

a. Existing Roadway Network

(1) Regional Access. A brief description of the regional roadway network serving the project site is provided below:

- **Interstate 80 (I-80)** is a regional freeway extending west to San Francisco via the San Francisco-Oakland Bay Bridge, and east through Berkeley, Sacramento and into Nevada. Four to five lanes are generally provided in each direction on this freeway west of the project site. Access to and from I-80 from the project site is provided by Interstate 580 (I-580), with average daily traffic just north of the I-80 / I-580 junction reaching 294,000 vehicles per day.¹
- **Interstate 580 (I-580)** is a regional freeway located south of the project site, stretching from U.S. 101 in Marin County to Interstate 5 (I-5) south of Tracy. Three to four lanes are generally provided in each direction on this freeway near the project site. In the vicinity of the site, access from I-580 East is provided by an off-ramp at MacArthur Boulevard; access to I-580 East from the project site is provided via an on-ramp at Martin Luther King, Jr. Way between 46th Street and 47th Street. I-580 West has an offramp at West Street / 36th Street and an on-ramp at MacArthur Boulevard. Average daily traffic on I-580 between MacArthur Boulevard and the State Route 24 (SR-24) / I-580 / Interstate 980 (I-980) interchange is 220,000 vehicles per day.
- **Interstate 880 (I-880)** is a regional freeway between San Jose to the south and I-80 in Emeryville to the north. Four lanes are generally provided in each direction on this freeway near Emeryville. Access to I-880 from the project site is provided via SR-24 and I-980. Average daily traffic on I-880 between the I-980 junction and the Jackson Street / Broadway interchange is 199,000 vehicles per day.

¹ All regional roadway volumes are drawn from Caltrans Traffic Volumes on the State Highway System, 2006.

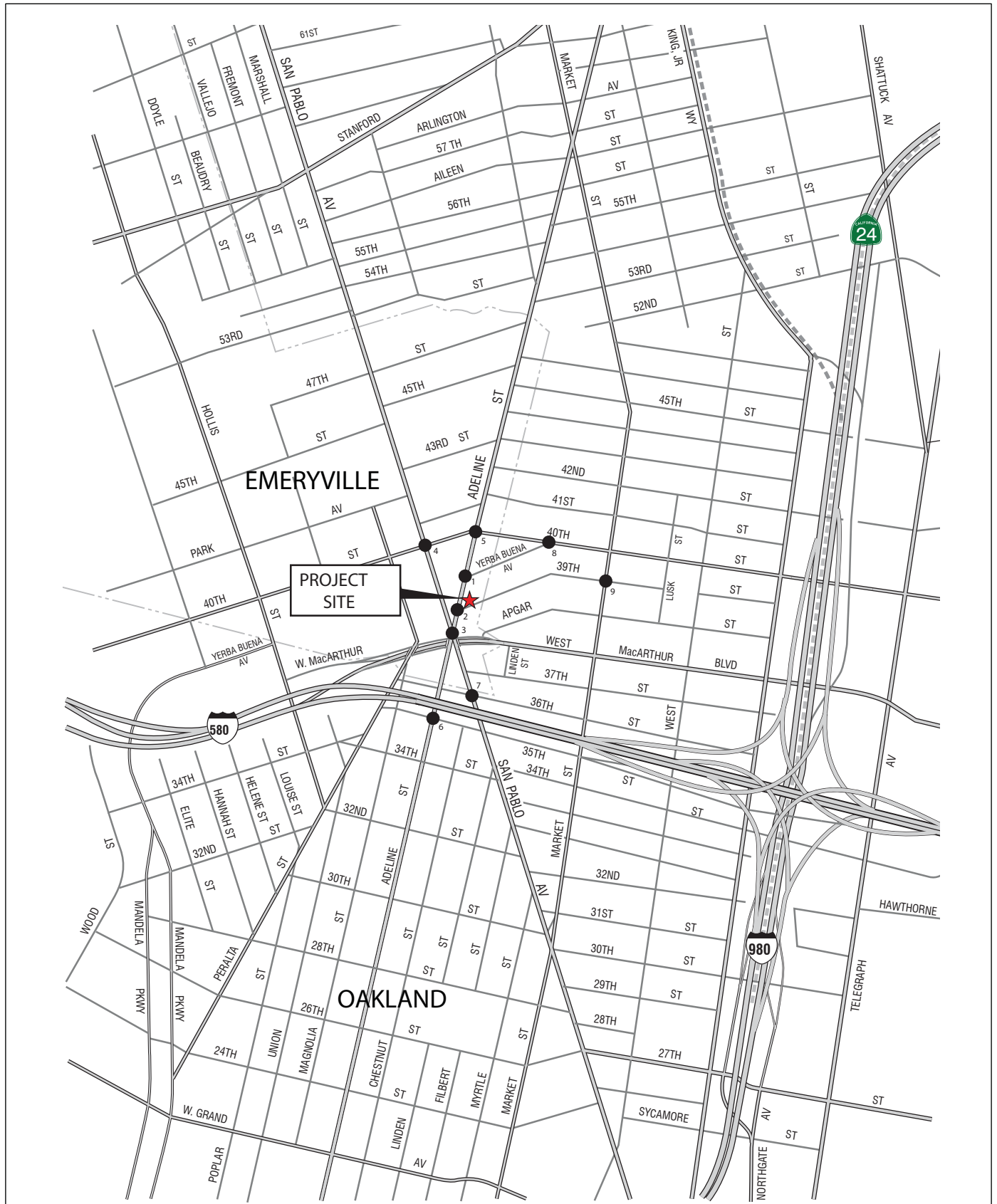


FIGURE IV.D-1

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NOT TO SCALE

● STUDY INTERSECTIONS

39th and Adeline Mixed-Use Project EIR
Project Location and
Study Intersections

SOURCE: DMJM HARRIS, 2007

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- **State Route 24 (SR-24)** is a regional freeway between Walnut Creek to the east and downtown Oakland to the west. SR-24 becomes I-980 at the I-580 interchange. Three lanes are generally provided in each direction on this freeway near the project site. Primary access from the project site to SR-24 is provided by an on-ramp at Market Street / 35th Street and an off-ramp at Market Street / 36th Street. Average daily traffic on SR-24 between the I-580 / I-980 interchange and the Telegraph Avenue / Claremont Avenue ramps is 135,000 vehicles per day.
- **Interstate 980 (I-980)** is a 2.5-mile stretch of freeway extending from I-880 to I-580. Three to four lanes are generally provided in each direction on this freeway, with auxiliary lanes available at some locations. I-980 becomes SR-24 at the I-580 interchange. Average daily traffic on I-980 south of the I-580 junction is 97,000 vehicles per day.

(2) **Local Access.** A brief description of the local and arterial streets serving the project site is given below:

- **Adeline Street** is a north-south arterial immediately west of the project site, stretching from 3rd Street in Oakland northward to the City of Berkeley, where it ends at Shattuck Avenue. In the vicinity of the project site, Adeline Street has two lanes in each direction.
- **Market Street** is a north-south arterial located east of the project site, stretching from Embarcadero West in Oakland northward to the City of Berkeley, where it becomes Sacramento Street. Market Street has two lanes in each direction in the vicinity of the project site.
- **MacArthur Boulevard** is a major east-west arterial stretching from I-580 in the vicinity of the project site until it terminates at Estudillo Boulevard in the City of San Leandro. Between Hollis Street and the I-580 Harrison Street interchange, this roadway is officially designated as West MacArthur Boulevard, but for purposes of simplicity, it is herein referred to as MacArthur Boulevard. In the immediate vicinity of the project site, MacArthur Boulevard operates with one lane in each direction for local traffic, with an additional expressway running underneath the intersections of Peralta Street / Emery Street and San Pablo Avenue / Adeline Street. The expressway operates with one westbound lane and two eastbound lanes, and surfaces at Market Street in the east and Hollis Street in the west. The expressway separates the two directions of local traffic by approximately 50 feet.
- **San Pablo Avenue** is a major north-south arterial located directly west of the project site, stretching from downtown Oakland north to the City of San Pablo. It is part of AC Transit's Rapid Bus program, and traffic signals along the roadway provide priority to AC Transit buses. In the vicinity of the project site, San Pablo Avenue operates with two lanes in each direction.
- **Yerba Buena Avenue** is a short east-west residential roadway consisting of two lanes. It runs from Adeline Street to 40th Street. Yerba Buena Avenue would provide access from the project site to I-80, I-980 West / I-880 South, and I-580 East.
- **35th Street** is a one-way eastbound frontage road consisting of two lanes, stretching from Peralta Street to Martin Luther King Jr. Way. 35th Street would provide primary access from the project site to SR-24 East.
- **36th Street** is a one-way westbound frontage road stretching from Martin Luther King Jr. Way to Peralta Street, operating as a one-way couplet with 35th Street. It generally consists of two lanes and would provide primary access to the project site from I-580 West and SR-24 West.

- **39th Street** is a short east-west, two-lane residential roadway between Adeline Street and Lusk Street. Primary access to the proposed parking garage would be provided by a driveway located along 39th Street.
- **40th Street** is a four-lane roadway stretching from Shellmound Boulevard eastward to Piedmont Avenue. 40th Street is located three blocks north of the project site. 40th Street would provide access from the project site to I-80, I-980 West / I-880 South, and I-580 East.

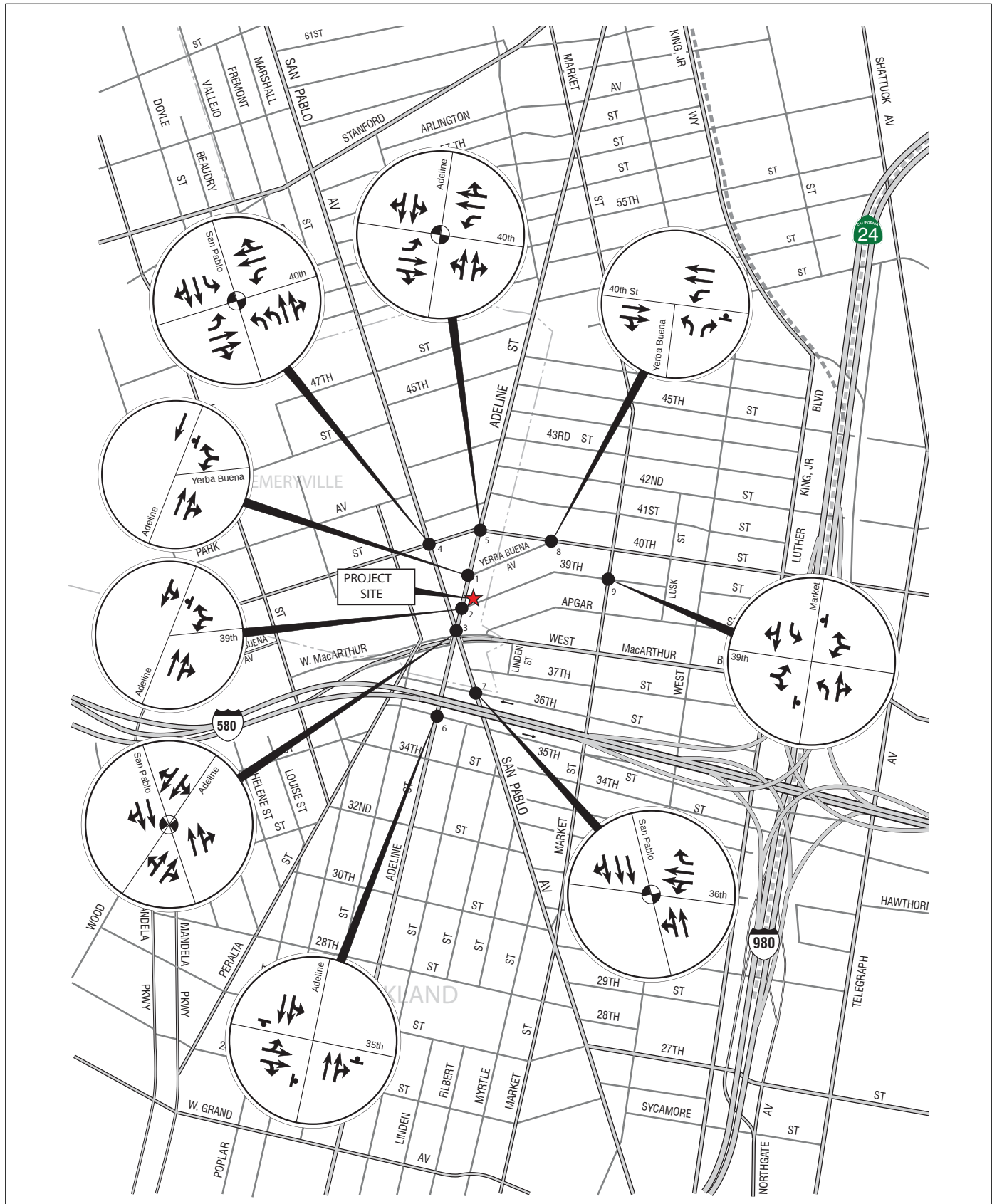
b. Study Intersections. Intersection level of service conditions were analyzed at nine key intersections in the vicinity of the project site for the AM and PM peak hours (7:00-9:00 a.m. and 4:00-6:00 p.m.). These nine intersections, shown in Figure IV.D-1, were selected because they are most likely to be significantly affected by project traffic. The nine study intersections are:

1. Adeline Street / Yerba Buena Avenue (*unsignalized*);
2. Adeline Street / 39th Street (*unsignalized*);
3. San Pablo Avenue / Adeline Street (*signalized*);
4. San Pablo Avenue / 40th Street (*signalized*);
5. Adeline Street / 40th Street (*signalized*);
6. Adeline Street / 35th Street (*unsignalized*);
7. San Pablo Avenue / 36th Street (*signalized*);
8. Yerba Buena Avenue / 40th Street (*unsignalized*); and
9. Market Street / 39th Street (*unsignalized*).

The project would not generate more than 100 trips in either the AM or PM peak hours and therefore, would not require an Alameda County Congestion Management Agency (ACCMa) analysis.

c. Existing Conditions Traffic Volumes. Weekday traffic counts for the AM and PM peak hours were collected on Tuesday, May 15, 2007 and Wednesday May 16, 2007. Figure IV.D-2 shows the existing lane geometry and signal control for the nine study intersections and Figure IV.D-3 shows existing traffic volume during the AM and PM peak hours.

(1) Level of Service Methodology. The operation of a local roadway network is commonly measured and described using the Level of Service (LOS) methodology. This methodology qualitatively characterizes traffic conditions associated with varying levels of vehicular traffic, ranging from LOS A (indicating free-flow traffic conditions with little or no delay experienced by motorists) to LOS F (indicating congested conditions where traffic flows exceed design capacity and result in long queues and delays). The LOS methodology applies to both signalized and unsignalized intersections and is summarized in Table IV.D-1.



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FIGURE IV.D-2



NOT TO SCALE

SOURCE: DMJM HARRIS, 2007

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39th and Adeline Mixed-Use Project EIR
Existing Lane Geometry and Control

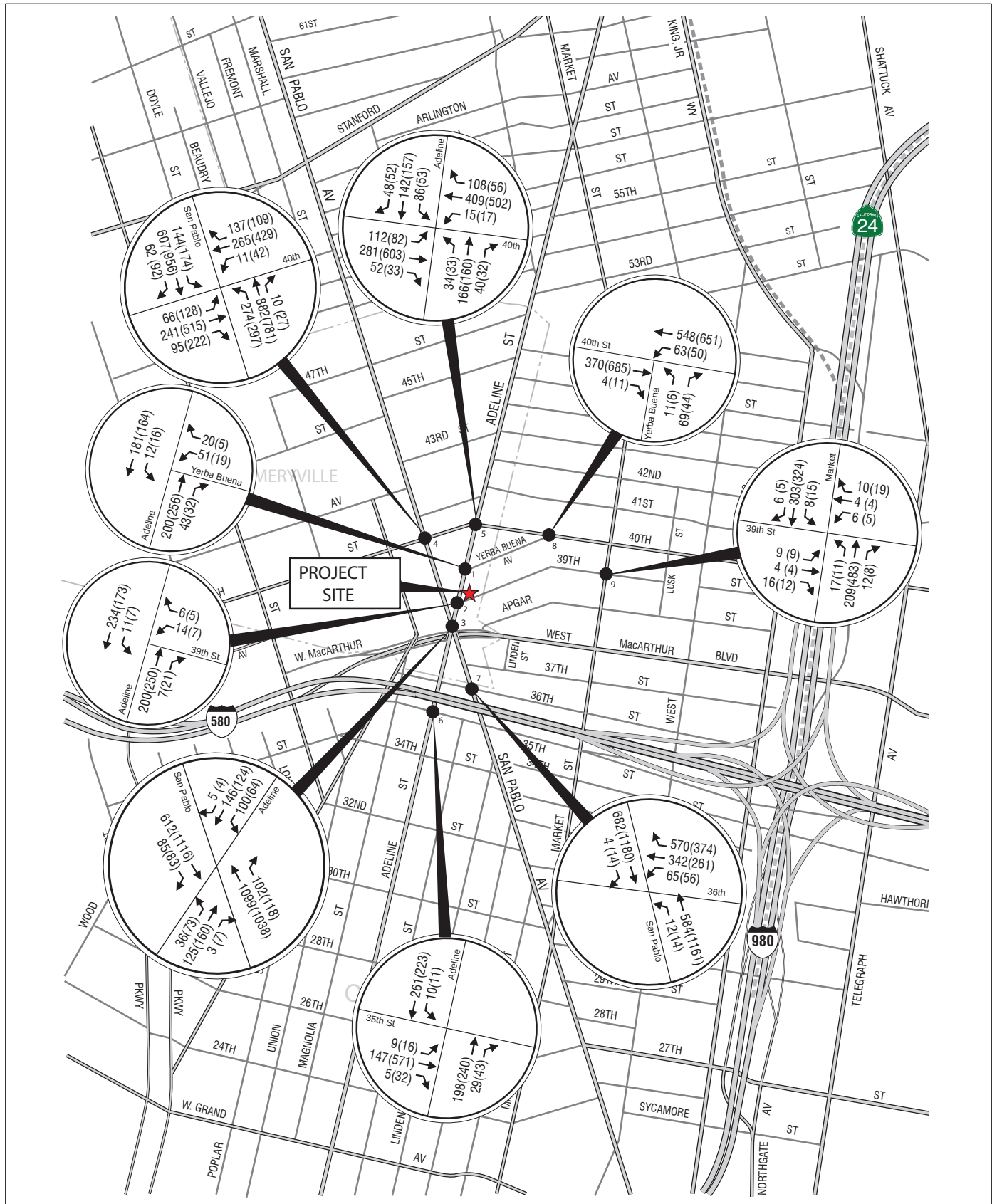


FIGURE IV.D-3

39th and Adeline Mixed-Use Project EIR
Existing Traffic Volumes
AM (PM) Peak Hour

LSA



NOT TO SCALE

SOURCE: DMJM HARRIS, 2007

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As shown in Table IV.D-1, LOS A, B, and C are generally considered satisfactory service levels, while the influence of congestion becomes more noticeable (though still considered acceptable) at LOS D. LOS E and F are generally considered unacceptable.

(2) Signalized Intersections. At the signalized study intersections, traffic conditions were evaluated using the *2000 Highway Capacity Manual* (HCM) operations methodology. The operations analysis uses various intersection characteristics (e.g., traffic volumes, lane geometry, and signal phasing/timing) to estimate the average control delay experienced by motorists traveling through an intersection.

(3) Unsignalized Intersections. For the unsignalized (one-way, two-way, and all-way stop-controlled) study intersections, traffic conditions were also evaluated using the HCM operations methodology. With this methodology, the LOS is related to the total delay per vehicle for the intersection as a whole (for all-way stop-controlled intersections), and for each stop-controlled movement or approach only (for one- and two-way stop-controlled intersections). Total delay is defined as the total elapsed time from when a vehicle stops at the end of the queue until the vehicle departs the queue. This time includes the time required for a vehicle to travel from the last-in-queue position to the first-in-queue position.

d. Existing Conditions Intersection Level of Service. The nine study intersections were analyzed using the Synchro 6.0 software package based on the methodologies outlined in the *2000 Highway Capacity Manual*. The existing AM and PM peak hour intersection service levels for the nine study intersections are shown in Table IV.D-2.

As shown in Table IV.D-2, all of the study intersections currently operate at acceptable levels of service during the AM and PM peak hours. The level of service calculation sheets for all study intersections and for all scenarios are provided in Appendix C.

e. Bicycle and Pedestrian Facilities. A Class I bike path provides a completely separate right-of-way for exclusive use of bicycles and pedestrians. A Class II bike lane provides exclusive usage for bicyclists with “BIKE LANE” markings and solid white striping on the roadway. Typically, striped bike lanes are 5 to 6 feet wide. A Class III bicycle route is established by placing Bike Route signs along the roadway and pavement markings are typically not installed.

In the study area, the City of Emeryville has designated Class II bikeways (striped lanes) on Adeline Street, 40th Street and Emery Street. The City of Emeryville Bicycle and Pedestrian Plan (1998-2010) calls for connecting these bikeways to City of Oakland bikeways at Adeline Street/53rd Street and along 40th Street (to the MacArthur BART station).

The City of Oakland has a designated Class II bikeway (striped lanes) on Market Street and considers San Pablo Avenue a Class III (un-striped) bikeway.

Table IV.D-1: Intersection Level of Service Definitions

Level of Service	Description of Traffic Conditions	Average Delay Per Vehicle (Seconds)
Signalized Intersections		
A	Insignificant Delays: No approach phase is fully utilized and no vehicle waits longer than one red indication.	≤10.0
B	Minimal Delays: An occasional approach phase is fully utilized. Drivers begin to feel restricted.	>10.0 and ≤20.0
C	Acceptable Delays: Major approach phase may become fully utilized. Most drivers feel somewhat restricted.	>20.0 and ≤35.0
D	Tolerable Delays: Drivers may wait through more than one red indication. Queues may develop but dissipate rapidly, without excessive delays.	>35.0 and ≤55.0
E	Significant Delays: Volumes approaching capacity. Vehicles may wait through several signal cycles and long vehicle queues form upstream.	>55.0 and ≤80.0
F	Excessive Delays: Represents conditions at capacity, with extremely long delays. Queues may block upstream intersections.	>80.0
Unsignalized Intersections		
A	No delay for stop-controlled approaches.	≤10.0
B	Operations with minor delay.	>10.0 and ≤15.0
C	Operations with moderate delays.	>15.0 and ≤25.0
D	Operations with some delays.	>25.0 and ≤35.0
E	Operations with high delays, and long queues.	>35.0 and ≤50.0
F	Operation with extreme congestion, with very high delays and long queues unacceptable to most drivers.	>50.0

Source: Highway Capacity Manual, Transportation Research Board, 2000.

Sidewalks are provided along all streets in the vicinity of the project site. Ten-foot sidewalks exist along San Pablo Avenue and eight foot sidewalks exist along MacArthur Boulevard and along 37th Street immediately adjacent to the project site. All sidewalks in the vicinity of the project site currently provide for a safe and pedestrian-friendly environment.

f. Transit Facilities. AC Transit provides local and regional bus and transit service within Alameda and Contra Costa Counties and between the East Bay and San Francisco's Transbay Terminal. The nearest AC Transit routes to the project site are local routes 14, 57, 72/72M, 72R, and 88 and transbay routes C and F. These services are summarized in Table IV.D-3. Figure IV.D-4 illustrates the existing transit service in the vicinity of the project site.

The Emery Go Round is a free shuttle service, funded by commercial property owners in the City-wide transportation business improvement district. The Emery Go Round has several routes serving the MacArthur BART station and various destinations within Emeryville, including Bay Street Plaza, Powell Plaza, the Emeryville Public Market and the Emeryville Amtrak station. Most routes run on 12-minute headways during the peak hour and 15-20 minute headways at other times. The closest stop to the project site is located at 40th Street/Emery Street.

Table IV.D-2: Existing AM and PM Peak Hour Intersection Levels of Service

Jurisdiction	No.	Intersection	Traffic Control	Peak Hour	Existing	
					LOS	Delay
City of Emeryville	1	Adeline Street / Yerba Buena Avenue	One-Way Stop	AM	B ^a	12.3 ^a
				PM	B ^a	12.8 ^a
	2	Adeline Street / 39th Street	One-Way Stop	AM	B ^a	11.9 ^a
				PM	B ^a	11.5 ^a
	3	San Pablo Avenue / Adeline Street	Signal	AM	B	16.7
				PM	B	16.4
	4	San Pablo Avenue / 40th Street	Signal	AM	D	38.2
				PM	D	46.1
City of Oakland	6	Adeline Street / 35th Street	All-Way Stop	AM	A	8.6
				PM	B	13.5
	7	San Pablo Avenue / 36th Street	Signal	AM	C	33.7
				PM	B	17.3
	8	Yerba Buena Avenue / 40th Street	One-Way Stop	AM	B ^a	11.3 ^a
				PM	B ^a	12.9 ^a
	9	Market Street / 39th Street	Two-Way Stop	AM	B ^a	12.7 ^a
				PM	C ^a	17.6 ^a

^a Analyzed for worst-approach.

Source: DMJM Harris, 2007.

BART provides heavy rail service in the Bay Area with four lines serving San Francisco, San Mateo, Alameda, and Contra Costa Counties. The nearest BART station to the project site is the MacArthur BART station located approximately 0.62 miles east of the project site on 40th Street between Martin Luther King Jr. Way and Telegraph Avenue. The station is accessible by transit using either AC Transit or the Emery-Go-Round shuttles.

Three BART lines serve this station: Richmond – Daly City, Pittsburg/Bay Point – Daly City, and Richmond – Fremont. Weekday midday and peak hour frequencies on these lines are every 15 minutes, except for the Pittsburg/Bay Point – Daly City line, which runs every 5-10 minutes during the weekday peak periods. The Richmond – Daly City line does not run weekday or Saturday evenings, and does not run at all on Sundays.

Table IV.D-3: Existing AC Transit Network

Line	Route	Service Frequencies (min)		
		Weekday Peak	Weekday Off-peak	Weekend
14 East 18th Street	From MacArthur BART to Fruitvale via Adeline St., East 18th St., and High St.	15	30	30
57 MacArthur	From Emeryville Public Market to Eastmont Transit Center via 40th St. and MacArthur Blvd.	12	12	15
72 San Pablo Avenue	From Hilltop Mall to Jack London Square via San Pablo Ave.	30	30	30
72M Macdonald	From Point Richmond to Jack London Sq. via San Pablo Ave.	30	30	30
72R San Pablo Rapid	From Contra Costa College to Jack London Sq. via San Pablo Ave.	12	12	----
88 Market	From North Berkeley BART to Lake Merritt BART via Sacramento St. and Market St.	20	20	20
C Moraga Avenue	From Piedmont to Transbay Terminal via Moraga Ave. and 40th St.	30	----	----
F Adeline	From Berkeley to Transbay Terminal via Shattuck Ave. and Adeline Ave.	30	30	30

Source: AC Transit, 2007.

g. Parking Facilities. On-street parking is allowed along 39th Street and Yerba Buena Avenue, with additional parking along Adeline Street. There are currently approximately 15 off-street spaces available directly adjacent to the project site. The project would include a below-ground, off-street parking garage with 119 parking stalls (108 spaces for the residential portion and 11 designated guest parking spaces). Vehicles would enter and exit the project's parking garage by using the driveway located along 39th Street.

2. Cumulative (Year 2030) Traffic Conditions

This section evaluates traffic operations and potential impacts at the study intersections in the Cumulative (Year 2030) Conditions without the proposed project.

Future Year Projections. 2030 Cumulative Conditions traffic volumes were forecasted using the most recent version of the Alameda County Congestion Management Agency (ACCMA) travel demand model, modified with the most recent Land Use Data updates compiled by the Hausrath Economics Group (HEG) for the City of Oakland.

The travel demand forecasting model is based on the ACCMA regional travel demand model, with significant refinements to the land use data within the City of Emeryville and the City of Oakland to



LSA

FIGURE IV.D-4



NOT TO SCALE

— AC TRANSIT ROUTES
 - - - - - BART

39th and Adeline Mixed-Use Project EIR
 Existing Transit Network

SOURCE: DMJM HARRIS, 2007

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allow for more detailed forecasts of travel demand within both city limits. The model was calibrated and validated to Spring 2006 travel conditions (the most up-to-date conditions possible using available land use data) within Emeryville and Oakland.

a. Cumulative Conditions Traffic Volumes. Growth factors between the base year (2006) and future year were calculated for each intersection approach. These growth factors were applied to Existing Conditions traffic volumes to derive the 2030 Cumulative Conditions traffic volumes. The resulting Cumulative Conditions AM and PM peak hour volumes at the nine study intersections are shown in Figure IV.D-5.

b. Cumulative Conditions Intersection Level of Service. The study intersections were analyzed using the Synchro 6.0 software package, based on HCM methodologies. Intersection LOS calculations for the Cumulative scenario assumed existing intersection geometries and control. The resulting AM and PM peak hour intersection levels of service for the nine study intersections are shown in Table IV.D-4.

As noted in Table IV.D-4, the intersection of San Pablo Avenue / 40th Street would operate at an unacceptable LOS E during the PM Peak hour in the Cumulative Conditions. The intersection of San Pablo Avenue / 36th Street would operate at an unacceptable LOS F during the AM peak hour.

c. Planned Bicycle and Pedestrian Facility Improvements. The City of Oakland's Draft Bicycle Master Plan, adopted in December 2007, details the following improvements to the bikeway network in the vicinity of the project site:

- Installation of a Class II bikeway (striped lanes) on Adeline Street from 36th Street to 3rd Street and from Emeryville city limits near 47th Street to 40th Street north towards Berkeley;
- Installation of a Class II bikeway (striped lanes) on 40th Street between Adeline Street and Telegraph Avenue;
- Installation of a Class III bikeway (bike route) on 40th Street between Adeline Street and San Pablo Avenue;
- Installation of a Class III bikeway (bike route) on Emery Street between Park Avenue and MacArthur Boulevard; and
- Installation of a Class II bikeway (striped lanes) on MacArthur Boulevard east of Market Street.

The City of Emeryville's Bicycle and Pedestrian Plan (1998-2010) details the following improvements to the bikeway network in the vicinity of the project site:

- Stripe, stencil and sign Class II bike lanes on Adeline Street from the Oakland border to 40th Street;
- Sign a Class III bike route on 40th Street between San Pablo Avenue and Adeline Street;
- Stripe, stencil and sign Class II bike lanes on 40th Street between Adeline Street and the Oakland border;
- Work with the City of Oakland to extend Class II bike lanes on 40th Street to the MacArthur BART station; and
- Install bicycle detectors and stencil in bike lanes for existing signals on 40th Street at San Pablo Avenue, Adeline Street, Hollis Street, Emery Street and Horton.

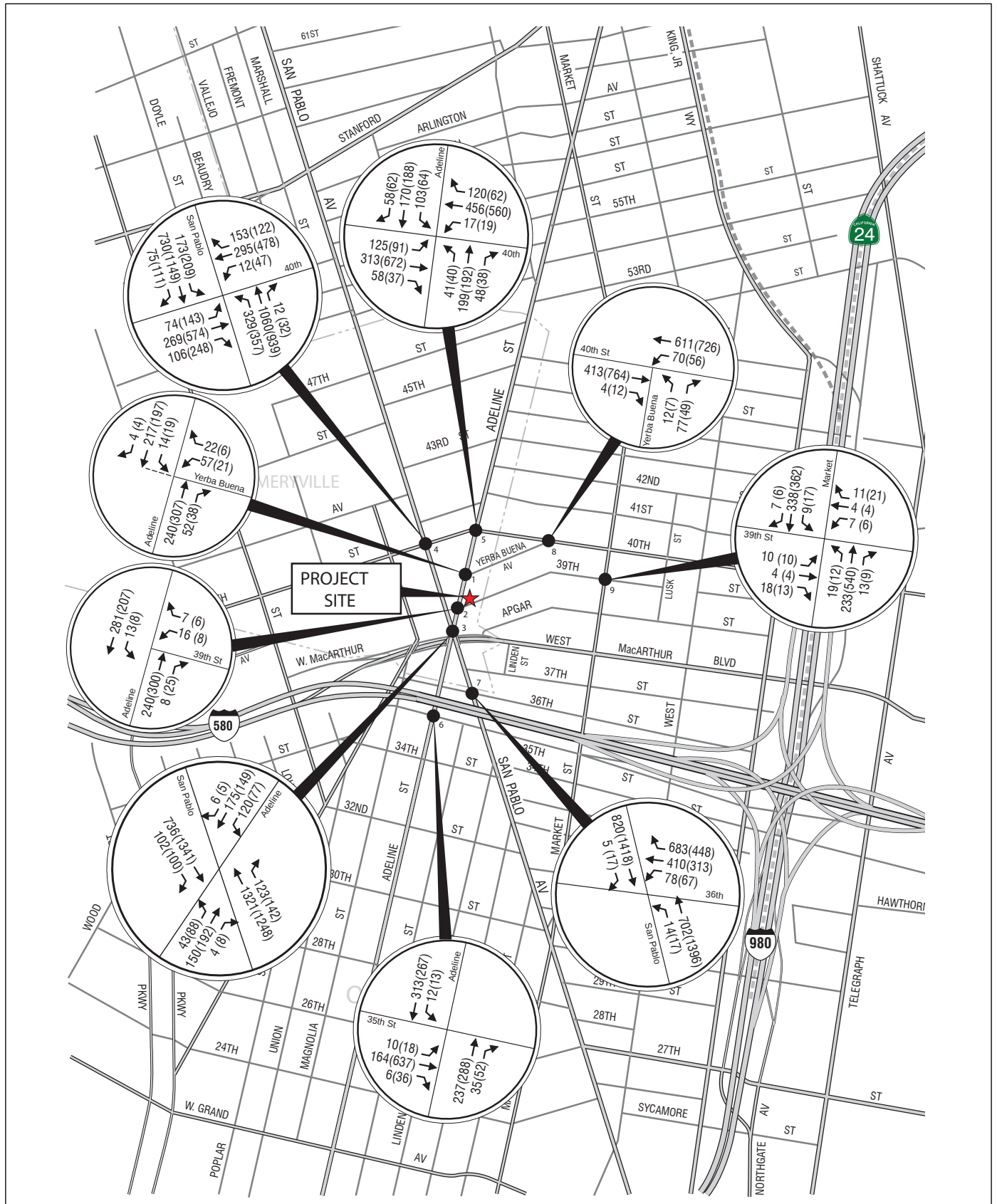


FIGURE IV.D-5

LSA



NOT TO SCALE

SOURCE: DMJM HARRIS, 2007

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39th and Adeline Mixed-Use Project EIR
Cumulative Traffic Volumes
AM (PM) Peak Hour

Table IV.D-4: Cumulative Conditions Intersection Levels of Service

Jurisdiction	No.	Intersection	Traffic Control	Peak Hour	Cumulative	
					LOS	Delay
City of Emeryville	1	Adeline Street / Yerba Buena Avenue	One-Way Stop	AM	B ^a	13.6 ^a
				PM	B ^a	14.2 ^a
	2	Adeline Street / 39th Street	One-Way Stop	AM	B ^a	12.9 ^a
				PM	B ^a	12.3 ^a
	3	San Pablo Avenue / Adeline Street	Signal	AM	B	19.5
				PM	B	19.5
	4	San Pablo Avenue / 40th Street	Signal	AM	D	40.3
				PM	E	55.8
City of Oakland	6	Adeline Street / 35th Street	All-Way Stop	AM	A	9.3
				PM	C	16.6
	7	San Pablo Avenue / 36th Street	Signal	AM	F	> 80.0
				PM	C	30.0
	8	Yerba Buena Avenue / 40th Street	One-Way Stop	AM	B ^a	11.9 ^a
				PM	B ^a	13.9 ^a
	9	Market Street / 39th Street	Two-Way Stop	AM	B ^a	13.4 ^a
				PM	C ^a	20.1 ^a

^a Analyzed for worst-approach.**Bold** indicates intersections which do not meet the target level of service for the City of Oakland or City of Emeryville.
Source: DMJM Harris, 2007.

d. Planned Transit Facility Improvements. There are no planned transit improvements in the immediate vicinity of the project site. However, AC Transit has proposed a bus rapid transit (BRT) line for Telegraph Avenue, just east of the MacArthur BART station. Some of the proposed improvements have already been phased in with the introduction of the 1R-International Rapid in June of 2007. The full BRT line, scheduled for completion in 2011, would operate between downtown Berkeley and the Bay Fair BART station with peak hour headways of approximately 5 minutes. The nearest stop to the project site would be located at Telegraph Avenue / 40th Street.

3. Project Traffic Impact Analysis

This section evaluates traffic operations and potential traffic impacts at study intersections in the vicinity of the project site under both the Existing Conditions and Cumulative Conditions background

traffic volumes. Mitigation measures to improve the operation of study intersections are provided where project impacts are identified that would result in unacceptable LOS in accordance with City of Emeryville and City of Oakland policies.

a. Project Description. As previously noted, the project site is located on the east side of Adeline Street between Yerba Buena Avenue and 39th Street. Project access would be provided a proposed driveway located along 39th Street.

As summarized in Table IV.D-5, the traffic analysis assumes 101 apartment units and 1,000 square feet of commercial retail space for a planned café.

Table IV.D-5: Project Land Use

Land Use	Unit	Amount
Apartments	DU	101
Commercial Retail	KSF	1.00

DU = Dwelling Unit
KSF = 1,000 square feet
Source: Murakami/Nelson, 2007.

b. Project Trip Generation. Trip generation estimates are based on rates from the Institute of Transportation Engineers' (ITE) *Trip Generation*, 7th Edition, the industry standard for land-use based trip generation. Rates presented are average rates based on trip generation survey counts conducted at existing facilities. The trip generation rates and equations used for the analysis of the proposed project are presented in Table IV.D-6, and the project trip generation calculations are presented in Table IV.D-6. For the purposes of this analysis, the café has been analyzed as a high-turnover (sit-down) restaurant.

It should be noted that the *Trip Generation Manual* typically provides both a weighted average rate and a regression equation with which to calculate the trips generated by each land use. Generally, in cases where ITE studied at least 20 sites for a particular land use and where the coefficient of determination is greater or equal to 0.75, the regression equation is used to determine that land use's trip generation.² In cases where ITE studied fewer than 20 sites and where the coefficient of determination is less than 0.75, the weighted average is used to determine the trip generation.

As noted by Table IV.D-7, the proposed project is expected to generate approximately 885 daily trips, with 65 trips during the AM peak hour, and 84 trips during the PM peak hour. No transit or mixed-use reductions were taken during the trip generation process, and therefore, the results should be considered a conservative estimate of the amount of trips the project is expected to generate. In other words, the project's actual trip generation rate may be lower than those stated here.

A project that generates more than 100 trips in either the AM or PM peak hours requires an Alameda County Congestion Management Agency (ACCMA) analysis. Since the project generate less than 100 trips in both peak hours, a Congestion Management Agency (CMA) analysis is not necessary.

² The coefficient of determination (R^2) is an estimate of the accuracy of the fit of the regression equation.

Table IV.D-6: Trip Generation Rates and Equations

ITE Land Use Code	Daily	AM Peak Hour	PM Peak Hour
Apartment (220)	$T = 6.01(X) + 150.35$	$T = 0.49(X) + 3.73$	$T = 0.55(X) + 17.65$
High-Turnover (Sit-Down) Restaurant (932)	$T = 127.15(X)$	$T = 11.52(X)$	$T = 10.92(X)$

X = Units of land use; for Apartment uses (220) this corresponds to dwelling units and for High-Turnover (Sit-Down) Restaurant uses (932) this corresponds to 1000 sq. ft. (KSF) gross floor area

Source: ITE, *Trip Generation Manual*, 7th Edition

Table IV.D-7: Project Trip Generation

Land Use	ITE Land Use Code	Size	Unit	ADT	AM Peak Hour			PM Peak Hour		
					In	Out	Total	In	Out	Total
Apartment	Apartment (220)	101	Dwelling Units	757	11	42	53	47	26	73
Commercial	High-Turnover (Sit-Down) Restaurant (932)	1	KSF	127	6	6	12	7	4	11
Total				885	17	48	65	54	30	84

ADT = Average Daily Traffic

KSF = 1,000 square feet.

Source: DMJM Harris, 2007.

c. Project Trip Distribution and Assignment. The project's trip distribution pattern was developed using information from the Alameda County Congestion Management Agency's travel demand model. This distribution pattern, illustrated in Figure IV.D-6, is as follows:

- 26 percent to/from Oakland (Downtown and local trips);
- 22 percent to/from I-580 (points east);
- 13 percent to/from San Francisco;
- 13 percent to/from Emeryville, Albany, Richmond and I-80;
- 10 percent to/from I-980, Alameda, San Leandro, and Hayward (points south);
- 9 percent to/from Emeryville and Berkeley via San Pablo Avenue (points north); and
- 8 percent to/from Berkeley, Walnut Creek via State Route 24 (SR-24).

A copy of the travel demand model plot used to determine this pattern is included in Appendix C. The project-generated AM and PM peak hour turning movement volumes are shown in Figure IV.D-7.

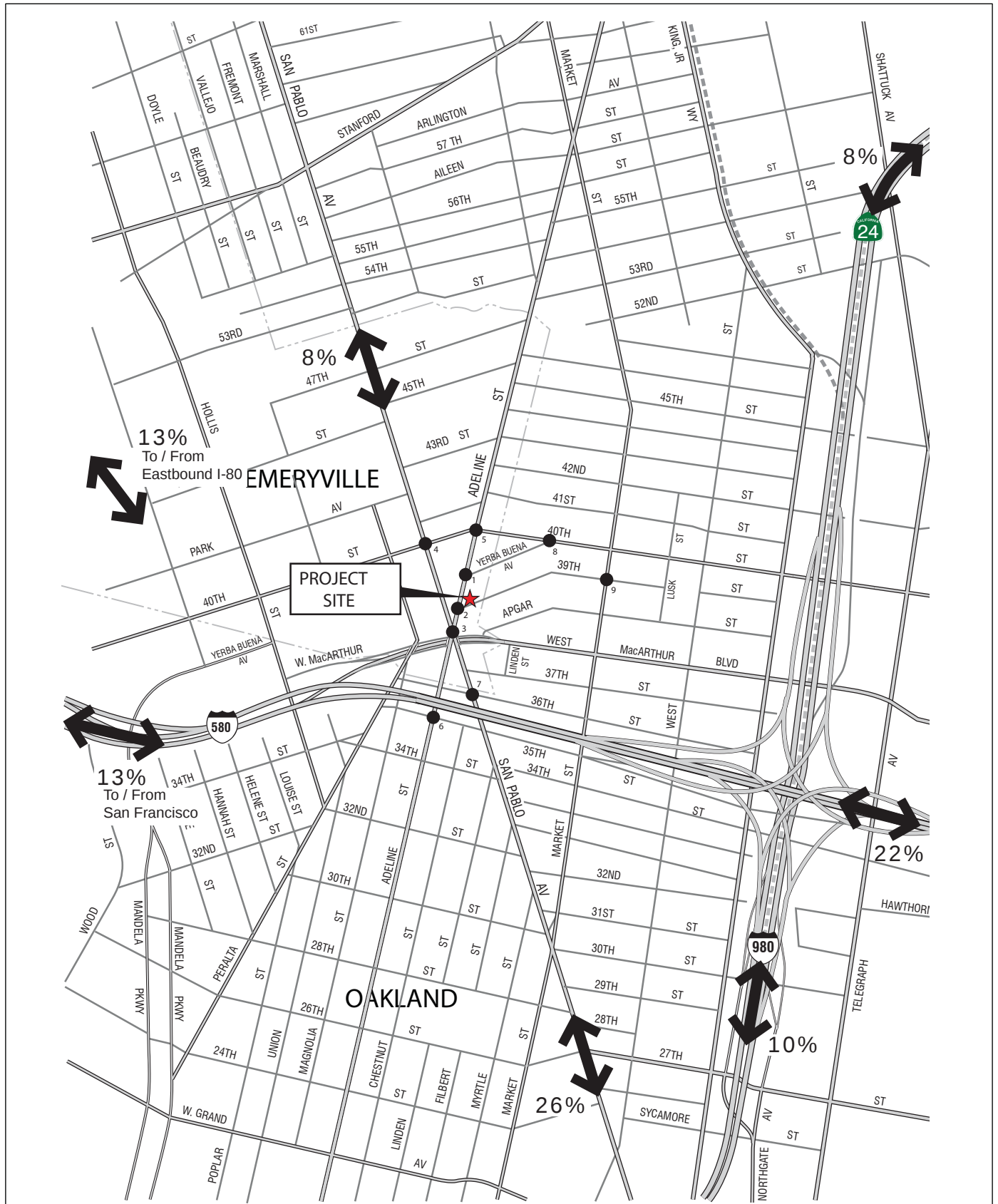


FIGURE IV.D-6

LSA

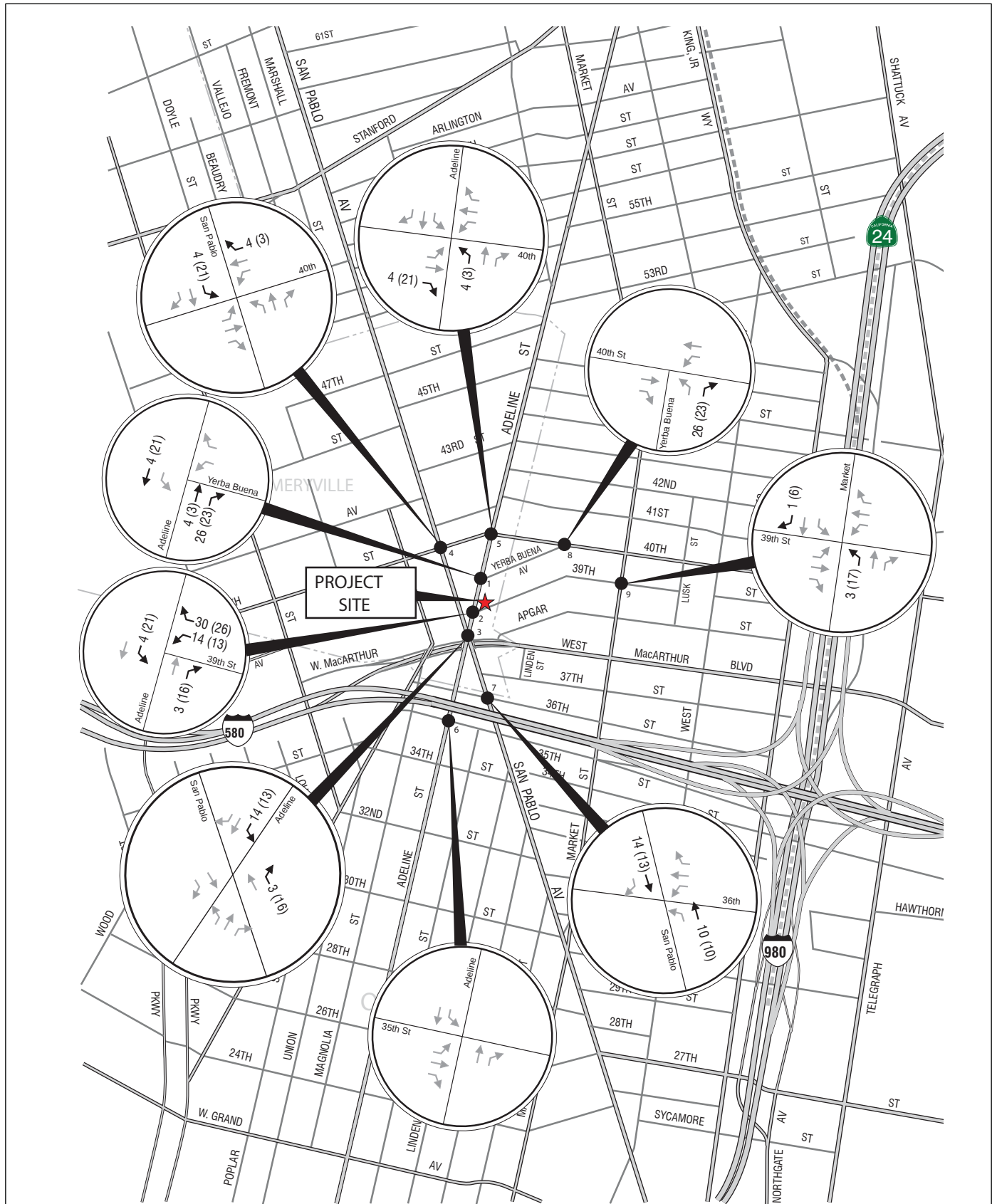


NOT TO SCALE

SOURCE: DMJM HARRIS, 2007

I:/CEM0702 39th-adeline/figures/EIR/Fig_IVD6.ai (12/11/07)

39th and Adeline Mixed-Use Project EIR
Project Trip Distribution



LSA

FIGURE IV.D-7



NOT TO SCALE

SOURCE: DMJM HARRIS, 2007

I:/CEM0702 39th-adeline/figures/EIR/Fig_IVD7.ai (12/11/07)

39th and Adeline Mixed-Use Project EIR
Project Generated Traffic Volumes
AM (PM) Peak Hour

d. Thresholds of Significance. For the purposes of this analysis, significance criteria from both the City of Emeryville and the City of Oakland were used to determine if the project would result in a significant impact. The City of Emeryville's significance criteria were used for study intersections located within the City of Emeryville, and the City of Oakland's significance criteria were used for study intersections located within the City of Oakland.

(1) City of Emeryville. The City of Emeryville defines the acceptable level of service for intersections as LOS D. A significant project impact would result if the project were to cause any of the following conditions to occur:

- The addition of project traffic degrades an intersection currently operating at LOS D or better to LOS E or LOS F;
- The addition of project traffic degrades an intersection currently operating at LOS E to LOS F;
- The addition of project traffic causes the average vehicle delay to increase by more than 4 seconds at an intersection operating at LOS E or LOS F;
- The project would cause a roadway segment on the Metropolitan Transportation System to operate at LOS F or would increase the V/C ratio by more than 5 percent for a roadway segment that would operate at LOS F without the project;
- The addition of project traffic results in the 95th percentile vehicle queue exceeding the available vehicle storage, or at locations where vehicle queues would exceed the available storage space, the project increases the 95th percentile vehicle queue;
- A substantial increase in hazards due to a design feature or incompatible land uses;
- Inadequate emergency access;
- Inadequate parking capacity;
- If construction traffic from the project, though temporary, would substantially affect traffic flow and circulation, parking, and pedestrian safety;
- A fundamental conflict with adopted policies, plans, or programs supporting alternative transportation (e.g. bus turnouts, bicycle routes); or,
- Generate added transit ridership that would increase the average ridership on AC Transit lines by 5 percent at bus stops where the average load factor with the project in place would exceed 125 percent over a peak thirty minute period; increase the peak hour average ridership on BART by 5 percent where the passenger volume would exceed the standing capacity of BART trains; or increase the peak hour average ridership at a BART station by 5 percent where average waiting time at fare gates would exceed 1 minute.

(2) City of Oakland. The City of Oakland's significance criteria are as follows:

Traffic. A project would normally have a significant effect on the environment if it would cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections), or change the condition of an existing street (i.e., through street closures, changing direction of travel) in a manner that would substantially affect access or traffic load and capacity of the street system, as defined below:

- At a study, signalized intersection which is located **outside the Downtown**³ area, the project would cause the level of service (LOS) to degrade to worse than LOS D (i.e., E);⁴
- At a study, signalized intersection which is located **within the Downtown** area, the project would cause the LOS to degrade to worse than LOS E (i.e., F);
- At a study, signalized intersection **outside the Downtown** area where the level of service is LOS E, the project would cause the total intersection average vehicle delay to increase by 4 or more seconds, or degrade to worse than LOS E (i.e., F);
- At a study, signalized intersection for **all areas** where the level of service is LOS E, the project would cause an increase in the average delay for any of the critical movements of 6 seconds or more, or degrade to worse than LOS E (i.e., F);
- At a study, signalized intersection for **all areas** where the level of service is LOS F, the project would cause (a) the total intersection average vehicle delay to increase by 2 or more seconds, or (b) an increase in average delay for any of the critical movements of 4 seconds or more; or (c) the volume-to-capacity ("V/C") ratio exceeds 3 percent (but only if the delay values cannot be measured accurately);
- At a study, unsignalized intersection for **all areas**, the project would add 10 or more vehicles and after project completion satisfy the Caltrans peak hour volume warrant; or,
- Cause a roadway segment on the Metropolitan Transportation System to operate at LOS F or increase the V/C ratio by more than 3 percent for a roadway segment that would operate at LOS F without the project.

In addition, the City of Oakland considers a project's contribution to cumulative impacts "considerable" (i.e., significant) when the project exceeds at least one of the seven intersection-related thresholds listed above.

The proposed project is located outside of the Downtown area.

Transit. According to the City of Oakland's significance criteria, the project would have a significant impact on transit if it would result in the following:

- Increase the average ridership on AC Transit lines by 3 percent at bus stops where the average load factor with the project in place would exceed 125 percent over a peak thirty minute period;
- Increase the peak hour average ridership on BART by 3 percent where the passenger volume would exceed the standing capacity of BART trains; or,
- Increase the peak hour average ridership at a BART station by 3 percent where average waiting time at fare gates would exceed 1 minute.

³ Downtown is defined in the Land Use and Transportation Element of the General Plan (page 67) as the area generally bounded by West Grand Avenue to the north, Lake Merritt and Channel Park to the east, the Oakland Estuary to the south and I-980/Brush Street to the west.

⁴ LOS and delay calculations for local intersections should be based on the *Highway Capacity Manual*, Transportation Research Board, National Research Council, 2000 edition.

Parking. A decision by one of the state's Courts of Appeals has held that parking is not part of the permanent physical environment, that parking conditions change over time as people change their travel patterns, and that unmet parking demand created by a project need not be considered a significant environmental impact under CEQA unless it would cause significant secondary effects.⁵ Parking supply/demand varies by time of day, day of week, and seasonally. As parking demand increases faster than the supply, parking prices rise to reach equilibrium between supply and demand. Decreased availability and increased costs result in changes to people's mode and pattern of travel. However, the lead agencies want to ensure that the project's provision of additional parking spaces along with measures to lessen parking demand (by encouraging the use of non-auto travel modes) would result in minimal adverse effects to project occupants and visitors, and that any secondary effects (such as effects on air quality due to drivers searching for parking spaces) would be minimized. As such, although not required by CEQA, parking conditions are evaluated in this document.

Parking deficits may be associated with secondary physical environmental impacts, such as air quality and noise effects, caused by congestion resulting from drivers circling as they look for a parking space. However, the absence of a ready supply of parking spaces, combined with available alternatives to auto travel (e.g., transit service, shuttles, taxis, bicycles or travel by foot), may induce drivers to shift to other modes of travel, or change their overall travel habits. Any such resulting shifts to transit service, in particular, would be in keeping with the City of Emeryville and Oakland's "Transit First" policy.

Additionally, concerning potential secondary effects, the phenomenon of cars circling and looking for a parking space in areas of limited supply is typically a temporary condition, often offset by a reduction in vehicle trips by others who are aware of constrained parking conditions in a given area. Hence, any secondary environmental impacts that might result from a shortfall in parking, in the vicinity of the proposed project, are considered less than significant.

This study evaluates if the project's estimated parking demand would be met by the project's proposed parking supply or by the existing parking supply within a reasonable walking distance of the project site.

Other Considerations. According to the City of Oakland's significance criteria, the project would also have a significant effect if it would result in the following:

- Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks;
- Substantially increase traffic hazards to motor vehicles, bicycles, or pedestrians due to a design feature (e.g., sharp curves or dangerous intersections) that does not comply with Caltrans design standards or incompatible uses (e.g., farm equipment);
- Result in less than two emergency access routes for streets exceeding 600 feet in length; or,
- Fundamentally conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle routes).

⁵ San Franciscans Upholding the Downtown Plan v. the City and County of San Francisco (2002) 102 Cal.App.4th 656.

Construction Period. Potential short-term construction impacts generated by the proposed project would include impacts associated with the delivery of construction materials and equipment, removal of construction debris, and parking for construction workers. This traffic analysis considers all construction traffic impacts.

The project would have a significant effect on the environment if it would result in significant impacts based on the above-cited criteria during the construction period. For purposes of this analysis, the potential impacts resulting from project construction activity have been assessed.

e. Existing Plus Project Conditions Traffic Volumes. Project-generated traffic was added to the Existing Conditions traffic volumes to derive Existing plus Project Conditions traffic volumes. The resulting AM and PM peak hour turning movement volumes are shown on Figure IV.D-8.

f. Existing Plus Project Conditions Intersection Level of Service. The Existing plus Project Conditions AM and PM peak hour intersection levels of service for the nine study intersections are shown in Table IV.D-8. As shown in Table IV.D-8, all intersections are expected to operate at acceptable levels of service in the Existing plus Project Conditions.

Signal warrant worksheets were prepared for the unsignalized intersections within the City of Oakland with ten or more peak hour project trips. These intersections were Yerba Buena Avenue / 40th Street in the AM and PM peak hours and Market Street / 39th Street in the PM peak hour. None of the analyzed intersections in Existing plus Project Conditions meet signal warrants.

g. Existing Plus Project Conditions Intersection Impacts and Mitigations Measures. The addition of project trips to the nine study intersections would not result in any LOS-based significant impacts in the Existing plus Project Conditions. In addition, the unsignalized intersections within the City of Oakland do not meet traffic signal warrants in the Existing plus Project Conditions. Therefore, no mitigation measures are necessary.

h. Cumulative 2030 Traffic Volumes. Cumulative 2030 traffic volumes were forecasted using the most recent version of the ACCMA travel demand model. Growth factors between the model base year (2006) and the model future year were calculated for each intersection approach. The growth factors were applied to Existing traffic volumes to derive Cumulative 2030 traffic volumes. These volumes include all past, present, pending, approved and reasonably foreseeable future development, including the completion of the condominium development at the intersection of San Pablo Avenue / MacArthur Boulevard.

i. Cumulative Plus Project Conditions Traffic Volumes. The traffic generated by the proposed project was added to the Cumulative Conditions traffic volumes to derive the Cumulative plus Project Conditions traffic volumes. The Cumulative plus Project Conditions traffic volumes also assume completion of the condominium development at the intersection of San Pablo Avenue / MacArthur Boulevard. Figure IV.D-9 presents Cumulative plus Project Conditions AM and PM peak hour turning movement volumes at the nine study intersections.

j. Cumulative Plus Project Conditions Intersection Level of Service. The study intersections were analyzed using the Synchro 6.0 software package, based on the methodologies outlined in the HCM. Intersection LOS calculations for the Cumulative scenario assumed existing intersection geometries and control. The resulting AM and PM peak hour intersection levels of service for the nine study intersections are shown in Table IV.D-9.

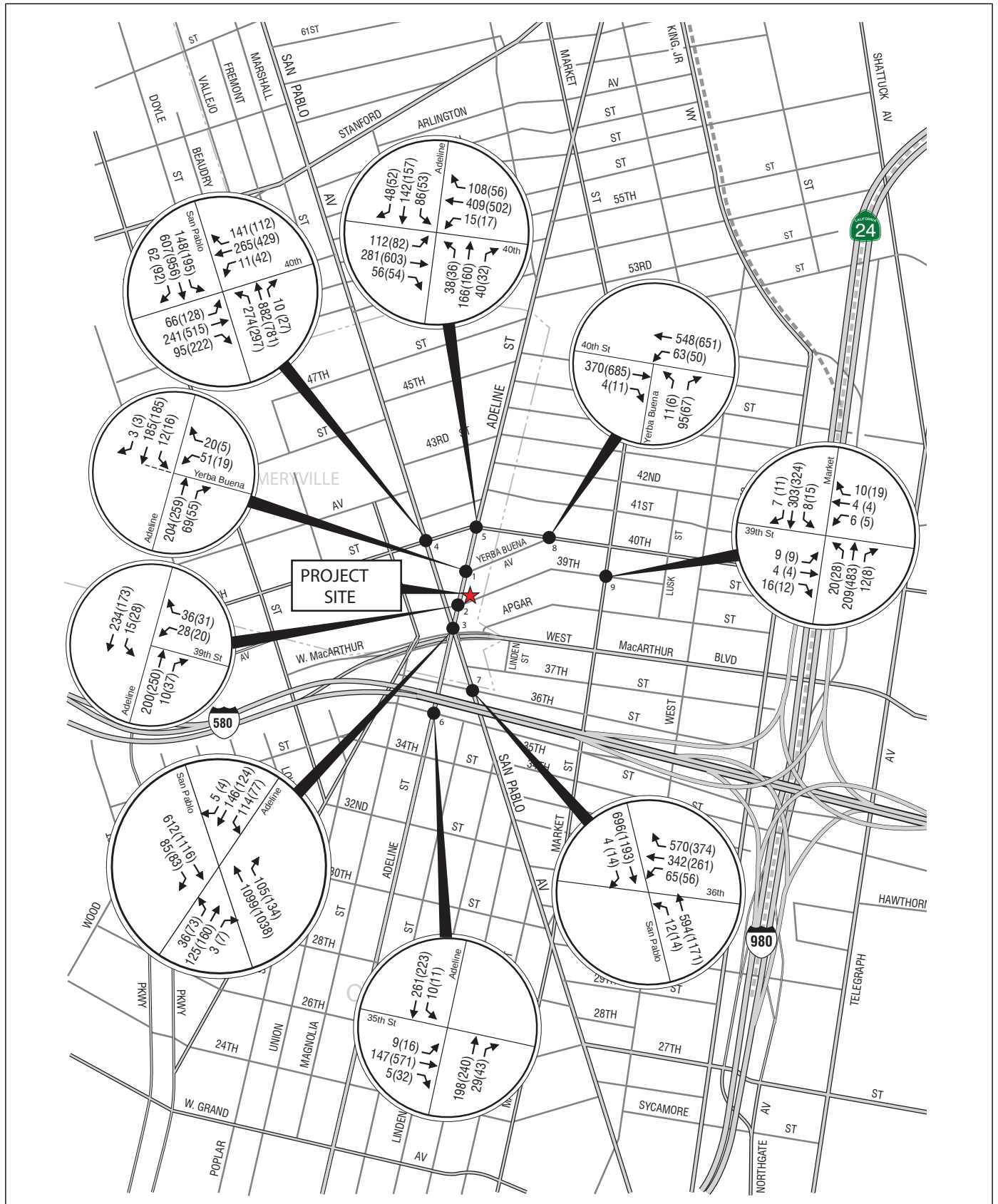


FIGURE IV.D-8

LSA



NOT TO SCALE

SOURCE: DMJM HARRIS, 2007

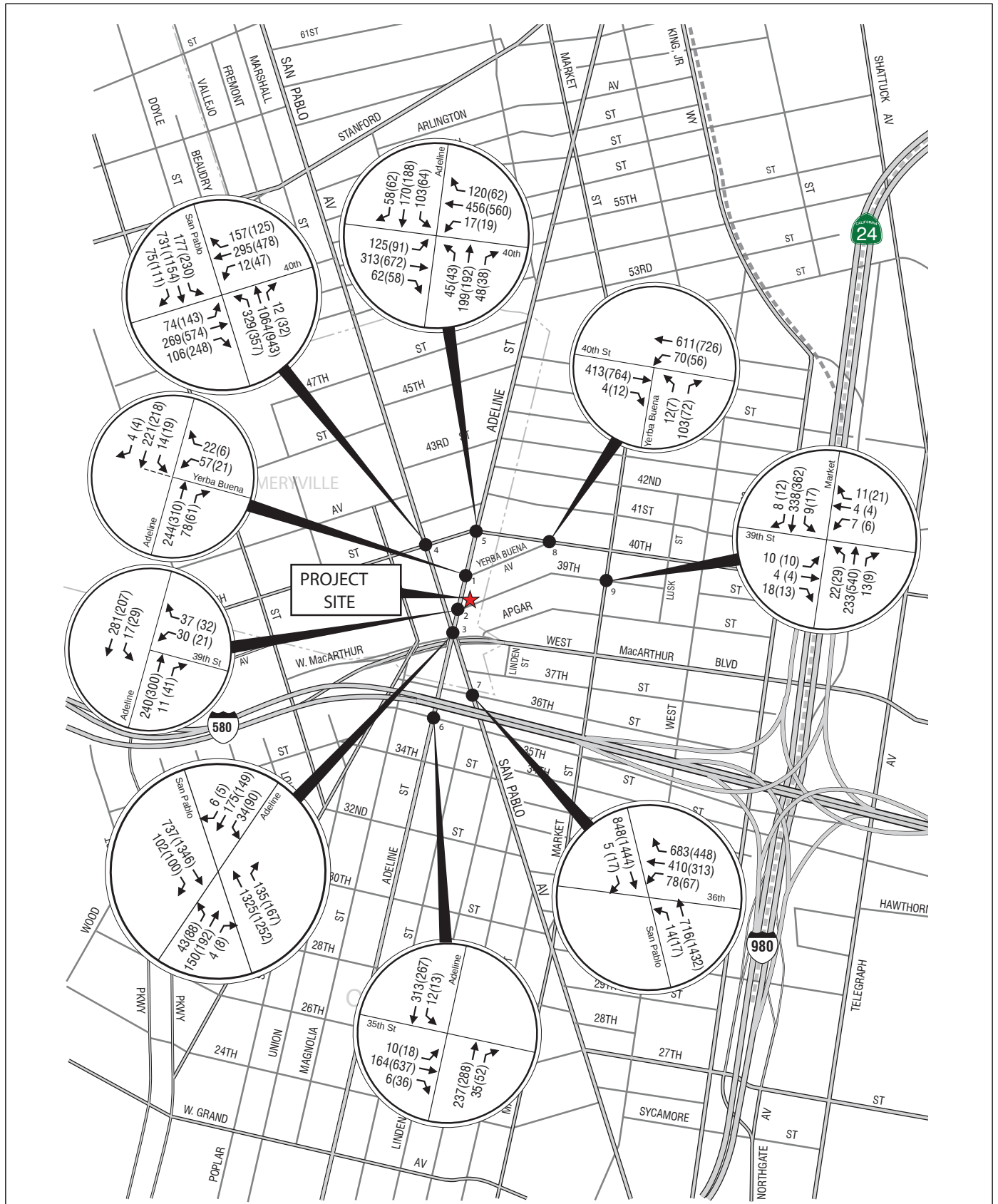
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39th and Adeline Mixed-Use Project EIR
Existing Plus Project Traffic Volumes
AM (PM) Peak Hour

Table IV.D-8: Existing Plus Project Conditions Levels of Service

Jurisdiction	No.	Intersection	Traffic Control	Peak Hour	Existing		Existing plus Project	
					LOS	Delay	LOS	Delay
City of Emeryville	1	Adeline Street / Yerba Buena Avenue	One-Way Stop	AM	B ^a	12.3 ^a	B ^a	12.6 ^a
				PM	B ^a	12.8 ^a	B ^a	13.2 ^a
	2	Adeline Street / 39th Street	One-Way Stop	AM	B ^a	11.9 ^a	B ^a	11.5 ^a
				PM	B ^a	11.5 ^a	B ^a	11.6*
	3	San Pablo Avenue / Adeline Street	Signal	AM	B	16.7	B	17.2
				PM	B	16.4	B	16.7
	4	San Pablo Avenue / 40th Street	Signal	AM	D	38.2	D	38.5
				PM	D	46.1	D	46.6
City of Oakland	6	Adeline Street / 35th Street	All-Way Stop	AM	A	8.6	A	8.6
				PM	B	13.5	B	13.5
	7	San Pablo Avenue / 36th Street	Signal	AM	C	33.7	C	33.9
				PM	B	17.3	B	17.4
	8	Yerba Buena Avenue/ 40th Street	One-Way Stop	AM	B ^a	11.3 ^a	B ^a	11.2 ^a
				PM	B ^a	12.9 ^a	B ^a	12.6 ^a
	9	Market Street / 39th Street	Two-Way Stop	AM	B ^a	12.7 ^a	B ^a	12.8 ^a
				PM	C ^a	17.6 ^a	C ^a	18.4 ^a

^a Analyzed for worst-approach.
Source: DMJM Harris, 2007.



LSA

FIGURE IV.D-9



NOT TO SCALE

SOURCE: DMJM HARRIS, 2007

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39th and Adeline Mixed-Use Project EIR
Cumulative Plus Project Traffic Volumes
AM (PM) Peak Hour

**Table IV.D-9: Cumulative 2030 Plus Project Conditions AM and PM Peak Hour
Intersection Levels of Service**

Jurisdiction	No.	Intersection	Traffic Control	Peak Hour	Cumulative		Cumulative plus Project	
					LOS	Delay	LOS	Delay
City of Emeryville	1	Adeline Street / Yerba Buena Avenue	One-Way Stop	AM	B ^a	13.6 ^a	B ^a	14.0 ^a
				PM	B ^a	14.2 ^a	B ^a	14.7 ^a
	2	Adeline Street / 39th Street	One-Way Stop	AM	B ^a	12.9 ^a	B ^a	12.5 ^a
				PM	B ^a	12.3 ^a	B ^a	12.4 ^a
	3	San Pablo Avenue / Adeline Street	Signal	AM	B	19.5	C	20.0
				PM	B	19.5	C	20.1
	4	San Pablo Avenue / 40th Street	Signal	AM	D	40.3	D	41.2
				PM	E	55.8	E	58.3
City of Oakland	6	Adeline Street / 35th Street	All-Way Stop	AM	A	9.3	A	9.3
				PM	C	16.6	C	16.6
	7	San Pablo Avenue / 36th Street	Signal	AM	F	82.3	F	82.5
				PM	C	30.0	C	30.0
	8	Yerba Buena Avenue / 40th Street	One-Way Stop	AM	B ^a	11.9 ^a	B ^a	11.7 ^a
				PM	B ^a	13.9 ^a	B ^a	13.5 ^a
	9	Market Street / 39th Street	Two-Way Stop	AM	B ^a	13.4 ^a	B ^a	13.6 ^a
				PM	C ^a	20.1 ^a	C ^a	21.1 ^a

^a Analyzed for worst-approach.**Bold** indicates intersections which do not meet the target level of service for the City of Oakland or Emeryville

Source: DMJM Harris, 2007.

As shown in Table IV.D-9, the intersection of San Pablo Avenue / 40th Street (#4) would operate at an unacceptable LOS E during the PM peak hour of the Cumulative plus Project Conditions. This intersection will operate at LOS E with or without the addition of project-generated traffic. Since the intersection lies within the City of Emeryville, the City of Emeryville's significance criteria were used to determine whether or not the project would result in a significant impact at this intersection. The threshold for significance is a 4 second increase in total intersection average vehicle delay due to project-generated traffic. Since the average vehicle delay would increase only 2.5 seconds with the addition of project traffic, no significant impact was identified and no mitigation measures are necessary.

In addition, the intersection of San Pablo Avenue / 36th Street (#7) would operate at an unacceptable LOS F during the Cumulative plus Project Conditions AM peak hour. This intersection will operate at LOS F with or without the addition of project-generated traffic. This intersection is located within the City of Oakland. Therefore, the City of Oakland's significance criteria were used to determine whether the project would have a significant impact. The threshold for significance is an increase in the total intersection average vehicle delay by 2 or more seconds; or an increase in average delay for any of the critical movements by 4 seconds or more. Since the average vehicle delay at this intersection would increase by only 0.2 seconds due to project-generated traffic, and no critical movement delays would increase by 4 seconds or more, no significant impact was identified and no mitigation measures are necessary.

Signal warrant worksheets were prepared for the unsignalized intersections within the City of Oakland with ten or more peak hour project trips (see Appendix C). These intersections were Yerba Buena Avenue / 40th Street in the AM and PM peak hours and Market Street / 39th Street in the PM peak hour. None of the analyzed intersections in Cumulative plus Project Conditions meet signal warrants.

k. Parking Analysis. A consideration when evaluating the project's proposed parking supply is how it compares to Municipal Code requirements for off-street parking. The project's proposed parking supply was compared to the requirements of the City of Emeryville Municipal Code, which are more stringent than those of the City of Oakland. It should be noted that code requirements are not used to identify parking impacts; parking supply versus estimated parking demand (discussed below) is used to identify potential impacts.

According to the City of Emeryville's Municipal Code, the project is required to provide one stall for each studio and one-bedroom dwelling unit and 1.5 stalls for each unit with two or more bedrooms or work/live and live/work units. The code also requires one visitor parking stall for every four dwelling units (excluding work/live and live/work units). No parking spots are required for the small retail space on the site.

In total, the project is required to provide 136 spaces, including 113 resident spaces and 23 visitor spaces. The project would include a below-ground, off-street parking garage with 119 parking stalls (108 resident spaces and 11 designated guest parking spaces). Vehicles would enter and exit the project's parking garage by using the driveway located along 39th Street. Table IV.D-10 summarizes the number of required parking spaces and the number of proposed parking spaces.

As shown in Table IV.D-10, the project would not satisfy the number of parking spaces as required by the City of Emeryville and would require a variance.

According to ITE national statistics, land uses similar in size and type to the proposed project would create a demand for 101 parking spaces for the residential portion of the project and 10 parking spaces for the café. The number of parking spaces provided by the project would meet the parking demand suggested by national ITE statistics. Table IV.D-11 summarizes the estimated vehicle parking demand for the proposed project based on ITE rates.

Table IV.D-10: Parking Code Requirements

Residential Unit Type	Number of Units	Code	Code-Required Spaces	Spaces (Proposed)
Studios and 1-Bedroom Units	77	1 space per DU 1 visitor space per 4 DU	96.5	108 resident + 11 visitor = 119 total
2- and 3-Bedroom Units	14	1.5 spaces per DU 1 visitor space per 4 DU	24.5	
Live/Work or Work/Live Units	10	1.5 space per DU	15	
Total	101	--	113 resident + 23 visitor = 136 total	

DU = Dwelling Units

SF = Square Feet

Source: City of Emeryville Municipal Code 9-4.55; DMJM Harris, 2007.

Table IV.D-11: Parking Demand (ITE)

ITE Land Use Code	Size	Parking Rates	Parking Demand	Spaces Proposed
Apartment (220)	101 DU	1.00 stalls per unit	101	119
High-Turnover (Sit-Down) Restaurant (932)	1,000 SF	10.1 per 1,000 SF	10	--
Total			111	119

DU = Dwelling Units

SF = Square Feet

Source: ITE, *Parking Generation Manual*, 3rd Edition; DMJM Harris, 2007.

The proposed project would provide 119 parking spaces. The project would be required to provide five accessible parking spaces to meet American with Disabilities Act (ADA) requirements.

Both the City of Emeryville and the City of Oakland have specific requirements for parking stall size and both limit the amount of compact spaces allowed. The City of Emeryville allows no more than 60 percent of the total spaces to be designated compact, and the City of Oakland allows no more than 33 percent of the total amount of spaces to be designated compact. Table IV.D-12 provides the requirements for regular and compact spaces for the City of Emeryville and the City of Oakland.

All spaces in the garage are proposed to be 17 feet long by 8 feet wide and would not meet the minimum code requirement for “standard” stalls of either the City of Oakland or the City of Emeryville. Therefore, the project would require a variance. The proposed parking space dimensions would be shorter and narrower than what is normally required for a standard parking stall. However, the spaces would be of sufficient size to meet code requirements for “compact” spaces. Under the more protective regulations (Oakland), a total of 39 spaces on the site may be designated as compact and under the Emeryville code, up to 71 spaces may be designated as compact. Compact spaces would be required (under the Emeryville and Oakland codes) to be a minimum of 16 feet long by 7.5 feet wide.

The provision of parking spaces that do not meet the sizing requirements of the City of Emeryville or City of Oakland would not be considered a physical environmental impact. However, it is recommended that the standard parking stall size be at least 18 feet long by 8.5 feet wide, or 16 feet long by 8.5 feet wide with a 2 foot overhang. An overhang would not be possible for spaces that are face-to-face; however, some of these stalls could be designated for compact vehicles.

Table IV.D-12: Parking Stall Size Requirements

Jurisdiction	Required size (Regular Stalls)	Required Size (Compact Stalls)
City of Emeryville	18' long, 9' wide	16' long, 7.5' wide
City of Oakland	18' long, 8.5' wide	16' long, 7.5' wide

Source: ITE, *Parking Generation Manual*, 3rd Edition; DMJM Harris, 2007.

According to the City of Emeryville Municipal Code section 9-4.55, project maneuvering aisles necessary for access into and out of required parking spaces shall have a minimum width of 22 feet. The City of Oakland Planning Code section 17.116.20 requires project maneuvering aisles to have a minimum width of 24 feet. The project proposes 22.5 foot wide maneuvering aisles on the north, south, and west sides of the parking garage, as well as a 23 foot wide center aisle. These four maneuvering aisles would not satisfy code requirements and therefore require a variance.

l. Loading Impacts. Loading demand requirements are specified in the City of Emeryville's Municipal Code Article 55 and in the City of Oakland's Planning Code Title 17, Chapter 116, Section 140. The code requirements for both the City of Emeryville and the City of Oakland state that no loading berths are required for commercial activities consisting of less than 10,000 square feet. The City of Oakland requires loading berths for residential activities where the total floor area of facilities occupies 50,000 square feet or more. The project would add 13,746 square feet of residential space within the jurisdiction of the City of Oakland, and therefore, no residential loading berths are required. The City of Emeryville does not require loading berths for residential land uses.

m. Transit Facility Impacts. Currently, the project area is served by multiple AC Transit routes, summarized in Table IV.D-3. Based on 2000 US Census Journey to Work data, it was determined that approximately 15 percent of project trips would be on transit. The proposed project is expected to generate approximately 10 transit trips during the AM peak hour and 13 transit trips during the PM peak hour. Transit trip distributions were developed based on the project trip distributions shown in Figure IV.D-4, and then assigned to the various transit routes in the vicinity of the project site. These results are summarized in Table IV.D-13.

As shown in Table IV.D.13, only a minimal increase in transit ridership is expected as a result of the proposed project. In addition, there is excess capacity on AC Transit and Emery Go Round buses serving the area. Considering the service frequencies shown in Table IV.D-13, it is unlikely that the proposed project would cause significant adverse impacts to AC Transit, BART service, or the Emery Go Round system.

Table IV.D-13: Project Transit Trips

Destination	Peak Hour Trips		Transit Routes
	AM	PM	
Downtown Oakland	1	1	72, 72M, 72R
I-580 East	1	1	57
San Francisco	1	2	C, F
El Cerrito/Richmond via I-80 East	1	2	BART (via 14, 57, EM)
I-980 / I-880	1	1	BART (via 14, 57, EM)
Berkeley/Albany	3	3	F, 72, 72M, 72R, 88
Walnut Creek via. SR-24	2	3	BART (via 14, 57, EM)
Total	10	13	

Source: DMJM Harris, 2007.

n. Pedestrian and Bicycle Facility Impacts. As described above, sidewalk widths adjacent to the project site are 10 feet and provide for safe pedestrian circulation. Although the project would add additional pedestrians to local streets and sidewalks, existing pedestrian facilities should adequately handle the increase in sidewalk traffic. In addition, the project would include no features which would be unsafe for pedestrian travel. Therefore, no significant adverse impacts to pedestrian activity were identified and no mitigation measures are necessary.

As detailed above, there are existing bikeways along several major streets in the vicinity of the project site, including 40th Street, San Pablo Avenue, and Market Street. These facilities provide a safe environment for bicyclists and encourage bicycling as an alternative mode of transportation. Existing bicycle traffic on these facilities was observed to be low, with all of the facilities operating under capacity. Therefore, the current facilities are expected to adequately accommodate the increase in bicycle trips as a result of the project. Although there are no requirements for bicycle or motorcycle parking, the project would provide 12 bicycle storage lockers and 6 motorcycle parking spaces in the parking garage. In addition, the project would include no features which would be unsafe to bicycle travel. Therefore, no significant adverse impacts to bicycle activity were found and no mitigation measures are necessary.

o. Construction Period Impacts. During the construction period, temporary and intermittent transportation impacts would result from truck movements as well as construction worker trips to and from the project site. The construction-related traffic would result in temporary congestion on project area streets because of the slower movements and larger turning radii of construction trucks compared to passenger vehicles. Given the proximity of the I-580, I-980, I-80 and SR-24 freeway ramps, use of local roadways would be limited. Truck traffic that occurs during the peak commute hours (7:00 to 9:00 a.m. and 4:00 to 6:00 p.m.) could result in degraded levels of service and higher delays at local intersections than during off-peak hours. Additionally, parking of construction workers' vehicles would temporarily increase parking occupancy levels in the area.

It is also important to note that high volumes of trucks with heavy loads would have an adverse impact on the condition of streets and highways. Heavy trucks create a disproportionate impact to roadway structural sections, particularly at intersections, where the effects of acceleration/deceler-

ation can be noticeable. In addition, the project would be subject to the following City of Oakland and City of Emeryville Standard Conditions of Approval for Construction. No additional mitigation would be required.

p. Standard Condition of Approval: The project applicant and construction contractor shall meet with the City of Emeryville Public Works Agency, the City of Oakland Transportation Services Division and other appropriate City of Emeryville and City of Oakland agencies and staff to determine traffic management strategies to reduce, to the maximum extent feasible, traffic congestion and the effects of parking demand by construction workers during construction of the project and other nearby projects that could be simultaneously under construction. The project applicant shall develop a construction management plan for review and approval by the City of Emeryville and the City of Oakland. The plan shall include at least the following items and requirements:

- a.) A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes;
- b.) Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures will occur;
- c.) Location of construction staging areas for materials, equipment, and vehicles (must be located on the project site);
- d.) A process for responding to, and tracking, complaints pertaining to construction activity, including identification of an onsite complaint manager. The manager shall determine the cause of the complaints and shall take prompt action to correct the problem. The Planning and Zoning Division shall be informed who the Manager is prior to the issuance of the first permit issued by Building Services;
- e.) Provision for accommodation of pedestrian flow;
- f.) Provision for parking management and spaces for all construction workers to ensure that construction workers do not park in on-street spaces; and,
- g.) Identification of haul routes for movement of construction vehicles that would minimize impacts on vehicular and pedestrian traffic, circulation and safety; and provision for monitoring surface streets used for truck haul routes so that any damage and debris or loss of expected life to the public street attributable to the haul trucks can be identified and corrected by the project applicant.

IV. SETTING, IMPACTS AND MITIGATION MEASURES

This chapter contains an analysis of each issue that has been identified through preliminary environmental analysis and the public scoping sessions for the 39th and Adeline Mixed-Use Project EIR (held on September 27, 2007 in Emeryville and October 3, 2007 in Oakland), and, as such, comprises the major portion of the Draft EIR. Sections A through D of this chapter describe the environmental setting of the project as it relates to each specific environmental issue evaluated in the EIR, and the impacts that are expected to result from implementation of the project. Proposed mitigation measures to reduce potential impacts are recommended, where appropriate.

A. DETERMINATION OF SIGNIFICANCE

Under CEQA, a significant effect is defined as a substantial, or potentially substantial, adverse change in the environment.¹ The guidelines implementing CEQA direct that this determination be based on scientific and factual data. Each impact and mitigation measure section of this chapter is prefaced by a summary of criteria of significance. These criteria have been developed using Appendix G of the *CEQA Guidelines* and applicable City of Oakland and City of Emeryville policies.

B. ISSUES ADDRESSED IN THE DRAFT EIR

The following environmental issues are addressed in this chapter:

- Land Use
- Planning Policy
- Cultural Resources
- Transportation and Circulation

C. FORMAT OF ISSUE SECTIONS

Each environmental topic considered in this chapter comprises two primary sections: (1) setting, and (2) impacts and mitigation measures. An overview of the general organization and the information provided in the two sections is provided below:

- *Setting.* The setting section for each environmental topic generally provides a description of the physical setting for the project site and its surroundings at the beginning of the environmental review process (e.g., existing land uses, existing soil conditions, existing traffic conditions). An overview of regulatory considerations that are applicable to the specific environmental topic is also provided.

¹ Public Resources Code 21068.

- *Impacts and Mitigation Measures.* The impacts and mitigation measures section for each environmental topic presents a discussion of the impacts that could result from implementation of the proposed 39th and Adeline Mixed-Use Project. The section begins with the criteria of significance, establishing the thresholds to determine whether an impact is significant. The latter part of this section presents the impacts from the proposed project and mitigation measures, if required. The impacts of the proposed project are organized into separate categories based on their significance according to the criteria listed in each topical section: less-than-significant impacts, which do not require mitigation measures, and significant impacts, which require mitigation measures.

Impacts are numbered and shown in bold type, and the corresponding mitigation measures are numbered and indented. Impacts and mitigation measures are numbered consecutively within each topic and begin with an acronymic reference to the impact section (e.g., CULT). The following symbols are used for individual topics:

LTS:	Less than Significant
S:	Significant
SU:	Significant and Unavoidable

These notations are found following each impact and each mitigation measure to identify the significance of impacts before and after mitigation.

V. ALTERNATIVES

The *CEQA Guidelines* require the analysis of a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the project's basic objectives and avoid or substantially lessen any of the significant effects of the project. The range of alternatives required in an EIR is governed by a "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice.¹ CEQA states that an EIR should not consider alternatives "whose effect cannot be ascertained and whose implementation is remote and speculative."

The proposed project has been described and analyzed in the previous chapters, with an emphasis on significant impacts resulting from the project and recommended mitigation measures to avoid these impacts. The following discussion is intended to inform the public and decision-makers of the relative impacts of three potentially feasible alternatives to the proposed project. A discussion of the environmentally superior alternative is also provided.

The following project objectives were initially listed in Chapter III, Project Description of this EIR and are repeated here to inform this evaluation of project alternatives:

- Redevelop an underutilized site to create a vibrant mixed-use development.
- Increase the City's housing supply.
- Create development that enhances the visual and community character of the neighborhood.

The three alternatives to the proposed project discussed in this chapter include the following:

- The **No Project alternative** assumes that the project site would not be developed within the short term; it would remain under its existing General Plan designations for both Oakland and Emeryville (Mixed Housing Type Residential and General Commercial, respectively), which would allow for future development.
- The **Preservation and Adaptive Reuse alternative** would preserve the former light industrial masonry structure's entire façade. The rest of the roof and interior would be reconstructed to allow for adaptive reuse of the building. A redesigned interior would accommodate a café on the corner of 39th Street and Adeline Street as well as 20 residential units.
- The **Partial Project alternative** would preserve the existing structure's façade along 39th Street and Adeline Street but develop the project site with retail and residential uses at a similar scale, density, and design as the proposed project. This alternative would include a café on the corner of 39th Street and Adeline Street, as well as 90 residential units, including studios, one-, two- and three-bedroom units, live/work units, and work/live units.

¹ *CEQA Guidelines*, 2006. Section 15126.6.

All square footages used in this analysis are approximations, and are inclusive of infrastructure, landscaping, open space, and other improvements. If an alternative is approved instead of the proposed project, additional design work would need to be undertaken. Actual square footages could vary slightly from these estimates based on zoning requirements, lot configuration, and structural requirements for the preservation of the existing building's façade.

Following is a discussion of each alternative, and an analysis of the anticipated environmental impacts of each alternative. This analysis compares the anticipated impacts of each alternative to the impacts associated with the proposed project; the discussion includes a determination as to whether or not each alternative would reduce, eliminate, or create new significant impacts. The environmental impacts in the topical areas not discussed below (e.g., air quality, hazardous materials) would be less-than-significant and similar to those associated with the proposed project. Refer to the Initial Study in Appendix B for more detail.

A. NO PROJECT ALTERNATIVE

1. Principal Characteristics

The No Project alternative assumes that the project site would not be subject to immediate development, and would remain generally in its existing condition, though it could require structural reinforcements and potential mitigation of lead and/or asbestos hazards. No construction would take place on the site, and the former light industrial masonry building and parking/service area would remain. Uses within the existing structure, which currently include an Oriental spa, a T-shirt silk-screener, a hair studio/salon, and a vintage automobile restoration service, would continue to operate in the short-term. These uses could change over time, given the general shift from low-intensity industrial and commercial uses to predominantly service-oriented commercial activities in the area around the project site. However, the building's interior is not conducive to many retail uses, and thus the building would likely remain as a mix of low-intensity industrial and commercial uses. The existing structure could include residential (including live/work or work/live) uses in the future, though this sort of adaptive reuse would require significant and costly interior remodeling in order to conform to the building code.²

The General Plan designation of the site for both Oakland and Emeryville would remain as Mixed Housing Type Residential and General Commercial, respectively, under the alternative. These designations would allow for future development on the project site, potentially in the form of a project similar to the one currently proposed. However, future development on the site could consist of any number of possible combinations of residential, commercial, and low-intensity industrial uses. The No Project alternative would achieve none of the proposed project's desired objectives. The project site would not be developed with 101 residential units, nor would it include a 1,000 square foot café on the corner of Adeline Street and 39th Street. The site would remain, for the time being, underutilized. In addition, a building considered significant by the City of Emeryville would not be demolished.

² The City of Emeryville requires a conditional use permit for residential uses in a General Commercial zone. The City of Oakland would not require additional permits for residential uses in a Mixed Housing Type Residential zone. The building codes for both jurisdictions would require that any converted residential units within the structure comply with health and safety requirements for residential uses (e.g. parking requirements and fire code compliance).

2. Analysis of the No Project Alternative

The No Project alternative is evaluated for all the environmental topics analyzed in this EIR.

a. Land Use. The No Project alternative would result in no land use changes to the project site. The site would continue to contain the existing masonry building and a parking/service area. Current uses on the site, do not substantially conflict with surrounding uses. However, the project site would remain relatively underutilized compared to other recent development to the north, west, and south on Adeline Street and San Pablo Avenue; most of these projects are high-density mixed-use projects, much like the proposed project. Because existing uses do not include residential or retail uses, the No Project alternative would contribute less activity to the area than the proposed project. However, this alternative would be more in keeping with the height, bulk, and density of the proposed project with the smaller detached one- and two-story single- and multi- family homes to the east of the project site.

b. Planning Policy. The No Project alternative would avoid the proposed project's inconsistencies with local planning policies, such as maximum allowed height requirements and demolition of historic resources. While the proposed project would exceed maximum residential densities allowed by the Oakland General Plan and Oakland Planning Code and those recommended by the Emeryville General Plan, the site would remain below these thresholds under the No Project alternative. The alternative would also not exceed the Emeryville General Plan's height limit of 30 feet. In addition, the Emeryville Redevelopment Plan calls for the area that includes the project site to be a primarily commercial district. Under the No Project alternative, the site would remain a mix of commercial and low intensity industrial uses.

Although residential uses could be incorporated at great expense into the existing structure on the project site in the future, the No Project alternative would not conform to the Emeryville General Plan that explicitly encourage incorporating housing into commercial districts and converting underutilized industrial sites to mixed-use or residential developments.

c. Cultural and Paleontological Resources. The No Project alternative would preserve, at least in the short term, the structure located within the project site. The analysis in this EIR has determined that the structure is considered a historic resource under CEQA, qualifies as a "significant structure" under the Emeryville Municipal Code, and is a property of "secondary importance" under the Oakland Historic Preservation Element in the Oakland General Plan. The structure is considered a Potentially Designated Historic Property (PDHP) by the City of Oakland, but is not classified as being on Oakland's Local Register of Historic Resources.³ Although the structure could further deteriorate over time, this alternative would not result in a direct adverse impact to this resource (which would be a significant impact of the project). Because no ground-disturbing activities would occur as part of the No Project alternative, subsurface archaeological, paleontological, and Native American resources that could occur within the project site would not be disturbed.

d. Transportation and Circulation. Because the No Project alternative assumes the continuation of existing conditions within the Project site, implementation of this alternative would not result in a substantial increase in traffic in the foreseeable future. Therefore, none of the less-than-significant impacts to intersection level-of-service that would occur as a result of the proposed project would

³ Oakland Cultural Heritage Survey, 1995. Department of Parks and Recreation Building, Structure, and Object Record, 1032-98 39th Street/3906 Adeline, Oakland, CA 94608. September 30.

occur as a result of implementation of the No Project alternative. Like the proposed project, the No Project alternative would result in less-than-significant impacts to existing intersection and roadway levels of service, traffic hazards, and public transit. The No Project alternative would avoid less-than-significant impacts associated with construction period traffic.

B. PRESERVATION AND ADAPTIVE REUSE ALTERNATIVE

1. Principal Characteristics

This alternative assumes that the existing structure's façade would be preserved and restored, but that its roof and interior would be replaced and redesigned in order to accommodate a 1,000 square foot café on the corner of 39th Street and Adeline Street and approximately 20 residential units. This alternative would not alter the building's basic dimensions or its visual quality. The residential units would include a mix of unit types, potentially including studios, one-, two-, and three-bedroom units, live/work units, and work/live units (although all unit types may not be represented). The work/live units would be located exclusively within the portion of the project site in Oakland. The existing parking/service area in the northern portion of the project site along Yerba Buena Avenue would remain under its current uses. This alternative would achieve all of the proposed project's goals, albeit at a much smaller scale, and would result in a smaller local population increase than would result from the proposed project.

The existing roof is not visible from any pedestrian vantage point. Therefore, the reconstructed roof's visual character is not of great importance, though its replacement could replicate the existing roof's relatively flat orientation so as to remain invisible from the street. Furthermore, demolishing the existing roof would allow for greater flexibility in redesigning the building's interior space, and would permit adaptive reuse from light industrial and commercial uses to retail and residential uses.

The configuration of residential units in this alternative would be similar to the first floor plan of the proposed project (See Figure III-3). A southwesterly hallway parallel to 39th Street could divide north- and south-facing units; other units would face Adeline Street. However, the existing building's dimensions would require the units in this alternative to be larger than those in the proposed project. Units in the portion of the building parallel to 39th Street would be approximately 45 feet deep and up to 25 feet wide, with some variability. Therefore, the average residential units would be approximately 1,100 square feet. Wider work/live and live/work units would be developed to conform to the building's façade along 39th Street and Adeline Street. Pedestrian entrances to the building would be located on 39th Street, Adeline Street, and from the parking area in the northern portion of the site.

The parking/service area in the northern portion of the site could accommodate up to 45 parking spaces, which would meet both Emeryville and Oakland's requirements.⁴ Restoration of the façade would consist of structural reinforcement, repair and patching of deteriorated brickwork, replacement of garage doors, replacement of windows, and fabrication and installation of doors to residential units. All important architectural features of the façade – including the masonry/fenestration pattern along 39th Street, the parapet at the corner of 39th Street, and the roofline – would be preserved and rehabilitated as part of the Preservation and Adaptive Reuse alternative.

⁴ This calculation is based on the industry-standard assumption of 350 square feet per car. This includes total space requirements for lanes, turns, and stalls.

2. Analysis of the Preservation and Adaptive Reuse Alternative

The Preservation and Adaptive Reuse alternative is evaluated for all the environmental topics analyzed in this EIR.

a. Land Use. The Preservation and Adaptive Reuse alternative would result in a change of land uses on the site from light industrial and commercial uses to retail and residential uses. The site would continue to contain the former light industrial masonry building, though with a new roof and redesigned interior that could accommodate the change of uses. The parking/service area would remain underutilized. Although the building itself would not expand, the addition of approximately 20 residential units and a café on the corner of 39th Street and Adeline Street would result in incremental intensification of uses on the site compared to existing conditions. The addition of housing units to the project site would not conflict with residential uses to the east, nor would it conflict with the newer residential and mixed-use projects along Adeline Street and San Pablo Avenue to the north, west, and south of the site. The building would remain in scale with the detached one- and two- story single- and multi-family homes to the east.

b. Planning Policy. The Preservation and Adaptive Reuse alternative would avoid some of the potential inconsistencies of the proposed project with local planning policies. While the proposed project would exceed maximum residential densities allowed by the Oakland General Plan and Oakland Planning Code and those recommended by the Emeryville General Plan, the site would remain below these thresholds under the Preservation and Adaptive Reuse alternative. The restored building would not exceed the Emeryville General Plan's height limit of 30 feet. In addition, this alternative would conform to the Emeryville General Plan's policies that explicitly encourage incorporating housing into commercial districts, converting underutilized industrial sites to mixed-use or residential developments, and protecting historic resources. It would also fulfill the Oakland Planning Code's designation of the project site as a "housing and business mix" zone where residential and commercial uses are intended to coexist. This alternative would adhere more closely than the proposed project to the Emeryville General Plan's Community Design Policy 16, which states: "The historic industrial-warehouse image found in many parts of Emeryville should be preserved and enhanced through the retention of architecturally significant structures and the addition of architecturally compatible new construction." This alternative would preserve the most important architectural elements of a building designated as a "significant structure" under Emeryville's Municipal Code.

c. Cultural and Paleontological Resources. The Preservation and Adaptive Reuse alternative would preserve the former light industrial masonry building's façade, which is the most important identified cultural resource on the project site (although important archeological resources could be identified during the construction period). This alternative would rebuild the building's roof and redesign its interior, but its basic dimensions and appearance would remain the same. This EIR has determined that the structure qualifies as a historic resource under CEQA and is a "significant structure" under the Emeryville Municipal Code. The structure's façade, which would be preserved under this alternative, is largely responsible for this designation. In addition, the building has been designated as a property of "secondary importance" under the Oakland Historic Preservation Element in the Oakland General Plan. The structure is considered a Potentially Designated Historic Property (PDHP) by the City of Oakland, but is not classified as being on Oakland's Local Register of Historic

Resources.⁵ This alternative would preserve and restore the structure's façade, which is its most significant historic and aesthetic element. Although the façade could further deteriorate over time, this alternative would not result in a direct adverse impact to this resource, including the features that contribute to the building's National Register of Historic Places Status Code of "5S." Because ground-disturbing activities would occur as part of the alternative, subsurface archaeological, paleontological, and Native American resources that could occur within the project site would be disturbed.

d. Transportation and Circulation. The Preservation and Adaptive Reuse alternative would result in an increase in trips to and from the project site compared to existing uses. However, the existing parking/service area is underutilized and could accommodate enough off-street parking to conform to both the City of Oakland and the City of Emeryville's parking requirements for residential uses on the project site. In addition, this alternative would produce significantly less car trips than would the proposed project. As a result, implementation of this alternative would result in fewer less-than-significant traffic congestion impacts than the proposed project. Like the proposed project, the Preservation and Adaptive Reuse alternative would result in no significant impacts to existing intersection and roadway levels of service, traffic hazards, and public transit.

C. PARTIAL PROJECT ALTERNATIVE

1. Principal Characteristics

This alternative would retain the existing building's façade along 39th Street and Adeline Street, but develop the rest of the site with retail space and housing in four three-story (plus mezzanine) buildings at a similar scale, density, and design as the proposed project. This alternative would include a 1,000 square-foot café on the corner of 39th Street and Adeline Street, approximately 90 housing units, an underground parking garage, and a courtyard in the center of the site. The residential units would include a mix of studios, one-, two-, and three-bedroom units, live/work units, and work/live units. The work/live units would be located exclusively within the portion of the project site in Oakland. This alternative would achieve all of the proposed project's goals, though with approximately 10 fewer residential units.

As noted above in regard to the Preservation and Adaptive Reuse alternative, the existing structure's roof and interior space do not substantially contribute to its aesthetic value. The roof is relatively flat, utilitarian, and invisible from a pedestrian vantage point, and the interior space would require a substantial reconfiguration to accommodate residential uses. Although the building's façade is largely responsible for its designation as a "significant structure" under the Emeryville General Code, the façade itself contains inconsistencies in both construction and design. Those portions not facing either 39th Street or Adeline Street are made of brittle hollow clay tile, and are both tilting out of plane and structurally unsound.⁶ The portions of the façade facing 39th Street and Adeline Street contribute the most to the building's aesthetic value, and are more structurally sound than the building's other exterior walls. For this reason, this alternative preserves and restores only those portions of the façade facing 39th Street and Adeline Street. The rest of the building would be demolished.

⁵ Oakland Cultural Heritage Survey, 1995. Department of Parks and Recreation Building, Structure, and Object Record, 1032-98 39th Street/3906 Adeline, Oakland, CA 94608. September 30.

⁶ Goodman, Zachary, 2007. Architect/Associate Principal, Murakami/Nelson Architectural Corporation. Personal communication with LSA Associates, Inc. November 1.

This alternative would result in an almost identical four-building footprint as the proposed project, with a few alterations. With the exception of the building in the northeastern portion of the site along Yerba Buena Avenue, the first floor would be 18 feet high. These ceiling heights would be greater than those in the proposed project. In addition, the second story of buildings facing 39th Street and Adeline Street would be set back an estimated 3 feet from the first floor in order to avoid causing structural damage to the façade during both construction and operation phases. The second story would incorporate the 25 foot-high façade on the corner of 39th Street and Adeline Street into its design.

Pedestrian, bicycle, and vehicle access to the site under this alternative would be similar to that of the proposed project, though restricted to the façade's existing entrances and garages. Like the proposed project, this alternative would include an underground parking garage accessible to pedestrians, bicycles, and vehicles from an entrance on 39th Street. However, preserving the façade would require garage access ramps to be located at existing vehicle entrances to the building. Because no existing entrances are wide enough for two vehicles to pass side-by-side, vehicle access to the garage would need to be divided into two ramps – one entrance ramp and one exit ramp. There are two existing vehicle entrances separated by a large window in approximately the same location as the proposed garage entrance. These entrances could serve as a suitable alternative to demolishing a portion of the façade in order to accommodate a side-by-side garage entrance/exit. On Adeline Street, an existing garage entrance approximately halfway between 39th Street and Yerba Buena Avenue could be converted to an entrance to a pedestrian walkway between two buildings, much like the proposed project. In addition, the underground garage in this alternative would be set back from the preserved façade so as not to disturb its foundation. The parking garage could accommodate approximately 110 parking spaces. Because there would be fewer residential units than in the proposed project, setting back the underground garage would not cause there to be a significant off-street parking shortage on the project site. However, like the proposed project, this alternative could require a parking variance from the City of Emeryville.

Like in the Preservation and Adaptive Reuse alternative, ground-floor residential units would be restricted by the façade's existing access points and lot widths. For this reason, larger live/work or work/live units, the latter of which would include a commercial storefront, would be more suited to these street-facing spaces. The set back second floor along 39th Street and Adeline Street would also require a smaller overall number of residential units on the project site, compared to the proposed project. However, the approximately 90 residential units in this alternative would consist of roughly the same mix of studios, one-, two-, and three-bedroom units, live/work units, and work/live units.

Restoration of the façade would consist of structural reinforcement, repair and patching of deteriorated brickwork, replacement of garage doors, replacement of windows, and fabrication and installation of doors to residential units. All important architectural features of the façade – including the masonry/fenestration pattern along 39th Street, the parapet at the corner of 39th Street, and the roofline – would be preserved and rehabilitated as part of the Preservation and Adaptive Reuse alternative.

2. Analysis of the Partial Project Alternative

The Partial Project alternative is evaluated for all the environmental topics analyzed in this EIR. The impacts associated with these topics would be similar to those that would result from implementation of the proposed project, though with fewer impacts to architectural resources.

a. Land Use. The Partial Project alternative would have essentially the same land use effects as the proposed project. This alternative would increase the intensity of uses on the site, in a way that exceeds that of the one- and two-story detached homes to the east along 39th Street and Buena Vista Way. However, because the project would provide a mix of residential and commercial uses, it would serve as a buffer between the residential neighborhood to the east of Adeline Street and the large-scale retail centers to the west of San Pablo Avenue. The ground-level café would be compatible with the predominantly residential neighborhood to the east, and would enhance commercial activity and the pedestrian experience along Adeline Street. In addition, trees would be planted along all streets adjacent to the project site, which would enhance the local visual environment. The project's eastern-most buildings would be only two stories high with a setback of approximately five feet, providing a transition to the smaller-scale residential area to the east of the site.

b. Planning Policy. Compared to the proposed project, the Partial Project alternative would adhere more closely to the Emeryville General Plan's Community Design Policy 16, which states: "The historic industrial-warehouse image found in many parts of Emeryville should be preserved and enhanced through the retention of architecturally significant structures and the addition of architecturally compatible new construction." This alternative would preserve the most important architectural elements of a building designated as a "significant structure" under Emeryville's Municipal Code. While the proposed project would demolish the existing former industrial building, this alternative would incorporate its façade into new development on the site. The alternative would also avoid inconsistencies with provisions of the Oakland General Plan that seek the protection of historic buildings.

c. Cultural and Paleontological Resources. The Partial Project alternative would preserve the existing building's 39th Street and Adeline Street façades, which are the most architecturally significant portions of the façade. This alternative would demolish the building's roof and interior, but its basic dimensions and appearance along the first floor frontages of 39th Street and Adeline Street would remain the same. The structure qualifies as a historic resource under CEQA and as a "significant structure" under the Emeryville Municipal Code. The structure's façade, parts of which would be preserved under this alternative, is largely responsible for this designation. In addition, the building has been designated as a property of "secondary importance" under the Oakland Historic Preservation Element in the Oakland General Plan. The structure is considered a Potentially Designated Historic Property (PDHP) by the City of Oakland, but is not classified as being on Oakland's Local Register of Historic Resources.⁷ This alternative would preserve and restore the structure's 39th Street and Adeline Street façades, which are a significant aesthetic element and are primarily responsible for the building's National Register of Historic Places Status Code of "5S." Although the façade could further deteriorate over time, this alternative would not result in a direct significant adverse impact to this resource. Because ground-disturbing activities would occur as part of this alternative, subsurface archaeological, paleontological, and Native American resources that could occur within the project site would be disturbed.

d. Transportation and Circulation. The Partial Project alternative would result in an increase in trips to and from the project site compared to existing uses, although the alternative would generate slightly fewer trips than the proposed project. Transportation-related impacts would be comparable to

⁷ Oakland Cultural Heritage Survey, 1995. Department of Parks and Recreation Building, Structure, and Object Record, 1032-98 39th Street/3906 Adeline, Oakland, CA 94608. September 30.

those associated with the proposed project. Like the proposed project, the Partial Project alternative would result in less-than-significant impacts to existing intersection and roadway levels of service, traffic hazards, and public transit.

D. OTHER ALTERNATIVES CONSIDERED

Because the proposed project would only result in one significant unavoidable impact, the alternatives analysis focuses on different configurations of residential and retail uses on the project site, while preserving the key architectural features of the Standard Beverages building. In addition, the site is an appropriate location for redevelopment and intensified uses. Therefore, an off-site alternative was not analyzed in detail. An all-commercial alternative was rejected from detailed analysis because it would result in more substantial traffic impacts compared to the proposed project and would be inconsistent with the evolving mixed-use character of the neighborhood.

E. ENVIRONMENTALLY SUPERIOR ALTERNATIVE

CEQA requires that the EIR identify the environmentally superior alternative. The No Project alternative would eliminate most of the impacts associated with the proposed project. The alternative would not result in ground-disturbing activities, demolition of a former industrial structure, new construction, the development of new retail and residential uses in the site, and the significant unavoidable impact to historic architectural resources. In addition, the No Project alternative would maintain current light industrial and commercial uses within the former industrial building, as well as the parking/service area in the northern portion of the site. While the No Project alternative would be the environmentally superior alternative in the context of impact reduction, it would not meet the primary objectives of the project.

CEQA Guidelines section 15126(e)(2) requires that an additional alternative be designated as the environmentally superior alternative, if the No Project alternative is identified as the environmentally superior alternative.

That secondary environmentally superior alternative, the Partial Project alternative, would retain the existing building's façade along 39th Street and Adeline Street, but develop the rest of the site with retail space and housing in four three-story (plus mezzanine) buildings at a similar scale, density, and design as the proposed project. This alternative would preserve and incorporate an aesthetic resource with local historic significance, and, compared to the proposed project, would avoid a significant and unavoidable impact to a historic architectural resource.

The Preservation and Adaptive Reuse alternative would result in less substantial impacts to intersection level-of-service than the proposed project. However, the parking/service area would remain underutilized and an opportunity for redevelopment of infill sites located near transit would be lost. Both the City of Emeryville and the City of Oakland have policies that encourage infill housing and mixed use development near services and transit, and development of this type is encouraged by regional planning organizations such as ABAG and the Greenbelt Alliance. Although the Partial Project alternative would have a slightly greater impact on the physical environment within and near the site, it is environmentally superior to the Preservation and Adaptive Reuse alternative from a regional planning perspective.

For the reasons described above, the Partial Project alternative is the secondary environmentally superior alternative after the No Project alternative.

VI. CEQA-REQUIRED ASSESSMENT CONCLUSIONS

As required by CEQA, this chapter discusses the following types of impacts that could result from implementation of the proposed project: growth-inducing impacts; significant irreversible changes; cumulative impacts; effects found not to be significant; and unavoidable significant effects.

A. GROWTH INDUCEMENT

A project is considered growth-inducing if it would directly or indirectly foster substantial economic or population growth or the construction of additional housing.¹ Examples of projects likely to have *significant* growth-inducing impacts include extensions or expansions of infrastructure systems beyond what is needed to serve project-specific demand, or development of new residential subdivisions or industrial parks in areas that are currently only sparsely developed or are undeveloped. Typically, redevelopment projects on infill sites that are surrounded by existing urban uses are not considered growth-inducing because redevelopment by itself usually does not facilitate development intensification on adjacent sites.

Implementation of the proposed project would result in direct population growth that is not substantial in the context of population growth projected to occur in the cities of Emeryville and Oakland in the foreseeable future. According to ABAG's *Projections 2007*, Oakland's 2005 population is estimated at 410,600 residents and is projected to grow to 464,700 by 2020.² The City of Emeryville population was estimated at 8,400 in 2005 and is estimated to grow to 11,900 residents by 2020.³ According to the 2000 census, the City of Emeryville has an average household size of 1.71 people, while the City of Oakland has an average household size of 2.6 people. As such, the 101 units planned for the site would add somewhere between 173 to 263 residents to the area, well within the growth projected for Oakland and Emeryville. A population increase of 173 to 263 persons is not considered substantially growth-inducing.

Indirect population growth associated with the proposed project could occur in association with job creation. The economic stimulus generated by construction of the proposed project could result in the creation of new construction-related jobs. However, the jobs created during both the construction and operation phases of the project would not be substantial in the context of job growth in Oakland and Emeryville in the next 10 years. The 1,000 square foot retail space would likely generate one to three full-time jobs. Although some of the employees generated by the proposed project may decide to live in Oakland or Emeryville, the migration of these employees into either city would not result in a substantial population increase.

¹ *CEQA Guidelines*, 2006. § 15126.2(d).

² Emeryville, City of, 2005. Emeryville General Plan Update: Opportunities and Challenges. Chapter 5, "Population, Demographics, & Economics." <http://www.ci.emeryville.ca.us/planning/pdf/05POPULATION.pdf>

³ *Ibid.*

In addition, the proposed project would occur on an infill site in an existing urbanized neighborhood in Oakland and Emeryville. It would not result in the extension of utilities or roads into undeveloped areas, and would not directly or indirectly lead to the development of any greenfield sites in the region. In addition, the provision of additional infill housing in Oakland and Emeryville would allow more people to live in an existing urbanized area and could reduce development pressures on farmland and open space in the greater Bay Area. Therefore, the population growth that would occur as a result of project implementation would be largely beneficial and would not be considered substantial or adverse.

B. SIGNIFICANT IRREVERSIBLE CHANGES

An EIR must identify any significant irreversible environmental changes that could result from implementation of a proposed project. These may include current or future uses of non-renewable resources, and secondary or growth-inducing impacts that commit future generations to similar uses. CEQA dictates that irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.⁴ The *CEQA Guidelines* describe three distinct categories of significant irreversible changes: 1) changes in land use that would commit future generations; 2) irreversible changes from environmental actions; and 3) consumption of non-renewable resources.

1. Changes In Land Use Which Would Commit Future Generations

The proposed project would allow for the development of approximately 1.12 acres of land within an infill site at the Emeryville/Oakland border. The project site is surrounded by urban development on all sides and is designated for housing and commercial development in Oakland and Emeryville (with a conditional use permit). Therefore, the proposed project would not commit future generations to a significant change in land use.

2. Irreversible Changes From Environmental Accidents

No significant irreversible environmental damage, such as what could occur as a result of an accidental spill or explosion of hazardous materials, is anticipated due to implementation of the proposed project. The proposed project would comply with all applicable federal, State and local hazardous materials regulations, which would reduce the possibility that hazardous substances within the project site (e.g., building materials containing lead and asbestos) would cause significant environmental damage.

3. Consumption of Nonrenewable Resources

Consumption of nonrenewable resources includes conversion of agricultural lands, loss of access to mining reserves, and use of non-renewable energy sources. The project site is located within an urbanized, developed neighborhood on the border of Emeryville and Oakland. Surrounding land uses include residential, retail, and industrial uses. No agricultural lands would be converted to non-agricultural uses. In addition, the project site does not contain known mineral resources. Construction of the proposed project would require the use of energy, including energy produced from non-renewable resources. Energy consumption would also occur during the operational phase of the proposed project due to the use of automobiles and appliances. However, the project applicant is

⁴ *CEQA Guidelines*, 2003. § 15126.2(c).

considering use of solar panels, which would generate electricity for the site, thereby reducing fuel and energy consumption. In addition, the project proposes moderately-sized residences and a retail use that would not be expected to consume substantial amounts of energy. Therefore, the proposed project would not substantially deplete non-renewable fuel supplies.

C. CUMULATIVE IMPACTS

CEQA defines cumulative impacts as “two or more individual effects, which, when considered together, are considerable, or which can compound or increase other environmental impacts.” Section 15130 of the *CEQA Guidelines* requires that an EIR evaluate potential environmental impacts that are individually limited but cumulatively considerable. These impacts can result from the proposed project alone, or together with other projects. The *CEQA Guidelines* state: “The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.”⁵

1. Methodology

When evaluating cumulative impacts, CEQA envisions the use of either a list of past, present, and probable future projects, including projects outside the control of the lead agency, or a summary of projections in an adopted planning document, or some reasonable combination of the two approaches. This cumulative analysis uses a list of past, present, pending, approved, and reasonably foreseeable future projects in the project site vicinity⁶ for site specific topics and sub-topics as well as a projections-related approach for transportation and circulation. This blended approach is consistent with *CEQA Guidelines* section 15130(b). The past, present, and future projects considered as part of the cumulative analysis include numerous redevelopment projects in Oakland and Emeryville, many of which contain a mixture of uses and are located in close proximity to transit. These redevelopment projects are similar in character to the proposed project, and affect similar environmental resources. The projections approach more effectively addresses potential cumulative impacts to the local and regional transportation system, the noise environment, and air basin.

2. Cumulative Effects of the Proposed Project

The following analysis examines the cumulative effects of the proposed project. Potential cumulative effects are summarized below for each of the topics that are analyzed in Chapter IV of the EIR.

a. Land Use and Planning Policy. Implementation of the cumulative projects, in combination with the proposed project, would result in the redevelopment of numerous infill sites throughout Emeryville and Oakland. Infill projects in a setting like that of Emeryville and Oakland generally represent environmentally-sound development in that such projects capitalize on existing transit

⁵ *CEQA Guidelines*, 2006. § 15355.

⁶ Emeryville, City of, 2007. City of Emeryville Planning and Building Department: Status of Major Development Projects – City of Emeryville. Website: www.ci.emeryville.ca.us/planning. August.

Oakland, City of, 2007. City of Oakland Community and Economic Development Agency: Active Major Development Projects; Sept-Oct. 2007. Website: www.oaklandnet.com/government/ceda. October.

systems and infrastructure, and minimize impacts on sensitive resources, such as wetlands and farmlands, which are frequently degraded with greenfield site development. Anticipated development in Emeryville and Oakland is expected to intensify the uses of underutilized parcels, provide greater neighborhood cohesion, and accommodate an increasing population. Because the proposed project would result in a net benefit to the community integrity and vitality of Emeryville and Oakland, it is expected to result in beneficial land use impacts in the cumulative condition.

b. Transportation and Circulation. Please refer to Section IV.D., Transportation and Circulation for a detailed description of the cumulative analysis methodology and cumulative transportation-related impacts. The cumulative impacts analysis found that two intersections would operate at unacceptable levels of service in the cumulative condition, both without and with the small increase in traffic caused by the proposed project. The intersection of San Pablo Avenue and 40th Street would operate at LOS E during the PM peak hour. This intersection is located in Emeryville, and the significance threshold is a 4-second increase in total intersection average vehicle delay due to project-generated traffic. Since the average vehicle delay with the addition of project traffic would only be 2.5 seconds, the project would not make a significant contribution to the cumulative impact. In addition, the cumulative impacts analysis found that the intersection of San Pablo Avenue and 36th Street would operate at LOS F during the AM peak hour. This intersection, which is located in Oakland, would operate at LOS F with or without the addition of project-generated traffic. The threshold for significance is an increase in the total intersection average vehicle delay by 2 or more seconds; or an increase in average delay for any of the critical movements by 4 seconds or more. Since the average vehicle delay at this intersection would increase by only 0.2 seconds due to project-generated traffic, and no critical movement delays would increase by 4 seconds or more, no significant cumulative impact was identified.

c. Cultural and Paleontological Resources. Construction activities associated with the proposed project could result in significant impacts to unidentified archaeological and paleontological resources, and human remains. However, the proposed project would be subject to measures that protect previously identified archaeological and paleontological resources. Other foreseeable projects in both Emeryville and Oakland would be subject to similar measures. Therefore, the proposed project, in conjunction with the other projects, would not result in a significant cumulative impact to archaeological and paleontological resources.

The existing building on the site is locally significant, based on the City of Emeryville's Municipal Code, and is considered a property of "secondary importance" under the City of Oakland Historic Preservation Element. Although the building is not listed on a local register, it is considered a historic resource pursuant to CEQA (because its National Register of Historic Places Status Code on a Department of Parks and Recreation 523 form is "5S," meaning that the structure is not eligible for the National Register, but is of local interest). Therefore, demolition of the building would directly affect a significant historic resource, and would contribute to the cumulative loss of historic buildings in Oakland and Emeryville. Implementation of Mitigation Measure CULT-1 would reduce the significance of this cumulative impact, but not to a less-than-significant level. Therefore, the impact is **significant and unavoidable**. The proposed project is not located in a historical district; therefore, the demolition of the Standard Beverages Limited building would not result in a significant cumulative impact to a historical district.

D. EFFECTS FOUND NOT TO BE SIGNIFICANT

Based on correspondence with City staff, visits to the project site, and preparation of an Initial Study (Appendix B), the proposed project is not expected to result in significant impacts related to the following topics, which are not further evaluated in the EIR. Each topic is paraphrased below; please see Appendix B for detailed evaluation of each.

1. Aesthetic Resources

The proposed project would change the visual character of the surrounding Emeryville and Oakland neighborhoods. Although a building deemed significant by the Emeryville Municipal Code would be removed, the redevelopment of the infill site would be beneficial to the visual character of the surrounding community. The redevelopment of the surface parking area would help to create a more appealing urban environment and the addition of the café and outdoor patio would enhance the pedestrian environment of the streets around the project site. In addition, the proposed project would not compromise scenic views.

2. Population and Housing

Implementation of the proposed project would result in a direct population growth of between 173 to 263 residents. The population increase is consistent with population projections for Emeryville and Oakland and would not be considered unanticipated growth.

3. Agricultural Resources

The site is located within a developed area within Emeryville and Oakland and is not classified by the State Department of California Department of Conservation as farmland. No agricultural uses or farmland are present within or adjacent to the site.

4. Air Quality

Air pollutant emissions associated with the proposed project would occur over the short term in association with construction activities such as demolition, excavation and vehicle/equipment use. However, the project would be subject to Standard Conditions of Approval, which would ensure that the project would have a less-than-significant effect on air quality during the construction period. Long-term emissions would result from vehicle trips associated with residential and retail use of the project site. The increase in long-term vehicular emissions generated by the proposed project would be well below the BAAQMD emission threshold for significant regional emissions. Therefore, project operations would have a less-than-significant impact on local and regional air quality.

5. Biological Resources

The project is located within a developed area, the majority of which is covered with impervious surfaces. Wildlife and plants present on the site have adapted to urban conditions and would not be adversely affected by implementation of the proposed project. No protected animal or plant species are known to inhabit the site.

6. Mineral Resources

No known mineral resources are located within or near the project site. Mineral extraction activities have not taken place within or around the project site during recent history.

7. Hazards

Construction activities at the proposed site, including demolition activities, could increase the potential for the exposure of persons to hazardous materials, including contaminated soil, hazardous construction materials, and lead and asbestos. However, the remediation of existing hazardous materials is highly regulated by local, State, and federal laws. Compliance with these regulations would reduce any hazardous-materials related impacts to a less-than-significant level.

8. Noise.

Compliance with Standard Conditions of Approval would ensure that occupants of the project site would not be exposed to unacceptable noise levels. The proposed project would not create a perceptible change in traffic noise in the vicinity of the project site. No substantial long-term increase in traffic-related noise is expected as a result of the project implementation.

9. Geology, Soils, and Seismicity

Like all projects in the Bay Area, the proposed project could expose persons to seismic hazards. However, compliance with applicable Building Code requirements and Standard Conditions of Approval would reduce seismic risks to a less-than-significant level.

10. Hydrology and Water Quality

The project would be constructed on an urbanized site and would not substantially increase impervious surface coverage or result in flood hazards within the project site. In addition, the proposed project would not place structures in flood hazard zones or existing waterways.

11. Public Utilities and Services

The project would use existing water lines; proposed landscaping would not require extensive irrigation. The site would be constructed on a predominantly impervious site and would not result in a substantial increase in stormwater runoff that would overburden the existing stormwater system. In addition, the proposed project would be adequately served by existing public services, such as police and fire protection, schools, and parks, and would not require the construction of new facilities.

12. Global Climate Change

This section discusses the potential effects of the project on global climate change, and concludes that, in light of the lack of statutes, regulations, guidelines, or case law decisions requiring analysis of global climate change, and the lack of sufficient scientific basis to ascertain the effects of an individual project on global climate patterns, the potential impact of the project is speculative. There is a general scientific consensus that global climate change is occurring, caused in whole or in part by increased emissions of greenhouse gases (GHGs) that keep the Earth's surface warm by trapping heat in the Earth's atmosphere, in much the same way as glass in a greenhouse. While many studies show evidence of warming over the last century, and predict future global warming, the causes of such warming and its potential effects are far less certain.

According to the International Clearinghouse for Sustainable Development, potential effects of global climate change in Alameda County may include:

- Warmer weather associated with increased heat waves;
- Warmer weather with an increase in annual rainfall of 20 percent to 30 percent, resulting in increase flooding;
- Rising sea levels that will threaten coastal infrastructure, ecosystems, and water supplies;
- Decrease in the Sierra Nevada Mountains snow pack, with associated effects on the availability of fresh water and tourism; and
- Increase in insect-borne diseases.

In its “natural” condition, the greenhouse effect is responsible for maintaining a habitable climate on Earth, but human activity has increased concentrations of these gases in the atmosphere, thereby contributing to an increase in global temperatures. Carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), ozone (O₃), and water vapor (H₂O) are the principal GHGs, and when concentrations of these gases exceed the natural concentrations in the atmosphere, the greenhouse effect may be enhanced. Without these GHGs, Earth’s temperature would be too cold for life to exist. CO₂, CH₄, and N₂O occur naturally as well as through human activity. Of these gases, CO₂ and CH₄ are emitted in the greatest quantities from human activities. Emissions of CO₂ are largely by-products of fossil fuel combustion, whereas CH₄ results from off-gassing associated with agricultural practices and landfills. Man-made GHGs – with much greater heat-absorption potential than CO₂ – include fluorinated gases such as hydrofluorocarbons (HFCs), perfluorocarbons (PFC), and sulfur hexafluoride (SF₆) which are byproducts of certain industrial processes.

In 2005, it was estimated that the emission of CO₂ equivalents (CO₂e) from all major sources totaled 2,200,000 tons, nearly half of which are transportation-related. From the year 2005, emissions are forecast to increase by 12 percent by 2010 (to 2,500,000 tons of CO₂e), and 19.5 percent (to 2,700,000 tons of CO₂e) by 2020, assuming “business as usual” into the future.

On June 1, 2005, Governor Arnold Schwarzenegger signed Executive Order (EO) S-3-05, establishing statewide GHG emission reduction targets. This EO provides that by 2010, emissions shall be reduced to 2000 levels; by 2020, emissions shall be reduced to 1990 levels; and by 2050, emissions shall be reduced to 80 percent of 1990 levels. On August 31, 2006, the California legislature passed Assembly Bill 32 (AB 32 – signed into law on September 27, 2006), which commits California to reduce GHG emissions to 1990 levels and establishes a multi-year regulatory process under the jurisdiction of the California Air Resources Board (CARB) to establish regulations to achieve these goals. By January 1, 2008, CARB is also required to adopt a statewide GHG emissions limit equivalent to the statewide GHG emissions levels in 1990, which must be achieved by 2020. By January 1, 2011, CARB is required to adopt rules and regulations, which shall become operative on January 1, 2012, to achieve the maximum technologically feasible and cost-effective GHG emission reductions.

On May 1, 2007, the Emeryville City Council passed a resolution establishing a greenhouse gas emissions goal to reduce Emeryville-wide emissions (including municipal emissions) by 25 percent below 2004 levels by 2020.

The construction and occupation of mixed-use developments, such as the proposed project, cause GHG emissions. GHG emissions occur in connection with many activities associated with

development, including the use of construction equipment and building materials, vegetation clearing, natural gas usage, electrical usage (since electricity generation by conventional means is a major contributor to GHG emissions), water use (which relies on the use of electricity for pumping), and transportation. However, it is important to acknowledge that new development does not necessarily create entirely new operational GHG emissions, since most of the persons who will visit or occupy the new development will come from other locations where they were already causing such GHG emissions. Further, it has not been demonstrated that even new GHG emissions caused by a local development project can affect global climate change, or that a project's net increase in GHG emissions, if any, when coupled with other activities in the region, would be cumulatively considerable.

As of preparation of this EIR, there are no statutes, regulations, guidelines, or case law decisions requiring analysis of climate change within a CEQA document. Under AB 32, the CARB (the sole agency in charge of regulating sources of emissions of GHG in California) has been tasked with adopting regulations for reduction of GHG emissions. As of the date of this analysis, no air district in California (including BAAQMD) is known to have identified a significance threshold for GHG emissions or a methodology for analyzing air quality impacts related to GHG emissions. In particular, there is no emission rate criterion for the purpose of identifying a significant contribution to global climate change in CEQA documents.

The *CEQA Guidelines* do not contain any provisions that specifically set forth requirements for analysis of global climate change impacts. As stated in Section 15064(b) of the *CEQA Guidelines*, "The determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the public agency involved, based to the extent possible on scientific and factual data." Additionally, *CEQA Guidelines* Section 15145 states, "If, after thorough investigation, a Lead Agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact."

Moreover, Governor Schwarzenegger signed SB 97 (Chapter 185, Statutes 2007) into law on August 24, 2007. The legislation provides partial guidance on how greenhouse gases should be addressed in certain CEQA documents.

SB 97 requires the Governor's Office of Planning and Research (OPR) to prepare guidelines for the mitigation of GHG emissions, including, but not limited to, effects associated with transportation or energy consumption. OPR must prepare these guidelines and transmit them to the Resources Agency by July 1, 2009. The Resources Agency must then certify and adopt the guidelines by January 1, 2010. OPR and the Resources Agency are required to periodically review the guidelines to incorporate new information or criteria adopted by ARB pursuant to the Global Warming Solutions Act, scheduled for 2012.

The second part of SB 97 codifies safe harbor for highways and flood control projects. It provides that the failure of a CEQA document for a project funded by Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 or the Disaster Preparedness and Flood Prevention Bond Act of 2006 to adequately analyze the effects of GHG emission otherwise required to be reduced pursuant to the regulations adopted under the Global Warming Solutions Act (which are not slated for adoption until January 1, 2012), does not create a cause of action for a violation of CEQA. This portion of SB 97 has a sunset date of January 1, 2010.

The bill does not address the obligation to analyze GHGs in projects not protected by the safe harbor provision. One possible interpretation is that there is no duty until the guidelines are adopted, because *CEQA Guidelines* Section 15007 subdivision (b), provides that guideline amendments apply prospectively only.

The City of Oakland and the City of Emeryville have determined, based upon the discussion above and the factors discussed previously and summarized below, that the project's impact on global climate change is speculative, and cannot be evaluated at this time because of:

- Uncertainties regarding human activities and climate change and the potential human activities that may reverse global warming trends.
- Lack of guidance for analysis of climate change issues in CEQA documents.
- Lack of methodology for evaluating GHGs, specifically determining the incremental increase in GHG emissions for an individual project, the impacts of a particular development project on global climate change, and the significance of any such impacts under CEQA.
- Lack of methodology for determining whether GHG emissions from an individual project are significant.
- Lack of scientific basis to accurately project future climate trends, much less the likely adverse environmental impacts resulting from those trends in any specific location.

For all of the reasons summarized above, and pursuant to Section 15145 of the *CEQA Guidelines*, until such time as a sufficient scientific basis exists to 1) ascertain the incremental impact of an individual project on climate change; and to 2) accurately project future climate trends associated with that increment of change; and 3) guidance is provided by regulatory agencies on the control of GHG emissions and thresholds of significance, the significance of an individual project's contribution to global GHG emissions is too speculative to be determined. Therefore, further analysis and application of current emissions scenarios, climate models, and climate change projections to the proposed project is also speculative.

While the preceding discussion outlines the speculative nature of determining the significance of an individual project's contribution to global GHG emissions at this time, the City of Oakland and the City of Emeryville have provided a discussion of the proposed project below, for consideration by decision makers. Discussed below are the project-related activities that could contribute to the generation of increased GHG emissions, and project design features that would avoid or minimize those emissions.

The approach employed is that, in lieu of an adopted significance threshold for GHG emissions, or a methodology for analyzing air quality impacts related to GHG emissions, the effects of a proposed project may be evaluated based not upon the quantity of emission, but rather on whether practicable available control measures are implemented, similar to construction-related dust emissions within the San Francisco Bay air basin. Arguably, if a project implements reduction strategies identified in AB32, the Governor's Executive Order S-3-05, or other strategies to help toward reducing GHGs to the level proposed by the Governor and targeted by local agencies, it could reasonably follow that the project would not result in a significant contribution to the cumulative impact of global climate change. Alternatively, a project could reduce a potential cumulative contribution to GHG emissions

through energy efficiency features, density and locale (e.g., compact development near transit and activity nodes of work or shopping).

Since the project site is located in an area that would not be likely to be subject to coastal or other flooding resulting from climate change during the economic life of the project, the potential effects of climate change on the proposed project are not discussed in this EIR. Although it is possible to generally estimate a project's contribution to CO₂ into the atmosphere, it is a matter of speculation whether that project increases existing levels of GHGs globally or in the State of California. Moreover, even if it is assumed that a project does create an incremental increase in those emissions, it is typically not possible to determine whether or how an individual project's relatively small incremental contribution might translate into physical effects on the environment, given the considerations discussed above.

The amount of increased GHG emissions that may be generated by the proposed project would not, by itself, influence global climate change. It cannot currently be determined if the proposed project would provide an incremental contribution to the cumulative increase in GHG emissions.

As previously noted, there are no published thresholds of significance, and no regulatory guidance available that evaluate climate change and GHG emissions in conjunction with individual development projects. In addition, the scientific and technical literature indicates that there is not yet a methodology for reflecting the impact of individual land use decisions in climate change models. Until such time that sufficient scientific basis exists to accurately project future climate trends and guidance is provided by regulatory agencies on the control of GHG emissions and thresholds of significance, the significance of the proposed project's contribution to global GHG emissions, pursuant to CEQA, cannot be judged, but is expected to be less than significant. As discussed above, the construction and operation of the proposed project would generate GHG emissions, with the majority of energy consumption (and associated generation of GHG) occurring during operation. Typically, more than 80 percent of total energy consumption takes place during the use of the buildings, and less than 20 percent is consumed during construction.

Overall, the following activities associated with a typical mixed-use development could contribute to the generation of GHG emissions:

- Removal of Vegetation – The net removal of vegetation for construction results in a loss of carbon sequestration in plants. Alternately, planting of additional vegetation would result in additional carbon sequestration and a lower carbon footprint.
- Construction Activities – Construction equipment typically uses fossil fuels to operate. The combustion of fossil fuels creates GHGs such as carbon dioxide, methane, and nitrous oxide. Furthermore, methane is emitted during the fueling of heavy equipment.
- Gas, Electricity and Water Use – Gas use results in the emissions of two GHGs: methane (the major component of natural gas) and carbon dioxide from the combustion of natural gas (as before a flame on a stove is sparked), and from small amounts of methane that are uncombusted in a natural gas flame. Electricity use can result in GHG production if the electricity is generated by combusting fossil fuel. California's water conveyance system is energy-intensive, with electricity used to pump and treat water.

- Motor Vehicle Use – Transportation associated with the proposed project would result in GHG emissions from the combustion of fossil fuels in daily automobile and truck trips.

While the proposed project and all development including similar land uses would generate GHG emissions as described above, the ongoing implementation of policies addressing green design, sustainability, and transit-oriented development in Oakland and Emeryville would collectively reduce the levels of GHG emissions and contributions to global climate change attributable to activities throughout Oakland and Emeryville.

While no significant GHG emissions-related impacts have been identified, and no mitigation is required, project characteristics and design features that have been included in the project to reduce the amount of GHG emissions generated during construction and operation are provided below:

- Walkability – The neighborhood surrounding the project site, including the San Pablo Avenue commercial district, is densely populated and well served by services and retail outlets, many of which are accessible by pedestrian travel. As such, the project would reduce transportation-related GHG emissions compared to emissions from the same level of development elsewhere in areas that are less walkable.
- Energy Efficiency – The proposed project would be required to comply with all applicable local, state, and federal regulations associated with the generation of GHG emissions and energy conservation. In particular, construction of the proposed project would be required to meet California Energy Efficiency Standards for Residential and Nonresidential Buildings, and the requirements of pertinent green design policies of Oakland and Emeryville, helping to reduce future energy demand as well as the project's contribution to regional GHG emissions.
- Construction Waste – The proposed project will be required to comply with the City of Oakland's Construction and Waste Reduction Ordinance and submit a Construction and Demolition Waste Reduction Plan for review and approval. As a result, construction-related truck traffic, which primarily relies on diesel fueled engines, would be reduced since demolition debris that would otherwise be hauled off-site would be reused on-site. In addition, reuse of concrete, asphalt, and other debris will reduce the amount of material introduced to area landfills.
- Inner Bay Location Near Transit – The project's location near the 72 Rapid AC Transit line, Emery-Go-Round routes, and other transit would reduce transportation-related GHG emissions compared to emissions from development with the same amount of population and employment growth in the outer Bay Area. Because transit service is generally less available in most areas of the outlying areas than in Oakland and Emeryville, development in those locations would likely result in increased peak-hour vehicle trips of relatively long distances, and often in single-occupant vehicles, compared to development at the project site. Development on the project site would include a greater number of potential residents and visitors that could potentially utilize alternative modes of travel.

Although no significant impacts related to GHG emissions have been identified, and no mitigation is required, the project's GHG emissions generated during construction and operation would be minimized by virtue of the site's location, existing neighborhood characteristics, and design features that have been included in the project. In addition, emissions would also be reduced since the project is subject to all the regulatory requirements, mitigation measures, and standard conditions in this EIR

and attached Initial Study that would reduce GHG emissions of the project. These include, for example, adherence to best management construction practices and equipment use.

E. SIGNIFICANT UNAVOIDABLE IMPACTS

The proposed project would result in no significant and unavoidable impacts.

VII. REPORT PREPARATION

A. REPORT PREPARERS

LSA Associates, Inc., Prime Consultant: *Project Management and Report Production; Initial Study; Project Description; Land Use and Planning Policy; Alternatives; and Cumulative Impacts*

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B. REFERENCES

- Armstrong, C.F., and Kathy Gallagher, 1977. Fossils from the Franciscan Assemblage Alcatraz Island. *California Geology* 30:134-135.
- Bass, Ronald E., Albert I. Herson, and Kenneth M. Bogdan, 1999:105. *CEQA Deskbook: A Step-by-Step Guide on how to Comply with the California Environmental Quality Act*. Solano Press Books, Point Arena, California.
- Bell, C.J., E.L. Lundelius, Jr., A.D. Barnosky, R.W. Graham, E.H. Lindsay, D.R. Ruez, Jr., H.S. Semken, Jr., S.D. Webb, and R.J. Zakrzewski, 2004. The Blancan, Irvingtonian, and Rancholabrean Mammal Ages. In *Late Cretaceous and Cenozoic Mammals of North America*, edited by M.O. Woodburne, pp. 232-314. Columbia University Press, New York.
- Bennyhoff, James A., 1986. *The Emeryville Site, Viewed 93 Years Later*. In *Symposium: A New Look at Some Old Sites: Papers from the Symposium Organized by Francis A. Riddell*. Coyote Press Archives of California Prehistory 6:65-74. Coyote Press, Salinas, California.
- Bulletin of the Department of Geological Science 24, Berkeley.
- California State Department of Parks and Recreation, Office of Historic Preservation, 2007. *Directory of Properties in the Historic Property Data File.*, Sacramento, March 28.
- Camp, C.L., 1942. Ichthyosaur Rostra from Central California. *Journal of Paleontology* 16(3):362-371.
- Cuellar, Daniel, Scott R. Huntsman, and Jay T. Sunderwala, 2006. *Geotechnical Investigation, 3900 Adeline Street, Oakland, California*. TRC Lowney, Oakland.
- Emeryville, City of, 1993. *Emeryville General Plan, Community Development Chapter, Land Use Policy*.
- Emeryville, City of, 1993. *Emeryville General Plan, Land Use Plan (Figure 1)*
- Emeryville, City of, 1976. *Emeryville Redevelopment Plan*. Amended March 15, 1994.
- Emeryville, City of, 1993. *Emeryville General Plan*. March 2.
- Emeryville, City of, 1996. *Emeryville Zoning Ordinance*. February 13.
- Emeryville, City of, 2004. Municipal Code, Title 9, Planning and Zoning, Article 43 "Preservation of Architecturally Significant Buildings in the Park Avenue District." November.
- Emeryville, City of, 2007. City of Emeryville Planning and Building Department: Status of Major Development Projects – City of Emeryville. Website: www.ci.emeryville.ca.us/planning. August.
- Fredrickson, David A., 1974. Cultural Diversity in Early Central California: A View from the North Coast Ranges. *Journal of California Anthropology* 1(1):41-53.
- Graymer, R.W., 2000. *Geologic Map and Map Database of the Oakland Metropolitan Area, Alameda, Contra Costa, and San Francisco Counties, California*. U.S. Geological Survey, Miscellaneous Field Studies MF-2342. U.S. Geological Survey, Washington D.C.
- Hausler, Donald, 1992:1. The History of Park Avenue, Emeryville, California. *Journal of Emeryville Historical Society*.

- Hausler, Donald, 1994:6-13. The Emeryville Horse Race Track: 1871-1915. *Journal of Emeryville Historical Society* V(1):3-14.
- Kroeber, Alfred L., 1955. Nature of the Land-Holding Group. *Ethnohistory* 2:303-314.
- Little, Crispin T.S., Richard J. Herrington, Rachel M. Haymon, Taniel Danelian, 1999. Early Jurassic Hydrothermal Vent Community from the Franciscan Complex, San Rafael Mountains, California. *Geology* 27(2):167-170.
- Miller III, William, 1989. Paleontology of Franciscan Flysch at Point Saint George, Northern California. In *Geologic Evolution of the Northernmost Coast Ranges and Western Klamath Mountains, California: 28th International Geological Congress, Field Trip Guidebook T308*, edited by K.R. Aalto and G.D. Harper, pp. 47-52. American Geophysical Union, Washington D.C.
- Milliken, Randall, 1995:243. *A Time of Little Choice: The Disintegration of Tribal Culture in the San Francisco Bay Area, 1769-1810*. Ballena Press, Menlo Park, California.
- Nelson, Nels C., 1996. *Excavation of the Emeryville Shellmound, 1906: Nels C. Nelson's Final Report*, transcribed and prefaced by Jack M. Broughton. Contributions of the University of California Archaeological Research Facility, Number 54. Berkeley.
- Oakland, City of, 1998. *Oakland General Plan, Land Use and Transportation Element*, March.
- Oakland, City of, 1994. *Oakland General Plan, Historic Preservation Element*. March 8.
- Oakland, City of, 1996. *Oakland General Plan, Open Space, Conservation, and Recreation (OSCAR) Element*. June.
- Oakland, City of, 1999. *Oakland Bicycle Master Plan*. July 20.
- Oakland, City of, 2002. *Oakland Pedestrian Master Plan*. November.
- Oakland, City of, 2004. *Oakland General Plan, Housing Element, January 1, 1999 – June 30, 2006*. June 15.
- Oakland, City of, 2007. *Oakland Municipal Code, Title 17, Planning (Chapter 17.65 "HBX Housing and Business Mix Commercial Zone Regulations")*. April.
- Oakland, City of, 2007. City of Oakland Community and Economic Development Agency: Active Major Development Projects; Sept-Oct. 2007. Website: www.oaklandnet.com/government/ceda. October.
- Preservation Architecture, 2006:8. *3900 Adeline Street Existing Building Evaluation*. Preservation Architecture, Oakland. November 6.
- Savage, D.E., 1951. *Late Cenozoic Vertebrates of the San Francisco Bay Region*. University of California Bulletin of the Department of Geological Science 28(10):215-314. Berkeley.
- Schenck, W. Egbert, 1926. The Emeryville Shellmound Final Report. *University of California Publications in American Archaeology and Ethnology* 23(3):147-282. Berkeley.
- Schlocker, Julius, 1974. *Geology of the San Francisco North quadrangle, California*. U.S. Geological Survey Professional Paper 782. U.S. Geological Survey, Washington D.C.
- Sidewalk cafes are subject to the provisions of Section 17.102.335: Standards for Sidewalk Cafes in the Oakland Planning Code.

- Stirton, R.A., 1951. Cenozoic Mammal Remains from the San Francisco Bay Region. University of California
- Uhle, Max, 1907. The Emeryville Shellmound. *University of California Publications in American Archaeology and Ethnology* 7(1):1-106. Berkeley.
- Walker, Richard A., 2004. *Industry Builds out the City: The Suburbanization of Manufacturing in the San Francisco Bay Area, 1850-1940*. Department of Geography, University of California, Berkeley.
- Wallace, William J., and Donald W. Lathrap, 1975. *West Berkeley (CA-ALA-307): A Culturally Stratified Shellmound on the East Shore of San Francisco Bay*. Contributions of the University of California Archaeological Research Facility, Number 29. Berkeley.
- Wallace, William J., and Donald W. Lathrap, 1975:55, 58.
- Welch, Lawrence E., 1981:25. *Survey of Alameda County, California, Western Part*. United States Department of Agriculture, Soil Conservation Service, Washington D.C.