2935 TELEGRAPH AVENUE (COURTHOUSE CONDOMINIUMS)

Draft Environmental Impact Report

Prepared for:
City of Oakland

March 19, 2007

CITY OF OAKLAND

250 FRANK H. OGAWA PLAZA, SUITE 3315 • OAKLAND, CALIFORNIA 94612-2032

Community and Economic Development Agency
Planning & Zoning Division

(510) 238-3941
FAX 510) 238-6538
TDD (510) 839-6451

2935 TELEGRAPH AVENUE (COURTHOUSE CONDOMINIUMS) COMBINED NOTICE OF RELEASE AND AVAILABILITY OF THE DRAFT ENVIRONMENTAL IMPACT REPORT AND NOTICE OF PUBLIC HEARINGS

TO: All Interested Parties

SUBJECT: **Notice of Availability** of the Draft Environmental Impact Report For the 2935 Telegraph Avenue (Courthouse Condominiums) Project

REVIEW PERIOD: **March 19, 2007 – May 3, 2007**

CASE No.: ER06-0012 (State Clearinghouse No. 2006102053)

PROJECT SPONSOR: Trammell Crow Residential

PROJECT LOCATION: Oakland – 2935 Telegraph Avenue between 29th and 30th Streets Eastern two thirds of the block bounded by 30th Street, Telegraph Avenue, 29th Street and the I-980 Freeway.

PROJECT DESCRIPTION: The project would demolish the existing fitness club and surface parking lot on the site and construct approximately 142 residential units, about 2,900 square feet of ground floor retail, and on-site parking for approximately 204 automobiles, in a five story building (four stories of residential construction above a two-level parking garage; one level of parking would be below ground and one at ground level, accessed by an internal ramp). The maximum height of the building would be approximately 50 feet, measured to the top of the roof. The development would be about 276,000 square feet in size. The ground floor would contain two retail spaces, a residential lobby, an HOA room and a Community room along the Telegraph Avenue elevation. Two access points to the parking garage would be located along 29th and 30th Streets. The remainder of the ground floor elevations along 29th and 30th Streets would contain a total of seven one bedroom flats and three studios that would be accessible directly from the 29th and 30th Street frontages. The dwelling units on the second through fifth floors would consist of a mix of studios (16 percent) one bedroom flats (35 percent) and two bedroom flats (45 percent) totaling approximately 137,300 square feet of residential space. The residential lobby off Telegraph Avenue would provide elevator access to a series of internal hallways to access the residential units. A total of nine landscaped courtyards would be on the podium (second) level, totaling approximately 18,450 square feet of common open space. Two of the courtyards would face the rear (western) elevation of the building. Over 6,000 square feet of open space would also be provided in the form of balconies for a total of about 24,530 square feet of project open space Landscaping provided by the project would include approximately 20 deciduous trees and shrubbery to be planted within the project site courtyards, as well as approximately 20 new street trees to be planted along Telegraph Avenue, 29th Street, and 30th Street.

ENVIRONMENTAL REVIEW: A Notice of Preparation was issued for the project on October 6, 2006, and a public scoping meeting was held on November 1, 2006. A Draft Environmental Impact Report (DEIR) was then prepared under the requirements of the California Environmental Quality Act (CEQA), pursuant to Public Resources Code Section 21000 *et. seq.* The DEIR analyzed potentially significant unavoidable environmental impacts in the following environmental categories: Historic Resources.

Copies of the DEIR are available for review or distribution to interested parties at no charge at City of Oakland, Community and Economic Development Agency, Planning Division, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA 94612, Monday through Friday, 8:30 a.m. to 5:00 p.m., and for review at the Oakland Public Library, Social Science and Documents, 125 14th Street, Oakland, CA 94612. The DEIR may also be viewed at the following website:
http://www.oaklandnet.com/government/ceda/revised/planningzoning/MajorProjectsSection/environmentaldocuments.html

PUBLIC HEARINGS

Wednesday, April 18, 2007, 6:00 p.m.	Meeting of the City Planning Commission, Hearing Room 1, City Hall, One Frank H. Ogawa Plaza
Monday, April 9, 2007, 6:00 p.m.	Meeting of the Landmarks Preservation Advisory Board, Hearing Room 1, City Hall, One Frank H. Ogawa Plaza

The City of Oakland, as lead agency, is hereby releasing this Draft EIR, finding it to be accurate and complete and ready for public review. Members of the public are welcome to attend these hearings and to provide comments focusing on the sufficiency of the DEIR in discussing possible impacts to the environment as a result of the Project and ways those impacts may be avoided or minimized through mitigation measures. All comments received will be considered by the City prior to finalizing the EIR and to taking any further action pertaining to the Project.

Comments must be received **no later than 4:00 p.m. on Tuesday, May 3, 2007,** and should be sent to the attention of Joann Pavlinec, Project Planner, City of Oakland, Community and Economic Development Agency, Planning Division, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, California 94612. If you challenge the environmental document or other potential actions pertaining to the Project in court, you may be limited to raising only those issues raised at the public hearings described above or in written correspondence received by the Community and Economic Development Agency on or prior to **May 3, 2007**. For further information, please contact Joann Pavlinec at (510) 238-6344 or at jpavlinec@oaklandnet.com.

CLAUDIA CAPPIO
Development Director

Date of Notice: March 19, 2007 (Comment Period March 20 – May 3)

Form A: Notice of Completion

Mail to: State Clearinghouse, 1400 Tenth Street, Sacramento, CA 95814 916/445-0613

SCH# 2006102053

Project Title: 2935 Telegraph Avenue (file #: ER06-0012)

Lead Agency: City of Oakland, Community and Economic Development Agency, Planning Division — Contact Person: Joann Pavlinec

Street Address: 250 Frank H. Ogawa Plaza, Suite 3315 — Phone: (510) 238-6344

City: Oakland — Zip Code: 94612 — County: San Francisco County

Project Location

County: Alameda — City/Nearest Community: Oakland

Cross Streets: 29th and 30th Streets — Zip Code: 94612 — Total Acres: 1.4

Assessor's Parcel No. 009-069800100, 009-069800201, 009-069800202, 009-069800203, 009-069803000

Within 2 Miles: State Hwy #: I-980 — Waterways: SF Bay, Oakland Estuary

Airports: None — Railways: none — Schools: Oakland Emiliano Zapata Street Academy.

Document Type

CEQA: ☐ NOP ☐ Early Cons ☐ Neg Dec ☒ Draft EIR ☐ Supplemental/Subsequent ☐ EIR (Prior SCH No.) ☐ Other

NEPA: ☐ NOI ☐ EA ☐ Draft EIS ☐ FONSI

Other: ☐ Joint Document ☐ Final Document ☐ Other

Local Action Type

☐ General Plan Update ☐ General Plan Amendment ☐ General Plan Element ☐ Community Plan ☐ Specific Plan ☐ Master Plan ☐ Planned Unit Development ☐ Site Plan ☐ Rezone ☐ Prezone ☐ Use Permit ☐ Land Division (Subdivision, Parcel Map, Tract Map, etc.) ☐ Annexation ☐ Redevelopment ☐ Coastal Permit ☐ Other

Development Type

☒ Residential:	*Units* 142	*Acres*			☐ Water Facilities:	*Type*		MGD	
☐ Office:	*Sq. ft.*	*Acres*	*Employees*		☐ Transportation:	*Type*			
☒ Commercial:	*Sq. ft.* 2,900	*Acres*	*Employees*	8	☐ Mining:	*Mineral*			
☐ Industrial:	*Sq. ft.*	*Acres*	*Employees*		☐ Power:	*Type*		*Watts*	
☐ Educational:					☐ Waste Treatment:	*Type*			
☐ Recreational:					☐ Hazardous Waste:	*Type*			
					☐ Other				

Funding (approx.) Federal $ — State $ — *Total $*

Project Issues Discussed in Document

☐ Aesthetic/Visual ☐ Agricultural Land ☐ Air Quality ☒ Archaeological/Historical ☐ Coastal Zone ☐ Drainage/Absorption ☐ Economic/Jobs ☐ Fiscal ☐ Flood Plain/Flooding ☐ Forest Land/Fire Hazard ☐ Geologic/Seismic ☐ Minerals ☐ Noise ☐ Population/Housing Balance ☐ Public Services/Facilities ☐ Recreation/Parks ☐ Schools/Universities ☐ Septic Systems ☐ Sewer Capacity ☐ Soil Erosion/Compaction/Grading ☐ Solid Waste ☐ Toxic/Hazardous ☒ Traffic/Circulation ☐ Vegetation ☐ Water Quality ☐ Water Supply/Groundwater ☐ Wetland/Riparian ☐ Wildlife ☒ Growth Inducing ☐ Land Use ☒ Cumulative Effects ☐ Other

Note: All other topics were discussed in the Initial Study, as applicable to San Francisco projects, and were found to be less than significant with implementation of standard mitigation measures (Appendix A of EIR)

Present Land Use/Zoning/General Plan Designation

C-40 Community Thoroughfare Zone / R-80 High Rise Apartment Zone

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Project Description

The project would demolish the existing fitness club and surface parking lot on the site and construct approximately 142 residential units, about 2,900 square feet of ground floor retail, and on-site parking for approximately 204 automobiles, in a five story building (four stories of residential construction above a two-level parking garage; one level of parking would be below ground and one at ground level, accessed by an internal ramp). The maximum height of the building would be approximately 50 feet, measured to the top of the roof. The development would be about 276,000 square feet in size. The ground floor would contain two retail spaces, a residential lobby, an HOA room and a Community room along the Telegraph Avenue elevation. Two access points to the parking garage would be located along 29th and 30th Streets. The remainder of the ground floor elevations along 29th and 30th Streets would contain a total of seven one bedroom flats and three studios that would be accessible directly from the 29th and 30th Street frontages. The dwelling units on the second through fifth floors would consist of a mix of studios (16 percent) one bedroom flats (35 percent) and two bedroom flats (45 percent) totaling approximately 137,300 square feet of residential space. The residential lobby off Telegraph Avenue would provide elevator access to a series of internal hallways to access the residential units. A total of nine landscaped courtyards would be on the podium (second) level, totaling approximately 18,450 square feet of common open space. Two of the courtyards would face the rear (western) elevation of the building. Over 6,000 square feet of open space would also be provided in the form of balconies for a total of about 24,530 square feet of project open space Landscaping provided by the project would include approximately 20 deciduous trees and shrubbery to be planted within the project site courtyards, as well as approximately 20 new street trees to be planted along Telegraph Avenue, 29th Street, and 30th Street.

Suggested Distribution

Office of Historic Preservation

Public Review Period (for Draft EIR)

Starting Date: March 20, 2007 Ending Date: May 3, 2007

Signature: Date: March 20, 2007

Lead Agency:

City of Oakland
Community & Economic Development Agency – Planning
250 Frank Ogawa Plaza, Suite 3315
Oakland, CA 94612
Contact: Joann Pavlinec
Phone: (510) 238-6344
jpavlinec@oaklandnet.com

Project Applicant:

Trammell Crow Residential
1810 Gateway Drive; Suite 240
San Mateo, California 94404

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225 Bush Street
Suite 1700
San Francisco, CA 94104
415.896.5900
www.esassoc.com

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ESA

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Summary

A. Project Description

Project Characteristics

The project would demolish the existing fitness club and surface parking lot on the site and construct approximately 142 residential units, about 2,900 square feet of ground floor retail, and on-site parking for approximately 204 automobiles, in a five story building (four stories of residential construction above a two-level parking garage; one level of parking would be below ground and one at ground level, accessed by an internal ramp). The maximum height of the building would be approximately 50 feet, measured to the top of the roof. The development would be about 276,000 square feet in size. The ground floor would contain two retail spaces, a residential lobby, an HOA room and a Community room along the Telegraph Avenue elevation. Two access points to the parking garage would be located along 29th and 30th Streets. The remainder of the ground floor elevations along 29th and 30th Streets would contain a total of seven one bedroom flats and three studios that would be accessible directly from the 29th and 30th Street frontages. The dwelling units on the second through fifth floors would consist of a mix of studios (16 percent) one bedroom flats (35 percent) and two bedroom flats (45 percent) totaling approximately 137,300 square feet of residential space. The residential lobby off Telegraph Avenue would provide elevator access to a series of internal hallways to access the residential units.

A total of nine landscaped courtyards would be on the podium (second) level, totaling approximately 18,450 square feet of common open space. Two of the courtyards would face the rear (western) elevation of the building. Over 6,000 square feet of open space would also be provided in the form of balconies for a total of about 24,530 square feet of project open space Landscaping provided by the project would include approximately 20 deciduous trees and shrubbery to be planted within the project site courtyards, as well as approximately 20 new street trees to be planted along Telegraph Avenue, 29th Street, and 30th Street.

The two-level parking garage would provide up to 204 parking spaces, including four disabled-accessible spaces, 29 compact spaces and 31 tandem stalls. To accommodate about 90 bicycles, the garage would also include 650 square feet of bicycle storage on the ground floor. Vehicular access to the garage would be via two, two-way driveways; one each on 29th and 30th Streets (see Figure II-3). The lower level of the parking garage would be accessed by an internal, two-way ramp. The parking garage entrances on 29th and 30th Streets would be secured by an automatic gate/roll-up door. There would also be an off-street truck loading dock adjacent to the vehicle entrance on 29th Street.

General Plan and Zoning

The Project Site is within the Community Commercial / Urban Residential General Plan Designation and the C-40 Community Thoroughfare Zone / R-80 High Rise Apartment Zone.

B. Environmental Impacts and Mitigation Measures

Potentially significant environmental impacts of the project are summarized in **Table I-1** at the end of this chapter. This table lists impacts and mitigation measures in two major categories:

- **Significant and Unavoidable** – Significant impacts that would remain significant even with mitigation and/or standard conditions of approval (Section A of **Table I-1**);

- **Less than Significant Impacts –** Impacts that would not be significant and that would not require mitigation measures (Section B of **Table I-1**).

For each significant impact, the table includes a summary of mitigation measures and/or conditions of approval, and an indication of level of significance after implementation of mitigation measures or conditions. A complete discussion of each impact and associated mitigation measure is provided in Chapter III, Environmental Setting, Impacts and Mitigation Measures.

C. Alternatives

- **Alternative 1A: No Project / Site and Existing Building Remain Vacant**. In this scenario, the project site and existing building would remain vacant, similar to existing conditions. The former Courthouse Athletic Club would continue to be closed and locked, and the adjacent parking lot would remain vacant and inaccessible through the use of a locked chain link gate. The site conditions would remain essentially as discussed in the setting sections of Chapter III, and would generally appear as it does today.

- **Alternative 1B: No Project / Reasonably Foreseeable Development (i.e., reuse of the existing building for a gym or other commercial use).** In this scenario, the former Courthouse Athletic Club would be reused for another athletic facility or other commercial venture, such as retail or professional office use. It is assumed that the exterior of the building would remain unchanged from current conditions, except for minor repair/maintenance, and that all reuse activities would occur on the interior of the building. The adjacent parking lot would also serve this new commercial use, retaining its basic configuration and number of parking spaces as under current conditions.

- **Alternative 2: Partial Preservation / Lower Density Alternative**. In this scenario, the historically significant portions of the former Courthouse Athletic Club would be retained, rehabilitated, and reused, in accordance with the *Secretary of the Interior's Standards*. On the balance of the site, the project would construct 127 residential units, 2,750 gross square feet of retail, and 172 residential parking spaces, in a five story building. However, the external and internal layout of this alternative would differ markedly from the proposed project.

- **Alternative 3: Partial Preservation / Higher High-Density Preservation Alternative.** This scenario is similar to Alternative 2, although it would maintain the number of residential units (142) and commercial square footage (2,900) as the proposed project by constructing a building that is seven stories tall (75 feet) on the balance of the site.

- **Alternative 4: Full Preservation / Higher Density Alternative.** In this scenario, nearly the entire former Courthouse Athletic Club would be retained, rehabilitated, and reused, in accordance with the *Secretary of the Interior's Standards*. On the balance of the site, the project would construct 142 residential units, 3,900 commercial square feet, and parking for 204 automobiles. This alternative would be achieved, however, by constructing a building that is ten stories tall (100 feet) on the balance of the site.

Environmentally Superior Alternative

Alternative 2, Partial Preservation / Lower Density Alternative, would avoid all significant and unavoidable impacts to historic resources associated with the project while maintaining a building envelope that is more compatible with the scale of the neighborhood. Therefore, it would be environmentally superior to the proposed project. The City would weigh the merits of each of alternative in light of the competing policies of historic preservation, and residential neighborhood impacts (shadow, encroachment of high-rise buildings) that are raised. For purposes of this EIR, Alternative 2 is considered the environmentally superior alternative.

D. Areas of Controversy

Major areas of controversy regarding the project that are known to the City of Oakland are listed below. These major areas are based on comments received from public agencies and members of the public in response to the Notice of Preparation (NOP) of this EIR, as well as from input received during the public scoping meeting. This is not intended to be an exhaustive list of all issues raised, but general areas that encompass the fundamental concerns. The issues raised that pertain to potential environmental impacts of the project and that are appropriate for inclusion in the EIR pursuant to CEQA, are identified in **Appendix B**.

Major areas of controversy (including some non-CEQA issues) include, but are not limited to, the following:

- Potential impacts to historic architectural resources on the project site and in the project vicinity
- Inclusion of project alternatives that would avoid potentially significant impacts to historic architectural resources on the project site.
- Evaluation of long-term construction impacts.
- Request to bury overhead power lines, widen sidewalks, and enforce illegal on-street parking in the project vicinity.
- Evaluation of project noise and air quality impacts from the nearby freeway on to new residents.
- Concern over vandalism and crime.
- Concerns about project loading and garage access
- Request for additional soil and groundwater sampling.
- Request to retain all trees on the project site.

TABLE I-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE 2935 TELEGRAPH AVENUE (COURTHOUSE CONDOMINIUMS) PROJECT

Environmental Impact	Mitigation Measures or Standard Conditions	Level of Significance after Mitigation or Standard Condition
A. SIGNIFICANT AND UNAVOIDABLE IMPACTS (Remains Significant after Implementation of Mitigation Measures and/or Standard Conditions of Approval)		
A. Historic Resources		
A.1: The project would result in the demolition of the former Courthouse Athletic Club at 2935 Telegraph Avenue, a building that qualifies as a historic resource as defined by CEQA Section 15064.5.	**Mitigation Measure A.1a:** Archival Documentation. Trammell Crow Residential shall document the building at 2935 Telegraph Avenue prior to its demolition through the use of large-format black and white photography and a brief historical report, meeting the specifications of the Historic American Building Survey (HABS). The historic report should briefly describe the building and its historic significance to the City of Oakland. The documentary photographs and report would be archived locally at the Oakland History Room (OHR) of the Oakland Public Library along with a copy on archival paper. Digital copies of the photographs would be forwarded to the Oakland Cultural Heritage Survey. **Mitigation Measure A.1b:** Interpretive Materials: Trammell Crow Residential shall prepare interpretive materials as directed by the City, including, but not limited to on-site interpretive signage, brochures, or any combination thereof. Any such materials should address not only the history and architecture of the building, but also its contribution to a potential API of period revival style funeral homes in the project vicinity. **Mitigation Measure A.1c:** Relocation: In accordance with HPE Policy 3.7, the City will normally require that reasonable efforts be made to relocate the property to an acceptable site as a condition of approval for all discretionary projects involving demolition of existing or Potential Designated Historic Properties. Under this condition, the applicant is normally released from the relocation requirement after 90 days if the applicant demonstrates to the satisfaction of the Director of City Planning that all reasonable efforts have been made to relocate the building and that these efforts have been unsuccessful. Therefore, Trammell Crow Residential shall make reasonable efforts to relocate the project site building, and demonstrate to the satisfaction of the city why such efforts would be unsuccessful within 90 days of certification of this EIR.	Significant and Unavoidable

TABLE I-1 (Continued)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE 2935 TELEGRAPH AVENUE (COURTHOUSE CONDOMINIUMS) PROJECT

Environmental Impact	Mitigation Measures or Standard Conditions	Level of Significance after Mitigation or Standard Condition
B. LESS THAN SIGNIFICANT, OR NO IMPACT (No Mitigation Measures or Standard Conditions of Approval Required)		
A. Historic Resources		
A.2: The project would construct substantially larger and taller buildings in the vicinity of historic resources, which could alter their historic setting.	None Required.	
A.3: The proposed project would not combine with cumulative development that would involve demolition or substantial alteration of other historic buildings in the Central/Chinatown Planning Area of Oakland to form a significant cumulative impact to historic resources. The project would also have a less-than-significant cumulative impact to a potential period revival-style funeral home API.	None Required.	
A.2: The project would construct substantially larger and taller buildings in the vicinity of historic resources, which could alter their historic setting.	None Required.	
B. Traffic, Circulation, and Parking		
B.1: Traffic generated by the project would affect project driveways.	None Required.	
B.2: Traffic generated by the project would affect existing traffic levels of service at local intersections	None Required.	
B. 3: Traffic generated by the project would affect traffic levels of service at local intersections under cumulative conditions.	None Required.	
B.4: The project would increase ridership on public transit providers serving the area.	None Required.	
B 5: Development of the proposed project would potentially conflict with existing pedestrian and/or bicycle facilities.	None Required.	
B.6: Project construction would affect traffic flow and circulation, parking, and pedestrian safety.	None Required.	

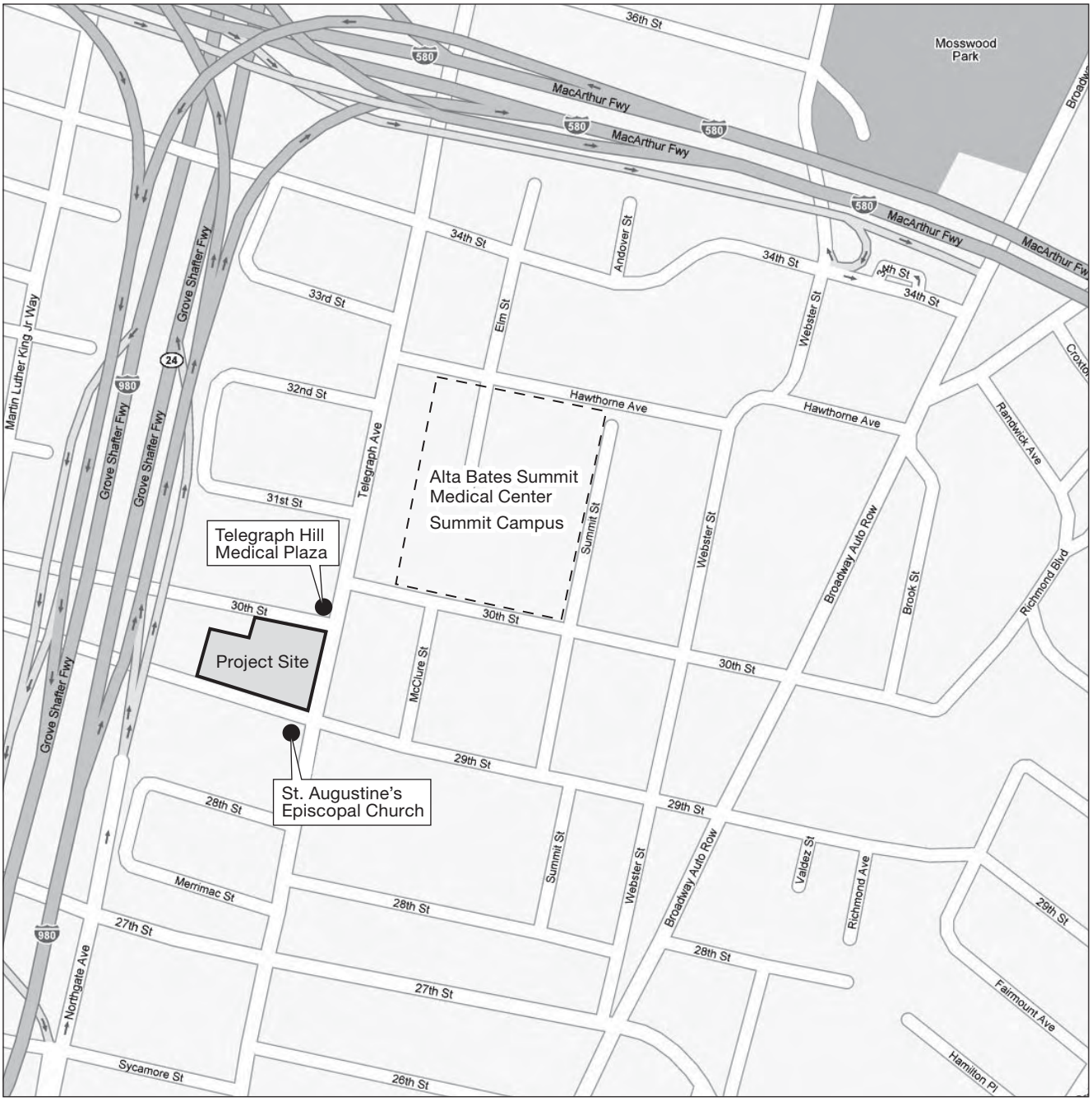
CHAPTER II
Project Description

A. Site Location and Project Characteristics

Site Location

The project site is located at 2935 Telegraph Avenue in the Central / Chinatown planning area of Oakland, approximately six blocks north of the Central Business District. The project site consists of approximately 1.4 acres on the eastern two-thirds of the block bounded by 29th Street, Telegraph Avenue, 30th Street and Interstate I-980 (see Figure II-1, Project Location). Uses on the project site include a two-story, approximately 30,000 square-foot fitness club (Courthouse Athletic Club – now closed) on the corner of 30th Street and Telegraph Avenue. Adjacent to the former fitness club is surface parking lot which accommodated approximately 93 automobiles (also closed). The parking lot is encircled by a chain link fence, with the former entrance on Telegraph Avenue adjacent to the athletic club fenced off as well. The site is completely developed with the exception of two groupings of mature redwood trees located toward the westerly and southerly portions of the site (see Figure II-2, Project Site Existing Conditions). The project site is located in the C-40 and R-80 zoning districts, and the Community Commercial and Urban Residential land use districts from the City of Oakland's LUTE from the General Plan.

The project vicinity includes a mix of residential, commercial, and institutional land uses. Commercial uses primarily front Telegraph Avenue, which is a four-lane arterial boulevard with a center turning lane and on-street parking, connecting downtown Oakland with downtown Berkeley to the north. The commercial uses opposite Telegraph Avenue from the project site are primarily two to three-story buildings with ground floor retail and office uses above, as well as a few older, single family homes that have been converted to office and/or commercial uses. The residential uses in the project vicinity are mostly two-story, single-family detached residences, with smaller number of multi-family residential buildings range from three to five stories. Institutional uses in the project vicinity include a concentration of hospitals and medical services. Medical retail and office uses occupy many of the retail spaces including a former church and mortuary on the northwest corner of 30th Street and Telegraph Avenue, now a medical office building. Other institutional/civic uses in the project vicinity include Alta Bates Summit Medical Center on the corner of 30th Street and Telegraph Avenue, diagonally across Telegraph Avenue from the project site, St. Augustine's Episcopal Church, a City of Oakland Historical Landmark on the southwest corner of 29th Street and Telegraph Avenue, as well as a number of small restaurants, cafes and food markets. Interstate I-980 (Grove/Shafter Freeway) is located approximately 160 feet west from the western boundary of the project site, separated by three properties containing single-family homes.



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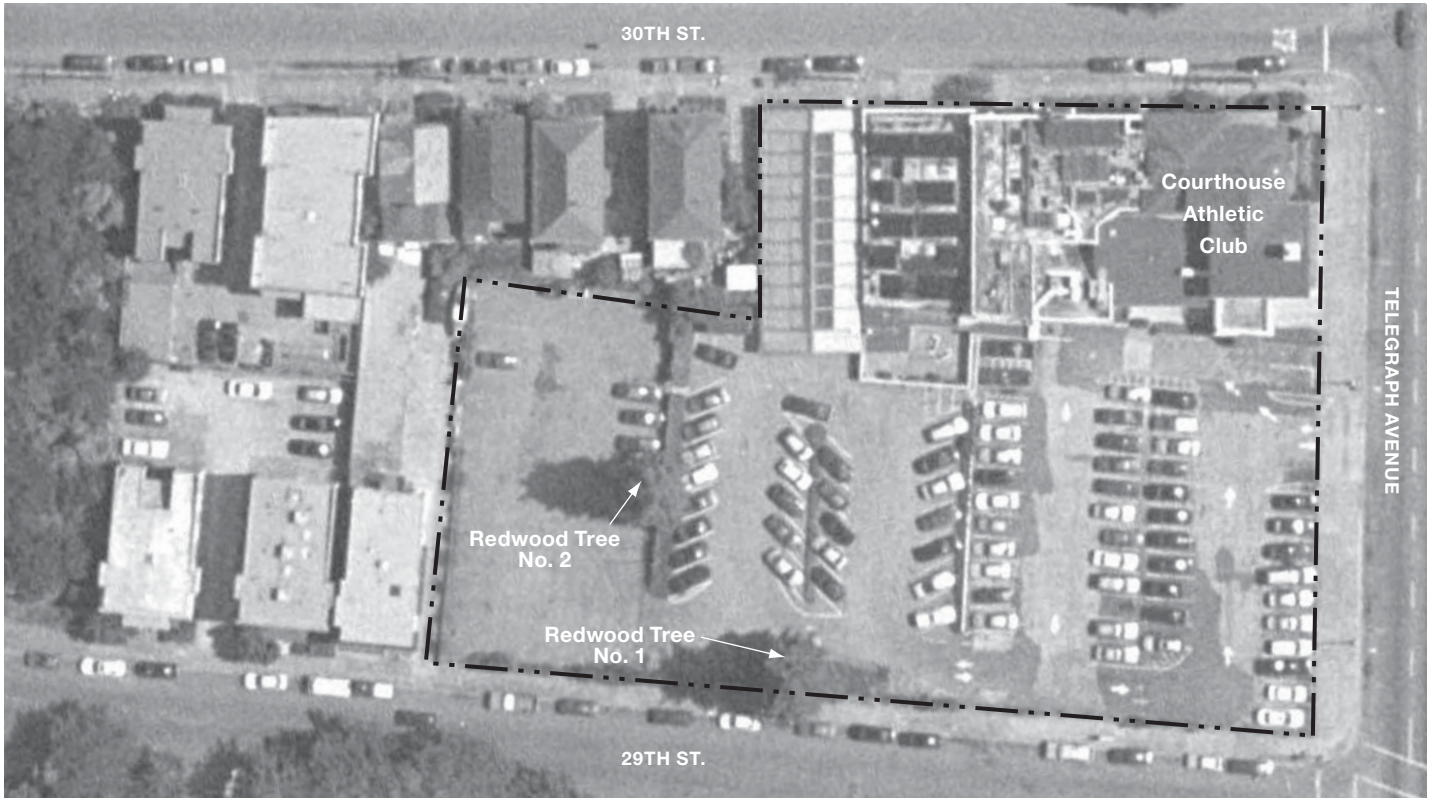
Feet

SOURCE: Google Maps, 2006

2935 Telegraph Avenue Draft EIR . 206145

Figure II-1
Project Location



Project Site

N

NOT TO SCALE

SOURCE: GlobeXplorer, 2002; Google Earth, 2006

Figure II-2
Project Site Existing Conditions

Project Description

The project sponsors, Trammell Crow Residential, intend to demolish/replace the fitness club and adjacent surface parking lot and construct approximately 142 residential units, about 2,900 square feet of ground floor retail, and on-site parking for approximately 204 automobiles, in a five story building (four stories of residential construction above a two-level parking garage; one level of parking would be below ground and one at ground level, accessed by an internal ramp). The maximum height of the building would be approximately 50 feet, measured to the top of the roof. The development would be about 276,000 square feet in size, encompassing about 93 percent of the lot area. See Table II-1, below.

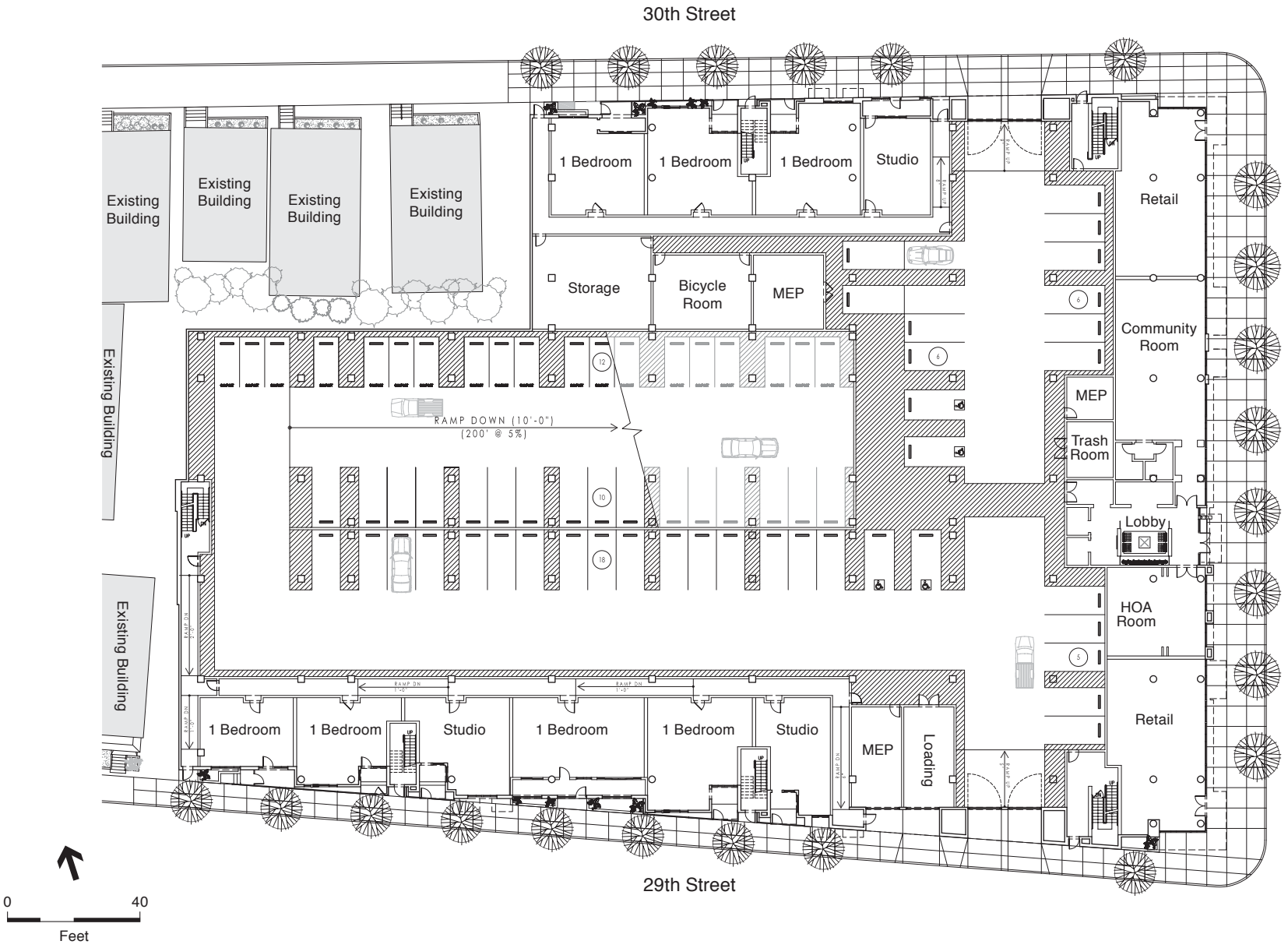
TABLE II-1
PROJECT COMPONENTS BY USE AND SIZE

Use		Approximate Size (sq. ft.)
Studios (16%)	14,700	
Junior 1 bedroom flats (4%)	5,300	
1 bedroom flats (35%)	40,700	
2 bedroom flats (45%)	76,600	
Residential (142 Units) – Total		137,300
Residential Common Space (includes lobbies and corridors)		25,200
Utility and Storage Space		9,000
Common Open Space		24,530
Retail		2,900
Parking (204 spaces on 2 levels)		81,500
Total		**280,430**

SOURCE: Trammell Crow Residential, 2006

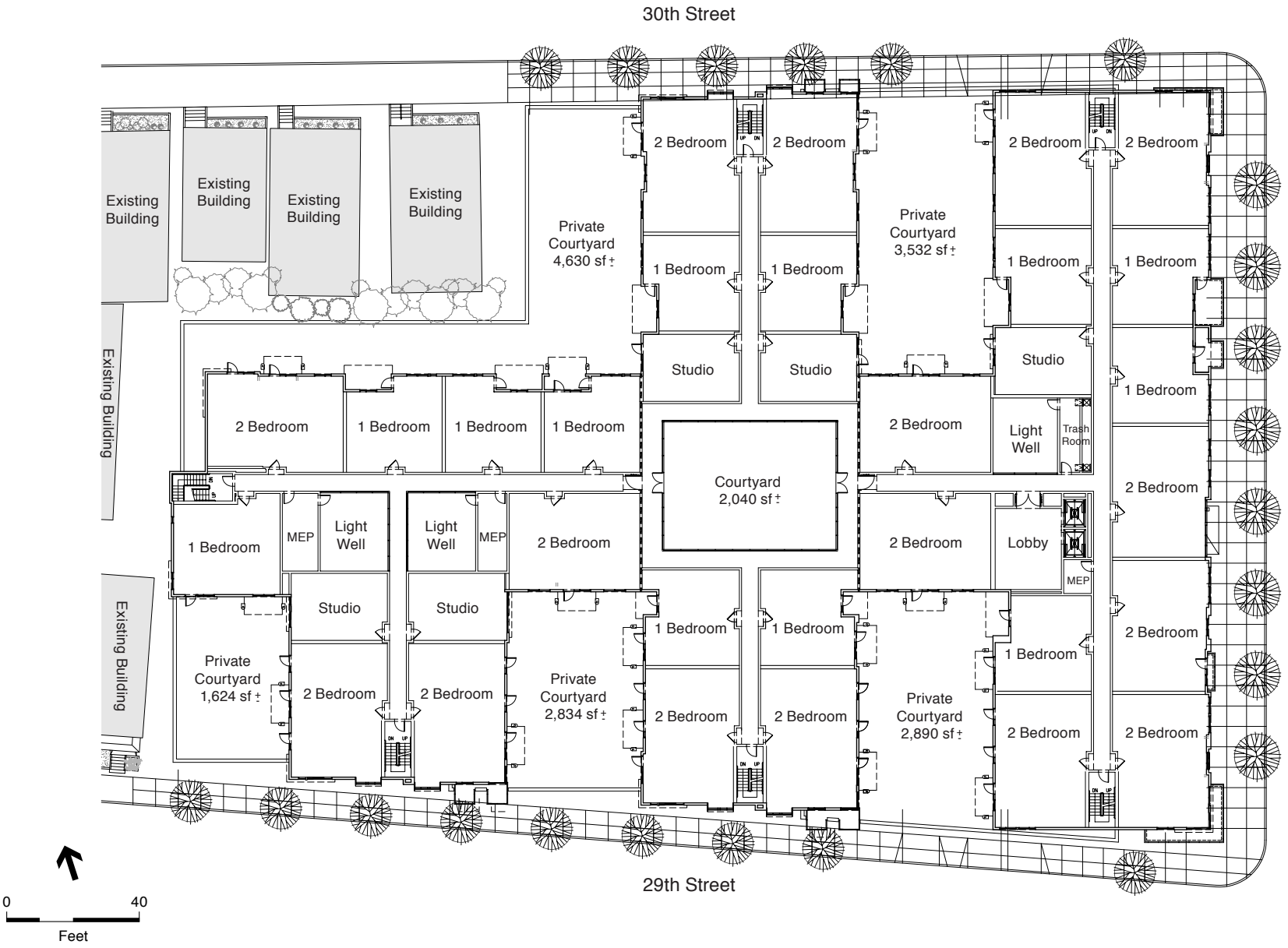
The ground floor would contain two retail spaces, a residential lobby, an HOA room and a Community room along the Telegraph Avenue elevation (see Figure II-3, Ground Floor Plan). Two access points to the parking garage would be located along 29th and 30th Streets. The remainder of the ground floor elevations along 29th and 30th Streets would contain a total of seven one bedroom flats and three studios that would be accessible directly from the 29th and 30th Street frontages.

The dwelling units on the second through fifth floors would consist of a mix of studios (16 percent) one bedroom flats (35 percent) and two bedroom flats (45 percent) totaling approximately 137,300 square feet of residential space. The residential lobby fronting Telegraph Avenue would provide elevator access to a series of internal hallways to access the residential units. The units would be grouped into a series of wings separated by U-shaped courtyards on the 29th and 30th Streets elevations (see Figure II-4, Level 2 Floor Plan, which is typical of floors two through five). A total of nine landscaped courtyards would be on the podium (second) level, totaling approximately 18,450 square feet of common open space. Two of the courtyards would face the rear (western) elevation of the building. Over 6,000 square feet of open space would also



SOURCE: MBH Architects, 2006

Figure II-3
Ground Floor Plan



SOURCE: MBH Architects, 2006

Figure II-4
Level 2 Floor Plan

be provided in the form of balconies for a total of about 24,530 square feet of project open space. Landscaping provided by the project would include approximately 20 deciduous trees and shrubbery to be planted within the project site courtyards, as well as approximately 20 new street trees to be planted along Telegraph Avenue, 29th Street, and 30th Street. All units would be for sale.

Parking and Circulation

The two-level parking garage would provide up to 204 parking spaces, including four disabled-accessible spaces, 29 compact spaces and 31 tandem stalls. To accommodate about 90 bicycles, the garage would also include 650 square feet of bicycle storage on the ground floor. Vehicular access to the garage would be via two, two-way driveways; one each on 29th and 30th Streets (see Figure II-3). The lower level of the parking garage would be accessed by an internal, two-way ramp. The parking garage entrances on 29th and 30th Streets would be secured by an automatic gate/roll-up door. There would also be an off-street truck loading dock adjacent to the vehicle entrance on 29th Street.

Construction Schedule and Type

The construction period is anticipated to last approximately 24 months, beginning in Fall 2007 and ending in Fall 2009.

The proposed project would excavate to a depth of approximately 12 feet for the construction of the underground parking garage and would remove approximately 22,200 cubic yards of soil. The project assumes full remediation of all contaminated soils at the project site to residential standards in accordance with federal, state, and local environmental laws concerning the characterization, transport, stockpiling, and disposal of hazardous materials.

The proposed building would be constructed on a concrete mat foundation that would not require pile driving or drilled piers. A two-level concrete podium encompassing the basement and ground floor levels would support wood frame construction above (Type 5 – one hour fire rated construction). All construction materials, storage, and construction worker parking would be provided on-site or at designated off-site locations.

The project is being designed by MBH Architects in a contemporary style using exterior surface materials such as cement plaster (stucco), wood siding, metal railings and aluminum-framed window units (see Figure II-5, showing the conceptual building elevations along Telegraph Avenue and 29th Street, and Figure II-6, showing conceptual buildings elevations along 30th Street and at the rear of the building). The building would be built to the lot line at the ground floor with intermittent setbacks in the form of courtyards at the podium level along 29th Street, 30th Street and rear (west) elevations.

East Elevation (Telegraph Avenue)

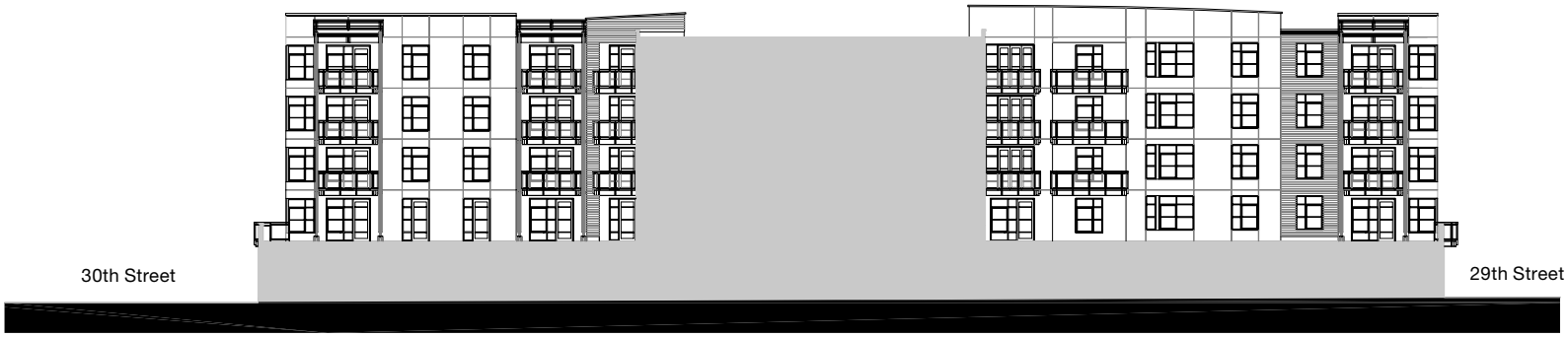
South Elevation (29th Street)

0 20
Feet

SOURCE: MBH Architects, 2006

Figure II-5
Telegraph Avenue and 29th Street Elevations

North Elevation (30th Street)



West Elevation (Rear)

0 20
Feet

SOURCE: MBH Architects, 2006

Figure II-6
30th Street and Rear Elevations

B. Project Objectives

The project sponsor, Trammell Crow Residential, seeks to develop an infill residential project in greater downtown Oakland, providing up to 142 residential units, 2,900 square feet of retail, and approximately 204 on-site parking spaces in a five-story building. The project objectives include the following:

- Redevelop an underutilized site into a mixed-use residential/retail project that maximizes housing opportunities in close proximity to local and regional transportation and job opportunities in greater downtown Oakland.
- Maximize development of urban infill residential units at appropriate densities which provide ownership opportunities in a variety of dwelling sizes and types to accommodate the greatest range of potential residents and a range of income levels.
- Provide neighborhood-serving commercial uses that provide goods and services to the local community and the City.
- Ensure an active street frontage along the three primary streets where possible, including street-level townhouse-style condominiums with separate entrances on 29th and 30th Streets, and ground-floor commercial space on Telegraph Avenue.
- Create a residential community that will complement and enhance existing adjacent residential and commercial neighborhoods.
- Provide for a 24-hour population in the greater downtown, furthering the goals of the City of Oakland's 10K Downtown Housing Initiative.
- Maximize much-needed housing to help meet existing housing needs and to help alleviate the current jobs/housing imbalance for the region.
- Enhance the appearance of an existing urban infill property to improve the streetscape and visual quality of Telegraph Avenue in keeping with the City's vision to revitalize the Telegraph Avenue corridor.
- Provide construction jobs as well as other long term employment opportunities.
- Develop a mixed-use project that includes residential and retail components that are both internally compatible (with each other) and externally compatible (with surrounding neighborhood).
- Develop and/or contribute to the active residential/retail/office corridor of Telegraph Avenue in order to make the City's central area more inviting for residents and visitors.

C. Discretionary Actions and Other Planning Considerations

The City of Oakland is the Lead Agency responsible for preparation of this EIR (pursuant to CEQA Guidelines Section 15051). This EIR is intended to be used for all required discretionary actions for the project described below, along with any other discretionary approvals required for

the project. In addition, the project may require review and approval by a number of public and quasi-public agencies and jurisdictions that have authority over specific aspects of the project. These other agencies may also consider this EIR in their review and decision-making processes. The discretionary actions and other considerations and approvals anticipated to be required for the project include the following, without limitation; 1) consistency with General Plan Policy 3.5[2] (the proposed design is at least equal in quality to the existing design and is compatible with the neighborhood), and 2) tree removal permit.

City of Oakland

- **Variances to the Oakland Planning Code Section 17.148**, including 1) provision of a rear yard depth of ten feet as pursuant to Sections 17.30.170 and 17.54.160 because the project would not have the required 10-foot rear yard setback; 2) provision of two residential off-street loading berths with a 12'w x 33'l x 14'h dimension for projects between 150,000--299,999 square feet pursuant to Section 17.116.120 as the project would include a single berth with a height of 10 feet; and 3) provision of a 25-foot minimum separation between two driveways on 29th Street as required per Section 17.116.210.

- **Demolition Permits** (Oakland Municipal Code Chapter 15.36). The project would require City approval of demolition permits to demolish existing buildings and structures on the project site (the former Courthouse Athletic Club and adjacent parking lot).

- **Preliminary and Final Development Plans and Design Review.** Preliminary and final development plans would be required to develop any portion of the project site, as set forth in Oakland Municipal Cod, requiring approval by the Planning Commission. The project area also would be subject to Final Development Plan/Final Design Review, which would require approval by the Planning Commission.

- **Parcel Map**. The project would be required to obtain approval from the City for a parcel map for condominium purposes.

- **Tree Removal Permit** (Oakland Municipal Code Chapter 12.36.020). Pursuant to the City's Protected Trees Ordinance, the project sponsor would be required to obtain an approved Tree Removal Permit prior to remove (or have construction activity in close proximity to) a "Protected Tree," as defined in Oakland Municipal Code Section 12.36.020. Tree permits would require approval by the Oakland Office of Parks and Recreation.

- **Encroachment Permits** (Oakland Municipal Code Chapter 12.08). The project would require City approval of encroachment permits (non-discretionary) to work within various public rights of way, including overhead pedestrian bridges.

- **Excavation Permits** (Oakland Municipal Code Chapter 12.12) – The project would require City approval of excavation permits (non-discretionary) to conduct excavation activities on the project site.

- **Other Various Building Related Permits.** The project would require City approval of all other permits required for project construction on the project site.

Other Agencies and Considerations

- **California Department of Toxic Substances Control (DTSC) –** The California Department of Toxic Substances Control (DTSC) would have lead oversight responsibility for investigation and remediation of hazardous materials at the site, including approval of the proposed remediation plan.

- **California State Water Resources Control Board - San Francisco Region (RWQCB) –** The project would require San Francisco Regional Water Quality Control Board (RWQCB) review and approval regarding storm water discharge. The RWQCB would also participate in the process for investigation and remediation of hazardous materials at the site.

- **Alameda County Environmental Health Department –** The Alameda County Department of Environmental Health would participate in the process for investigation and remediation of hazardous materials at the site.

- **Bay Area Air Quality Management District (BAAQMD) –** The project would be subject to applicable regulations of the BAAQMD, such as construction emission reduction measures that are imposed by the City.

- **East Bay Municipal Utility District (EBMUD) –** The project would require EBMUD review and approvals regarding water and sewer service, capacities, and facilities.

CHAPTER III
Environmental Setting, Impacts, and Mitigation Measures

Introduction to the Environmental Analysis

This chapter contains a discussion of 1) setting (existing baseline conditions and regulatory background), 2) environmental impacts (direct, indirect or secondary, short-term, and cumulative) that could result from the proposed project, and 3) mitigation measures and/or standard conditions of approval that would reduce or eliminate the adverse impacts that are identified.

An Initial Study/Notice of Preparation (IS/NOP) was published on October 6, 2006 which identified two potentially significant impacts as a result of the project; impacts to historic architectural resources, and impacts to transportation, circulation, and parking. As such, this EIR evaluates the proposed project's impacts on historic resources and transportation, and identifies mitigation measures to avoid or reduce such impacts. This EIR also evaluates project alternatives that would avoid or reduce impacts of the proposed project to a less-than-significant level. Impacts to all other environmental factors were determined to be less-than-significant with incorporation of standard conditions of approval (see Initial Study, Appendix A).

The NOP and public scoping meeting held on November 6, 2006 elicited a number of comments and concerns from the general public, interested parties, and members of the City of Oakland Planning Commission. These NOP and scoping meeting comments and responses are provided in Section VI of this EIR. Comment letters are provided in Appendix B.

Throughout the EIR, the analysis addresses the potential impacts of all activities that would result from development of the entire project site and during all development phases. The significance criteria used to assess the significance of adverse environmental effects are identified, and the significance of the impact after implementation of mitigation is reported.

The analysis provided in this EIR has been prepared in accordance with CEQA, as amended (Public Resources Code Section 210000, et seq.), and the State CEQA Guidelines (California Code of Regulations).

A. Historic Resources

The Initial Study (see Appendix A) for the proposed project concluded that it would not adversely affect archaeological or paleontological resources or disturb any human remains. The Initial Study did, however, find that the proposed project may have adverse impacts to historic architectural resources under CEQA. This section, therefore, evaluates the potential impacts to historic architectural resources that could result from the proposed project, as well as the project's consistency with the Historic Preservation Element (HPE) of the City of Oakland General Plan. Included in this section is a description of project area's history, a description of the buildings on the project site, a summary of the regulatory environment governing protection of historic resources, potential impacts to historic resources associated with the project, and mitigation measures to reduce potential impacts. Resources used to prepare this section include cultural resource information developed for the Broadway West Grand Mixed Use Project Draft EIR, archival research at the California Historical Resources Information System's Northwest Information Center; and consultation with the Oakland Cultural Heritage Survey (OCHS).

Setting

The project site is within the Rancho San Antonio land grant that was granted to Luis Maria Peralta on August 3, 1820, for his service to the Spanish government. The 43,000-acre rancho included the present-day cities of Oakland, Berkeley, Alameda, and parts of San Leandro and Piedmont. Peralta's land grant was confirmed after Mexico's independence from Spain in 1822, and the title was honored when California entered the Union by treaty in 1848. Despite the title, by the middle of the 19th century, squatters had moved in to use portions of Peralta's undeveloped land. The Gold Rush and California statehood brought miners, businessmen, lumbermen and other speculators to the area in search of opportunities. Early settlers of that period include Edson Adams, Andrew Moon, and Horace Carpentier, who squatted on 480 acres of Vicente Peralta's (one of Luis Peralta's sons) land. Adams, Moon, and Carpentier subsequently hired Jules Kellsersberger, an Austrian-educated Swiss military engineer, to plot a new city – Oakland, which was incorporated in 1852.

The city originally encompassed the area roughly bordered by the Oakland Estuary on the south, Market Street on the west, 14th Street on the north, and the Lake Merritt Channel on the east. Broadway served as the main street. The majority of the early city dwellers, numbering under one hundred, lived near the foot of Broadway in proximity to the estuary. In 1869, transcontinental rail service began along 7th Street, which was followed by the 1st Street freight line and Long Wharf in 1891. With the arrival of the railroad, Oakland was transformed into a commercial center with a rapidly growing population. The city's population tripled from 10,500 in 1870 to 34,555 in 1880. City development moved north along the street car lines of Broadway and Telegraph Avenue towards the Oakland Hills and ultimately towards East Oakland.

The 1906 earthquake and fire in San Francisco prompted a population increase in Oakland, and by 1910 the City's population of 150,000 was more than double the 1900 level of 67,000. Residential and commercial development in Oakland increased during this time to accommodate

displaced San Francisco residents. Older neighborhoods became more densely populated as new apartment buildings and related growth became part of Oakland's residential fabric. The population growth also increased the demand for retail goods, and shopping districts expanded throughout the next decade to meet this demand. The post-earthquake development boom defined much of downtown Oakland as it is known today, resulting in most of the City's notable early 20th century architecture.

Brief History of the Project Site

The project site and immediate surroundings were developed during the late nineteenth and early twentieth centuries as street car lines down Telegraph Avenue provided quick transportation to Downtown, and from a population boom due to post-earthquake development pressures. Sanborn maps from 1902 identify sparse residential development on the blocks along Telegraph Avenue in the project vicinity. This map identifies a single family dwelling on the project site with address given as 1395 Telegraph Avenue.[1] A later Sanborn map from 1912 denotes the same house on the project site as seen on the earlier map. By this time, nearly every lot in the project vicinity had been developed with single family dwellings. The larger lot, adjacent to the south of the house, however, was still vacant at this time.

Around 1912 or 1913, the property was purchased by Charles Truman who had previously operated a funeral home in San Francisco for about 10 years prior to his purchase of the Oakland property. In 1916, Truman took out a permit to construct an "undertaking parlor." It was likely at this point that the original, circa-1900 dwelling was transformed into the "Truman Mortuary," as all subsequent permits over the next three decades were pulled to expand the mortuary business. Substantial additions and alterations included a new garage facing 30th Street (1921), an addition to the rear of the house along 30th Street (1922), interior changes including installation of an organ grill and plaster work (1935, 1936), and two additions to the rear of the house, between the house and the garage (1939) (Lombardi, 2005). Charles Truman died in 1940, and his son, Lloyd H. Truman, took over the business.

The most profound change to the building occurred when plans and specifications for large, new addition to the mortuary were completed by architects Miller & Warnecke in December 1945. In 1946, a large, Colonial style chapel and port cochere was added to the southern façade of the building, nearly doubling the size of the structure. A brick veneer was placed over the wood siding of the remaining portions of the building to "fireproof the exterior," at a total cost of approximately $25,000, according to permit information. A photo from a 1948 phone book shows the "New Truman Colonial Chapel," with pews in the foreground. The exterior of the building is basically unchanged from its 1940s configuration.

The building sat vacant for a number of years before being purchased in 1978 by Thomas Schmitz, a local sports medicine doctor who opened a health and fitness center at the site (the Courthouse Athletic Club). Permits from this year indicate that the interior of the building was transformed into sports, health, and evaluation center, with no exterior alterations. Building

[1] Street addresses were changed between 1909 and 1911.

permits indicate that an indoor pool was installed in 1983, with a number of smaller interior building, electrical, and plumbing alterations occurring throughout the next two decades. The Schmitz family ran the Courthouse Athletic Club from 1978 until Fall 2006.

The 1951 Sanborn map identifies that a service station, auto sales, and auto repair shop had once existed on the southern half of the project site. Previously, the southern half of the project site had been a vacant lot, as indicated on earlier Sanborn maps from 1902 – 1912, described above. This property was likely purchased by the Truman family in the 1950s and the buildings removed at some point during this decade to create parking for the mortuary business. This site served as the parking lot for the Courthouse Athletic Club when the entire property was purchased in 1978. The parking lot remains closed today.

Description of Project Site Buildings

The following description of the former Courthouse Athletic Club is provided in the Primary Record Form (DPR Form 523A) prepared by the Oakland Cultural Heritage Survey (OCHS) in September 9, 1996:

> 2935 Telegraph Avenue is a Colonial Revival funerary building. It is two stories, accretive plan, on a corner lot. It has a hip roof and dormer, tall columned porch with a pediment and steeple, and arched windows on the right side. Exterior walls are brick. Roof is composition shingle. Structure is wood frame. The building has wood sash windows, shutters in the second story windows, and a scrolled broken pediment over the entry. There is a porte cochere with balustrade above on the left side. Visible alterations include rear addition. The building is in excellent condition; its integrity is excellent.

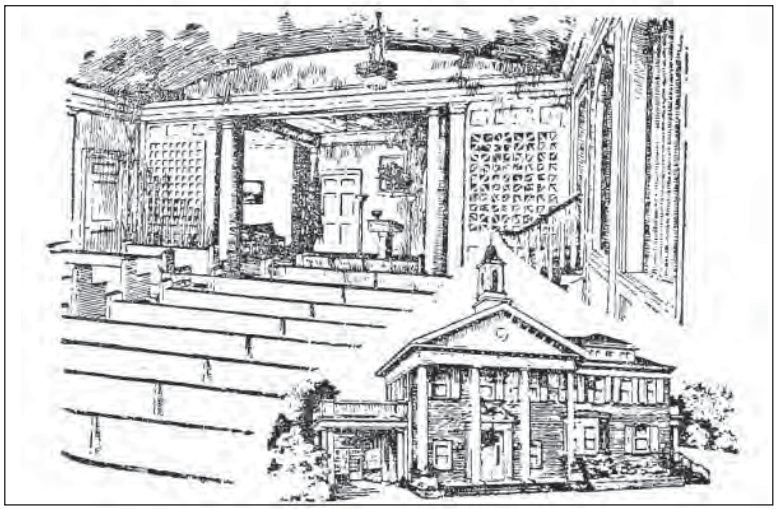
A reconnaissance-level architectural review of the project site building by ESA, Inc. in January, 2007 indicates that the exterior of the building is essentially unchanged from the description provided by the OCHS in 1996 (see Figure III.A-1 on the following page).

Architectural Style and Period Revival Funeral Homes

The 1946 addition to the former Courthouse Athletic Club exhibits the Colonial Revival style of architecture. This style of architecture was first introduced to the United States by Thomas Jefferson, who used it for his house at Monticello as well as for the University of Virginia. This style was widely used for monumental buildings in the Southern United States, both before and after the Civil War. The use of period revival styles for funeral facilities was typical in Oakland, as well as throughout the nation, throughout the early-mid twentieth century.

There are a total of five period revival-style funeral homes in the project vicinity, including the former Courthouse Athletic Club, within approximately 0.5 mile of the project site. These current or former funeral homes, including the project site building, are shown in Table III.A-1 and Figure III.A-2. OCHS inventory and/or research forms for each of these buildings are provided in Appendix C.

1915 Oakland Tribune Yearbook “Truman Mortuary”



1948 Oakland Phone Book “New Truman Colonial Chapel”

March, 2006. Courthouse Athletic Club

May, 2006. Courthouse Athletic Club

Figure III.A-1
Historic and Current Views of the
Former Courthouse Athletic Club

TABLE III.A-1
PERIOD REVIVAL-STYLE FUNERAL HOMES IN THE PROJECT VICINITY

	Name	Address	Year Built	Architectural Style	OCHS Rating
1	Grant Miller Mortuary (currently operational)	2850 Telegraph Avenue	1931	Tudor Revival	B+3
2	Truman Mortuary (former funeral home, project site building)	2935 Telegraph Avenue	c. 1916, 1946	Colonial Revival	B+3
3	Telegraph Hill Medical Plaza (former funeral home)	3003-27 Telegraph Avenue	c. 1925	Tudor Revival	B+3
4	Albert Brown Mortuary (currently operational)	3476 Piedmont Avenue	1926-27	Exotic Revival ("Byzantine")	B+3
5	Mosswood Chapel/Albert Engel Funeral Home (currently operational)	3630 Telegraph Avenue	c. 1932	Spanish Revival	C3

SOURCE: OCHS, 2007

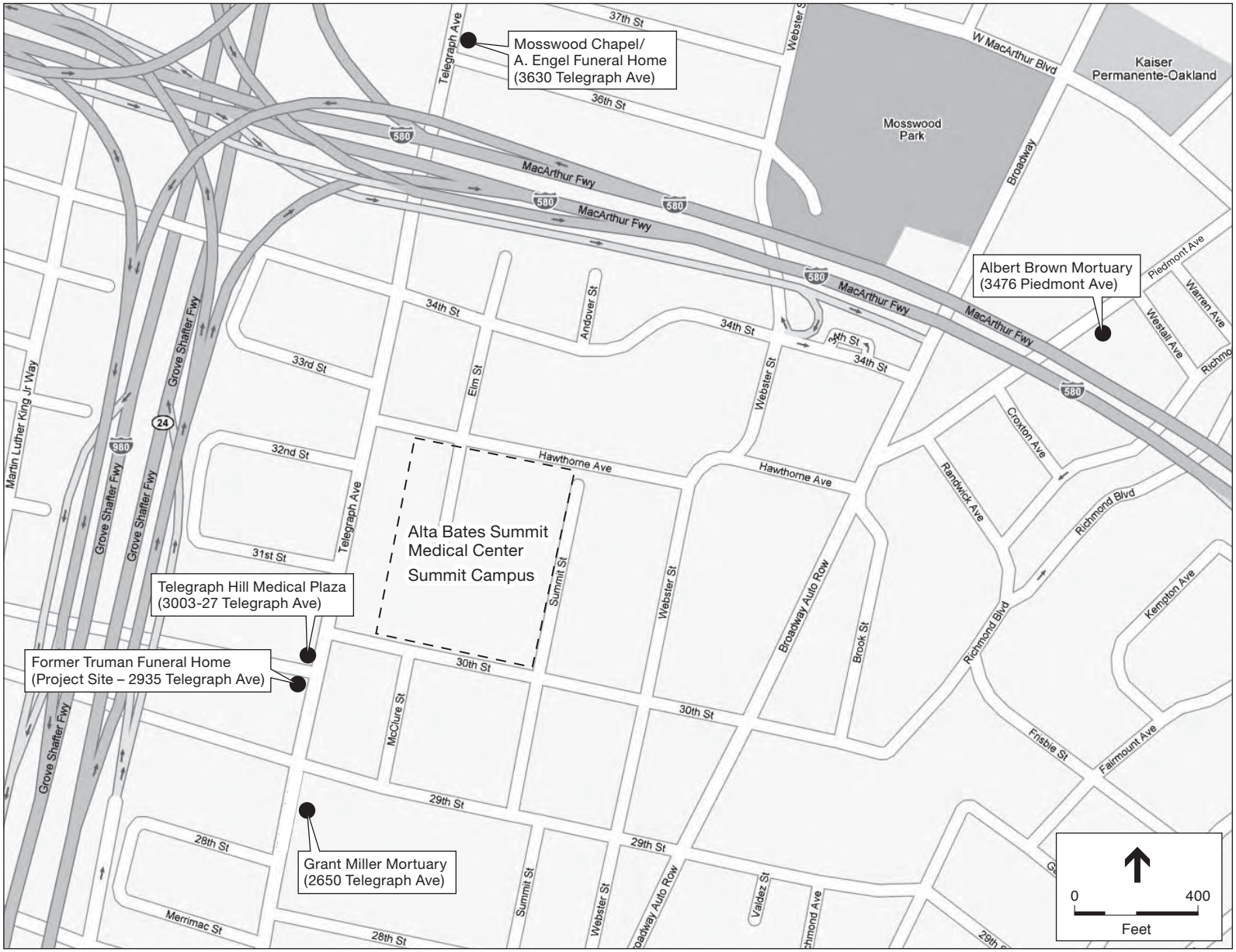
While there may be other period-revival style funeral homes in the City of Oakland, they are not in the vicinity of the project site and would beyond the scope of this discussion.

Miller & Warneke, Architects

The design of the 1946 addition was prepared by the architectural firm of Miller & Warnecke. The 26-year-old Carl I. Warnecke joined Chester Miller's Oakland architectural firm in 1917 to form the design firm Miller & Warnecke, who were best known for a number of civic and quasi-civic buildings, as well as period revival houses and apartment buildings, throughout Oakland.[2] Other buildings in Oakland, Piedmont, and Berkeley designed by Miller & Warnecke include the St. Andrew Missionary Baptist Church, an Oakland City Landmark at 2624 West Street, Oakland (1920),[3] the Tudor Revival style Grant Miller Mortuary at 2850 Telegraph Avenue (1931), the Art Deco style Sherman Cleaners Building 3249 Lakeshore Avenue, Oakland (1936),[4] the Piedmont Avenue Branch Library at 160 41st Street (1931–32), a one story commercial building at 1500 Leimert Boulevard in Piedmont,[5] and Mulford Hall (1948) and an addition to Le Conte Hall (1950) on the U.C. Berkeley campus.[6]

Carl I. Warnecke is not as well-known as his son, John Carl Warnecke, who joined his father's firm and later became nationally known in the 1950s and 1960s for completing a number of modern civic projects.

2 City of Oakland, Historic Resources Inventory Form, St. Andrew Missionary Baptist Church at 2624 West Street, 1991.
3 City of Oakland, Ordinance No. 1266, An Ordinance Designating St. Andrew Missionary Baptist Church At 2624 West Street As A Landmark, August 9, 2004.
4 http://www.artdecosociety.org/preservation/pres_2004/histpres_2004.htm
5 http://www.oakmorehomes.org/PDF/OHA%20newsletter_fall-2004.pdf
6 http://www.berkeleyheritage.com/berkeley_landmarks/kawneer.html



SOURCE: ESA, 2007

2935 Telegraph Avenue Draft EIR . 206145

Figure III.A-2
Period Revival Style Funeral Houses
in Project Vicinity

Records and Literature Searches, Consultations and Surveys

Previous Records and Literature Searches

The staff of the California Historical Resources Information System's Northwest Information Center (NWIC) at Sonoma State University, Rohnert Park, California, completed a record search of the project area on November 13, 2006 (NWIC File No. 06-375). The record search included a review of the National Register of Historic Places (NRHP), the California Register of Historical Resources (CRHR), the California Inventory of Historic Resources (1976), the listing of California Historical Landmarks (1990), the California Points of Historical Interest listing (May 1992 and updates), the Historic Property Directory (Office of Historic Preservation) current computer list, historical maps of the area (Thompson and West, 1878), and other pertinent historic data available at the NWIC for each specific county.

The City of Oakland Cultural Heritage Survey (OCHS) was also consulted in 2006 as part of this project. OCHS supplied primary record forms and other historical background material on existing structures on the project site – the Courthouse Athletic Club at 2935 Telegraph Avenue. Copies of 1953 Sanborn maps (updated through the early 1970s by the Oakland Planning and Zoning Division using maps produced by the Sanborn Fire Insurance Company) were reviewed for this analysis. A photocopied set of these maps contain field survey notes and estimated construction dates of structures observed during the 1985-1986 OCHS windshield surveys of Oakland.

Historic Architectural Resources Surveys and Ratings

This building was originally surveyed and evaluated by OCHS as part of its citywide reconnaissance survey in 1986, which assigned the building with a preliminary field rating of "B+3" (major importance, not in an area of primary or secondary importance - see discussion under *Regulatory Setting*, below, for further information). OCHS later prepared a primary record survey form (DPR 523a) for this building as part of its citywide reconnaissance survey in 1996. Again, OCHS assigned the building with a preliminary field rating of "B+3." No Building, Structure, and Object (BSO) form (DPR form 523b) was prepared for this building. This preliminary rating has not been changed or confirmed by OCHS since it was originally assigned in 1996. Given its rating of "B+3," the former Courthouse Athletic Club is considered a Potential Designated Historic Property (PDHP) in accordance with Policy 1.2 and 3.8 of the Historic Preservation Element of the Oakland General Plan. (See discussion under *Regulatory Framework*, below)

This building is not listed in the National Register of Historical Places (NRHP) or the California Register of Historic Resources (CRHR). The State Office of Historic Preservation (OHP) assigned this building with a rating of "7" (not evaluated for the NRHP or CRHR). There are no recorded historic structures on the project site (NWIC, 2006).

Historic Resources in the Project Vicinity

There are three historic resources in the immediate project vicinity (within one block);

1) St. Augustine's/Old Trinity Church, constructed in 1892, located at 2845 Telegraph Avenue (corner of Telegraph and 29th Streets immediately opposite 29th Street from the project site), Oakland City Landmark # 79 and has an NRHP rating of "1S" (listed in the NRHP);

2) Grant Miller Mortuary (Miller Cathedral Chapel), a Tudor revival style building designed by Miller & Warnecke and constructed in 1931 at 2850 Telegraph Avenue (about, one block south from the project site) which has a local rating of "B+3 (major importance, not in an ASI or API) and an NRHP rating of "3S" (appears eligible for the NRHP as an individual property through a survey evaluation);

3) Telegraph Hill Medical Plaza, a Tudor revival style former funerary building constructed in the 1920s at 3003-27 Telegraph Avenue (corner of Telegraph and 30th Streets immediately opposite 30th Street from the project site) which has a local rating of "B+3" (major importance, not located in an area of primary or secondary importance) – no NRHP rating.

A number of older residential and commercial properties are located in the immediate project vicinity. Approximately six single family residences constructed between 1900 – 1910 located at 535 – 557 29th Street just west from the project site were surveyed by OCHS and assigned historical ratings between "C" and "D" (secondary to minor importance). A number of commercial and residential properties constructed between 1900 – 1910 are located along Telegraph Avenue opposite from the project site. Many of these former residences were later converted to commercial use. These buildings were also assigned historical ratings by OCHS between "C" and "D" (secondary to minor importance). Due to their relatively low local survey ratings, they do not appear to qualify as City of Oakland historic resources.

Existing or Potential Historic Districts

The project site is not located within or near any designated historic districts, including areas of primary or secondary importance (API or ASI). However, there are five period revival-style funerary buildings, including the project site building, within 0.5 mile of the project site, as shown in Table III.A-1 above. These are the Grant Miller Mortuary at 2850 Telegraph Avenue (also designed by Miller & Warnecke) the Telegraph Hill Medical Plaza at 3003-27 Telegraph Avenue, the Mosswood Chapel/Albert Engel Funeral Home at 3630 Telegraph Avenue, and the Albert Brown Mortuary at 3476 Piedmont Avenue. These funerary buildings were likely sited along this portion of Telegraph Avenue due to their proximity to hospitals and other medical facilities in Oakland's nearby 'Pill Hill' neighborhood. Other associated funerary facilities in this area include the floral shops located along Telegraph Avenue.

According to the Oakland Cultural Heritage survey (OCHS), these facilities are a historically-related cluster of period revival-style funerary buildings, and as such, may form a multiple resource district, defined in the HPE as, "a significant concentration, linkage, or continuity of buildings, structures, objects, sites, natural features related to human presence; or activities united historically or aesthetically by plan, appearance, or physical development." An example of a

designated multiple resource district in the City of Oakland is the Carnegie Library Multiple Resource District, which includes four historic Carnegie Libraries located throughout the city.

As further defined in the HPE, an API is a, "historically or visually cohesive area or property group identified by the Reconnaissance or Intensive Surveys which usually contains a high proportion of individual properties with ratings of "C" or higher. At least two-thirds of the properties within an API must be contributory to the API, i.e., they reflect the API's principal historical or architectural themes. Properties which do not contribute to the APE because of alterations, but which would contribute if restored are considered non-contributors for purposes of the two-thirds threshold. APIs appear eligible for the National Register of Historic Places either as districts or historically-related complexes."

Although this grouping of period revival-style funerary buildings, including the project site building, have not been designated by the City as forming or being part of an API or ASI, they may qualify for local listing as an API as a historically or visually cohesive area or property group identified by the Reconnaissance Survey containing individual properties with ratings of "C" or higher. While there may be other period-revival style funeral homes in the City of Oakland, they are not in the vicinity of the project site and would beyond the scope of this evaluation, as described above. At minimum, these five period revival-style funeral homes located along Telegraph and Piedmont Avenues may contribute to a potential API.

Regulatory Framework

City of Oakland Historical Resources

In the City of Oakland, a historical resource under CEQA is a resource that meets any of the following criteria:

1) A resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources;

2) A resource included in Oakland's Local Register of historical resources (defined below), unless the preponderance of evidence demonstrates that it is not historically or culturally significant;

3) A resource identified as significant (e.g., rated 1-5) in a historical resource survey recorded on Department of Parks and Recreation Form 523, unless the preponderance of evidence demonstrates that it is not historically or culturally significant;

4) Any object, building, structure, site, area, place, record, or manuscript which the Oakland City Council determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California, provided the determination is supported by substantial evidence in light of the whole record. Generally, a resource is considered "historically significant" if it meets the criteria for listing on the California Register of Historical Resources CEQA Guidelines section 15064.5; or

5) A resource that is determined by the City Council to be historically or culturally significant even though it does not meet the other four criteria listed here.

In March 1994, the Oakland City Council adopted a Historic Preservation Element (HPE) of the General Plan (amended July 21, 1998). The Historic Preservation Element, sets out a graduated system of ratings and designations resulting from OCHS and Oakland Zoning Regulations.

The Oakland Cultural Heritage Survey uses a five-tier rating system for individual properties, ranging from "A" (highest importance) and "B" (major importance) to "E" (of no particular interest). This letter rating is termed the Individual Property Rating of a building and is based on the following criteria:

1) Visual Quality/Design: Evaluation of exterior design, interior design, materials and construction, style or type, supporting elements, feelings of association, and importance of designer.

2) History/Association: Association of person or organization, the importance of any event, association with patterns of history, and the age of the building.

3) Context: Continuity and familiarity of the building within the city, neighborhood, or district.

4) Integrity and Reversibility: Evaluation of the building's condition, its exterior and interior alterations, and any structural removals.

Properties with conditions or circumstances that could change substantially in the future are assigned both an "existing" and a "contingency" rating. The existing rating (UPPER CASE letter) describes the property under its present condition, while the contingency rating (lower case letter, if any), describes it under possible future circumstances.

All areas of the City that are not yet intensively surveyed by the OCHS have been evaluated through "windshield" surveys in 1985-1986 and 1996-1997. This Preliminary Citywide Historical and Architectural Inventory, known as the *Reconnaissance Survey*, employs the same A-B-C-D-E rating system as the OCHS, but is not as thorough and is intended to be confirmed or modified over time by the OCHS.

Local Plans and Policies

The EIR must assess whether the project would conflict with any applicable land use plan, policy, or regulation that has been adopted for the purpose of avoiding or mitigating an environmental effect. Conflicts with a General Plan 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." Section 15125(d) of the Guidelines states that EIRs shall discuss any inconsistencies between the proposed project and applicable General Plans in the Setting section of the document (not under Impacts). Therefore, this section discusses the project's overall consistency (or inconsistency) with each plan and applicable policies.

Consistent with CEQA, not every Oakland General Plan policy that *could* apply to the project is included here. Appendix G of the Guidelines (Environmental Checklist Form) makes explicit the focus on *environmental* policies and plans, asking if the project would "*conflict with any applicable land use plan, policy, or regulation . . . adopted for the purpose of avoiding or mitigating an environmental effect*" (emphasis added). Even a response in the affirmative, however, does not necessarily indicate the project would have a significant effect, unless a physical change would occur. The policies listed include those that address impacts to the physical environment, and as previously indicated, the City also has included a number of policies that do not address environmental impacts. To the extent that physical impacts may result from policy conflicts, such physical impacts are analyzed throughout this section of the EIR. Also, to the extent that a policy is also a significance criterion or contains a regulatory threshold that the project must meet, the project's consistency with such policies is also addressed throughout this section of the EIR.

The General Plan contains many policies, which in some cases may address different goals, and 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.

City of Oakland goals and policies that pertain to cultural resources are provided primarily in the General Plan Historic Preservation Element (HPE) (amended 1998) and the General Plan Land Use and Transportation Element (LUTE) (1998).

The following overall HPE goals and policies apply to the proposed project and are relevant to assessing its historic status:

- HPE Policy 1.2: 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 pursuant to Policy 1.3 [Designated Historic Properties] will be called "Potential Designated Historic Properties" [PDHPs].

- HPE Historic Preservation 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.

- HPE 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 City actions.

- HPE Policy 3.5: *Historic Preservation and Discretionary Permit Approvals.* For additions or alterations to Heritage Properties or Potential Designated Historic Properties requiring discretionary City permits, the City will make a finding that: (1) the design matches or is compatible with, but not necessarily identical, to the property's existing or historical design; or (2) the proposed design comprehensively modifies and is at least equal in quality to the existing design and is compatible with the character of the neighborhood; or (3) the existing design is undistinguished and does not warrant retention and the proposed design is compatible with the character of the neighborhood.

  For any project involving 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.

- HPE 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.

- HPE Policy 3.8: *Local Register of Historical Resources and Definition of "Significant Effects" for Environmental Review Purposes*. For purposes of environmental review under the California Environmental Quality Act, the following properties will constitute the City of Oakland's Local Register of Historic Resources:

  1) All Designated Historic Properties (Landmarks, Heritage Properties, Study List Properties, Preservation Districts, and S-7 and S-20 Preservation Combining Zone 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 (API).

  The Local Register also includes properties within Areas of Primary Importance (API). An API is a district that appears eligible for the National Register of Historic Places.

The above policies from the Historic Preservation Element generally encourage, but do not mandate, the preservation of Oakland's historic resources, within the context of and consistent with other General Plan goals, objectives, and policies (as discussed in Section IX of the Initial Study, Land Use/Planning, in Appendix A). So, for example, the admonition in HPE Historic Preservation Goal 2 against "the unnecessary destruction" of historic buildings and HPE Policy 3.1's direction to employ "all reasonable efforts to avoid or minimize adverse effects" on historic resources are reviewed against the overall benefits of the proposed project to the community.

A determination of consistency with the above policies by the Planning Commission and City Council must be predicated upon a finding that, as specified in HPE Policy 3.5, "(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." HPE Policy 3.5 is discussed under *Project Impacts*, below.

City of Oakland Historic Resources on the Project Site and Vicinity

As discussed above, the former Courthouse Athletic Club has an existing field survey rating of "B+3" (major importance, not located in an API or ASI) by OCHS in 1996. Although this preliminary field rating has not been confirmed by OCHS or the LPAB, a building with an existing rating of "B" is considered to be a historical resource for purposes of CEQA, in accordance with Policy 3.8 of the Historic Preservation Element. This building is also considered a PDHP, in accordance with Policy 1.2 of the Historic Preservation Element. No Oakland Preservation Districts, APIs, Heritage Properties, or any buildings on Oakland's Preservation Study List were identified on the project site.

City of Oakland historic resources in the project vicinity include St. Augustine's/Old Trinity Church at 2845 Telegraph Avenue (Oakland City Landmark # 79), the Grant Miller Mortuary at 2850 Telegraph Avenue (local rating of "B+3"), and the Telegraph Hill Medical Plaza at 3003-27 Telegraph Avenue (local rating of "B+3"). These buildings would be considered historic resources for CEQA purposes. All other buildings in the immediate project vicinity (within one block) were assigned ratings of "C" (Secondary Importance), "D" (Minor Importance), and would not be considered City of Oakland or CEQA historic resources based on their local survey status. No designated Oakland Preservation Districts, APIs, Heritage Properties, or any buildings on Oakland's Preservation Study List were identified in the project vicinity. As described above, the project site building may contribute to a potential API of period revival-style funeral homes clustered along Telegraph and Piedmont Avenues in the project vicinity.

California Register of Historic Resources

The California Register of Historic Resources (CRHR) is an authoritative guide to the state's historical resources – a guide by which properties are considered significant for CEQA purposes. The CRHR includes resources listed in, or formally determined eligible for listing in, the National Register of Historic Places (NRHP), California State Landmarks, and Points of Historical Interest. The State Office of Historic Preservation (OHP) maintains a list of historic resources by county in their Directory of Properties in the Historic Property Data File. A building or structure identified on OHP's Directory with a rating of 1 or 2 (on or determined eligible for the National Register) is considered to be "listed" on the CRHR.

Properties of local significance that have been designated under a local preservation ordinance (i.e., local landmarks), or that have been identified in a local historical resources inventory may also be eligible for listing in the CRHR and are presumed to be significant resources for purposes of CEQA.

In order for a resource to meet the criteria for listing in the CRHR, it must satisfy all of the following three provisions:

1. It meets one of the following four criteria of significance (PRC 5024.1(c) and CEQA Guidelines 15064.5):

   (a) the resource "is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage".

   (b) the resource "is associated with the lives of persons important in our past.

   (c) the resource "embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values"; or

   (d) the resource "has yielded, or may be likely to yield information important in prehistory or history" (this criterion applies primarily to archaeological sites).

2. The resource retains historic integrity; and

3. It is fifty years old or older (except where it can be demonstrated that sufficient time has passed to understand the historical importance of the resource).

The state CEQA Guidelines indicate that projects that are consistent with the *Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* generally "shall be considered as mitigated to a level of less than a significant impact on the historic resource" (Section 15064.5(b)(3)).

California Register Historic Resources on the Project Site and Vicinity

No buildings or structures on the project site are listed in, or have been formally determined eligible for listing in, the CRHR (i.e., on OHP's Directory with a rating of "1" or "2"). In 1996, OHP assigned the Courthouse Athletic Club with a rating of "7" (Not Evaluated for NRHP or CRHR). As discussed above, a historical resource under CEQA is a resource that is identified as significant (e.g., rated "1"-"5") in a historical resource survey recorded on DPR Form 523, unless the preponderance of evidence demonstrates that it is not historically or culturally significant (CEQA Guidelines Section 15064.5).

Although the project site building has an OHP rating greater than "5," if it were further evaluated against the CRHR criteria, it may viewed as embodying the distinctive characteristics of the Colonial Revival style of architecture and representing the work of a relatively well-known Oakland architecture firm, Miller & Warnecke. The building is also more than 50 years old, and the exterior of the 1946 addition and alterations retains a sufficient degree of integrity on the exterior to convey its architectural style. As such, the Courthouse Athletic Club would be eligible for listing in the CRHR upon further evaluation. A building eligible for listing in the CRHR would be considered a historical resource for CEQA purposes.

California Register resources in the project vicinity include St. Augustine's/Old Trinity Church at 2845 Telegraph Avenue (rated "1S" – listed in the CRHR and NRHP). This building is considered a historic resource for CEQA purposes.

National Register of Historic Places

The National Register of Historic Places (NRHP) is the nation's official list of cultural resources worthy of preservation. Authorized under the National Historic Preservation Act of 1966, the National Register is part of a national program to identify, evaluate, and protect our historic and archeological resources. Properties listed in the Register include districts, sites, buildings, structures, and objects that are significant in American history, architecture, archeology, engineering, and culture. The NRHP is administered by the National Park Service, which is part of the U.S. Department of the Interior.

To be listed on the NRHP, a property must be shown to be "significant" at the local, state, or national level under one or more of the following criteria.

1. Criterion A (Event): That are associated with events that have made a significant contribution to the broad patterns of our history.

2. Criterion B (Person): That are associated with the lives of persons significant in our past.

3. Criterion C (Design/Construction): That embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction..

4. Criterion D (Information Potential): That have yielded, or may be likely to yield, information important in prehistory or history.

Integrity: The property must also possess historic "integrity." Integrity is defined as "the ability of a property to convey its significance." The National Register criteria recognize seven qualities that define integrity: location, design, setting, materials, workmanship, feeling, and association.

- "Location" refers to the place where the historic property was constructed.

- "Design" is the combination of architectural elements that create the form, structure and style of the property.

- "Setting" is the physical environment surrounding a historic property.

- "Materials" are the original physical components that were combined during a particular period in time and in a particular pattern to form the historic property.

- "Workmanship" is the physical evidence of the building crafts and skills of a particular culture during a given period.

- "Feeling" is a property's expression of the aesthetic or historic sense of a particular period of time.

- "Association" is the direct link between an important historic event or person and a historic property.

Buildings less than 50 years old are generally not considered eligible for listing in the NRHP, Special considerations apply to moved or reconstructed properties, cemeteries, religious or commemorative properties, and properties achieving significance within the past 50 years. Properties listed in the NRHP are automatically listed in the CRHR.

National Register Historic Resources on the Project Site and Vicinity

No buildings on the project site are listed in or have been determined eligible for listing in the NRHP. As discussed above, the Courthouse Athletic Club has an NRHP rating of "7" (Not Evaluated for NRHP or CRHR). If the building were further evaluated against the NRHP criteria, which are generally similar to the CRHR criteria, the project site building would also meet the NRHP criteria in terms of age, integrity, and architectural associations (i.e., potentially eligible for listing in the NRHP at the local level). A building eligible for listing in the NRHP would be considered a historical resource for CEQA purposes.

As discussed above, NRHP resources in the project vicinity include the St. Augustine's/ Old Trinity Church at the corner of 29th and Telegraph Avenue (rated "1S" – listed in the NRHP).

Impacts and Mitigation Measures

Significance Criteria

An impact to historic resources would be considered significant if the project would result in any of the following:

- Cause a substantial adverse change in the significance of a historic resource, as defined in Section 15064.5

CEQA Section 21084.1 states that "a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment." A "substantial adverse change" is defined in Section 15064.5(b)(1) of the CEQA Guidelines as "physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired." The significance of a historical resource is "materially impaired," according to Guidelines Section 15064(b)(2), when a project demolishes or materially alters, in an adverse manner, those physical characteristics of the resource that:

- convey its historic significance and that justify its inclusion in, or eligibility for inclusion in, the California Register of Historical Resources (including a determination by the lead agency that the resource is eligible for inclusion in the California Register);

- account for its inclusion in a local register of historical resources adopted by local agency ordinance or resolution (in accordance with Public Resources Code Sec. 5020.1(k)); or

- account for its identification in a historical resources survey that meets the requirement of Public Resources Code Sec. 5024.1(g), including, among other things, that "the resource is

> evaluated and determined by the [State Office of Historic Preservation] to have a significance rating of Category 1 to 5 on DPR Form 523," unless the lead agency "establishes by a preponderance of evidence that the resource is not historically or culturally significant."

As previously indicated in the above discussion of CRHR, the state CEQA Guidelines indicate that projects that are consistent with the *Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* generally "shall be considered as mitigated to a level of less than a significant impact on the historic resource" (Section 15064.5(b)(3)).

Project Impacts and Mitigation Measures

Impact A.1: The project would result in the demolition of the former Courthouse Athletic Club at 2935 Telegraph Avenue, a building that qualifies as a historic resource as defined by CEQA Section 15064.5. (Significant and Unavoidable)

The proposed project would replace the former Courthouse Athletic Club and the adjacent parking lot with a five story, mixed use building containing 142 residential units, 2,900 square feet of ground floor retail, and parking for 204 automobiles.

The Courthouse Athletic Club is considered a historic resource pursuant to CEQA Section 15064.5 or Policy 3.8 of the City of Oakland's Historic Preservation Element given its existing "B+3" rating. Upon further review, the building would also meet the state and federal criteria for listing in the CRHR and NRHP.

As the proposed project would result in the physical demolition of the resource such that the significance of an historical resource would be materially impaired, the project would cause a substantial adverse change in the significance of a historic resource. Therefore, the proposed project would result in a significant impact to historic resources pursuant to CEQA Section 15064.5.

CEQA Guidelines Section 15126.4(b)(2) states that, "In some circumstances, documentation of a historical resource, by way of historic narrative, photographs, or architectural drawings as mitigation for the effects of demolition of the resources will not mitigate the effects to a point where clearly no significant effect on the environment would occur." In such cases, the demolition or substantial alteration of a historical resource would remain a significant and unavoidable impact on the environment even after the historical documentation has been completed. Implementation of the following measures would reduce the potential impacts to historic resources (2935 Telegraph Avenue), but not to a less-than-significant level.

> **Mitigation Measure A.1a:** Archival Documentation. Trammell Crow Residential shall document the building at 2935 Telegraph Avenue prior to its demolition through the use of large-format black and white photography and a brief historical report, meeting the specifications of the Historic American Building Survey (HABS). The historic report should briefly describe the building and its historic significance to the City of Oakland. The documentary photographs and report would be archived locally at the Oakland History

Room (OHR) of the Oakland Public Library along with a copy on archival paper. Digital copies of the photographs would be forwarded to the Oakland Cultural Heritage Survey.

Mitigation Measure A.1b: Interpretive Materials: Trammell Crow Residential shall prepare interpretive materials as directed by the City, including, but not limited to on-site interpretive signage, brochures, or any combination thereof. Any such materials should address not only the history and architecture of the building, but also its contribution to a potential API of period revival style funeral homes in the project vicinity.

Mitigation Measure A.1c: Relocation: In accordance with HPE Policy 3.7, the City will normally require that reasonable efforts be made to relocate the property to an acceptable site as a condition of approval for all discretionary projects involving demolition of existing or Potential Designated Historic Properties. Under this condition, the applicant is normally released from the relocation requirement after 90 days if the applicant demonstrates to the satisfaction of the Director of City Planning that all reasonable efforts have been made to relocate the building and that these efforts have been unsuccessful. Therefore, Trammell Crow Residential shall make reasonable efforts to relocate the project site building, and demonstrate to the satisfaction of the city why such efforts would be unsuccessful within 90 days of certification of this EIR.

Even with implementation of the above mitigation measures, the demolition of the building would result in the permanent loss of the historic resource. Although preferable to demolition, relocation of a historic resource would substantially alter the building's historic setting, resulting in an adverse impact to the significance of the property. Therefore the impact of demolition or relocation would remain significant and unavoidable.

City decision-makers would consider all aspects of the proposed project and overall General Plan policies to determine whether or not an affirmative finding could be made, under Policy 3.5 of the General Plan Historic Preservation Element, that "the design quality of the proposed project is at least equal to that of the original structure[s] and is compatible with the character of the neighborhood" (Finding 1) and that "the public benefits of the proposed project outweigh the benefit of retaining the original structure[s]" (Finding 2).

The Historic Preservation Element recommends that a project design should be modified "to avoid adversely affecting the character defining elements." As required by CEQA, preservation alternatives to the project are included in Chapter IV of this EIR that would retain and reuse the former Courthouse Athletic Club, in whole or in part, while constructing portions of the proposed project around and behind the existing building.

Impact A.2: The project would construct substantially larger and taller buildings in the vicinity of historic resources, which could alter their historic setting. (Less than Significant)

Historic resources in the project vicinity include St. Augustine's/Old Trinity Church, the Grant Miller Mortuary, and the Telegraph-Hill Medical Plaza. The proposed project would be separated from St. Augustine's Church by the width of 29th Street, or about 60 feet, not including property

setbacks on both properties, which would include an additional 10-15 feet for a total separation of about 70-75 feet. This distance would provide a sufficient buffer to allow St. Augustine's to continue to 'read' as a separate, historical structure, and the project would have no substantial direct or indirect impact on this building such that it would no longer qualify as an Oakland City Landmark or for listing on the NRHP. The proposed project, at 55 feet tall, would be about 20 feet taller than the height of St. Augustine's Church, estimated to be about 35 feet tall to the top of its spire. This height differential, while noticeable, would not have a significant impact on the historic significance of St. Augustine's. The proposed project's garage and loading entrance would be located across 29th Street from St. Augustine's, separated by the width of the street as discussed above, and would not have a significant impact on the use, function, or enjoyment of the church such that it would no longer qualify for listing in the NRHP or as an Oakland Landmark.

As described on page 14 of the Initial Study (see Appendix A), St. Augustine's Church is located to the south of the project site, and no evidence suggests that the project shadow would reach the Church at any point during the year. Therefore, the project would not result in a significant physical effect such that the shadow would materially impair the resource's historical significance by precluding its inclusion on or eligibility for listing in the National Register of Historic Places or as an Oakland Landmark. As a result, project effects to St. Augustine's Church are anticipated to be less-than-significant.

Similar to the setback from St. Augustine's Church, the proposed project would be separated from the Telegraph-Hill Medical Plaza by the width of 30th Street, for a total separation of about 70-75 feet including building setbacks. This distance would provide a sufficient buffer as to allow the Telegraph-Hill Medical Plaza to 'read' as a separate structure, and would have no substantial direct or indirect impact on this building such that it would no longer qualify as City of Oakland building of major (historical) importance. The proposed project, at 55 feet tall, would be about 20 feet taller than the height of Telegraph-Hill Medical Plaza's, estimated to be about 35 feet tall to the top of its steeply peaked roof. This height differential, while noticeable, would not have a significant impact on the historic significance of the Telegraph-Hill Medical Plaza. Because the Telegraph-Hill Medical Plaza is located to the north of the proposed project, shadows would be cast on this structure during certain times of the day, depending on the time of year. However, as this building is no longer a funerary building or used as a chapel, project site shadows would not substantially impair the use of this building such that it would no longer qualify as a City of Oakland historical resource. As a result, project impacts to Telegraph-Hill Medical Plaza are anticipated to be less-than-significant.

The Grant Miller Mortuary is located at 2850 Telegraph Avenue, approximately 430 feet southeast from the project site, and on the opposite side of Telegraph Avenue from the project site. Due to the distance and the number of intervening buildings separating the two structures, the proposed project would have no discernable effect on this building such that it would no longer qualify as a historic resource. As a result, the proposed project would have no impact to the Grant Miller Mortuary.

Mitigation: None required.

Cumulative Impacts

Impact A.3: The proposed project would not combine with cumulative development that would involve demolition or substantial alteration of other historic buildings in the Central/Chinatown Planning Area of Oakland to form a significant cumulative impact to historic resources. The project would also have a less-than-significant cumulative impact to a potential period revival-style funeral home API. (Less than Significant)

Although the proposed project would have a significant, adverse impact on a local historic resource, its loss would not combine with other past, present, or reasonably foreseeable projects in the Central/Chinatown Planning Area of Oakland to form a significant cumulative impact. Aside from impacts to the project site building, there are no other known projects in this part of Oakland that have demolished or will demolish historic, former funerary buildings or other historic buildings designed by Miller & Warnecke, to which the loss of the former Courthouse Athletic would cumulatively contribute.

The building is one of five period revival-style funerary buildings in Oakland that may contribute to a potential API as a historically related property group identified by the Reconnaissance Survey with existing "B" and "C" ratings. The proposed project may have a cumulative impact to this potential historic district, given the relative rarity of this resource type (period-revival funeral homes in Oakland in general). However, because at least two-thirds of the properties within an API must be contributory to the API, this potential district would continue to meet the two-thirds threshold after demolition of the former Courthouse Athletic Club considering that the project site building represent only one-fifth or 20 percent of the contributors to the potential API. The remaining contributors (or 80 percent) would be unaffected by the proposed project and would continue to be eligible as contributors to a potential API with or without the project site building.

Finally, the Grant Miller Mortuary may also be viewed as a superior work by architects Miller & Warnecke when compared to the project site building, given its more elaborate architectural style, greater level of interior and exterior integrity, and continuous use as a mortuary since 1931. Therefore, the loss of the project site building as a relatively lesser work by Miller & Warnecke would not have a significant, cumulative impact on these architects' body of work in Oakland. As a result, the proposed project would have a less-than-significant cumulative impact to historic resources.

Mitigation: None required.

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B. Transportation, Circulation, and Parking

Setting

Existing Street and Highway System[1]

The project study area is served by regional and local roadways, as described below.[2]

Regional Access

Interstate 980 (I-980) is located west of the project site, extending between Interstate 880 and Interstate 580, where I-980 becomes State Route 24. Five lanes are provided in each direction on this freeway in the general vicinity of project area. In the project vicinity, a northbound on-ramp and a southbound off-ramp are provided along 27th Street. Annual average daily traffic on I-980 north of 27th Street is about 104,000 vehicles (Caltrans, 2006).

Interstate 580 (I-580) is a major east-west regional freeway that is located north of the project site, extending between United States Highway 101 in San Rafael and Interstate 5 south of the City of Tracy. Four lanes are provided in each direction on this freeway east of the project site, and five lanes are provided west of the project site. Access to I-580 from the study area is provided via I-980. Annual average daily traffic on I-580 east of I-980 was 178,000 vehicles and west of I-980 is about 203,000 vehicles (Caltrans, 2006).

Interstate 880 (I-580) is a major north-south regional freeway that is located south of the project site, extending between Interstate 80/580 in Emeryville and Interstate 280 in San Jose. Four lanes are provided in each direction on this freeway near the project site. Access to I-880 from the study area is provided via I-980. Annual average daily traffic on I-880 east of I-980 is about 195,000 vehicles (Caltrans, 2006).

Interstate 80 (I-80) is a major north-south regional freeway that is located north of the project site, connecting San Francisco and Sacramento. Beginning in San Francisco, it crosses the San Francisco – Oakland Bay Bridge and then to continues northeastward to and beyond the Carquinez Bridge. In the vicinity of the project site, five lanes are provided in each direction on this freeway. Access to I-80 from the study area is provided via I-580. Annual average daily traffic on I-80 north of the MacArthur Maze is about 303,000 vehicles (Caltrans, 2006).

State Route 24 (SR 24) runs from Walnut Creek in the east to Oakland in the west, and is the continuation of I-980 east of I-580. SR 24 provides four lanes in each direction in the general vicinity of project area. Annual average daily traffic on SR 24 north of I-580 is about 144,000 vehicles (Caltrans, 2006)

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1 Following Oakland convention, the East Bay Hills are characterized as northerly in compass orientation and the Bay as southerly; thus Telegraph Avenue and streets parallel are considered to run north-south, while 29th Street and streets parallel are considered to run east-west.

2 A screening process, described on page IV.B-3, was used to identify a project study area that adequately covers the potential project-generated traffic impacts.

Local Access

Telegraph Avenue is a four-lane north-south arterial that borders the eastern edge of the project site. Telegraph Avenue extends from Bancroft Avenue in the City of Berkeley into downtown Oakland, where it merges with Broadway.

MacArthur Boulevard is a six-lane east-west arterial, extending from Hollis Street in north-west Oakland to Estudillo Avenue in San Leandro.

West Grand Avenue is a four-lane east-west arterial extending from I-80 in the west to beyond I-580 in the east.

Broadway is a four-lane north-south arterial that extends from Jack London Square in the south to SR 24 to the north. There are traffic signals at most of the major intersections, and separate left- and right-turn lanes at some key intersections.

Martin Luther King Jr. Way is a four-lane arterial that extends from the Embarcadero in the south to Hopkins Street in the City of Berkeley.

27th Street is a six-lane east-west arterial that provides access to I-980, and extends between San Pablo Avenue and Broadway.

29th Street is a two-lane east-west road that borders the southern edge of the project site, and extends from San Pablo Avenue in the west to Harrison Street in the east.

30th Street is a two-lane east-west road that borders the northern edge of the project site, and extends from Peralta Street in the west to Richmond Boulevard in the east.

Northgate Avenue is a four-lane north-south road that extends from West Grand Avenue in the south to 28th Street in the north. Northgate Avenue provides direct access to northbound I-980.

Existing Traffic Conditions

The traffic conditions in urban areas are affected more by the operations at the intersections than by the capacities of the local streets because traffic control devices (signals and stop signs) at intersections control the capacity of the street segments. Intersection operations are measured in terms of Level of Service (LOS), which is based on average delay per vehicle experienced at an intersection. That delay is a function of the signal timing, intersection lane widths and configuration, hourly traffic volumes, pedestrian volumes, and parking and bus conflicts. Conditions were determined for weekday a.m. and p.m. peak hours, based on weekday traffic counts conducted on Wednesday, June 14, 2006 at the study intersections.

Level of Service Analysis Methodologies

The operation of a local roadway network is commonly measured and described using Level of Service. The LOS grading system qualitatively characterizes traffic conditions associated with varying levels of vehicle 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). This LOS grading system applies to both signalized and unsignalized intersections. 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 to be unacceptable, though LOS E is considered acceptable in the downtown area of Oakland.

Signalized Intersections

At the signalized study intersections, traffic conditions were evaluated using the Synchro software program, which uses the 2000 *Highway Capacity Manual* (HCM) operations methodology. The operational 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. Table III.B-1 summarizes the relationship between control delay and LOS.

Unsignalized Intersections

For the unsignalized (two-way stop-controlled) study intersections, traffic conditions were evaluated using the Synchro software program, which uses the 2000 HCM operations methodology. With this methodology, the LOS is related to the delay per vehicle for each stop-controlled movement or approach. Delay is defined as the total elapsed time from when a vehicle stops at the end of the queue until the vehicle departs from the stop line. This time includes the time required for a vehicle to travel from the last-in-queue position to the first-in-queue position. Table III.B-1 summarizes the relationship between delay and LOS.

Existing Intersection Traffic Operating Conditions

All intersections that could potentially be affected by project traffic were tested and screened for inclusion in the traffic analysis, based on the significance criteria of the City of Oakland. All intersections that satisfy the following two criteria are included in the study analysis:

- Intersections to which the project would add 30 or more peak-hour trips; and
- Inside the downtown area, the intersection was identified as operating at LOS D or worse, or, outside of the downtown area, the intersection was identified as operating at LOS C or worse.

It is at these intersections where the project could result in a significant adverse impact. It should be noted that this screening approach is similar to criteria and methodology commonly employed by other Bay Area jurisdictions.

Based on the City's significance criteria, a significant impact is identified when an intersection deteriorates to worse than LOS E inside of the downtown area and worse than LOS D outside of the downtown area. The addition of 30 or fewer trips to an intersection can not reasonably be expected to degrade a service level from LOS D or better to worse than LOS E (inside of the downtown area) or to degrade a service level from LOS C or better to worse than LOS D (outside of the downtown area).

TABLE III.B-1
DEFINITIONS FOR INTERSECTION LEVEL OF SERVICE

Unsignalized Intersections		Level of Service Grade	Signalized Intersections	
Description	Average Total Vehicle Delay (Seconds)		Average Control Vehicle Delay (Seconds)	Description
No delay for stop-controlled approaches.	≤10.0	A	≤10.0	Free Flow or Insignificant Delays: Operations with very low delay, when signal progression is extremely favorable and most vehicles arrive during the green light phase. Most vehicles do not stop at all.
Operations with minor delay.	>10.0 and ≤15.0	B	>10.0 and ≤20.0	Stable Operation or Minimal Delays: Generally occurs with good signal progression and/or short cycle lengths. More vehicles stop than with LOS A, causing higher levels of average delay. An occasional approach phase is fully utilized.
Operations with moderate delays.	>15.0 and ≤25.0	C	>20.0 and ≤35.0	Stable Operation or Acceptable Delays: Higher delays resulting from fair signal progression and/or longer cycle lengths. Drivers begin having to wait through more than one red light. Most drivers feel somewhat restricted.
Operations with increasingly unacceptable delays.	>25.0 and ≤35.0	D	>35.0 and ≤55.0	Approaching Unstable or Tolerable Delays: Influence of congestion becomes more noticeable. Longer delays result from unfavorable signal progression, long cycle lengths, or high volume to capacity ratios. Many vehicles stop. Drivers may have to wait through more than one red light. Queues may develop, but dissipate rapidly, without excessive delays.
Operations with high delays, and long queues.	>35.0 and ≤50.0	E	>55.0 and ≤80.0	Unstable Operation or Significant Delays: Considered to be the limit of acceptable delay. High delays indicate poor signal progression, long cycle lengths and high volume to capacity ratios. Individual cycle failures are frequent occurrences. Vehicles may wait through several signal cycles. Long queues form upstream from intersection.
Operations with extreme congestion, and with very high delays and long queues unacceptable to most drivers.	>50.0	F	>80.0	Forced Flow or Excessive Delays: Occurs with oversaturation when flows exceed the intersection capacity. Represents jammed conditions. Many cycle failures. Queues may block upstream intersections.

SOURCE: Transportation Research Board, Special Report 209, *Highway Capacity Manual*, updated 2000.

On arterial roadways in the project study area, 30 or fewer trips are within daily traffic fluctuations. Daily and peak-hour traffic fluctuations of plus-or-minus 5 percent or more are commonplace on these types of roadway facilities. For comparison purposes, 30 trips would comprise roughly 1.5 percent of AM peak-hour traffic at the Telegraph Avenue / 27th Street intersection, and approximately 1.2 percent of total traffic during the PM peak hour. This is less than typical daily fluctuations in traffic, and less than the 3.0 percent increase necessary to constitute a significant impact on the Alameda County Congestion Management Agency (ACCMA) Metropolitan Transportation System (for facilities operating at LOS F in the baseline condition).

Analysis of peak-hour traffic conditions was conducted at nine intersections in the project vicinity. As described above, the signalized intersections were selected on the basis of being where the proposed project would add 30 or more peak-hour trips and where the intersection potentially would operate at an unacceptable level of service as a result of the project or other planned cumulative growth. Intersections abutting the project site are also included in the analysis. The nine analysis intersections are listed below and shown in Figure III.B-1.

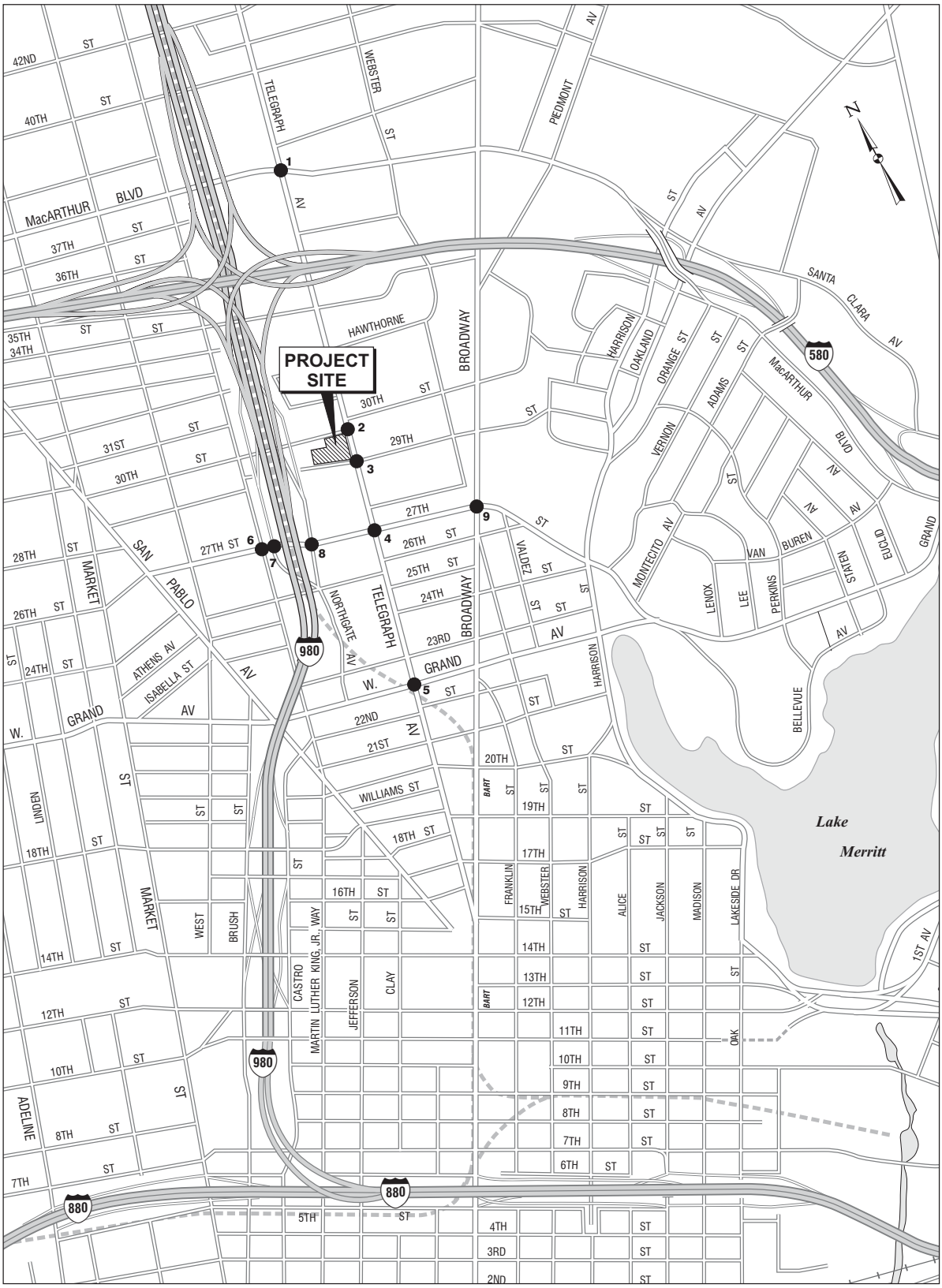
1. Telegraph Avenue / MacArthur Boulevard *(signalized)*
2. Telegraph Avenue / 30th Street *(signalized/unsignalized)*[3]
3. Telegraph Avenue / 29th Street *(signalized)*
4. Telegraph Avenue / 27th Street *(signalized)*
5. Telegraph Avenue / West Grand Avenue *(signalized)*
6. Martin Luther King Jr. Way / 27th Street *(signalized)*
7. I-980 Southbound Off-Ramp / 27th Street *(signalized)*
8. Northgate Avenue / I-980 Northbound On-Ramp / 27th Street *(signalized)*
9. Broadway / 27th Street *(signalized)*

Figure III.B-2 illustrates the existing lane geometry and traffic control at the study intersections. Existing a.m. and p.m. peak-hour traffic volumes are presented in Figure III.B-3. The existing a.m. and p.m. peak-hour intersection LOS and delays are summarized in Table III.B-2. As shown, each of the study intersections currently operates under acceptable conditions (at LOS D or better).

Transit Services

Existing transit service near the project site includes bus service provided by the Alameda-Contra Costa Transit District (AC Transit) and rail service provided by Bay Area Rapid Transit (BART). Each of these services is described below, and shown in Figure III.B-4.

[3] At the Telegraph Avenue / 30th Street intersection, the eastbound and westbound approaches are displaced by approximately 150 feet. At the westbound approach – located further north than the eastbound approach – the intersection is signalized. The eastbound approach is stop controlled. The two intersections are analyzed as separate intersections herein.



SOURCE: Korve Engineering, 2006

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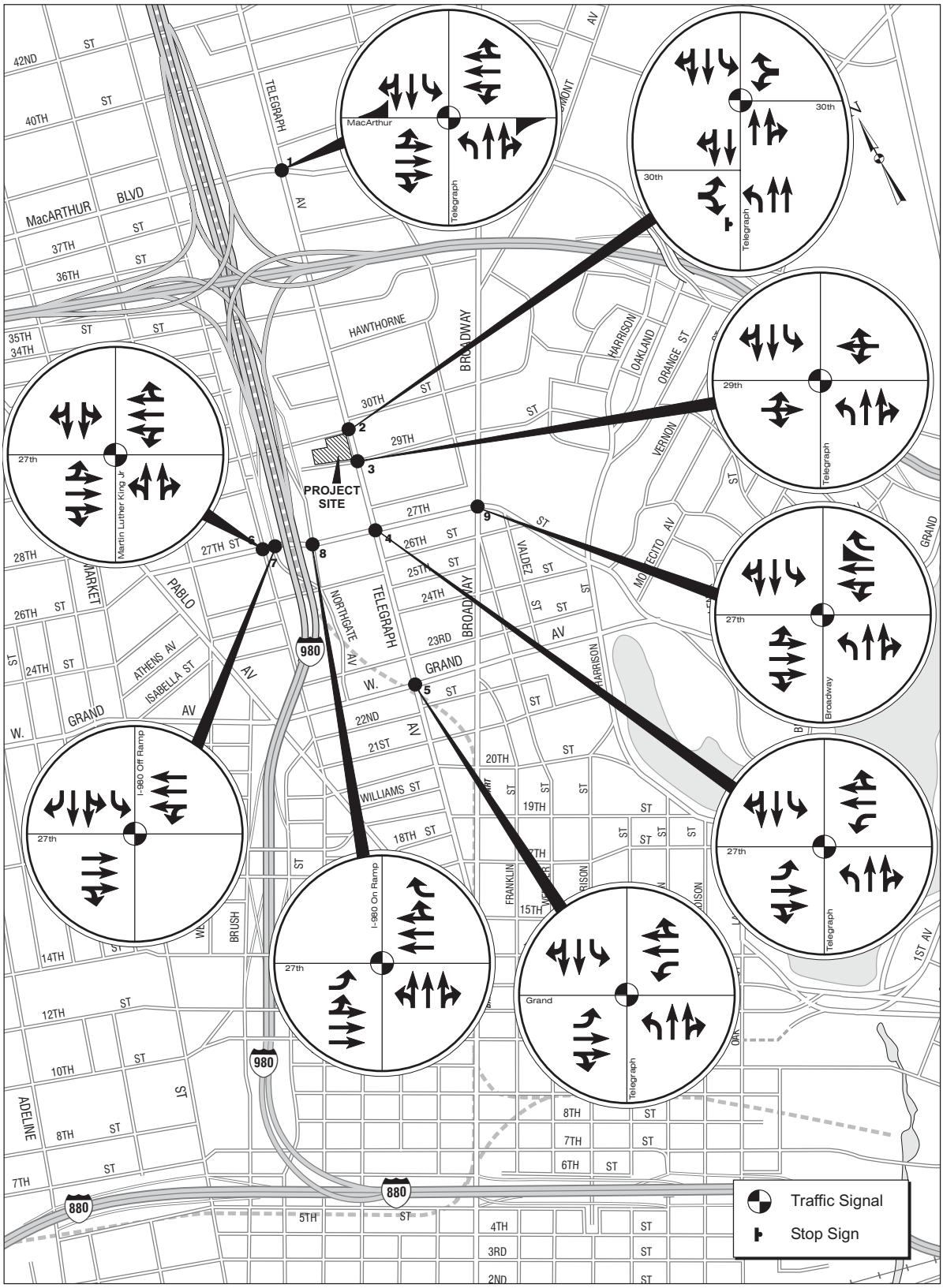
Figure III.B-1
Project Location and Study Intersections



SOURCE: Korve Engineering, 2006

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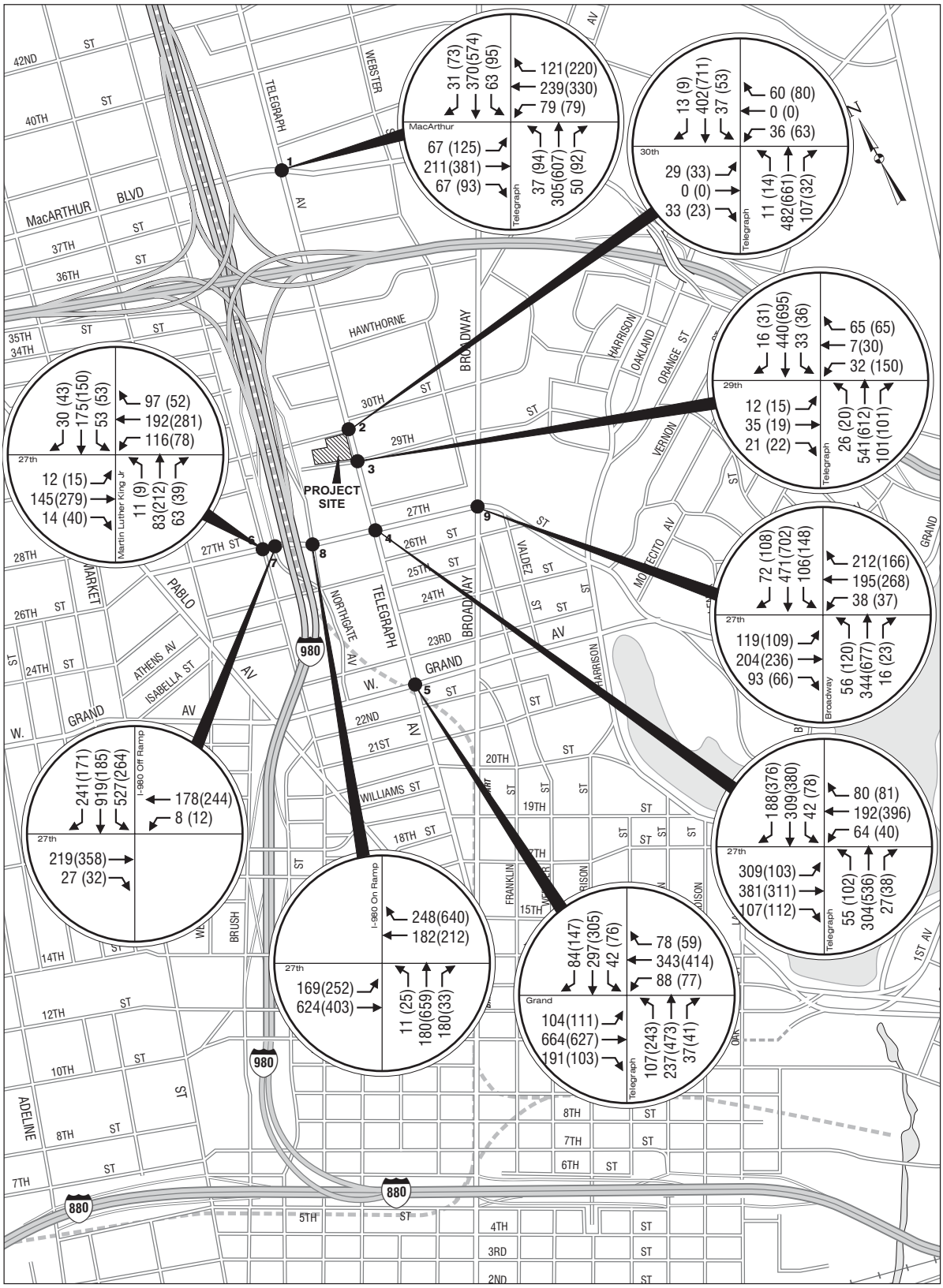
Figure III.B-2
Existing Lane Geometry and Traffic Control



SOURCE: Korve Engineering, 2006

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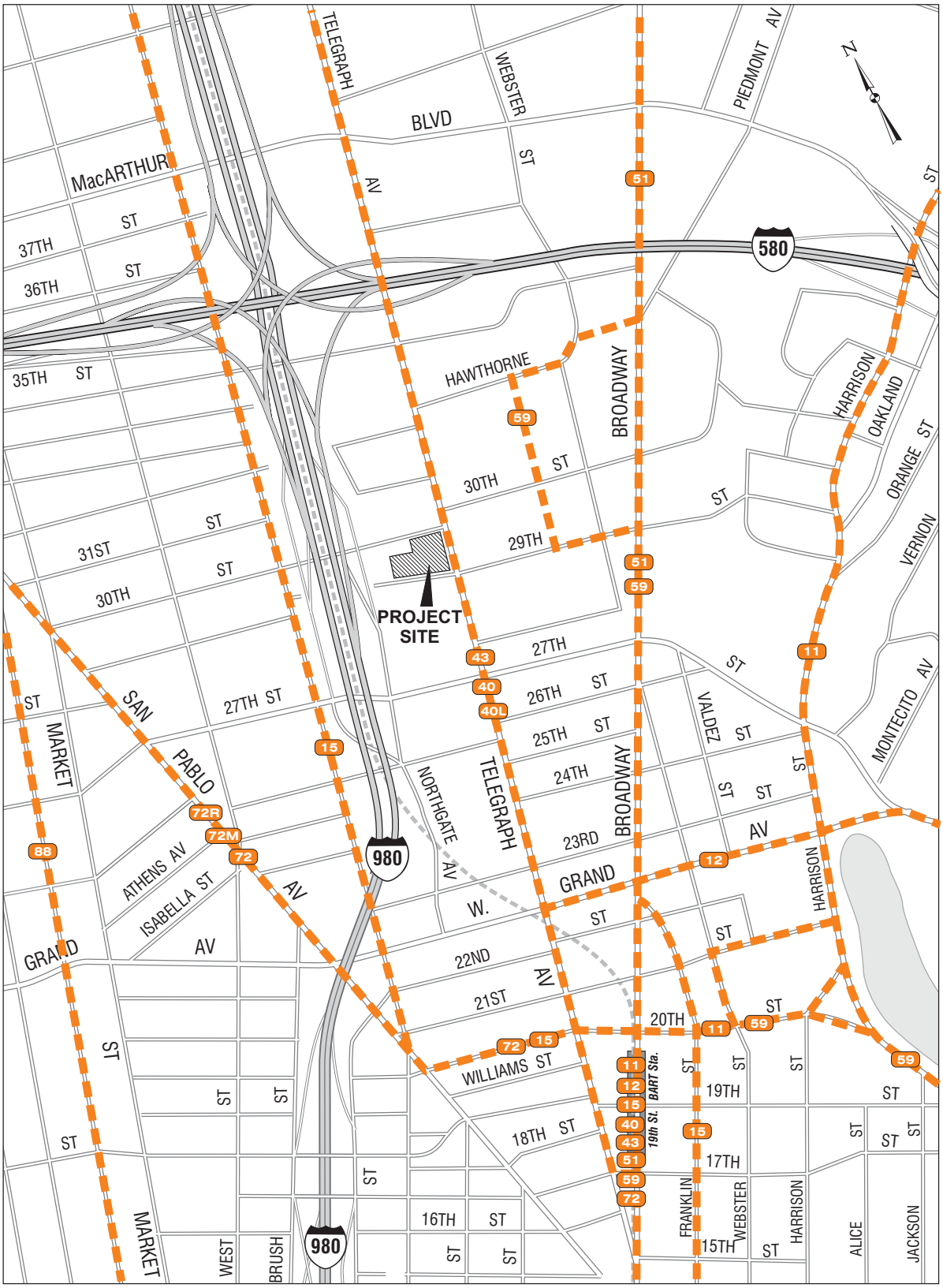
Figure III.B-3
Existing Traffic Volumes
AM (PM) Peak Hour



SOURCE: Korve Engineering, 2006

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Figure III.B-4
Existing Transit Network

TABLE III.B-2
EXISTING INTERSECTION LEVEL OF SERVICE (LOS) AND DELAY (seconds/vehicle)

No.	Intersection	Traffic Control	Existing AM		Existing PM	
			LOS	Delay	LOS	Delay
#1	Telegraph Ave. / MacArthur Blvd.	Signal	A	9.0	B	17.4
#2a	Telegraph Avenue / 30th Street	Signal	A	6.6	B	10.1
#2b	Telegraph Avenue / 30th Street	Side-Street Stop-Control	B	12.7	C	18.6
#3	Telegraph Avenue / 29th Street	Signal	A	7.8	A	9.7
#4	Telegraph Avenue / 27th Street	Signal	B	17.3	B	15.9
#5	Telegraph Ave. / West Grand Ave.	Signal	B	17.9	B	19.6
#6	Martin Luther King Jr. Way / 27th St.	Signal	B	12.8	B	11.7
#7	I-980 Southbound Off-Ramp / 27th Street	Signal	A	9.0	B	11.9
#8	Northgate Avenue - I-980 Northbound On-Ramp / 27th Street	Signal	B	19.0	C	31.3
#9	Broadway / 27th Street	Signal	B	14.4	B	15.0

[a] The LOS and delay for side-street stop controlled intersections represent the worst movement or approach. The LOS and delay for signalized intersections represent the overall intersection.

SOURCE: Korve Engineering, 2006

AC Transit

Several AC Transit bus lines running through major north-south and east-west corridors serve the project site. Table III.B-3 summarizes the bus routes and service schedules for the AC Transit lines located within walking distance (approximately one-half mile) from the project site.

In the vicinity of the proposed project site, AC transit bus stops are located on Telegraph Avenue at 30th Street (Lines 40 and 43), on Martin Luther King Jr. Way at 27th Street (Line 15), on San Pablo Avenue at 30th Street (Lines 72 and 88), on Broadway at 27th Street (Lines 51 and 59), on Harrison Street at 27th Street (Line 11), and on Broadway at Grand Avenue (Line 12).

BART

The Bay Area Rapid Transit (BART) is an automated rapid transit system serving the three BART counties of Alameda, Contra Costa, San Francisco, as well as northern San Mateo County. The MacArthur BART Station and the 19th Street BART Station are equidistant from the project site (approximately two-thirds of a mile away). Three of the five BART lines serve both stations (i.e., the Richmond – Fremont; Richmond – Daly City; and Pittsburg/Bay Point – Daly City).

TABLE III.B-3
BUS SERVICE SUMMARY FOR PROJECT AREA

Line	Peak Hour Headways	Service Area
11	20 min	Diamond District – Downtown Oakland – Piedmont
12	20 min	MacArthur BART to Downtown Oakland
15	30 min	Montclair Transit Center – Downtown Oakland – El Cerrito BART
40	15 min	Berkeley – Oakland – Bay Fair BART
43	15 min	El Cerrito – Eastmont Transit Center
51	10-15 min	Alameda – Oakland – Berkeley
59	60 min	Lake Merritt BART – Oakland – Rockridge BART
72	30 min	Hill Top Mall – Oakland
88	20 min	Lake Merritt BART – North Berkeley BART

SOURCE: AC Transit, Route and Bus Schedules, Effective June 18, 2006

Pedestrian and Bicycle Facilities

In the vicinity of the proposed project site, sidewalks are provided on all streets. Crosswalks are provided at all approaches at all study intersections, with the exception of at the I-980 Southbound Off-Ramp / 27th Street and Northgate Avenue / I-980 Northbound On-Ramp / 27th Street intersections. At the I-980 Southbound Off-Ramp / 27th Street intersection, a north-south crosswalk along the east side of the intersection is not available. At the Northgate Avenue / I-980 Northbound On-Ramp / 27th Street intersection, north-south crosswalks are not provided. According to the City of Oakland's Pedestrian Master Plan, adopted November 2002, Telegraph Avenue, Broadway, Martin Luther King Jr. Way, and West Grand Avenue are City Pedestrian Routes. 27th Street is a District Pedestrian Route in the vicinity of the proposed project site.

Currently, the bicycle facilities located in the proximity of the proposed project site are on Grand Avenue, Broadway north of 25th Street, Webster Street north of 27th Street, and around Lake Merritt. The types of bicycle facilities range from a Class II bike lane to a Class III bike route (signage only) along different stretches of Broadway and Grand Avenue. The facility surrounding Lake Merritt is a discontinuous Class I bike path, which also serves as a pedestrian walkway.[4] It should be noted that in the City of Oakland's Bicycle Master Plan, adopted in July 1999, Class II bike lanes and Class III bike routes are recommended at various locations near the project site. Some of these locations include Class II bike lanes along 27th Street east of Telegraph Avenue, along Telegraph Avenue north of Broadway, and along Martin Luther King Jr. Way north of West Grand Avenue.

[4] A Class I bicycle facility (bicycle path) is completely segregated from vehicle traffic and tends to be a recreational facility. A Class II bicycle facility (bicycle lane) is an on-street facility established on roadways with high bicycle demand, is a minimum of 1.5 meters in width, and is delineated by a six inch stripe on the left-hand side of the lane, an optional four inch stripe on the right side of the lane, and in-pavement markings such as the symbol of a cyclist with a helmet. A Class III bicycle facility (bicycle route) is a denoted by route signs and is installed on streets that are recommended for cycling but do not require bike lane striping due to the low-volume of vehicle traffic flow.

Planned Transportation Improvements

AC Transit is exploring implementation of a Telegraph Avenue Bus Rapid Transit (BRT). The proposed BRT project would eliminate one through lane in each direction and narrow Telegraph Avenue to one through lane in each direction. Although there are no finalized design plans, an assurance of full funding for the BRT project, or approvals from AC Transit, the City of Oakland and other public agencies, and although proposed (but not approved) transit improvements are *not* typically considered as part of the projected baseline conditions, this EIR nevertheless (conservatively) provides an evaluation of the potential effects on project impacts caused by proposed modifications to the traffic circulation network by the proposed Telegraph Avenue BRT (see Appendix D).

Project Impacts and Mitigation Measures

Approach to Analysis

The transportation analysis was conducted for typical weekday a.m. and p.m. peak commute hour conditions at local intersections. Those time periods are the most relevant for this analysis because traffic volumes are generally the highest in Oakland during those periods, and therefore, traffic and circulation conditions during the weekday morning and evening commute hours are considered the most critical to evaluate in determining potentially significant impacts. In addition, standard traffic analytical tools focus on the weekday peak hours.

Traffic impacts are assessed at the nine study intersections in the study area for the following four scenarios[5]:

- Existing Conditions;
- Existing plus Project Conditions;
- Cumulative (2025) Baseline Conditions; and
- Cumulative (2025) plus Project Conditions.

Intersection traffic volumes for the Cumulative (2025) Baseline Conditions were derived through the use of the ACCMA's Countywide Transportation Demand Model, with land uses within Oakland modified to reflect the City's updated growth scenario for 2025.[6]

As described below, the proposed project would generate fewer than 100 peak-hour vehicle trips (the threshold for ACCMA-required evaluation of project effects on regional roadways). Therefore, no such evaluation is required.

[5] An interim year (e.g., 2010) analysis was not assessed for this EIR because the absence of significant traffic impacts for this project under both Existing Plus Project and Cumulative Plus Project conditions (see Impacts B.2 and B.3, pages IV.B-21 and IV.B-22, respectively) indicates there would be no impacts in an interim year. A 2010 analysis would be an academic exercise that would add nothing to the analysis of project impacts.

[6] The most-recent modifications were completed by the Hausrath Economic Group in June 2006.

Significance Criteria

Intersection Peak-Hour Level of Service

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

- Cause the baseline level of service (LOS) to degrade to worse than LOS E (i.e., LOS F) at a signalized intersection that is located within the Downtown area[7];

- Cause the baseline LOS to degrade to worse than LOS D (i.e., LOS E or F) at a signalized intersection that is located outside the Downtown area;

- Cause the total intersection average vehicle delay to increase by four or more seconds, or degrade to worse than LOS E (i.e., LOS F) at a signalized intersection outside the Downtown area where the baseline level of service is LOS E;

- Cause an increase in the average delay for any of the critical movements of six seconds or more, or degrade to worse than LOS E (i.e., LOS F) at a signalized intersection for all areas where the baseline level of service is LOS E;

- At a signalized intersection for all areas where the baseline level of service is LOS F, cause:

  (a) The total intersection average vehicle delay to increase by two or more seconds,

  (b) An increase in average delay for any of the critical movements of four seconds or more, or

  (c) An increase in the volume-to-capacity ("V/C") ratio that exceeds three percent (but only if the delay values cannot be measured accurately);

- At an unsignalized intersection for all areas, the project would add ten or more vehicles and after project completion satisfy the Manual on Uniform Traffic Control Devices (MUTCD) peak hour volume warrant; and

- Make a considerable contribution to cumulative impacts at a signalized intersection where the future level of service is LOS E or F. The City of Oakland considers a project's contribution to cumulative impacts to be "considerable" (i.e., significant) when the project contributes five percent[8] or more of the cumulative traffic increase as measured by the difference between existing and cumulative [with project] conditions AND results in a

[7] Downtown is defined in the Land Use Transportation Element of the General Plan (page 67) as the area generally bound 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. The study intersection at Telegraph Avenue / West Grand Avenue is located within the Downtown area; all other intersections analyzed herein are outside the Downtown area.

[8] The five-percent threshold is based on the fact that day-to-day traffic volumes can fluctuate by as much as ten percent, and therefore a variation of less than five percent is unlikely to be perceptible to the average motorist.

substantial increase in traffic. In other words, the project must contribute five percent or more of the incremental growth and exceed at least one of the thresholds listed above.

Transit

The project would have a significant effect on transit services if it would generate added transit ridership that would:

- Increase the average ridership on AC Transit lines by three percent where the average load factor with the project in place would exceed 125 percent over a peak 30-minute period;
- Increase the peak hour average ridership on BART by three percent where the passenger volume would exceed the standing capacity of BART trains;
- Increase the peak hour average ridership at a BART station by three percent where average waiting time at fare gates would exceed one minute.

Other Considerations

The project would have a significant effect if it would 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 due to the introduction of incompatible uses.

The project would have a significant effect if it would fundamentally conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks).

Construction Period

Potential short-term construction impacts generated by the proposed project would include the impacts associated with the delivery of construction materials and equipment, removal of construction debris, and parking for construction workers. The project would have a significant effect on the environment if it would result in interim 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 are assessed.

Project Trip Generation

Modal Split

The proposed project is located within Census Tract 4013 in the City of Oakland. Census Tract 4013 is bounded by I-580 to the north, West Grand Avenue to the south, Broadway to the east, and I-980 to the west. Journey to Work data provided by the US Census (2000) for this tract was used to determine the modal split for the proposed project. As shown in Table III.B-4, approximately 35.5 percent of the proposed project's trip generation can be expected to use transit. However, for the purposes of providing a conservative traffic analysis, only a 10 percent reduction from the residential trip generation was taken to account for transit usage.

TABLE III.B-4
MODAL SPLIT

Mode	Number of People	Percentage
Car, Truck, or Van	460	45.9%
Transit	356	35.5%
Other	187	18.6%
Total	**1,003**	**100%**

SOURCE: Korve Engineering; US Census Bureau, Journey to Work: 2000.

Trip Generation

The number of vehicle trips that would be generated by the proposed project was estimated by applying the appropriate trip generation rates or regression equations to each land use category. The trip generation rates and regression equations were taken from the Institute of Transportation Engineers' *Trip Generation* (ITE, 2003).[9] The proposed project's trip generation is provided in Table III.B-5. As shown, the proposed project can be expected to generate about 66 vehicle trips in the AM peak hour and about 95 vehicle trips in the PM peak hour. It should be noted that because the project would generate fewer than 100 peak-hour vehicle trips, an ACCMA-required evaluation of project effects on regional roadways is not required.

TABLE III.B-5
PROJECT WEEKDAY TRIP GENERATION

Land Use	Size	Daily Total	AM Peak Hour In	AM Peak Hour Out	AM Peak Hour Total	PM Peak Hour In	PM Peak Hour Out	PM Peak Hour Total
Apartments (units)	142	1,004	15	59	74	62	34	96
Retail (1,000 sq. ft.)	2.9	129	0	0	0	4	4	8
Subtotal	----	*1,133*	*15*	*59*	*74*	*66*	*38*	*104*
Modal Split Reduction (10%)	----	(100)	(2)	(6)	(8)	(6)	(3)	(9)
Total (Vehicle Trips)	----	*1,054*	*13*	*53*	*66*	*60*	*35*	*95*

SOURCE: Korve Engineering; ITE, *Trip Generation*, 7th Edition, 2003.

9 Although the residential units are intended for sale, the analysis conservatively used trip generation rates for apartments rather than for residential condominiums/townhouses so as to not underestimate potential impacts.

Project Trip Distribution / Assignment

Vehicle trips forecast to be generated by the proposed project were assigned to the surrounding transportation network on the basis of a distribution pattern developed specifically for this study based on information from the ACCMA Model, updated to reflect the cumulative land use forecasts of the City of Oakland. Figure III.B-5 illustrates the project's anticipated trip distribution pattern. Approximately 33 percent of project traffic is forecast to arrive from and depart towards the north: seven percent via I-980/SR 24, and 26 percent via Telegraph Avenue. Approximately 20 percent of project traffic is forecast to arrive from and depart towards the south via Telegraph Avenue. Approximately 24 percent of project traffic is forecast to arrive from and depart towards the east: 14 percent via I-580, two percent via 27th Street, two percent via Grand Avenue, and six percent via I-880. Approximately 23 percent of project traffic is forecast to arrive from and depart towards the west: 13 percent via I-580, five percent via 27th Street, and five percent via West Grand Avenue. Figure III.B-6 illustrates the Project traffic volumes. Figure III.B-7 illustrates the Existing plus Project traffic volumes.

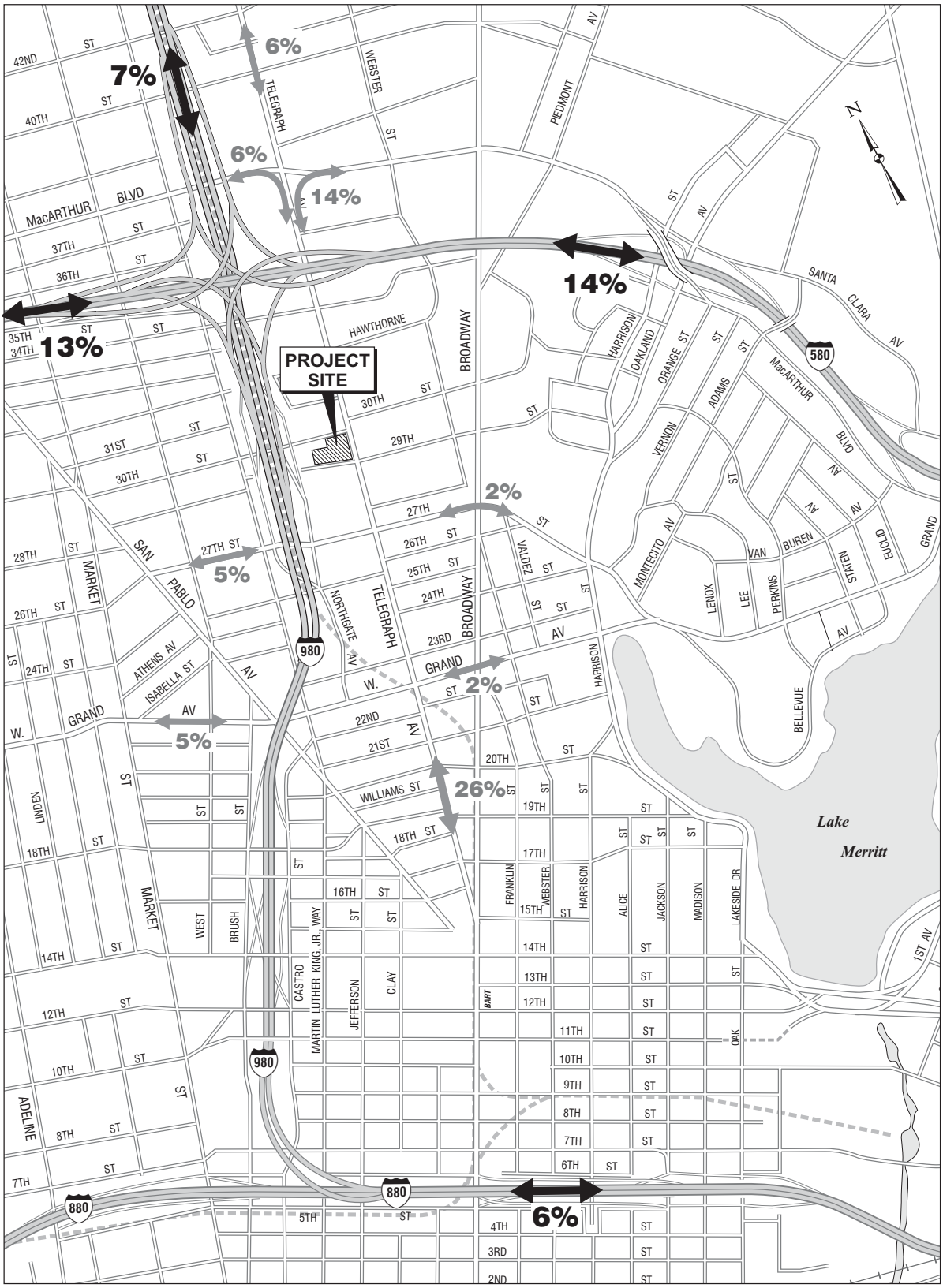
Site Access Impacts

Access to the proposed project would be provided by a two-way driveway on 29th Street, and a two-way driveway on 30th Street. Both driveways would be located approximately 60 feet away from Telegraph Avenue. Figure III.B-8 displays the project site access.

Impact B.1: Traffic generated by the project would affect project driveways. (Less than Significant)

At the eastbound approaches to the Telegraph Avenue / 30th Street and Telegraph Avenue / 29th Street intersections, the average queue length is (and would be) roughly the length of one car (about 25 feet) in all analysis scenarios. Because the project driveways would each be about 60 feet away from Telegraph Avenue, there would be room for vehicles exiting the project site to maneuver into their respective eastbound approaches at the Telegraph Avenue / 30th Street and Telegraph Avenue / 29th Street intersections. As a result, queuing delays at the project driveways would be minimal.

Mitigation: None required.



SOURCE: Korve Engineering, 2006

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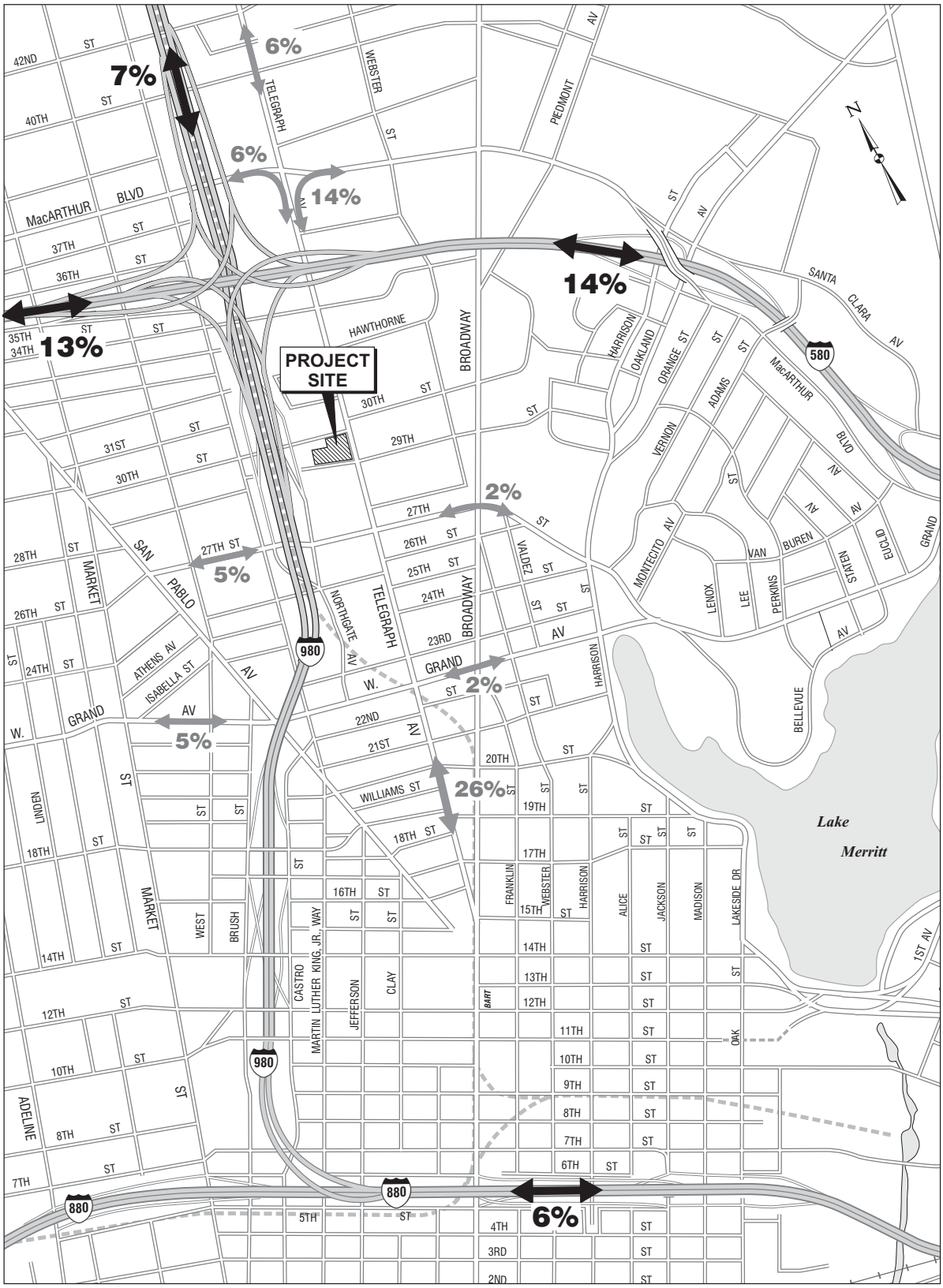
Figure III.B-5
Project Trip Distribution



SOURCE: Korve Engineering, 2006

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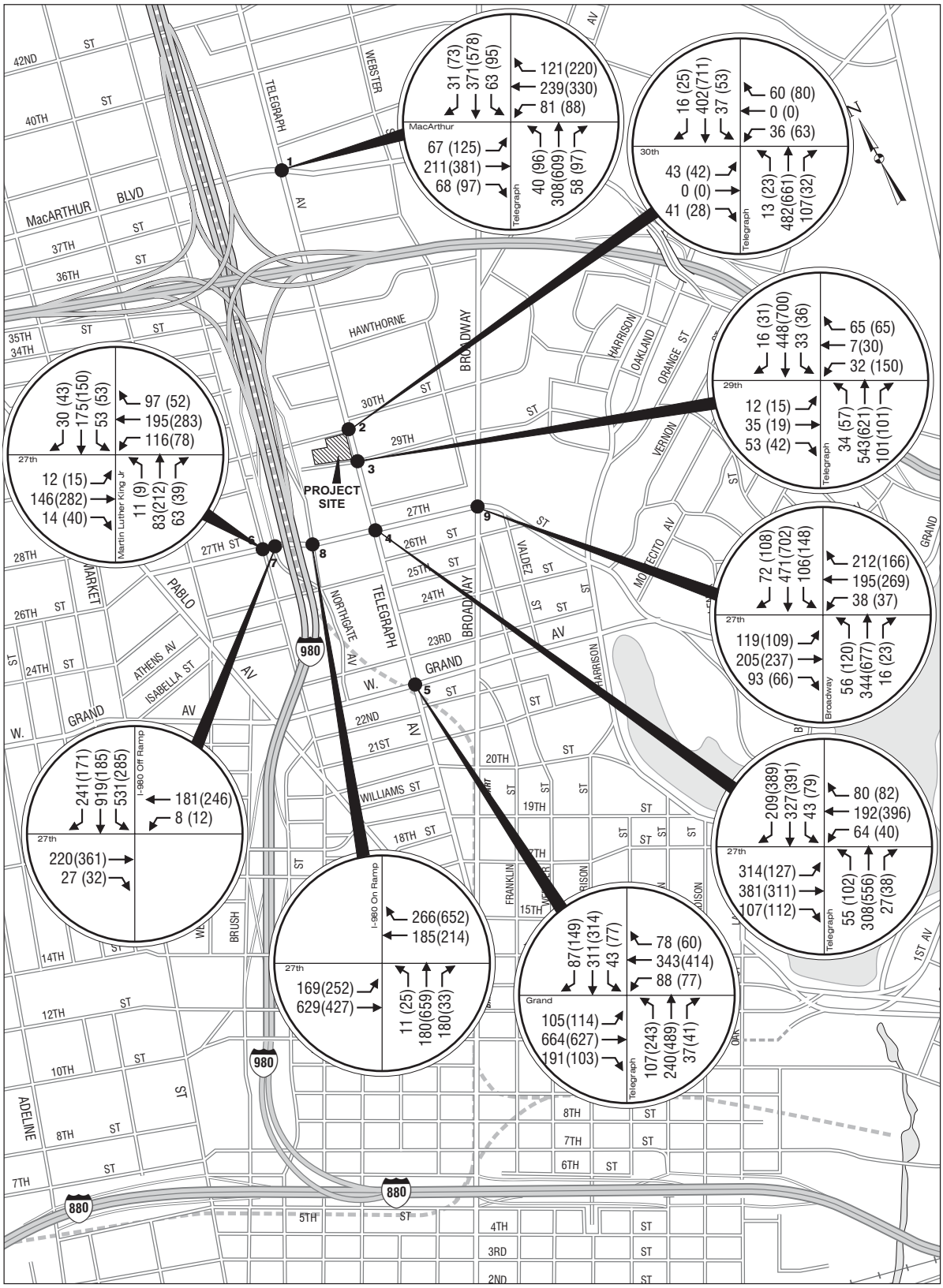
Figure III.B-6
Project Traffic Volumes
AM (PM) Peak Hour



SOURCE: Korve Engineering, 2006

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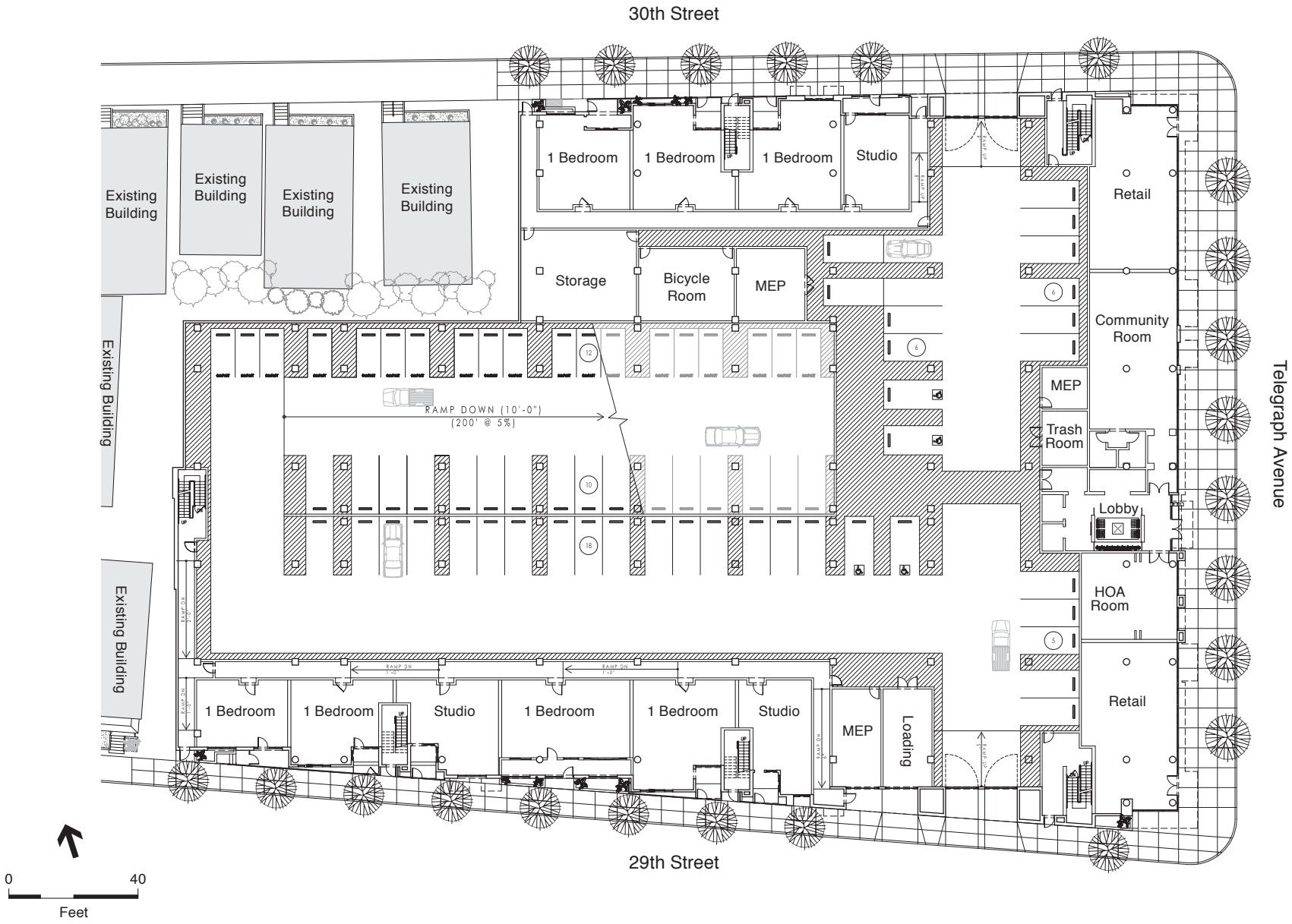
Figure III.B-7
Existing Plus Project Traffic Volumes
AM (PM) Peak Hour



SOURCE: MBH Architects, 2006

Figure III.B-8
Site Plan

Intersection Impacts

Existing plus Project Conditions

Impact B.2: Traffic generated by the project would affect existing traffic levels of service at local intersections. (Less than Significant)

As shown in Table III.B-6, all study intersections would continue to operate at acceptable levels of service during the a.m. and p.m. peak hours with traffic associated with the project. Thus, the proposed project would not create significant impacts in the Existing plus Project conditions.

Mitigation: None required.

TABLE III.B-6
EXISTING AND EXISTING PLUS PROJECT
PEAK-HOUR INTERSECTION LEVELS OF SERVICE (LOS)

		AM Peak Hour				PM Peak Hour			
		Existing		With Project		Existing		With Project	
No.	Intersection	LOS[a]	Delay	LOS[a]	Delay	LOS[a]	Delay	LOS[a]	Delay
#1	Telegraph Avenue / MacArthur Boulevard (*signalized*)	A	9.0	A	9.0	B	17.4	B	17.4
#2a	Telegraph Avenue / 30th Street (*signalized*)	A	6.6	A	6.6	B	10.1	B	10.1
#2b	Telegraph Avenue / 30th Street (*side-street stop control*)	B	12.7	B	13.6	C	18.6	C	20.2
#3	Telegraph Avenue / 29th Street (*signalized*)	A	7.8	A	8.2	A	9.7	A	9.9
#4	Telegraph Avenue / 27th Street (*signalized*)	B	17.3	B	17.4	B	15.9	B	16.3
#5	Telegraph Avenue / West Grand Avenue (*signalized*)	B	17.9	B	18.0	B	19.6	B	19.7
#6	Martin Luther King Jr. Way / 27th Street (*signalized*)	B	12.8	B	12.8	B	11.7	B	11.7
#7	I-980 Southbound Off-Ramp / 27th Street (*signalized*)	A	9.0	A	9.1	B	11.9	B	11.9
#8	Northgate Avenue - I-980 Northbound On-Ramp / 27th Street (*signalized*)[b]	B	19.0	B	19.1	C	31.3	C	31.0
#9	Broadway / 27th Street (*signalized*)	B	14.4	B	14.4	B	15.0	B	15.0

[a] The LOS and delay for side-street stop controlled intersections represent the worst movement or approach. The LOS and delay for signalized intersections represent the overall intersection.

[b] Project would add trips primarily to non-critical movements, thus resulting in a minor decrease to overall average delay in Existing plus Project conditions.

SOURCE: Korve Engineering, 2006

Cumulative 2025 Conditions

Impact B.3: Traffic generated by the project would affect traffic levels of service at local intersections under cumulative conditions. (Less than Significant)

Traffic increases for each study intersection were estimated based on the ACCMA Countywide Transportation Demand Model forecasts, updated to reflect the cumulative land use forecasts of the City of Oakland. This cumulative scenario includes all development contemplated in the study area. As shown in Table III.B-7, all study intersections would continue to operate at acceptable levels of service during the a.m. and p.m. peak hours with traffic associated with the project. Thus, the proposed project would not create significant impacts in the Cumulative plus Project conditions.

TABLE III.B-7
CUMULATIVE AND CUMULATIVE PLUS PROJECT
PEAK-HOUR INTERSECTION LEVELS OF SERVICE (LOS)

		AM Peak Hour				PM Peak Hour			
		Cumulative		With Project		Cumulative		With Project	
No.	Intersections	LOS[a]	Delay	LOS[a]	Delay	LOS[a]	Delay	LOS[a]	Delay
#1	Telegraph Avenue / MacArthur Boulevard (*signalized*)	C	24.8	C	25.5	D	36.6	D	37.3
#2a	Telegraph Avenue / 30th Street (*signalized*)	A	6.7	A	6.7	A	9.9	A	9.9
#2b	Telegraph Avenue / 30th Street (*side-street stop control*)	B	13.8	B	14.3	C	21.6	C	23.0
#3	Telegraph Avenue / 29th Street (*signalized*)	A	8.0	A	8.4	B	10.7	B	11.1
#4	Telegraph Avenue / 27th Street (*signalized*)	C	20.2	C	20.3	B	19.0	B	19.6
#5	Telegraph Avenue / West Grand Avenue (*signalized*)	C	23.7	C	23.8	C	28.1	C	28.5
#6	Martin Luther King Jr. Way / 27th Street (*signalized*)	B	14.9	B	14.9	B	13.0	B	13.0
#7	I-980 Southbound Off-Ramp / 27th Street (*signalized*)	B	10.1	B	10.1	B	12.0	B	12.0
#8	Northgate Avenue - I-980 Northbound On-Ramp / 27th Street (*signalized*) [b]	B	19.4	B	19.5	D	45.7	D	45.4
#9	Broadway / 27th Street (*signalized*)	B	15.5	B	15.5	C	22.1	C	22.1

[a] The LOS and delay for two-way stop controlled intersections represent the worst movement or approach. The LOS and delay for signalized intersections represent the overall intersection.
[b] Project would add trips primarily to non-critical movements, thus resulting in a minor decrease to overall average delay in Cumulative with Project conditions.

SOURCE: Korve Engineering, 2006

Analysis of 29th Street and 30th Street Operating Conditions

Although the traffic analysis assigns all project trips travel paths through the study intersections, it is possible that some project trips would use alternate routes to and from the project site. For instance, trips traveling to and from the west via city streets are assigned to Telegraph Avenue, where they would turn at 27th Street or West Grand Avenue to travel west. However, it is possible that some of these trips would travel west via 29th Street or 30th Street instead.

Based on the estimated trip distribution and the project's estimated 96 auto trips during the p.m. peak hour, it is estimated that, at most, ten project trips could travel to and from the west via 29th Street and 30th Street. Those ten autos would represent about 3.2 percent of vehicles presently using these streets, an increase that is less than significant. Also, although it is possible that some trips would travel to and from the west via 29th Street and 30th Street, existing travel patterns suggest that the majority would use Telegraph Avenue.

Mitigation: None required.

Transit Impacts

Impact B.4: The project would increase ridership on public transit providers serving the area. (Less than Significant)

According to the project's mode split, 35.5 percent of project generated trips are expected to be by transit. Of the transit trips, 22.8 percent are expected to use AC Transit, 10.6 percent are expected to use BART, and 2.1 percent are expected to use other means of transit. However, because the only nearby public transportation available is BART and AC Transit, it is likely that project trips would use AC Transit in order to reach these other means of transit. In the a.m. peak hour, the proposed project is forecast to generate approximately 18 AC Transit bus trips and eight BART trips. In the p.m. peak commute hour, the project would generate roughly 26 AC Transit bus trips and 11 BART trips.

Project AC Transit Ridership. With as many as 26 AC Transit buses running in the vicinity of the proposed project during the peak commute hours, the project would add on average less than one passenger per bus. Thus, the project's contribution to transit impacts as it concerns AC Transit ridership would be less than significant.

Project BART Ridership. The proposed project would add on average less than one passenger per BART train during either peak commute hour. Thus, the project's contribution to transit impacts as it concerns BART ridership would be less than significant.

Mitigation: None required.

Pedestrian and Bicycle Facilities Impacts

Impact B.5: Development of the proposed project would potentially conflict with existing pedestrian and/or bicycle facilities. (Less than Significant)

The proposed project would not require existing or planned pedestrian or bicycle facilities to be removed or restructured. The project proposes no features that would be unsafe or hazardous to bicycle or pedestrian travel. Thus, the project would not conflict with existing or planned pedestrian or bicycle facilities.

Mitigation: None required.

Construction Period Impacts

Project Impact B.6: Project construction would affect traffic flow and circulation, parking, and pedestrian safety. (Potentially Significant)

During the construction period, temporary and intermittent transportation impacts would result from truck movements as well as construction worker vehicles to and from the project site. The construction-related traffic would result in a temporary reduction to the capacities of project area streets because of the slower movements and larger turning radii of construction trucks compared to passenger vehicles. Given the proximity of I-580 and I-980 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 worse levels of service and higher delays at local intersections than during off-peak hours.

Parking of construction workers' vehicles would temporarily increase parking occupancy levels in the area.

> **Standard Condition of Approval:** Prior to the issuance of each building permit, the project sponsor and construction contractor shall meet with the Transportation Services Division of the Oakland Public Works Agency and other appropriate City of Oakland agencies to determine traffic management strategies to reduce, to the maximum extent feasible, traffic congestion and the effects of parking demand by construction workers during construction of this project and other nearby projects that could be simultaneously under construction. The project sponsor shall develop a construction management plan for review and approval by the City Transportation Services Division. The plan shall include at least the following items and requirements:
>
> - 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.
>
> - Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures will occur.

- Location of construction staging areas for materials, equipment, and vehicles (must be located on the project site).

- 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 haul routes so that any damage and debris attributable to the haul trucks can be identified and corrected by the project applicant.

- Temporary construction fences to contain debris and material and to secure the site.

- Provisions for removal of trash generated by project construction activity.

- A process for responding to, and tracking, complaints pertaining to construction activity, including identification of an onsite complaint manager.

- Provisions for monitoring surface streets used for truck routes so that any damage and debris attributable to the trucks can be identified and corrected.

- Subject to City review and approval, prior to start of construction, a construction worker transportation demand management (TDM) program shall be implemented to encourage construction workers to carpool or use alternative transportation modes in order to reduce the overall number of vehicle trips associated with construction workers.

Significance after Standard Condition: Less than Significant.

Evaluation of Project's Proposed Parking Supply (Non-CEQA)

Because a Court of Appeal decision (regarding a challenge to San Francisco's treatment of parking as a social, not physical, effect) held that parking is not part of the permanent physical environment, and that parking conditions change over time as people change their travel patterns, unmet parking demand created by the project need not be considered a significant environmental effect under CEQA unless it would cause significant secondary effects.[10] However, the City of Oakland, in its review of the proposed project, wants to ensure that the provision of parking spaces in conjunction 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 on air quality due to drivers searching for parking spaces) will be minimized. As such, although not required by CEQA, this EIR provides City policymakers and other readers of this document with information about the relation between proposed parking supply and estimated parking demand and City code requirements.

Parking deficits may be associated with secondary physical environmental effects, such as air quality and noise effects, caused by congestion resulting from drivers circling as they look for a

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

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 or incentivize 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's "Transit First" policy.

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

This EIR evaluates if the project's estimated parking demand (both project-generated and project-displaced) 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. Project-displaced parking results from the project's removal of standard on-street parking, City or Agency owned/controlled parking and/or legally required off-street parking (non-open-to-the-public parking which is legally required).

City Off-Street Parking and Loading Requirements

A consideration when evaluating the project's proposed parking supply is how it compares to the City's Planning Code requirements for off-street parking (Municipal Code Chapter 17.116). However, Code requirements are not used to judge parking impacts; parking supply versus estimated parking demand (discussed below) is used to judge impacts. The City's parking requirements are based on the zoning designation for the property. The project site is located in "C-40" and "R-80" zones. According to the Oakland Municipal Code, the proposed project would require a total of 142 vehicle parking spaces (see Table III.B-8) and one loading space (see Table III.B-9). The proposed project would provide 204 total parking spaces and one loading space, which would exceed the Code requirements.

TABLE III.B-8
CITY OF OAKLAND OFF-STREET PARKING PLANNING CODE REQUIREMENTS

Land Use	Project Size[a]	Zone Requirement	Requirement at Project Buildout
Apartments/Condos	142	One space per dwelling unit	142
Retail	2,900	No requirement for retail smaller than 3,000 SF	0
		Total	**142**

[a] Project size expressed in gross square footage, except for Residential (in dwelling units).

SOURCE: Korve Engineering; City of Oakland, Municipal Code, Chapter 17.116, Off-Street Parking and Loading Requirements

TABLE III.B-9
CITY OF OAKLAND LOADING PLANNING CODE REQUIREMENTS

Land Use	Project Size	Requirement at Project Buildout
Apartments/Condos	137,300	1
Retail	2,900	0
	Total	**1**

SOURCE: Korve Engineering; City of Oakland, Municipal Code, Chapter 17.116, Off-Street Parking and Loading Requirements

According to the City's Planning Code requirement (Title 17 Chapter 17.116.200), a regular parking space shall not be less than 18 feet long and 8.5 feet wide for all parking patterns except for parallel parking. A compact parking space shall not be less than 16 feet long and 7.5 feet wide for all parking patterns except for parallel parking. As shown earlier in Figure III.B-8, all parking spaces would meet these requirements.

According to the City's Planning Code requirement (Title 17 Chapter 17.116.210), maneuvering aisles necessary for access into and out of required parking spaces shall have minimum width of 24 feet where parking is at an angle of 90 degrees or less but more than 60 degrees. As shown earlier in Figure III.B-8, the drive aisles would meet these requirements.

Parking Demand

According to empirically-collected data, land uses similar in size and type to the proposed project generate a demand for a total of about 215 parking spaces; see Table III.B-10. The total proposed onsite parking supply of 204 spaces would not accommodate the estimated demand onsite. During peak parking periods, the overflow demand of about 11 parking spaces would need to use on-street parking spaces in the area. Observations of on-street parking occupancies during periods of peak project parking demand (weekday evenings and weekends) in a two-block radius of the project site have found substantial available capacity to serve this spillover demand. In addition, it should be noted that the ITE parking demand rates are based primarily on data collected at suburban locations with little or no transit use. Because the project site is in a generally urban environment with transit service, these rates are likely conservative with respect to conditions that will prevail at the project site.

Evaluation of Accident Data (Non-CEQA)

Accident data was secured from the City of Oakland for each of the project study intersections. For each intersection, a three-year history covering the period from June 30, 2003 through June 30, 2006 was obtained. Total accidents, the number of injury accidents (including the number of persons injured), and the number of fatalities were reported. Using the available data, incident rates (collisions per million vehicles) were determined for each intersection. This data is presented in Table III.B-11.

TABLE III.B-10
ESTIMATED PEAK PROJECT-GENERATED PARKING DEMAND

Land Use	Project Size[a]	Parking Demand Rate	Parking Demand	Proposed
Commercial (General Retail)[b]	2,900	2.65 vehicles per 1,000 sq. ft. GLA	8	
Condominiums[c]	142	1.46 vehicles per dwelling unit	207	
		Total	**215**	**204**

[a] Project size expressed in gross square footage, except for Residential (in dwelling units).
[b] Land Use: Code 820; Shopping Center; Monday-Thursday Non-December Peak Period Parking Demand
[c] Land Use: Code 230; Residential Condominiums/Townhouses.

SOURCE: Korve Engineering; Institute of Transportation Engineers, *Parking Generation (Third Edition)*, 2004

TABLE III.B-11
INTERSECTION ACCIDENT DATA

No.	Intersection	Collision Types				Incident Rate[a]
		Damage	Injury (# of injuries)	Fatalities	Total	
#1	Telegraph Avenue / MacArthur Boulevard (*signalized*)	12	5 (7)	0	17	0.562
#2a	Telegraph Avenue / 30th Street (*signalized*)	0	0 (0)	0	0	0.000
#2b	Telegraph Avenue / 30th Street (*side-street stop control*)	3	4 (5)	0	7	0.381
#3	Telegraph Avenue / 29th Street (*signalized*)	5	3 (3)	0	8	0.407
#4	Telegraph Avenue / 27th Street (*signalized*)	22	4(5)	0	26	0.930
#5	Telegraph Avenue / West Grand Avenue (*signalized*)	21	9 (12)	0	30	1.024
#6	Martin Luther King Jr. Way / 27th Street (*signalized*)	0	1 (2)	0	1	0.073
#7	I-980 Southbound Off-Ramp / 27th Street (*signalized*)	0	0 (0)	0	0	0.000
#8	Northgate Avenue - I-980 Northbound On-Ramp / 27th Street (*signalized*)	25	20 (31)	0	45	1.848
#9	Broadway / 27th Street (*signalized*)	15	3 (3)	0	18	0.618

[a] Incident rate in collisions per million vehicles.

SOURCE: City of Oakland, CA; Korve Engineering, 2007

As shown, the Northgate Avenue / 27th Street intersection had the highest accident rate during the three-year span, with a total of 45 accidents, 20 of which causing injuries. This equates to fewer than two accidents per one million vehicles passing through the intersection. No accidents were recorded at the I-980 Southbound Off-Ramp / 27th Street intersection or at the signalized portion of the Telegraph Avenue / 30th Street intersection during the three-year span. Also, it should be noted that no fatalities were recorded at any of the study intersections.

Of the 45 accidents that occurred at the Northgate Avenue / 27th Street intersection during the three-year span, the majority were broadside collisions (northbound vehicles traveling straight through the intersection colliding with east-westbound vehicles traveling straight through the intersection). To ensure that all vehicles have enough time to pass through the intersection before a green light is shown to an opposing movement, it is recommended that the City modify the signal timing to increase the intersection's all-red time by one second, which would reduce the number of broadside collisions without causing average delay to deteriorate to levels below City standards.

References – Transportation, Circulation, and Parking

Caltrans (California Department of Transportation), 2005 Traffic Volumes on California State Highways, 2006; at http://www.dot.ca.gov/hq/traffops/saferesr/trafdata/2005all.htm, accessed October 2006.

ITE (Institute of Transportation Engineers), *Trip Generation*, 7th Edition, 2003.

ITE (Institute of Transportation Engineers), *Parking Generation*, 3rd Edition, 2004.

Oakland, City of, Envision Oakland, *General Plan Land Use and Transportation Element*, Adopted March 1998.

TRB (Transportation Research Board), *2000 Highway Capacity Manual*, 2000.

CHAPTER IV
Alternatives

A. Criteria for Selecting Alternatives

The California Environmental Quality Act (CEQA) requires that the EIR compare the effects of a "reasonable range of alternatives" to the effects of the project. The alternatives selected for comparison would attain most of the basic objectives of the project and avoid or substantially lessen one or more significant effects of the project (CEQA Guidelines Section 15126.6). The "range of alternatives" is governed by the "rule of reason" which requires the EIR to set forth only those alternatives necessary to permit an informed and reasoned choice by the decision-making body and informed public participation (CEQA Guidelines Section 15126.6[f]). CEQA generally defines "feasible" to mean an alternative that is capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, technological, and legal factors.

The alternatives addressed in this EIR were selected based on the following factors:

1. The extent to which the alternative would accomplish most of the basic objectives of the project (identified in Chapter II).

2. The extent to which the alternative would avoid or lessen any of the identified significant environmental effects of the project (discussed throughout Chapter III).

3. The extent to which an alternative contributes to a "reasonable range" of alternatives necessary to permit a reasoned choice.

4. The requirement of the CEQA Guidelines to consider a no project alternative and to identify an environmentally superior alternative in addition to the no-project alternative (CEQA Guidelines, Section 15126.6(e)).

Significant Project Impacts

To determine alternatives that would avoid or lessen any of the identified significant environmental effects of the project, the significant impacts of the project must be considered and are listed below. Impacts that are not mitigated to less-than-significant levels are considered "significant and unavoidable" and are indicated in parentheses by "SU." This list is intended to provide context for the extent to which an alternative would avoid or lessen any of the identified significant environmental effects of the project.

- Historic Resources (SU)

State Law Compliance / No Project

The purpose of the "no project" alternative is to allow a comparison of the environmental impacts that would result if the project were not approved with those that would occur if the project is approved. In some situations, the existing environment (the existing development and uses on the property) would not change if a project is rejected, and the "no project" alternative would be a continuation of existing uses. The no project alternative analyzed in this EIR consists of two different scenarios that could likely occur if the proposed project is not approved, as described below.

B. Alternatives Selected for Consideration

With consideration given to the selection criteria identified above, the City selected the following reasonable range of project alternatives,

- **Alternative 1A:** No Project / Site and Existing Building Remain Vacant
- **Alternative 1B:** No Project / Reasonably Foreseeable Development (i.e., reuse of the existing building for a gym or other commercial use)
- **Alternative 2:** Partial Preservation / Lower Density Alternative
- **Alternative 3:** Partial Preservation / Higher Density Alternative
- **Alternative 4:** Full Preservation / Higher Density Alternative

C. Description and Analysis of Alternatives

As permitted by CEQA, the significant effects of the alternatives are discussed in less detail than the effects of the project (CEQA Guidelines Section 15126.6[d]). However, the alternatives analysis is conducted at a sufficient level of detail to provide the public, other public agencies, and City decision-makers adequate information to fully evaluate the alternatives and for the City to approve any of the alternatives without further environmental review. A summary table of project and alternative impacts is provided at the end of this section.

Alternative 1A: No Project / Site and Existing Building Remain Vacant

Description

In this scenario, the project site and existing building would remain vacant, similar to existing conditions. The former Courthouse Athletic Club would continue to be closed and locked, and the adjacent parking lot would remain vacant and inaccessible through the use of a locked chain link gate. The site conditions would remain essentially as discussed in the setting sections of Chapter III, and would generally appear as it does today but could deteriorate in fairly short order.

Impacts (Alternative 1A)

Under this alternative, the project's significant unavoidable impacts related to demolition of a historic resource would be avoided. This alternative could, however, lead to deteriorating conditions at the project site as no user would occupy and maintain the facility. Such deteriorating conditions could affect the integrity of the historic resource if allowed to continue indefinitely, potentially affecting its status as a local historic resource. In general, however, this alternative would avoid the significant impact of demolition associated with the proposed project. The vacant site could become a magnet for vandalism and/or squatters, potentially creating security and safety problems for the neighborhood, despite the fencing and other security measures currently employed at the site, thereby causing urban decay which is a CEQA issue.

As no activities would occur at the project site, the No Project Alternative would avoid all traffic, air quality, and noise effects of the proposed project. Consequently, this alternative would not avoid or reduce any significant impacts of the proposed project in terms of traffic, air pollution, or noise, as none were identified. From a visual standpoint, the project site would generally appear as it does today, and no visual impacts associated with this alternative are anticipated in the near term, other than the potential for urban blight due to empty/abandoned buildings, which could rise to a potentially significant impact on the environment.

The No Project Alternative also would avoid the impacts related to potential disturbance of archaeological and paleontological resources, construction air and noise emissions, and hazardous materials exposure and/or handling during construction associated with the proposed project. However, these impacts for the proposed project also are considered to be less-than-significant with incorporated standard conditions of approval (see Initial Study, Appendix A).

Alternative 1B: No Project / Reasonably Foreseeable Development (reuse of the existing building for a gym or other commercial venture)

Description

In this scenario, the project site building (the former Courthouse Athletic Club) would be reused for another athletic facility or other commercial venture, such as retail or professional office use. It is assumed that the exterior of the building would remain unchanged from current conditions, except for minor repair/maintenance, and that all reuse activities would occur on the interior of the 30,000 square-foot building. The adjacent parking lot would also serve this new commercial use, retaining its basic configuration and number of parking spaces (93) as under current conditions. Aside from redevelopment of the project site for medium-density housing similar to the proposed project, reuse of the project site building as an athletic facility or other commercial use is considered another reasonably foreseeable future use of the site.

The project site building is not well suited to commercial/retail use due to accessibility barriers (the ground floor is 2-4 feet above the street level), existing, historic windows that are too small for retail sales (new shop windows would alter the building's historic appearance), and difficulty in using the second story for retail uses. As such, a more likely reuse scenario of the project site building would be for another gym similar to the Courthouse Athletic Club, or commercial offices (medical/dental/legal/other professional, etc.). The parking requirement for a 30,000 square foot commercial use (the size of the existing building) would be about 50 spaces,[1] or approximately 43 less than the 93 spaces provided in the adjacent parking lot. As such, the remaining 43 spaces could be leased out to adjacent uses, such at St. Augustine's Church, whose congregation has expressed a desire to use this parking lot during services and other events.

Impacts (Alternative 1B)

This alternative would avoid the significant, unmitigable impacts of the project with respect to demolition of historic resources, as the historically significant portions of the former Courthouse Athletic Club building would be retained and rehabilitated; it is assumed that rehabilitation would be undertaken consistent with the Secretary of the Interior's Standards for Rehabilitation (Secretary's Standards). The state CEQA Guidelines indicate that projects that are consistent with the Secretary's Standards generally "shall be considered as mitigated to a level of less than a significant impact on the historic resource" (Section 15064.5(b)(3)).

Reuse of the project site buildings and parking lot for limited commercial uses would have effects generally similar to the site's former use as an athletic facility, in that it would not generate significant traffic, air quality, or noise impacts. While potentially significant effects of the proposed project would be substantially reduced under this alternative, it would not avoid or reduce any significant impacts of the proposed project in terms of traffic, air pollution, or noise, as none were identified with the proposed project. The project site effects under this alternative would be generally similar to the project site's use as the Courthouse Athletic Club during its operation from 1978 to 2006. As no significant impacts associated with this former use were identified, Alternative 1B would also have no significant environmental effects. From a visual standpoint, the project site would generally appear as it did when the athletic club was in operation, although possibly with new commercial signage/lighting. As such, no adverse visual impacts associated with this alternative are anticipated. The potential for a leased parking arrangement with nearby uses such as St. Augustine's Church would allow the use of about 43 parking spaces that would generate traffic typically limited to off-peak hours (such as Sunday mornings during church services).

The No Project Alternative would avoid the impacts related to potential disturbance of archaeological and paleontological resources, construction air and noise emissions, and hazardous materials exposure and/or handling during construction associated with the proposed project.

[1] Oakland Planning Code requires 1 parking space for every 60 square feet of commercial office space (30,000 / 600 = 50 spaces)

However, for the proposed project, these impacts are considered to be less-than-significant with incorporated standard conditions of approval (see Initial Study, Appendix A).

Alternative 2: Partial Preservation / Lower Density Alternative

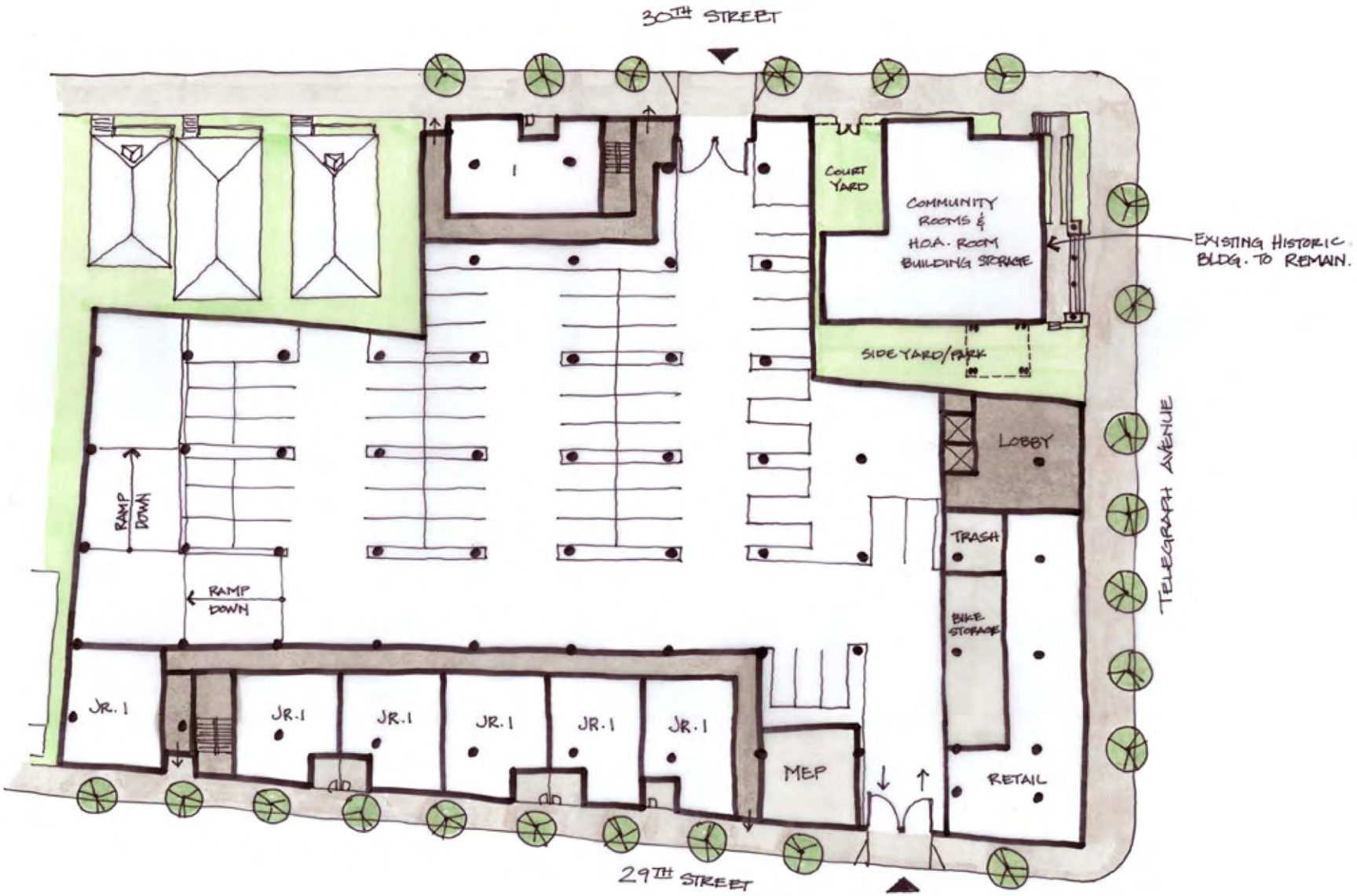
Description

This alternative would retain, rehabilitate, and reuse the historic resource on the project site (the former Courthouse Athletic Club), and would construct residential units, commercial space, and parking on the remainder of the site. No new construction would occur atop the retained structure. Those portions of the building which contribute to the building's historic significance, such as the 1946 Colonial Revival style addition and port cochere, and brick-clad former residence on the corner of Telegraph Avenue and 30th Street, would be retained and rehabilitated. The additions to the building completed in the 1980s, such as the indoor swimming pool and associated structures toward the rear of the building, would be removed as they do not contribute to the historic significance of the building.

The project sponsor would reuse the historic buildings for community rooms, the project's home owners association (HOA) room, and storage in a reconfigured interior layout (see Figures IV-1, -2, and -3). It is assumed that the building would be rehabilitated in accordance with the *Secretary of the Interior's Standards for Rehabilitation* (Secretary Standards).

This alternative would construct a building similar to that proposed for the project, except that the site plan for this alternative would provide setbacks around the existing historic buildings on it southern and western elevations, forming a small side yard off Telegraph Avenue and a small courtyard on 30th Street. (see Figures IV-1, -2 and -3). This alternative would include about 127 residential units, or 15 fewer than the 142 units proposed with the project (total 10 percent reduction in units) while maintaining the overall height of the building at five stories. This alternative would include 2,750 gross square feet of retail, or 150 gsf less than the 2,900 gsf of retail for the proposed project (0.5% reduction in retail square footage). This alternative would also have 172 residential parking spaces, or 32 fewer parking spaces than the 204 under the proposed project (15% reduction in the amount of parking). Similar to the proposed project, this alternative would be five stories in height (four stories of residential use over ground floor retail and two levels of parking). However, the external and internal layout of this alternative would differ markedly from the proposed project. This alternative would have a large, central common courtyard, as opposed to the multiple courtyards as part of the proposed project. Overall, this alternative would have approximately 22,270 square feet of common open space, or about 2,260 square feet less than the 24, 530 square feet of open space provided in the proposed project. Similar to the proposed project, residential units would front 29th and 30th Streets under this alternative.

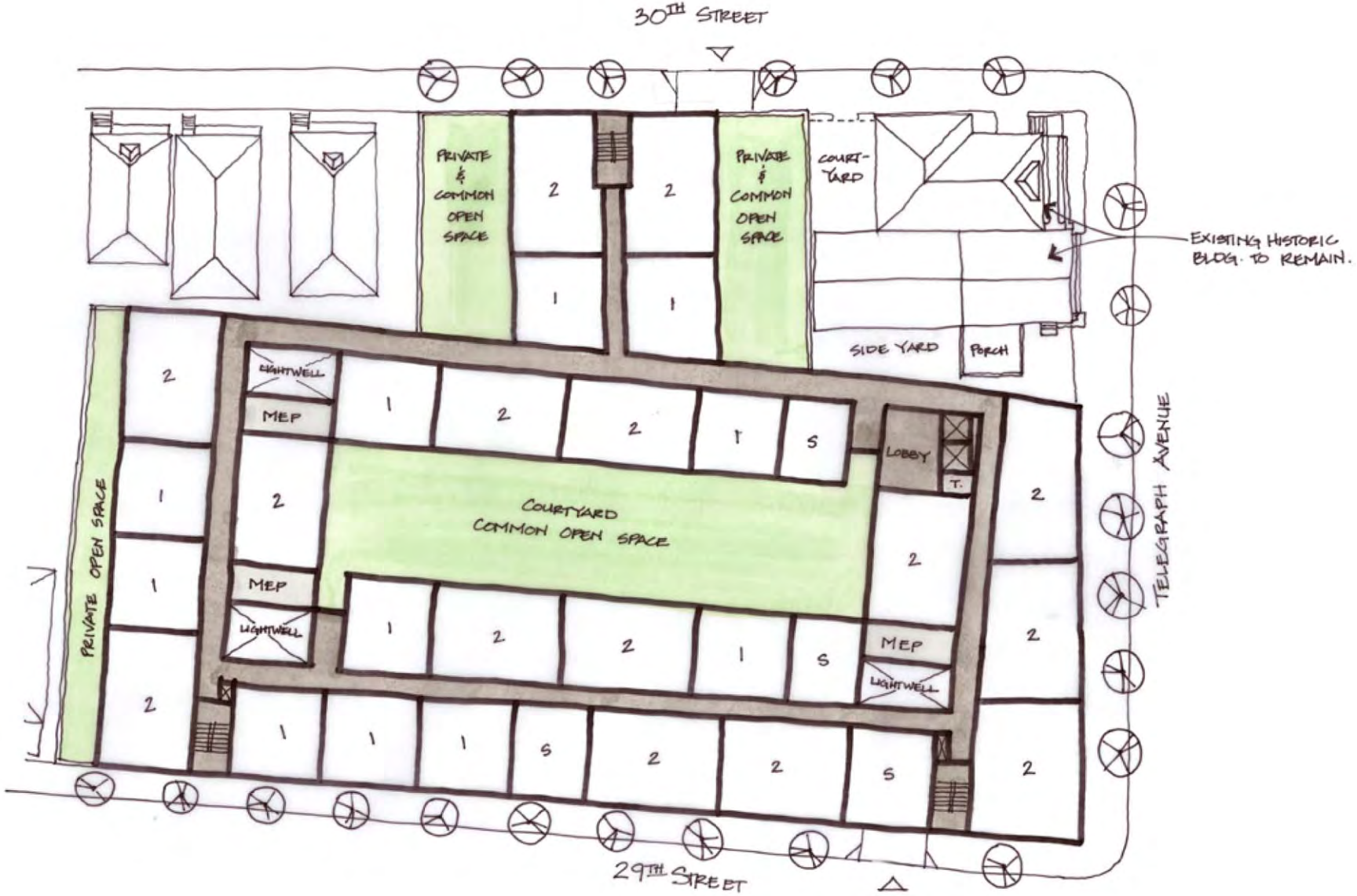
Because this alternative would be approximately 10 percent smaller than the proposed project in terms of the number of residential units, this alternative is considered a lower density alternative.



NOT TO SCALE

SOURCE: MBH Architects, 2007

Figure IV-1
Partial Preservation/ Lower Density Alternative – Ground Floor Plan

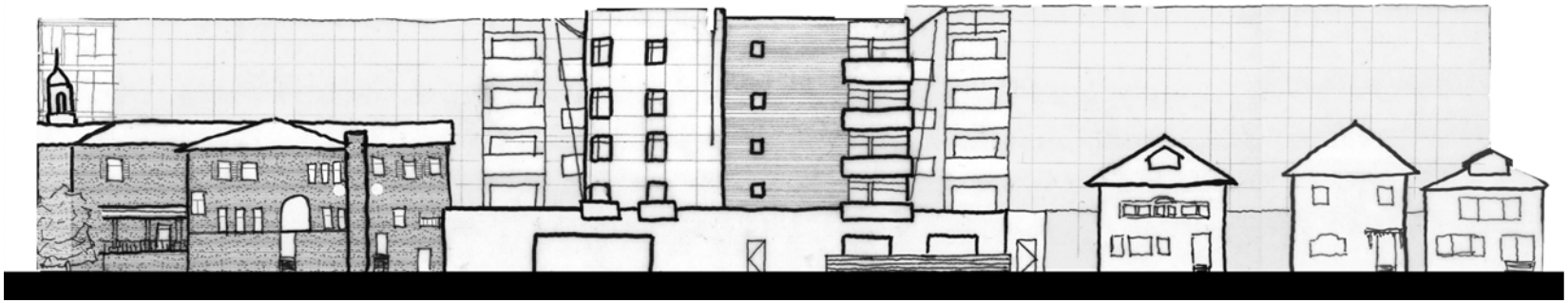


NOT TO SCALE

SOURCE: MBH Architects, 2007

Figure IV-2
Partial Preservation/ Lower Density Alternative – Level 2 Floor Plan

Telegraph Avenue Elevation



30th Street Elevation

NOT TO SCALE

SOURCE: MBH Architects, 2007

Figure IV-3
Partial Preservation/ Lower Density Alternative –
Telegraph Avenue and 30th Street Elevations

Impacts (Alternative 2)

This alternative would avoid the significant, unmitigable impacts of the project with respect to demolition of historic resources. The historically significant portions of the former Courthouse Athletic Club building would be retained and rehabilitated for use as a community room, HOA room, and storage in a manner that would be consistent with the Secretary Standards. The state CEQA Guidelines indicate that projects that are consistent with the Secretary's Standards generally "shall be considered as mitigated to a level of less than a significant impact on the historic resource" (Section 15064.5(b)(3)).

Other impacts of this alternative would, in general, be similar to or somewhat reduced than those of the proposed project. In the case of impacts related to construction activities, such as noise and dust emissions during construction, use of or potential exposure to hazardous materials, or the potential to disturb unknown archaeological and paleontological resources, impacts of this alternative generally would be similar to those of the project because, while fewer residential units would be developed, the project site would be roughly the same size and, thus, the duration of construction would not vary markedly. As elevated levels of contaminated soils likely exist directly beneath the former Courthouse Athletic Club, this alternative would retain most of this structure and therefore would not remediate the soils on this portion of the site. By leaving these soils in place, this alternative would reduce the potential for exposure to hazardous materials during handling and transportation. However, for the proposed project, these potential impacts were determined to be less-than-significant with implementation of the standard conditions of approval, HAZ-1 and HAZ-2, identified in the Initial Study (see Appendix A), and such conditions would apply to this alternative as well.

In the case of impacts related to the intensity of development, including effects of traffic, traffic-generated air quality and noise, this alternative would have fewer impacts, because the 10 percent fewer residential units (and slightly less retail space) would generate about 85.5 pm peak hour automobile trips or about 9.5 fewer trips than the proposed project. Although this alternative would generate somewhat less automobile traffic than the proposed project, it would not avoid or mitigate any significant traffic or transportation impacts associated with the proposed project, as none were identified (see Section III.B of this EIR). Similarly, although this alternative would generate fewer air quality and noise impacts associated with the proposed project's traffic generation, it would not avoid or mitigate any significant air quality or noise impacts associated with the proposed project, as none were identified (See Initial Study, Appendix B).

This alternative would include approximately 172 residential parking space, or 32 fewer than the proposed project's 204 spaces. As only 127 residential parking spaces would be required for a project of this size, this alternative would exceed the zoning requirement for parking by about 45 spaces.

This alternative would have similar visual effects to those of the proposed project because, while the overall mass of the development would be somewhat reduced, this alternative still would include development of buildings of up to five stories over the majority of the project site. In this scenario, the former Courthouse Athletic Club would be retained and clearly visible from the

corner of Telegraph Avenue and 30th Street, with a proposed new building constructed immediately adjacent to and behind this existing building within minimal setbacks, and extending some 25-30 feet higher than existing structure. While the former Courthouse Athletic Club would continue to "read" as a separate structure, the visual relationships between the Colonial Revival style historic building and the contemporary new construction may noticeably contrast. This contrast, however, could be addressed through the City's design review process.

Shadow impacts of this alternative would be somewhat reduced than those of the proposed project, because the building, in total, would be slightly smaller (by about 10 percent). In particular, effects on existing uses on 30th Street would be incrementally less than with the project, because there would be no new construction at the location of the historic buildings on the corner of Telegraph Avenue and 30th Street.

Alternative 3: Partial Preservation / Higher-Density Alternative

Description

This alternative would retain, rehabilitate, and reuse the historic resource on the project site (the former Courthouse Athletic Club), and would construct residential units, commercial space, and parking on the remainder of the site similar to Alternative 2. This alternative, however, would maintain the same number of residential units under the proposed project (142), but would include two additional stories to accommodate the approximately 15 units that would be lost by retaining the significant portions of the former Courthouse Athletic Club. This would result in a building that is seven stories or about 75 feet in height, compared with five stories and 50 feet in height for either the proposed project or Alternative 2. The floor plan of this alternative would appear essentially similar to those shown in Figures IV-1 and -2. The exterior elevations would also be similar to those shown on Figure IV-3, but with two additional stories (about 25 feet). All other program elements would be the same as those described under Alternative 2, however, this alternative would have 200 parking spaces, slightly less than the proposed project (difference of four spaces). Similar to Alternative 2, the additions to the building completed in the 1980s, such as the indoor swimming pool and associated structures toward the rear of the building, would be removed under this alternative as they do not contribute to the historic significance of the building.

Because this alternative would retain the same number of residential units as the proposed project, but in a taller building than either the proposed project or Alternative 2, this alternative is considered a higher-density preservation alternative.

Impacts (Alternative 3)

This alternative would avoid the significant, unmitigable impacts of the project with respect to demolition of historic resources. The historically significant portions of the former Courthouse Athletic Club building would be retained and rehabilitated for use as a community room, HOA room, and storage in a manner that would be consistent with the Secretary Standards. The state

CEQA Guidelines indicate that projects that are consistent with the Secretary's Standards generally "shall be considered as mitigated to a level of less than a significant impact on the historic resource" (Section 15064.5(b)(3)).

Other impacts of this alternative would, in general, be similar to those of the proposed project. In the case of impacts related to construction activities, such as noise and dust emissions during construction, use of or potential exposure to hazardous materials, or the potential to disturb unknown archaeological and paleontological resources, impacts of this alternative generally would be similar to those of the project because the project site would be roughly the same size and, thus, the duration of construction would not vary markedly. As elevated levels of contaminated soils likely exist directly beneath the former Courthouse Athletic Club, this alternative would retain most of this structure and therefore would not remediate the soils on this portion of the site. By leaving these soils in place, this alternative would reduce the potential for exposure to hazardous materials during handling and transportation. However, for the proposed project, these potential impacts were determined to be less-than-significant with implementation of the standard conditions of approval, HAZ-1 and HAZ-2, identified in the Initial Study (see Appendix A), and such conditions would apply to this alternative as well.

In the case of impacts related to the intensity of development, including effects of traffic, traffic-generated air quality and noise, the Preservation Alternative would have generally similar impacts as the proposed project, because it would have the same number of residential units generating the same number of peak-hour automobile trips. This alternative would not avoid or mitigate any significant traffic or transportation impacts associated with the proposed project, as none were identified (see Section III.B of this EIR). Because the overall program of this alternative would be similar to the proposed project, this alternative would generate similar levels of air emissions and noise impacts associated with the proposed project's traffic generation. This alternative would not avoid or mitigate any significant air quality or noise impacts associated with the proposed project, as none were identified (See Initial Study, Appendix B).

This alternative would include approximately 200 residential parking spaces, or four fewer than the proposed project's 204 spaces. As only 142 residential parking spaces would be required for a project of this size, this alternative would exceed the zoning requirement for parking by about 58 spaces.

This alternative would have similar visual effects to those of the proposed project because, but would be incrementally taller by about 25 feet to accommodate the extra two stories, and would appear about 28percent taller than the proposed project or Alternative 2. This alternative would include development of a building up to seven stories or about 75 feet in height over the majority of the project site. This alternative would be less visually compatible in terms of scale than the two and three-story detached residential and commercial buildings in the immediate vicinity, but would be somewhat more visually compatible with the multi-family residential buildings which range from three to five stories on 20th and 30th Streets. While noticeably larger than either the proposed project or Alternative 2, this alternative would not have a significant adverse impact on visual resources in the area or substantially diminish the visual character of the neighborhood. At 75 feet in height and including residential and commercial land uses, this alternative would be

generally consistent with the R-80 and C-40 and zoning districts and the Community Commercial and Urban Residential land use districts on the site and in the area.

Similar to the Alternative 2, the historically significant portions of former Courthouse Athletic Club would be retained and clearly visible from the corner of Telegraph Avenue and 30th Street, with proposed new building constructed immediately adjacent to and behind this existing building within minimal setbacks, and extending some 45-50 feet higher than existing structure. While the former Courthouse Athletic Club would continue to "read" as a separate structure, the visual relationships between the Colonial Revival style historic building and the contemporary new construction may noticeably contrast. This contrast, however, could be addressed through the City's design review process.

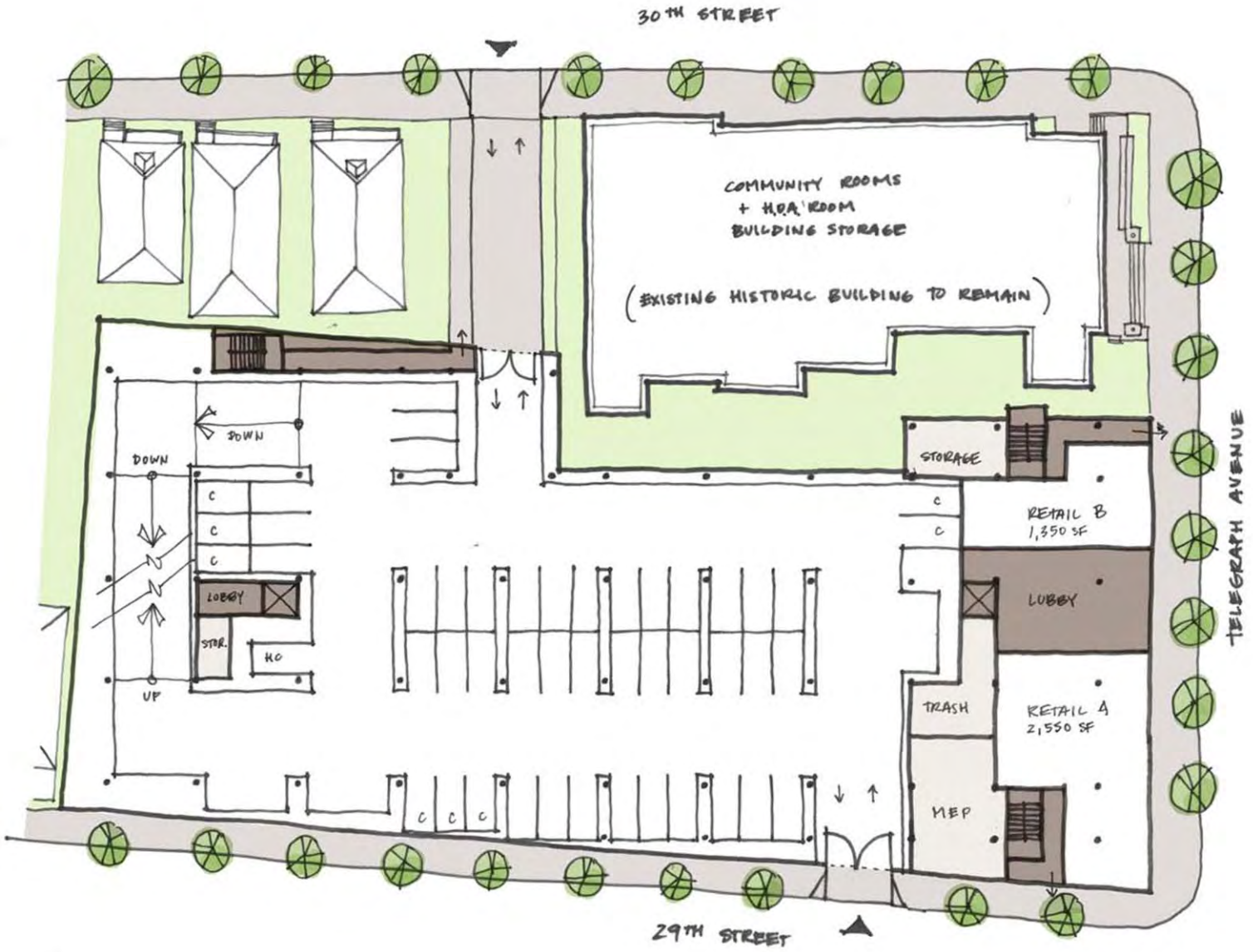
Shadow effects of this alternative would be incrementally greater than those of the proposed project or the Preservation Alternative, because the building would be two stories or about 25 feet taller, thereby casting longer shadows to the north, east, and west. In particular, shadow effects on existing uses on 30th Street would be incrementally greater than with the project, but would not significantly reduce the use or enjoyment of public parks or other public amenities, as none are located immediately north, east, or west of the project site.

Alternative 4: Full Preservation / Higher-Density Alternative

Description

The Full Preservation / Higher-Density Preservation Alternative would retain, rehabilitate, and reuse nearly the entire historic resource on the project site (the former Courthouse Athletic Club), including those areas located to the rear of the building (except for the swimming pool), and would construct residential units, commercial space, and parking on the remainder of the site similar to Alternatives 2 and 3. This alternative would maintain the same number of residential units under the proposed project (142), but would include five additional stories to accommodate the number of units that would be lost by retaining nearly the entire former Courthouse Athletic Club. Under this alternative, only the swimming pool would be removed and replaced by an access driveway to the site from 30th Street; all other portions to the rear of the building would be retained and reused. By retaining nearly the entire former Courthouse Athletic Club, this alternative would result in a mid-rise tower ten stories or about 100 feet in height, compared with five stories and 50 feet in height for either the proposed project or Alternatives 2. The floor plans and elevations of this alternative are shown on Figure IV-4 – 6.

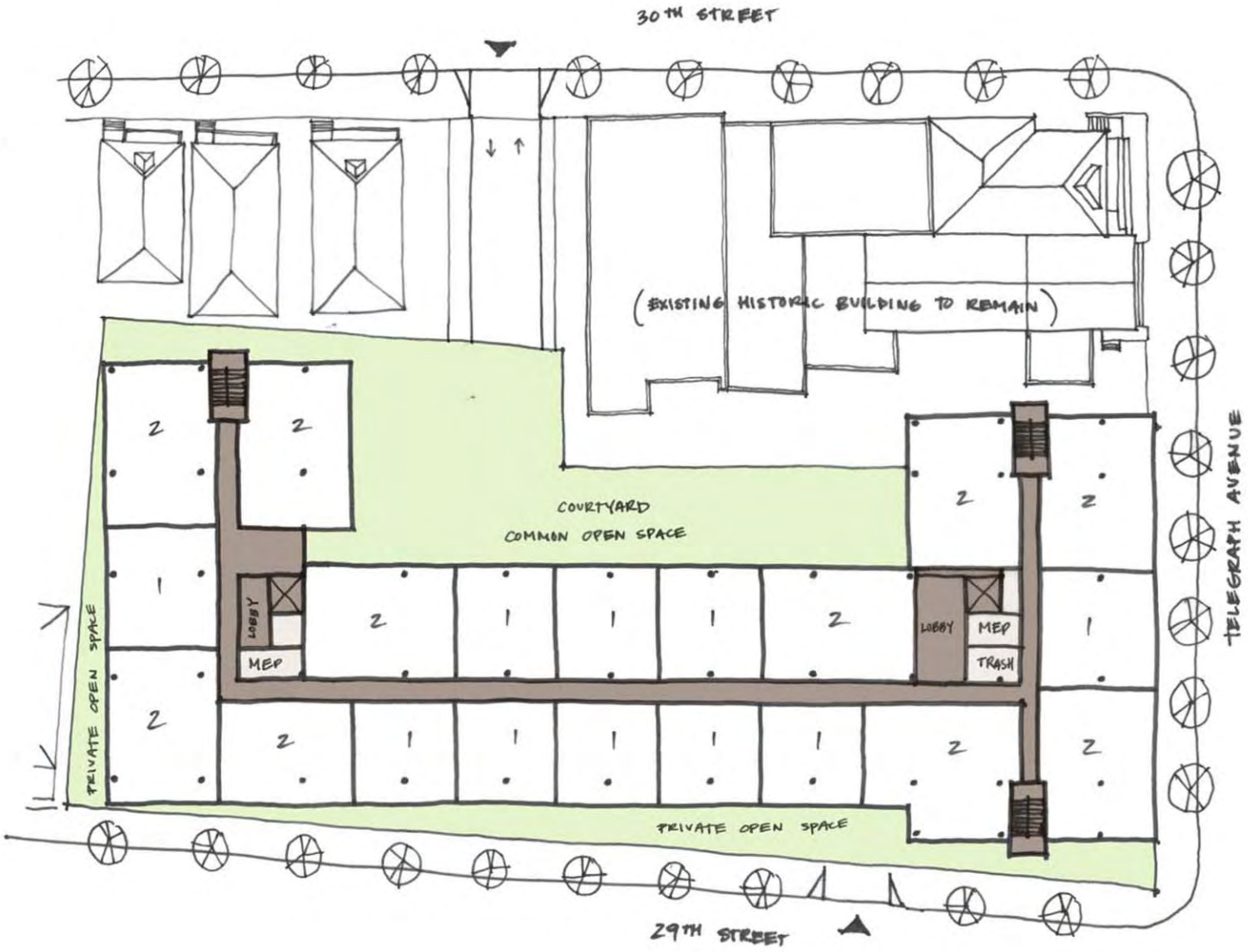
Similar to the proposed project, this alternative would have 204 parking spaces, but they would be located on three levels instead of two. Under this alternative, the ground floor elevation facing 29th Street would be a blank wall concealing the parking areas behind, instead of a row of residential townhouses as under the proposed project, due to the constrained site layout. This alternative would also have 3,900 square feet of retail fronting Telegraph Avenue, instead of 2,900 square feet under the proposed project (an increase of 1,000 square feet).



NOT TO SCALE

SOURCE: MBH Architects, 2007

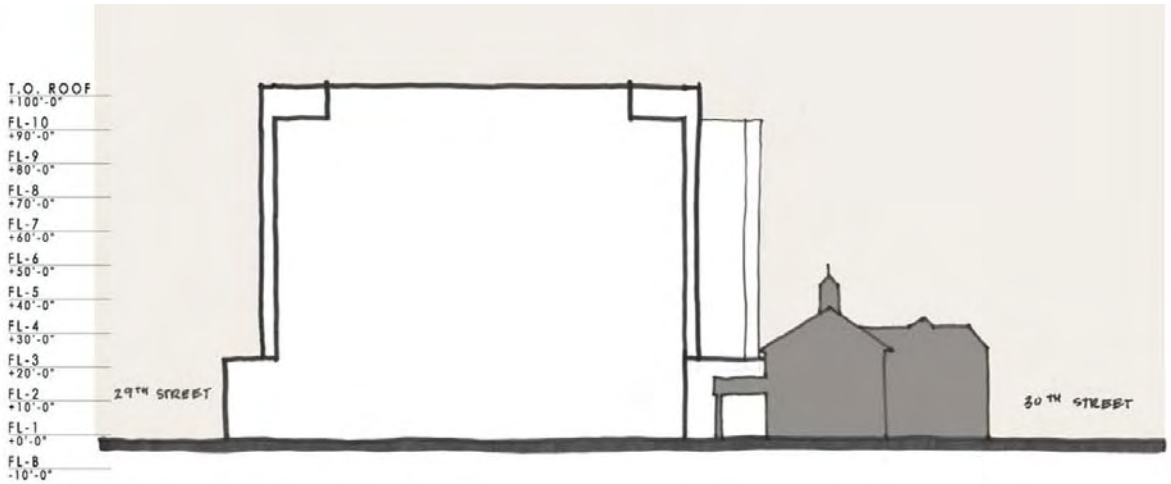
Figure IV-4
Full Preservation/ Higher Density Alternative –
Ground Floor Site Plan

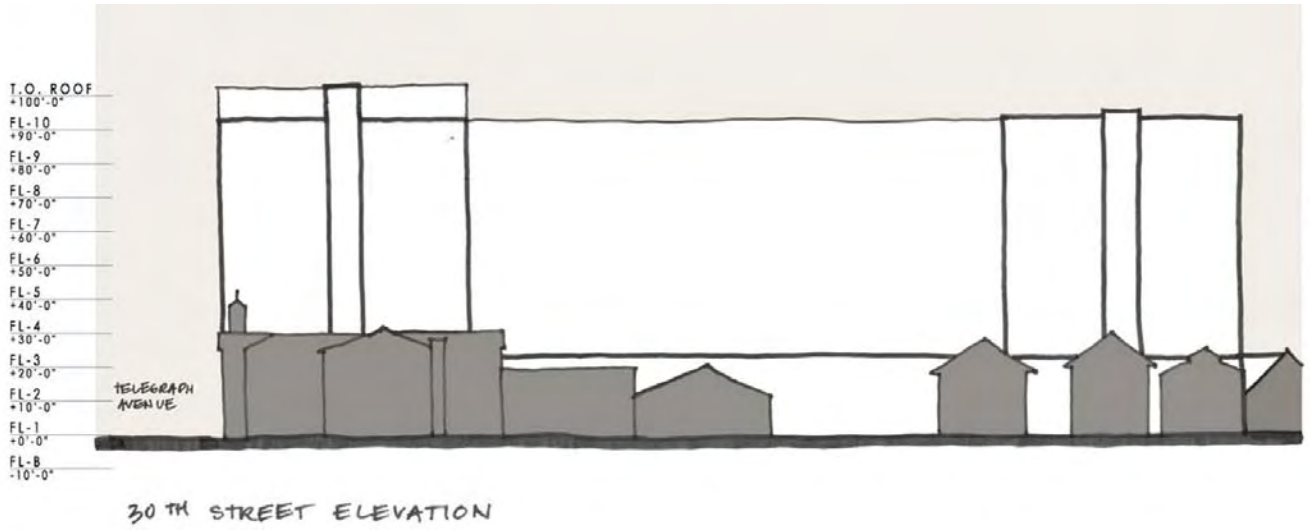


NOT TO SCALE

SOURCE: MBH Architects, 2007

Figure IV-5
Full Preservation/ Higher Density Alternative –
Typical Residential Floor Plan





0 40
Feet

SOURCE: MBH Architects, 2007

Figure IV-6
Full Preservation/ Higher Density Alternative – Telegraph Avenue and 30th Street Elevations

Because this alternative would retain the same number of residential units as the proposed project, but in a taller building than either the proposed project or Alternatives 2 or 3, this alternative is considered a higher-density preservation alternative.

Impacts (Alternative 4)

This alternative would avoid the significant, unmitigable impacts of the project with respect to demolition of historic resources. Nearly the entire former Courthouse Athletic Club except for the non-historic indoor pool would be retained and rehabilitated for use as a community room, HOA room, and storage in a manner consistent with the Secretary Standards. The state CEQA Guidelines indicate that projects that are consistent with the Secretary's Standards generally "shall be considered as mitigated to a level of less than a significant impact on the historic resource" (Section 15064.5(b)(3)).

Other impacts of this alternative would, in general, be similar to potentially greater than those of the proposed project. In the case of impacts related to construction activities, such as noise and dust emissions during construction, use of or potential exposure to hazardous materials, or the potential to disturb unknown archaeological and paleontological resources, impacts of this alternative generally would be similar to those of the project because the project site would be roughly the same size and, thus, the duration of construction would not vary markedly. As elevated levels of contaminated soils likely exist directly beneath the former Courthouse Athletic Club, this alternative would retain most of this structure and therefore would not remediate the soils on this portion of the site. By leaving these soils in place, this alternative would reduce the potential for exposure to hazardous materials during handling and transportation. However, for the proposed project, these potential impacts were determined to be less-than-significant with implementation of the standard conditions of approval, HAZ-1 and HAZ-2, identified in the Initial Study (see Appendix A), and such conditions would apply to this alternative as well.

In the case of impacts related to the intensity of development, including effects of traffic, traffic-generated air quality and noise, this alternative would have generally similar impacts as the proposed project, because it would have the same number of residential units generating the same number of peak-hour automobile trips. Similar to the proposed project, these trips would be distributed from two garage entrances; one on 29th Street and another on 30th Street. The additional 1,000 square feet of retail under this alternative would generate less than one additional PM peak hour trip per day,[2] which would be imperceptible given the daily fluctuation of traffic in the area. This alternative would not avoid or mitigate any significant traffic or transportation impacts associated with the proposed project, as none were identified (see Section III.B of this EIR). Because the overall program of this alternative would be similar to the proposed project, this alternative would generate similar levels of air emissions and noise impacts associated with the proposed project's traffic generation. This alternative would not avoid or mitigate any significant air quality or noise impacts associated with the proposed project, as none were identified (see Initial Study, Appendix B).

[2] Additional retail-related trips are estimated to be 0.3 inbound and 0.3 outbound PM peak hour trips, for a total of 0.6 PM peak hour trips.

This alternative would include approximately 204 residential parking spaces on two levels, the same as the proposed project. As only 142 residential parking spaces would be required for a project of this size, this alternative would exceed the zoning requirement for parking by about 62 spaces.

The Full Preservation / Higher-Density Preservation Alternative would have greater visual effects than those of the proposed project because it would be five stories or about 50 feet taller; an increase in height of about 50 percent. This alternative would include development of a building up to ten stories or about 100 feet in a mid-rise tower primarily fronting 29th Avenue, with the balance of the site devoted to the former Courthouse Athletic Club. This alternative would be much less visually compatible than the proposed project in terms of scale with the two and three-story detached residential and commercial buildings in the immediate vicinity, as well as the three to five story multi-family residential buildings on 20th and 30th Streets. Because this alternative would be substantially taller than the proposed project (or Alternatives 2 and 3), this alternative could diminish the visual character of the relatively low-rise neighborhood. Due to the more constrained site layout of this alternative, the ground floor elevation facing 29th Street would be a blank wall concealing the parking areas behind, instead of a row of residential townhouses as under the proposed project. As a result, the ground floor elevation along 29th Street under this alternative would be less visually appealing from an urban design standpoint than the proposed project.

Similar to the Alternatives 2 and 3, the former Courthouse Athletic Club would be retained and clearly visible from the corner of Telegraph Avenue and 30th Street, with proposed new building constructed immediately adjacent to and behind this existing building within minimal setbacks, and extending some 65-70 feet higher than existing structure. While the former Courthouse Athletic Club would continue to "read" as a separate structure, the visual relationships between the Colonial Revival style historic building and the contemporary mid-rise construction immediately adjacent to it would noticeably contrast (see Figure IV-6).

Shadow effects of this alternative would be substantially greater than those of the proposed project or Alternatives 2 or 3, because the building would be five stories or about 50 feet taller, thereby casting significantly longer shadows to the north, east, and west. In particular, shadow effects on existing uses on 29th and 30th Street would be much greater than project shadows, but would not significantly reduce the use or enjoyment of public parks or other public amenities, as none are located in the immediate project vicinity.

D. Environmentally Superior Alternative

CEQA Guidelines require an EIR to identify an environmentally superior alternative in addition to the no-project alternative (CEQA Guidelines, Section 15126.6(e)). Other than the two No Project alternatives, Alternative 2 (Partial Preservation / Lower Density Alternative) would result in the fewest environmental effects, and therefore would be considered the "environmentally superior" alternative.

TABLE IV-1
SUMMARY OF IMPACTS: PROJECT AND ALTERNATIVES

NOTE: Significance levels shown in the table reflect levels of significance after mitigation or standard conditions of approval and indicate maximum impact during buildout and operation, unless otherwise specified.	**Proposed Project**	**No Project**		**2 Partial Preservation / Lower Density***	**3 Partial Preservation / Higher Density**	**4 Full Preservation / Higher Density**
		1A	**1B**			
	142 Units 204 parking 2.9K sf retail 5 stories	No Units 93 parking No retail 2 stories	No Units 93 parking 30K sf comm. 2 stories	127 Units 172 parking 2.7K sf retail 5 stories	142 Units 200 parking 2.9K sf retail 7 stories	142 Units 204 parking 3.9K sf retail 10 stories
A. Historic Resources						
A.1: The project would result in the demolition of the former Courthouse Athletic Club at 2935 Telegraph Avenue, a building that qualifies as a historic resource as defined by CEQA Section 15064.5.	SU	LTS	LTS	LTS	LTS	LTS
A.2: The project would construct substantially larger and taller buildings in the vicinity of historic resources, which could alter their historic setting.	LTS	LTS	LTS	LTS	LTS	LTS
A.3: The proposed project would not combine with cumulative development that would involve demolition or substantial alteration of other historic buildings in the Central/Chinatown Planning Area of Oakland to form a significant cumulative impact to historic resources. The project would also have a less-than-significant cumulative impact to a potential period revival-style funeral home API.	LTS	LTS	LTS	LTS	LTS	LTS
B. Transportation, Circulation, and Parking						
B.1: Traffic generated by the project would affect project driveways.	LTS	LTS	LTS	LTS	LTS	LTS
B.2: Traffic generated by the project would affect existing traffic levels of service at local intersections	LTS	LTS	LTS	LTS	LTS	LTS
B. 3: Traffic generated by the project would affect traffic levels of service at local intersections under cumulative conditions.	LTS	LTS	LTS	LTS	LTS	LTS
B.4: The project would increase ridership on public transit providers serving the area.	LTS	LTS	LTS	LTS	LTS	LTS
B.5: Development of the proposed project would potentially conflict with existing pedestrian and/or bicycle facilities.	LTS	LTS	LTS	LTS	LTS	LTS
B.6: Project construction would affect traffic flow and circulation, parking, and pedestrian safety.	LTS	LTS	LTS	LTS	LTS	LTS

Legend
LTS Less than significant or negligible impact; no mitigation required
SU Significant and unavoidable adverse impact, after mitigation
* Environmentally Superior Alternative

CHAPTER V
Impact Overview

Introduction

This section summarizes the findings with respect to significant, unavoidable environmental impacts, cumulative impacts, and growth-inducing impacts of the proposed project.

A. Significant, Unavoidable Environmental Impacts

Impact A.1: The project would result in the demolition of for former Courthouse Athletic Club at 2935 Telegraph Avenue, a building that qualifies as a historic resource as defined in CEQA Section 15064.5.

B. Cumulative Impacts

The California Environmental Quality Act (CEQA) defines cumulative impacts as two or more individual impacts which, when considered together, are substantial or which compound or increase other environmental impacts. The cumulative analysis is intended to describe the "incremental impact of the project when added to other, closely related past, present, or reasonably foreseeable future projects" that can result from "individually minor but collectively significant projects taking place over a period of time (CEQA Guidelines Section 15355). The analysis of cumulative impacts is a two-phase process that first involves the determination of whether the project, together with reasonably foreseeable projects, would result in a significant impact. If there would be a significant cumulative impact of all such projects, the EIR must determine whether the project's incremental effect is cumulatively considerable, in which case, the project itself is deemed to have a significant cumulative effect (CEQA Guidelines Section 15130).

Cumulative impacts that could occur as a result of the project are discussed in the applicable sections of Chapter III of this report. In summary, the proposed project would have no significant cumulative impacts to historic resources or traffic.

C. Growth-Inducing Impacts

In general, a project would be considered growth-inducing if its implementation would result in a substantial population increase and/or new development that might not occur if the project were not approved and implemented, such as by removing barriers to subsequent development by providing new infrastructure that includes capacity for further development. The proposed project, an infill development consisting of 142 units of housing and 2,900 square feet of retail would result in approximately 277 additional residents in the area[1] and approximately 8 new jobs[2].

According to the US Census, the City of Oakland's population in 2000 was approximately 400,000 persons. Based on the City projections, population in Oakland is anticipated to increase by approximately 13 percent, to about 453,000, by 2025. The population increase generated by the project's proposed 142 new residential units and 2,900 square feet of new commercial space would not result in a substantial contribution to this anticipated population growth. The population increase from the project would be an incremental portion of the anticipated new growth in persons and housing, therefore, the project would not result in any significant impacts related to growth inducement. The project would be located in an urbanized area and would not provide new infrastructure that would provide added capacity for other kinds of development in the vicinity.

The proposed project is consistent with many policies in the General Plan Land Use and Transportation Element (LUTE). Specifically, the General Plan encourages additional in-fill urban housing projects in an effort to provide new housing opportunities in close proximity to the downtown and alternative transportation options.

1 Conservative estimates assume 1.5 residents per 1 bedroom unit and 2.5 residents per 2 bedroom unit.
2 Employment estimates assume that each 350 square feet of retail/commercial use would generate approximately one employee

CHAPTER VI
Responses to Comments Received During EIR Scoping

A Notice of Preparation (NOP) was published on October 10, 2006 (Appendix A) and circulated to all interested parties and regulatory agencies for 30 days. A public hearing was also held by the Oakland Planning Commission on November 1, 2006, for the city to receive public testimony on the appropriate scope of the EIR. While both the NOP and the EIR scoping hearing generated a number of comments related to the merits of the proposed project, those comments which addressed the scope of the EIR have been summarized below, followed by a brief response.

A. EIR Scoping Hearing Comments and Responses

Public Comment Period

1. Naomi Schiff (OHA)

1.1 Comment: EIR should explore alternatives considering the loss to older users of the former athletic club.

> ***1.1 Response*:** See Section IV, *Alternatives to the Proposed Project*, including a No Project Alternative that would retain the building for a foreseeable new use as a gym (Alternative 1B), as well as three preservation alternative (Alternatives 2, 3 and 4) that would maintain and restore the former Courthouse Athletic Club while building residential units adjacent to it.

1.2 Comment: EIR should consider St. Augustine's Church adjacent to the project site. The project should be designed with this historic context in mind.

> ***1.2 Response*:** Please see Section III.A *Historic Resources*, which identifies St. Augustine's Church and potential project effects to this historic resource.

1.3 Comment: Request a more thorough study of the courthouse building than what has been prepared previously.

> ***1.3 Response*:** Please see Section III.A *Historic Resources*, which identifies the project site building as a historic resource and describes the potential effects to this building as a result of the proposed project, as required by CEQA. No additional studies would be required.

2. Kegan Steadwell (Neighbor)

2.1 Comment: EIR should look at long-term construction impacts.

> ***2.1 Response*:** construction impacts are addressed in the Initial Study (see Appendix A). Construction-period impacts were determined to be less-than-significant with incorporation of standard conditions of approval for such factors as noise, construction traffic, and air emissions. EIR will address construction traffic effects]

2.2 Comment: Developer should consider burying powerlines along 29th and 30th Streets

> ***2.2 Response*:** Powerlines are located in the public right-of-way, not on the (private) subject property. As such, the project sponsor would have no authority to bury the nearby powerlines on city property without approval from the city and the utility companies. Regardless, the existence of powerlines in a project vicinity not an environmental issue that would normally be addressed in a CEQA document, but could be considered by decision-makers during project review. This issue is not discussed further in this EIR.

2.3 Comment: Developer should consider planning street trees.

> ***2.3 Response*:** See Response 2.2. The project sponsor intends to plant approximately 20 street trees on the periphery of the proposed project, as described in Section II, *Project Description*. This issue is not discussed further in this EIR.

3. Sanjeev Honda (East Bay News)

3.1 Comment: Developer should consider widening the sidewalks.

> ***3.1 Response*:** The existing sidewalks in the periphery of the project site will be reconstructed as part of the project, and will meet all city width requirements. This issue is not discussed further in this EIR.

3.2 Comment: Lack of parking enforcement.

> ***3.2 Response*:** Parking impacts of the proposed project is provided in Section III.B. Transportation, Traffic, and Parking. As noted in this section, the proposed project would meet or exceed all city parking requirements.

Planning Commission Comment Period

1. Douglas Boxer

1.1 Comment: Echoes Naomi's concerns about St. Augustine's Church.

> ***1.1 Response*:** Please see Response 1.2, above.

2. Michael Colbruno

2.2 Comment: EIR should address the historical nature of the courthouse building's architecture (why designed in a 'southern plantation' style?)

> ***2.2 Response*:** The architectural style of the former courthouse building is described in Section III.A, *Historic Resources*, as well as Appendix B, *Historic Resources Technical Memorandum*, of this EIR

2.3 Comment: EIR should look at an alternative that preserves the building and reuses it.

> ***2.3 Response*:** See Section IV, *Alternatives to the Proposed Project*, including a No Project Alternative that would retain the building for a foreseeable new use as a gym (Alternative 1B), as well as three preservation alternative (Alternatives 2, 3 and 4) that would maintain and restore the former Courthouse Athletic Club while building residential units adjacent to it.

3. Madeleine Zayas-Mart

3.1 Comment: The EIR should evaluate two alternatives; 1) high-density alternative that preserves the courthouse building, and 2) a low-density alternative that preserves the courthouse building.

> ***3.1 Response*:** See Section IV, *Alternatives to the Proposed Project*, including three preservation alternatives; 1) Partial Preservation/Lower Density Alternative, 2) Partial Preservation/Higher Density Alternative, and 3) Full Preservation/Higher Density Alternative (Alternatives 2 – 4)

3.2 Comment: Will the EIR discuss noise and air quality impacts?

> ***3.2 Response*:** The Initial Study evaluated noise and air impacts (see Appendix A), and found them to be less-than-significant with incorporation of standard conditions of approval. These issues are not discussed further in this EIR.

3.3 Comment: Will pollution from the nearby freeway affect people using the outdoor open space in the project?

> ***3.3 Response*:** The potential air qualify impacts associated with the nearby I-980 freeway are addressed on page 19 of the Initial Study (see Appendix A). The Initial Study states that the proposed project would not expose sensitive receptors to substantial pollution concentrations due to the project's distance from the freeway (approximately 500 feet), as recommended by the California Air Resources Board (CARB) when siting sensitive new land uses in the vicinity of a freeway. This issue is not discussed further in this EIR.

4. Suzie W. Lee

4.1 Comment: Project site is within a high-rise zoning designation. EIR should look at a high-rise option.

> ***4.1 Response*:** See Section IV, *Alternatives to the Proposed Project*. Alternative 4 (Full Preservation / Higher Density Alternative) examines the effects of a high-rise option on the site.

B. NOP Comments and Responses (See Appendix B for actual comment)

1. Delphine Prevost (Oakland Landmarks Preservation Board)

1.1 Comment: Standard Condition Cul-1 in the Initial Study should be modified to contain a Cultural Resources Contingency Plan, subject to review and approval by City staff, which would be incorporated into the project's construction documents. Recommend that a qualify archaeologist be retained to inspect the project site during construction to assess potential discoveries.

> ***1.1 Response*:** Standard Condition Cul-1 is sufficient to reduce potential impacts to cultural resources to a less-than-significant level. As there are no recorded sites on the subject property, and given the disturbed nature of the site, the site has relatively low sensitivity for encountering archaeological resources during construction. As such, neither a Contingency Plan nor archaeological monitoring during construction would be warranted. This issue is not discussed further in this EIR.

1.2 Comment: There is no discussion in the NOP of whether the Oakland Cultural Heritage Survey (OCHS) has further assessed this property since 1996 to consider an upgrade or downgrade of the preliminary survey rating (B+3). Further, review of this rating should be evaluated prior to, or as par of, the EIR preparation. Additionally, the existing rating, or any amended rating, should be clearly assigned to relevant portions of the building.

> ***1.2 Response*:** See Section III.A, *Historic Resources*, for a discussion of the building's existing rating of "3+B" and its meaning as it relates to CEQA and the City of Oakland's Historic Preservation Element policies. As described in this section OCHS has not further assessed the property since 1996. However, additional research of the building's potential historical significance prepared for this EIR found that the building may also be eligible as a CRHR resource and as a contributor to a potential API. Regardless of whether the building's rating is appropriate or not, the EIR identifies the Courthouse Athletic Club as a historic resource for CEQA purposes, adequately evaluates the project's potential impact to this historic resource, and provides a project alternative that would fully mitigate the loss of the building.

1.2 Comment: The EIR should evaluate project 'alternatives' that would provide for the reuse and restoration of the entire building(s) or portions of the building(s).

> ***1.2 Response*:** See Section IV, *Alternatives to the Proposed Project*, including a No Project Alternative that would retain the historic building for a foreseeable new use as a gym (Alternative 1B), as well as three preservation alternative (Alternatives 2, 3, and 4) that would maintain and restore the former Courthouse Athletic Club while building residential units adjacent to it.

1.3 Comment: Alternatives for the loading and garage access [opposite from St. Augustine's Church] should be evaluated. Additionally, a study should be conducted to determine potential shadow effects [of the project] on the Church.

> ***1.3 Response*:** See Section III.A, *Historic Resources*, for a discussion of the proposed project's loading and garage access functions, as well as shadow effects, on St. Augustine's Church. As described in this section, the proposed project would have no significant impact to St. Augustine's church, such that it would no longer qualify as a local landmark. Also see Section IV, *Alternatives to the Proposed Project*, including two No Project alternatives that would have no such effects on the adjacent church.

1.4 Comment: [I]f any measure requires documentation of the site history (photos, maps, text), I recommend that such documentation be displayed at the project site.

> ***1.4 Response*:** See Section III.A, *Historic Resources*, Mitigation Measure A.1b. states that the project sponsor shall prepare interpretive materials as directed by the City, including, but not limited to on-site interpretive signage, brochures, or any combination thereof.

2. Department of Toxic Substances Control (Denise M. Tsuji)

2.1 Comment: Soil and groundwater sampling was conducted as part of the Limited Phase II Report activities, detecting elevated concentrations of metals, petroleum hydrocarbons, and volatile organic hydrocarbons. However, samples were not collected and analyzed under the existing building or from under the raised area of the parking. A full site characterization of the site is recommended.

> ***2.1 Response*:** The Limited Phase II report characterized the soil from numerous locations in the parking area, including the raised parking area, but did not characterize the soil from under the building due to limited access to this part of the site. Regardless, Standard Conditions Haz-1 and Haz-2 identified on page 33 of the Initial Study (see Appendix A), are sufficient to mitigate any potential exposure of hazardous materials during construction or transport to a less-than-significant level.

2.2 Comment: [i]f the remediation activities include the need for soil excavation, the CEQA document should include: (1) an assessment of air impacts and health impacts associated with the excavation activities; (2) identification of any applicable local standards which may be exceeded

by the excavation activities, including dust levels and noise; (3) transportation impacts from the removal or remedial activities; and (4) risk of upset should there be an accident at the Site.

***2.2 Response*:** Please see Section VII, *Hazards and Hazardous Materials*, of the Initial Study (page 32-34, in Appendix A). Standard Conditions HAZ-1 and HAZ-2 adequately provide for the mitigation of potential impacts from the identified hazardous substances found in the soil and groundwater onsite. As is stated in HAZ-2, the project applicant shall ensure that environmental assessment and remediation would either be performed under the oversight of the ACDEH or other agencies, or be conducted by qualified professionals with experience in soil and groundwater contamination remediation. In cases where regulatory involvement is not necessary, soil and groundwater removal and disposal would still occur to mitigate the potential hazards that could result from removal of soil and/or groundwater during construction. Standard Condition HAZ-2 also states that the project applicant submit a Soil Management Plan for review and approval by the appropriate agencies (i.e., (DTSC, ACDEH, BAAQMD), which shall be prepared to outline required procedures for handling and disposing impacted soil. All disposal and transportation of contaminated soil shall be done in accordance with state and federal agencies and under federal (RCRA) and state laws. All contaminated soil determined to be hazardous or non-hazardous waste must be adequately profiled for acceptable disposal before it can be removed from the site. The applicant shall ensure that impacted soil is handled in accordance with the approved Soil Management Plan.

Therefore, all secondary hazards identified in the DTSC letter such as air and noise from remediation efforts would be mitigated through implementation of the standard conditions listed in the Initial Study, including the Soil Management Plan, and by the other applicable regulations of the appropriate agencies. For these reasons, the potential impact associated with hazardous materials would be less than significant with implementation of the standard conditions of approval. This issue will not be discussed further in the EIR.

3. East Bay Municipal Utility District (William Kirkpatrick)

3.1 Comment: The project sponsor must submit copies to EBMUD of all known information regarding soil and groundwater quality within or adjacent to the project boundary and a legally sufficient, compete and specific written remediation plan establishing the methodology, planning and design of all necessary systems for the removal, treatment, and disposal of contaminated soil an groundwater.

***3.1 Response*:** Please see Section VII, Hazards and Hazardous Materials, of the Initial Study (page 32-34, in Appendix A). Standard Conditions HAZ-1 requires the preparation of a Phase 1 and Phase 2 Environmental Site Assessments to adequately characterize the project site soils. Standard Condition HAZ-2 requires the preparation of a Soil Management Plan which outlines the procedures for handling and disposal of contaminated soil and groundwater in accordance with state and federal laws. All of these documents must be submitted to the City of Oakland Planning Department prior to the issuance of any

grading or building permits. These documents will also be forwarded to EBMUD for their review.

4. Kegan Steadwell (Neighbor)

4.1 Comment: The biggest thing that this project could do for our streets …is to bury the powerlines underground and add large trees.

***4.1 Response*:** Powerlines are located in the public right-of-way, not on the (private) subject property. As such, the project sponsor would have no authority to bury the nearby powerlines on city property without approval from the city and the utility companies. Regardless, the existence of powerlines in the project vicinity not an environmental issue that would normally be addressed in a CEQA document. This issue is not discussed further in this EIR. The project sponsor intends to plant approximately 20 street trees on the periphery of the proposed project, as described in Section II, *Project Description*. This issue is not discussed further in this EIR.

4.2 Comment: We are very invested in seeing if it is possible to keep the trees that are currently on the Courthouse property as part of the new design.

***4.2 Response*:** Please see Section IV. Biological Resources, on page 21 – 23 of the Initial Study (Appendix A). As noted in this section, Standard Condition BIO-4: Prior to receiving building permit, the applicant must secure a tree removal permit, and abide by the conditions of that permit, prior to removal of any trees located on the project site or in the public right-of-way adjacent to the project. With implantation of this standard condition, the proposed project would have no significant impact with regard to tree removal. Please also see Section IV, *Alternatives*, of this EIR which outlines two no project alternatives, both of which would retain the existing trees on the property. This issue will not be further discussed in the EIR.

4.2 Comment: We feel that it is imperative that some form of committee or process is in place to ensure that the commercial retail spaces are not rented specifically to the following: No liquor stores. No fast food establishments. No pawn or porn stores, and no gun shops.

***4.3 Response*:** The comment refers to the project description, rather than to the adequacy or accuracy of the environmental analysis.

5. Anne Mudge (former member of Courthouse Athletic Club)

5.1 Comment: I request you study an alternative to retain the athletic facility.

***5.1 Response*:** Please see Section IV, *Alternatives*, of this EIR which outlines two no project alternatives, one of which assumes use of the property as an athletic facility

(Alternative 1B). Alternatives 2, 3, and 4 also assume retention and reuse of the former Courthouse Athletic Club.

5.2 Comment: [T]he B+3 historic building is going to be torn down….

***5.2 Response*:** Please see Section III.A, *Historic Resources*, for an evaluation of the potential impact of the demolition of a historic resource. This impact is considered significant and unavoidable with the implementation of recommended mitigation measures. Please also see Section IV, *Alternatives*, of this EIR which contains three preservation alternatives (Alternatives 2, 3, and 4) that assume retention and reuse of the former Courthouse Athletic Club.

6. Dao Matthews (Neighbor)

6.1 Comment: [W]e are all vehemently opposed to any motion of removing our historic and cherished building of historic value….Our courthouse is an extremely important structure of old Oakland Historic Property Heritage!

***6.1 Response*:** Please see Section III.A, *Historic Resources*, which evaluates the proposed project's effects on historic architectural resources on the project site and vicinity. This section identifies the former Courthouse Athletic Club as a historical resource for CEQA purposes, and states that the potential demolition of this building would be considered significant and unavoidable impact of the project. Please also see Section IV, *Alternatives*, of this EIR which contains three preservation alternatives (Alternatives 2, 3 and 4) that assumes retention and reuse of the former Courthouse Athletic Club.

6.2 Comment: We oppose the additional traffic and crime that such a thing will attract.

***6.2 Response*:** Please see Section III.B, *Transportation, Traffic, and Parking*, which evaluates the proposed project's impacts on local traffic, and has determined that the project would have a less-than-significant impact on the operation of local roadways. The issue of crime, while an important topic, is not an environmental topic considered by CEQA. This issue will not be discussed further in the EIR.

6.3 Comment: Let us use our Courthouse for…[list of 10 community uses]

***6.3 Response*:** Please see Section IV, *Alternatives*, of this EIR which outlines two no project alternatives, one of which assumes reuse of the property as an athletic facility or other commercial use (Alternative 1B). Alternatives 2, 3, and 4 also assume retention and reuse of the former Courthouse Athletic Club.

7. Alameda County Congestion Management Agency (Saravana Suthanthira)

7.1 Comment: Based on our review of the NOP, the proposed project appears to generate at least 100 p.m. peak hour trips over existing conditions. If this is the case, the CMO Land Use Analysis Program requires the City to conduct a traffic analysis of the project using the Countywide Transportation Demand Model for projection years 2010 and 2025 conditions.

> ***7.1 Response*:** Please see Section III.B, *Transportation, Traffic, and Parking*. As stated under subsection Trip Generation, the proposed project can be expected to generate about 66 vehicle trips in the AM peak hour and about 95 vehicle trips in the PM peak hour. It should be noted that because the project would generate fewer than 100 peak-hour vehicle trips, an ACCMA - required evaluation of project effects on regional roadways is not required.

7.2 Comment: Potential impacts of the project on the Metropolitan Transportation System (MTS) including cumulative impacts need to be addressed.

> ***7.2 Response*:** Please see Section III.B, *Transportation, Traffic, and Parking*, which states all study intersections would continue to operate at acceptable levels of service during the a.m. and p.m. peak hours under Existing plus Project and Cumulative (2025) conditions. Thus, the proposed project would not create significant traffic impact.

7.3. Comment: The adequacy of any project mitigation measures should be discussed.

> ***7.3 Response*:** As noted above in Response 7.2, the proposed project would have no significant traffic impact. As such, no mitigation measures, or their adequacy, would be required.

7.4 Comment: Potential impacts of the project on CMP transit levels of service must be analyzed.

> ***7.4 Response*:** Please see Section III.B, *Transportation, Traffic, and Parking*, which states that the project would add on average less than one passenger per AC Transit bus or BART train. Thus, the project's contribution to transit impacts as it concerns AC Transit and/or BART ridership would be less than significant.

7.5 Comment: The DEIR should also consider demand-related strategies that are designed to reduce the need for new roadway facilities over the long term and to make the most efficient use of facilities.

> **7.5 Response:** As noted in Response 7.2, the proposed project would have no significant traffic impacts. As such, the project would not create demand for new roadways. Due to the project's urban in-fill location and adjacency to both AC Transit and BART lines, the project could be viewed as potentially reducing the demand for new roadways in the long term.

CHAPTER VII
Report Preparation

EIR Report Authors

City of Oakland
Community and Economic Development Agency
Planning Division
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, California 94612

Director of Development: Claudia Cappio
Director of Major Projects: Gary Patton
Project Planner: Joann Pavlinec

EIR Consultants

Environmental Science Associates
225 Bush Street, Suite 1700
San Francisco, California 94104

Project Director: Marty Abell, AICP
Project Manager: W. Brad Brewster

Korve Engineering/DMJM Harris
155 Grand Avenue, Suite 700
Oakland, CA 94612

Project Manager: Bill Burton

Project Sponsor

Trammell Crow Residential
1810 Gateway Drive, Suite 240
San Mateo, CA 94404

Project Director: Dan Garibaldi
Project Manager: Jonathan Frank

CHAPTER VIII
Appendices

A. NOP and Initial Study

B. NOP Comment Letters

C. OCHS Historic Inventory and Research Forms

D. Evaluation of Telegraph Avenue Bus Rapid Transit

APPENDIX A
NOP and Initial Study

CITY OF OAKLAND

250 FRANK H. OGAWA PLAZA, SUITE 3315 • OAKLAND, CALIFORNIA 94612-2032

Community and Economic Development Agency
Planning & Zoning Services Division

(510) 238-3941
FAX (510) 238-6538
TDD (510) 238-3254

NOTICE OF PREPARATION OF DRAFT ENVIRONMENTAL IMPACT REPORT

COURTHOUSE CONDOMINIUMS

October 6, 2006

The Oakland Community and Economic Development Agency, Planning Division, is preparing a Draft Environmental Impact Report (DEIR) for the project identified below and is requesting comments on the scope and content of the DEIR. We have prepared an "Initial Study" that identifies areas of probable environmental effects. These probable environmental effects are summarized below. The Initial Study is available at the Planning Division office, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA 94612.

The DEIR will address the potential environmental effects for Cultural Resources and Transportation/Traffic only. All other impacts would be mitigated to less than significant levels. The DEIR will limit its discussion to Cultural Resources and Transportation/Traffic and no other impacts will be further studied in the DEIR.

The City of Oakland is the Lead Agency for this project, which means that we are the public agency with the greatest responsibility for either approving it or carrying it out. This notice is being sent to Responsible Agencies and other interested parties. Responsible Agencies are those public agencies, besides the City of Oakland, that have a role in approving the project or carrying it out. Responsible agencies will use the DEIR when considering approvals related to the project. When the DEIR is published, it will be sent to all Responsible Agencies and to others who respond to this Notice of Preparation or who otherwise indicate that they would like to receive a copy.

Responses to this Notice of Preparation (NOP) and any additional questions or comments should be directed in writing to Joann Pavlinec, City of Oakland, Community and Economic Development Agency, Planning Division, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA 94612, at (510) 238-6344 or via e-mail to jpavlinec@oaklandnet.com. Please reference case number **ER06-0012** in your response. **Comments on the NOP must be received at the above mailing or e-mail address on or before November 6, 2006**, 30 days from notice, October 6, 2006. Comments responding to the NOP also may be provided at the EIR Scoping Meetings to be held before the City Planning Commission.

EIR SCOPING MEETING
CITY PLANNING COMMISSION
Wednesday, November 1, 2006
6:00 PM
Oakland City Hall – One Frank H. Ogawa Plaza

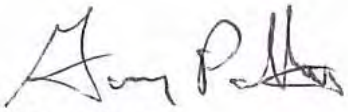
PROJECT TITLE: Courthouse Condominiums, 2935 Telegraph Avenue

APPLICANT CONTACT: Dan Garibaldi, Senior Managing Director
Trammell Crow Residential
San Mateo (650) 349-1224

PROJECT LOCATION: The project is located at 2935 Telegraph Avenue between 29th and 30th Streets, the Eastern two thirds of the block bounded by 30th Street, Telegraph Avenue, 29th Street and the I-980 Freeway. APN's: 009-0698-001-00
009-0698-002-01
009-0698-002-02
009-0698-002-03
009-0698-030-00
The site is not on the current version of the Cortese List.

PROJECT DESCRIPTION: The project proposal intends to demolish the fitness club and surface parking lot and construct approximately 142 residential units. About 2,900 square feet of ground floor retail and on-site parking for approximately 204 automobiles, in a five-story building (four stories of residential construction above a two-level parking garage; one level of parking would be below ground and one at ground level, accessed by in internal ramp). The maximum height of the building would be approximately 50 feet, measured to the top of the roof. The development would be about 280,000 square feet in size, encompassing about 93 percent of the lot area.

PROBABLE ENVIRONMENTAL EFFECTS: It is anticipated that the proposed project may have the following environmental effects: Cultural resource impacts and transportation/traffic impacts. . All other impacts would be mitigated to less than significant levels. The DEIR will limit its discussion to Cultural Resources and Transportation/Traffic and no other impacts will be further studied in the DEIR.



Gary Patton
Deputy Director of Planning
Major Projects Manager

DATE: October 6, 2006
File No. ER06-0012

City of Oakland
File No. ER06-0012

INITIAL STUDY AND ENVIRONMENTAL REVIEW CHECKLIST

California Environmental Quality Act (CEQA)

1. **Project Title:** Courthouse Condominiums / 2935 Telegraph Avenue

2. **Lead Agency Name and Address:** City of Oakland
Community and Economic Development Agency
Planning Division
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612

3. **Contact Person and Phone Number:** Joann Pavlinec, Planner III (510) 238-6344
e-mail:jpavlinec@oaklandnet.com

4. **Project Location:** 2935 Telegraph Avenue between 29th and 30th Streets
Eastern two thirds of the block bounded by 30th Street, Telegraph Avenue, 29th Street and the I-980 Freeway.
APN: 009-069800100
009-069800201
009-069800202
009-069800203
009-069803000

5. **Project Sponsor's Name and Address:** Trammell Crow Residential
1810 Gateway Drive; Suite 240
San Mateo, California 94404

6. **General Plan Designation:** Community Commercial / Urban Residential

7. **Zoning:** C-40 Community Thoroughfare Zone /
R-80 High Rise Apartment Zone

8. **Description of Project:**

Project Site. The project site is located at 2935 Telegraph Avenue in the Central / Chinatown planning area of Oakland, approximately six blocks north of the Central Business District.[1] The project site consists of approximately 1.4 acres on the eastern two-thirds of the block bounded by 29th Street, Telegraph Avenue, 30th Street and Interstate I-980 (See Figure 1, Project Location). Current uses on the project site include a two-story fitness club (Courthouse Athletic Club) approximately 30,000 square feet

[1] Following Oakland convention, the East Bay Hills are characterized as northerly in compass orientation and the Bay as southerly; thus Telegraph and streets parallel are considered to run north-south, while 29th Street and streets parallel are considered to run east-west.

in size on the corner of 30th Street and Telegraph Avenue. Adjacent to the fitness club is surface parking lot which can accommodate approximately 93 automobiles. The parking lot is encircled by a chain link fence, with an entrance to the lot on Telegraph Avenue adjacent to the athletic club. Previous uses on the site included a gas station (no longer extant) and a former mortuary, currently used as the fitness club. The former 1940's-era mortuary was assigned a preliminary (field) survey rating of "B+3" by Oakland Cultural Heritage Survey (OCHS) as part of its citywide historic resources inventory in 1996. The site is completely developed with the exception of two groupings of mature redwood trees located toward the westerly and southerly portions of the site (See Figure 2, Project Site Existing Conditions).

The project site is located in the C-40 and R-80 zoning districts, and the Community Commercial and Urban Residential land use districts.

Project Description: The project sponsors, Trammell Crow Residential, intend to demolish the fitness club and surface parking lot and construct approximately 142 residential units, about 2,900 square feet of ground floor retail, and on-site parking for approximately 204 automobiles, in a five story building (four stories of residential construction above a two-level parking garage; one level of parking would be below ground and one at ground level, accessed by an internal ramp). The maximum height of the building would be approximately 50 feet, measured to the top of the roof. The development would be about 276,000 square feet in size, encompassing about 93 percent of the lot area. See Table 1, below.

TABLE 1.

PROJECT COMPONENTS BY USE AND SIZE

Use	**Approximate Size (sq. ft.)**
Residential (142 Units)	137,300
studios (16%)	14,700
Junior 1 bedroom flats (4%)	5,300
1 bedroom flats (35%)	40,700
2 bedroom flats (45%)	76,600
Residential Common Space (includes lobbies and corridors)	25,200
Utility and Storage Space	9,000
Common Open Space	24,530
Retail	2,900
Parking (204 spaces on 2 levels)	81,500
Total	**280,430**
SOURCE: Trammell Crow Residential, 2006	

The ground floor would contain two retail spaces, a residential lobby, an HOA room and a Community room along the Telegraph Avenue elevation (See Figure 3, Ground Floor Plan). Two access points to the parking garage would be located along 29th and 30th Streets. The remainder of the ground floor elevations along 29th and 30th Streets would contain a total of seven one bedroom flats and three studios that would be accessible directly from the 29th and 30th Street frontages.

The dwelling units on the second through fifth floors would consist of a mix of studios (16 percent) one bedroom flats (35 percent) and two bedroom flats (45 percent) totaling approximately 137,300 square feet of residential space. The residential lobby off Telegraph Avenue would provide elevator access to a series of internal hallways to access the residential units. The units would be grouped into a series of wings separated by U-shaped courtyards on the 29th and 30th Streets elevations (see Figure 4, Level 2 Floor Plan, which is typical of floors two through five). A total of nine landscaped courtyards would be on the podium (second) level, totaling approximately 18,450 square feet of common open space. Two of the

courtyards would face the rear (western) elevation of the building. Over 6,000 square feet of open space would also be provided in the form of balconies for a total of about 24,530 square feet of project open space Landscaping provided by the project would include approximately 20 deciduous trees and shrubbery to be planted within the project site courtyards, as well as approximately 20 new street trees to be planted along Telegraph Avenue, 29th Street, and 30th Street.. All units would be for sale.

Parking and Circulation.
The two-level parking garage would provide 204 parking spaces, including four disabled-accessible spaces, 29 compact spaces and 31 tandem stalls. To accommodate about 90 bicycles, the garage would also include 650 square feet of bicycle storage on the ground floor**.** Parking access to the garage would be via two, two-way driveways; one each on 29th and 30th Streets. The lower level of the parking garage would be accessed by an internal, two-way ramp. The parking garage entrances on 29th and 30th Streets would be secured by an automatic gate/roll-up door. There would also be an off-street truck loading dock adjacent to the vehicle entrance on 29th Street.

Construction Schedule and Type
The construction period is anticipated to last approximately 24 months, beginning in Fall 2007 and ending in Fall 2009.

The proposed project would excavate to a depth of approximately 12 feet for the construction of the underground parking garage and would remove approximately 22,200 cubic yards of soil. The proposed building would be constructed on a concrete mat foundation that would not require pile driving or drilled piers. A two-level concrete podium encompassing the basement and ground floor levels would support wood frame construction above (Type 5 – one hour fire rated construction). All construction materials, storage, and construction worker parking would be provided on-site or at designated off-site locations.

The project is being designed by MBH Architects in a contemporary style using exterior surface materials such as cement plaster (stucco), wood siding, metal railings and aluminum-framed window units (See Figure 5 , showing the building elevations along Telegraph Avenue and 29th Street, and Figure 6, showing buildings elevations along 30th Street and at the rear of the building). The building would be built to the lot line at the ground floor with intermittent setbacks in the form of courtyards at the podium level along 29th Street, 30th Street and rear (west) elevations.

The project applicant would seek the following variances pursuant to Oakland Planning Code Section 17.148: 1) provision of a rear yard depth of ten feet as pursuant to Sections 17.30.170 and 17.54.160 because the project would not have a the required 10-foot rear yard setback; 2) provision of two residential off-street loading berths with a 12'w x 33'l x 14'h dimension for projects between 150,000--299,999 square feet pursuant to Section 17.116.120 as the project would include a single berth with a height of 10 feet; and 3) provision of a 25-foot minimum separation between two driveways on 29th Street as required per Section 17.116.210.

9. **Surrounding Land Uses and Setting:**

The project site is located in the Telegraph Corridor district of Oakland's Central / Chinatown planning area, which is considered an essential urban center for the region. The mix of institutional, commercial and residential uses characterizes the project vicinity. The project site is surrounded by residential uses on 29th and 30th Streets, and primarily commercial uses fronting Telegraph Avenue. Telegraph Avenue is a four-lane arterial boulevard with a center turning lane and on-street parking, connecting downtown Oakland with downtown Berkeley to the north. The residential uses in the project vicinity are mostly two-story, single-family detached residences, with smaller number of multi-family residential buildings range

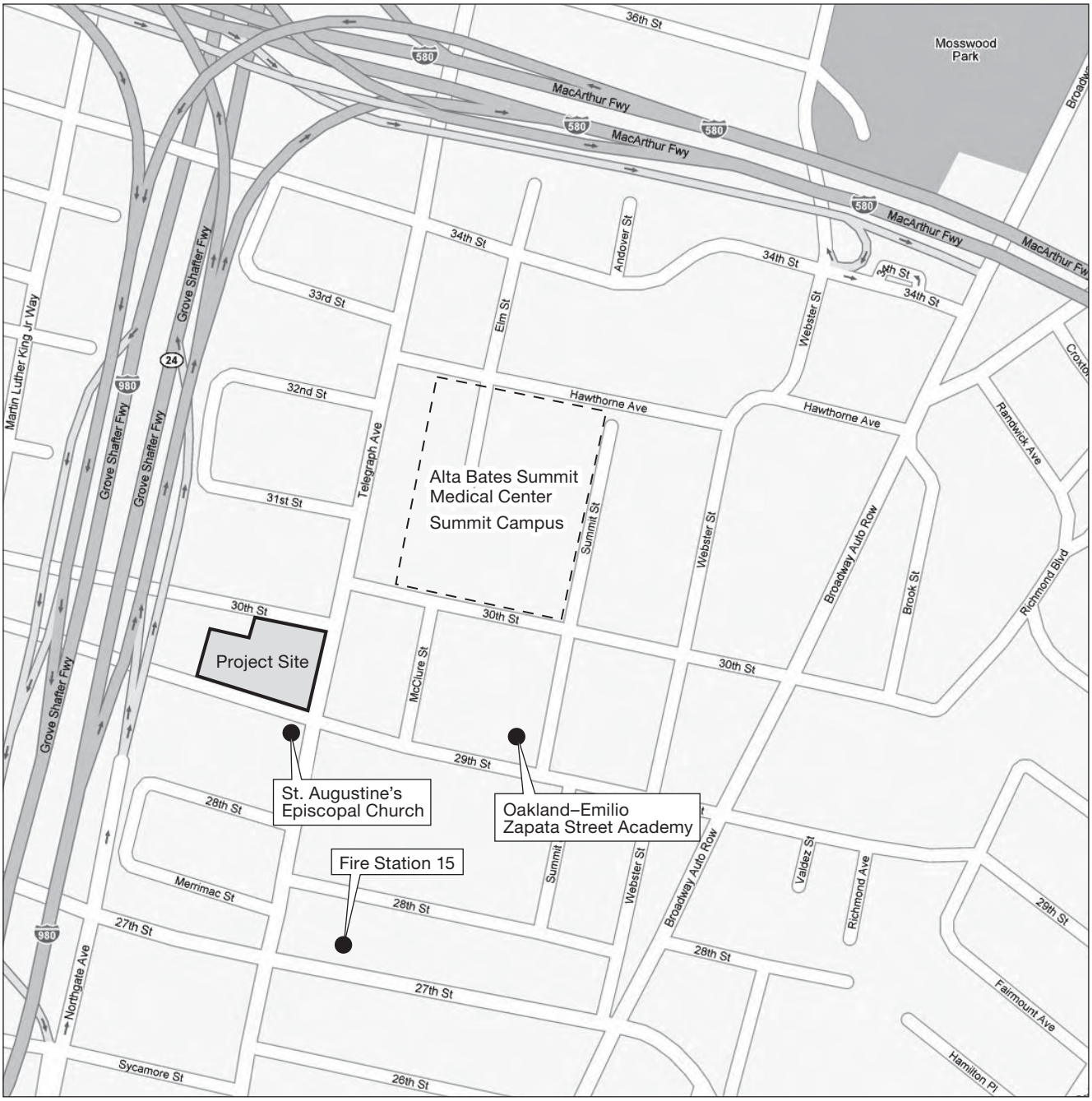
from three to five stories. The commercial uses opposite Telegraph Avenue from the project site are primarily two to three-story buildings with ground floor retail and office uses above, as well as a few older, single family homes that have been converted to office and/or commercial uses.

Land use in the Telegraph corridor is influenced by the nearby 'Pill Hill' area; Oakland's largest concentration of hospitals and medical services. Medical retail and office uses occupy many of the retail spaces including a former church and mortuary on the northwest corner of 30th Street and Telegraph Avenue, now a medical office building. Other uses in the project vicinity include Alta Bates Summit Medical Center on the corner of 30th Street and Telegraph Avenue, diagonally across Telegraph Avenue from the project site, St. Augustine's Episcopal Church, a City of Oakland Historical Landmark on the southwest corner of 29th Street and Telegraph Avenue, as well as a number of small restaurants, cafes and food markets. Interstate I-980 (Grove/Shafter Freeway) is located approximately 160 feet west from the western boundary of the project site, separated by three properties containing single-family homes.

10. **Other Public Agencies Whose Approval May Be Required:** n/a

11. **This Initial Study is intended to determine the environmental impacts of development of the proposed project and any discretionary actions that may be required including, but not limited to, the following:**

- Design Review pursuant to the C-40 zone (Sec. 17.54.030) and the R-80 zone (Sec. 17.30.030);
- Variances to Oakland Planning Code Section 17.148, 17.30.170, 17.54.160, 17.116.120, 17.116.200 and 17.116.210
- Tree Removal Permit (Sec. 12.36.050)



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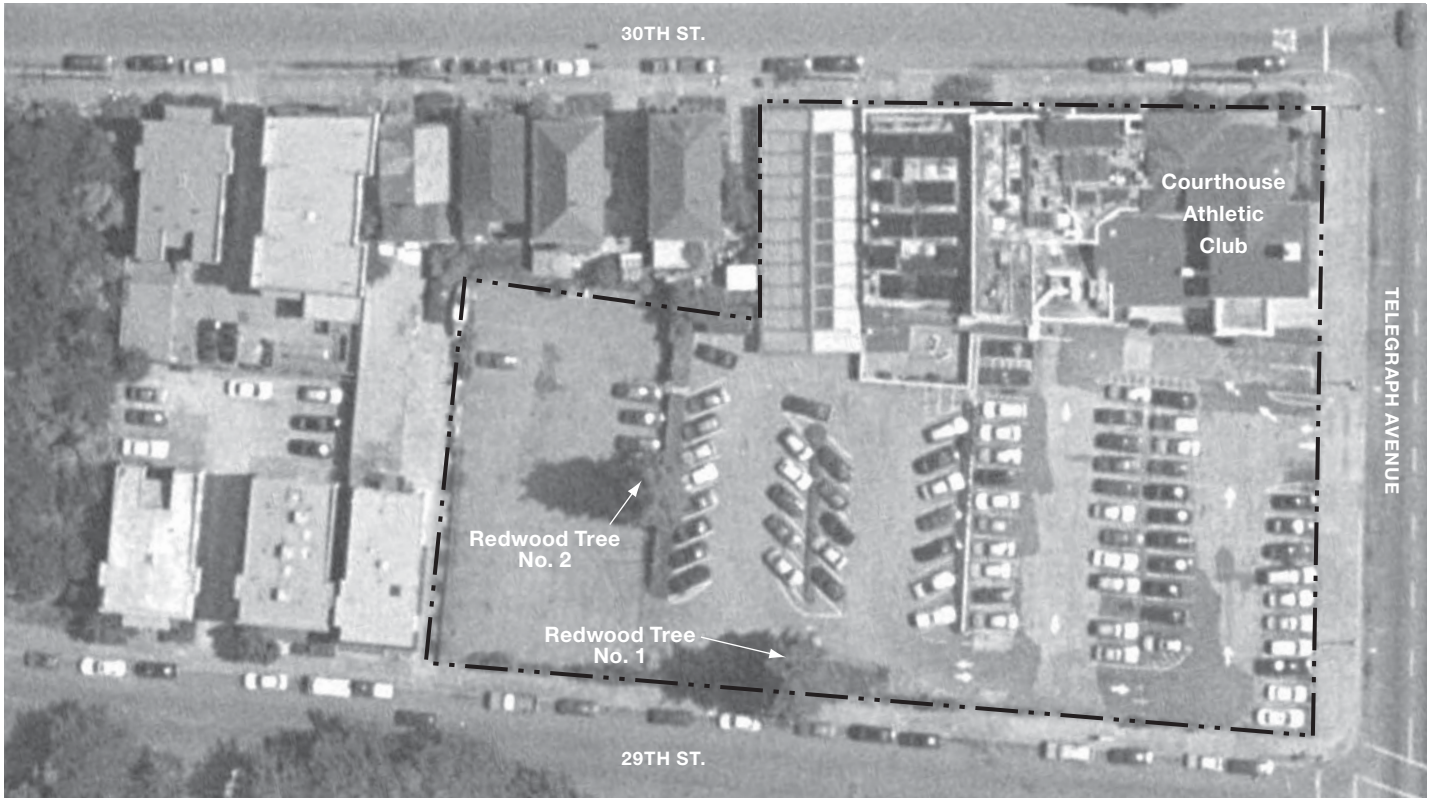
Feet

SOURCE: Google Maps, 2006

Courthouse Condominiums . 206145

Figure 1
Project Location



Project Site

N

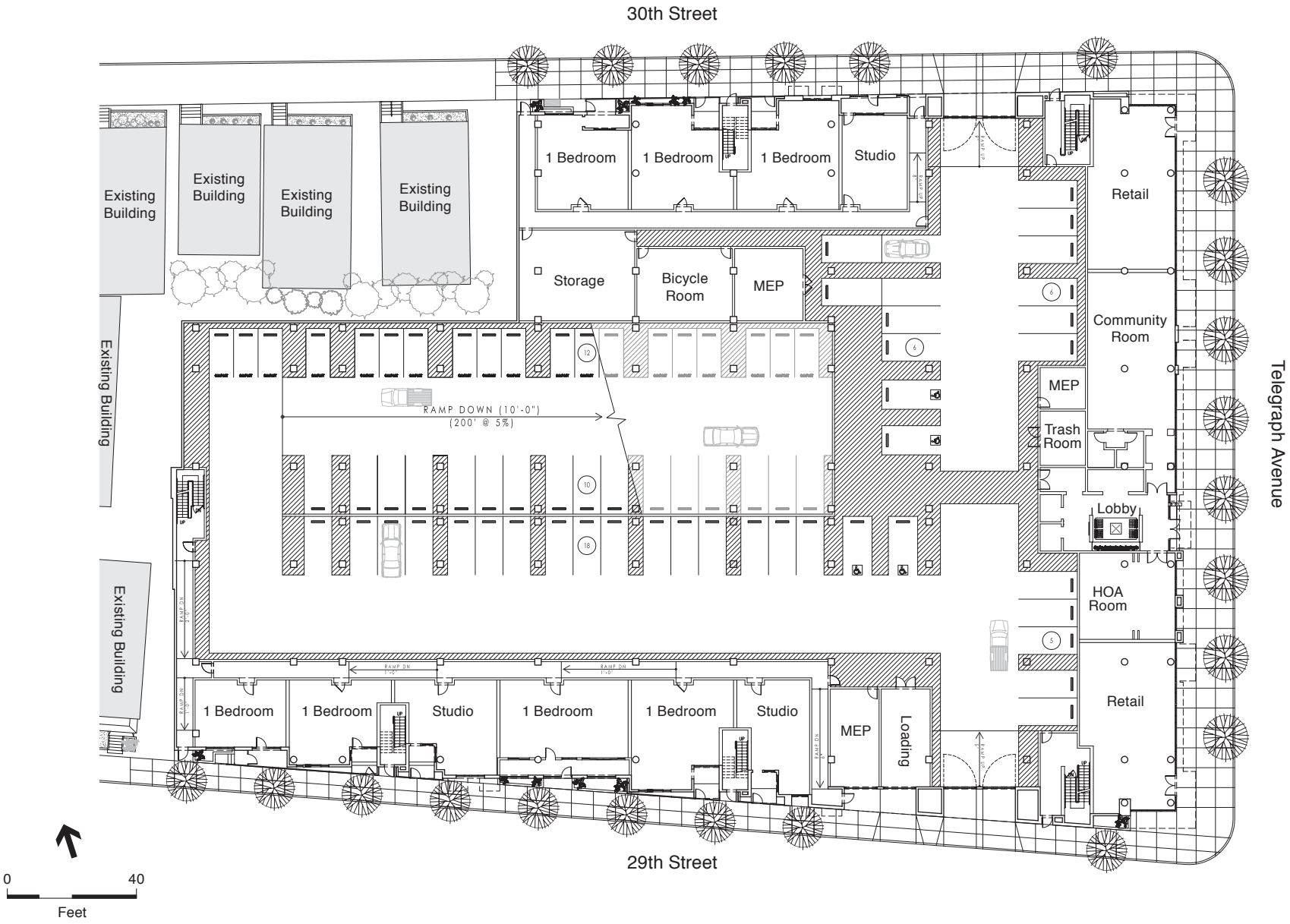
NOT TO SCALE

SOURCE: GlobeXplorer, 2002; Google Earth, 2006

Courthouse Condominiums . 206145

Figure 2

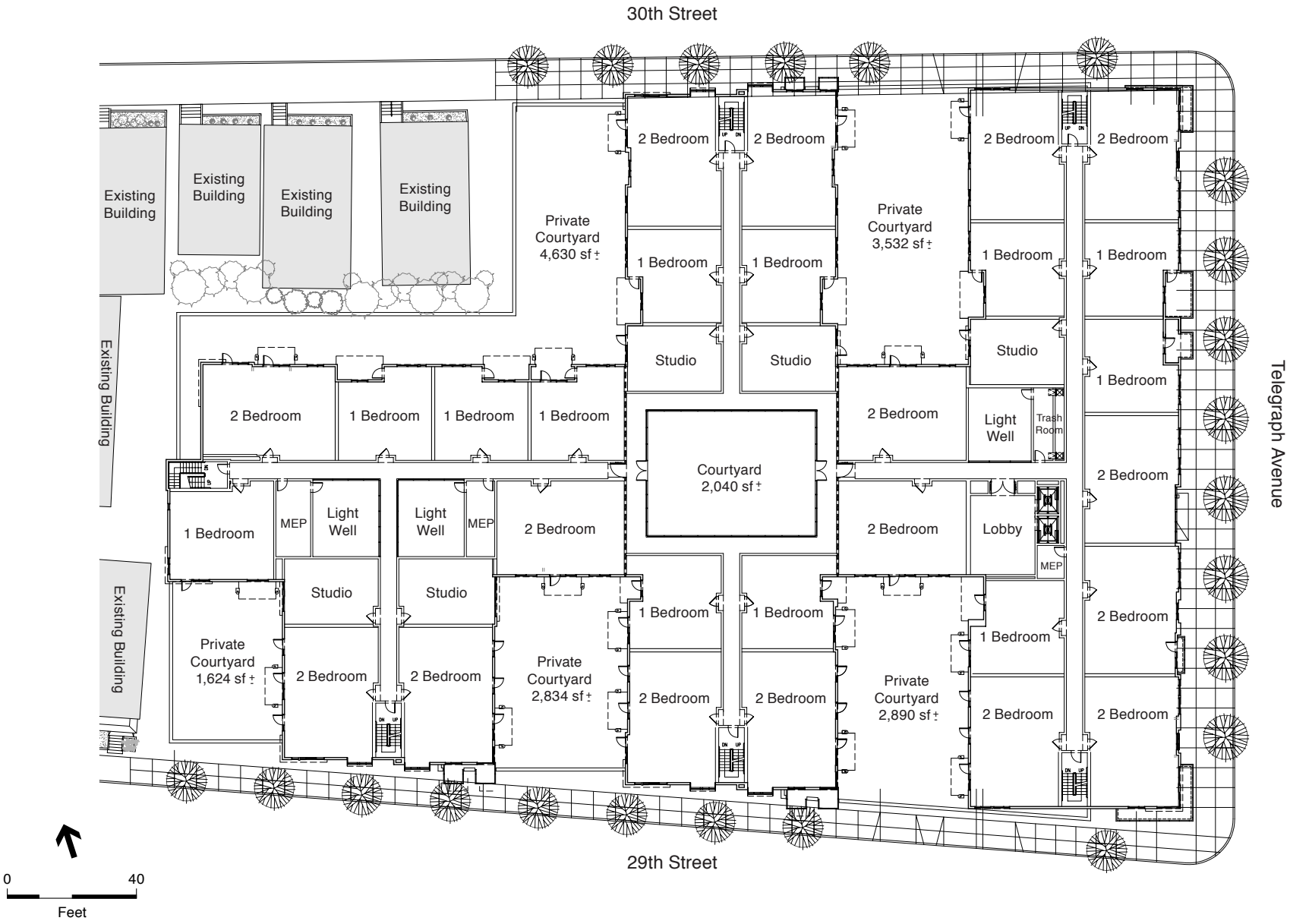
Project Site Existing Conditions



SOURCE: MBH Architects, 2006

Courthouse Condominiums . 206145

Figure 3
Ground Floor Plan



SOURCE: MBH Architects, 2006

Courthouse Condominiums . 206145

Figure 4
Level 2 Floor Plan

East Elevation (Telegraph Avenue)

South Elevation (29th Street)

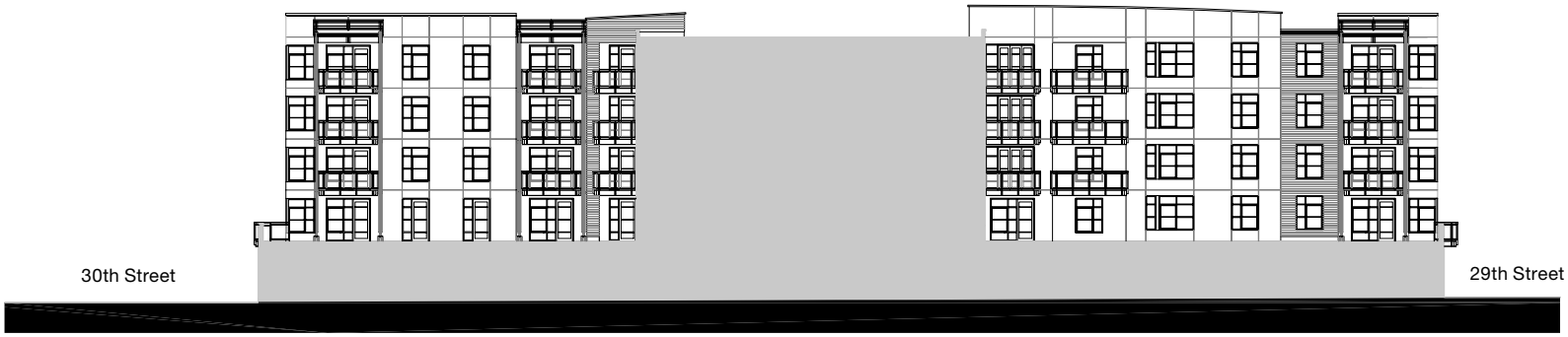
0 20
Feet

SOURCE: MBH Architects, 2006

Courthouse Condominiums . 206145

Figure 5
Telegraph Avenue and 29th Street
Elevations

North Elevation (30th Street)



West Elevation (Rear)

0 20
Feet

SOURCE: MBH Architects, 2006

Courthouse Condominiums . 206145

Figure 6
30th Street and Rear Elevations

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages and will be further studied in an Environmental Impact Report (EIR). The environmental factors that are not checked will not be studied in the EIR.

☐ Aesthetics, Shadow, & Wind	☐ Agricultural Resources	☐ Air Quality
☐ Biological Resources	☒ Cultural Resources	☐ Geology/Soils
☐ Hazards/Hazardous Materials	☐ Hydrology/Water Quality	☐ Land Use/Planning
☐ Mineral Resources	☐ Noise	☐ Population/Housing
☐ Public Services	☐ Recreation	☒ Transportation/Traffic
☐ Utilities/Service Systems	☒ Mandatory Findings of Significance	

DETERMINATION

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared. ☐

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because mitigation measures have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared. ☐

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required for selected environmental factors. ☒

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

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

Signature

Date

Joann Pavlinec, Planner III
For: Claudia Cappio
Director of Development

EVALUATION OF ENVIRONMENTAL IMPACTS

CEQA requires that an explanation of all answers except "No Impact" answers be provided along with this checklist, including a discussion of ways to mitigate any significant effects identified. As defined here, a significant effect is considered a substantial adverse effect.

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

Comments to I.a, b, c and d:
The relatively flat project site is located just south of Interstate I-580 and east of Interstate I-980 in the Telegraph Corridor district of Oakland's Central / Chinatown planning area. The 50-foot tall project, located east of the elevated Interstate I-980, would not block views of the hills to the east, as these hills are not immediately visible from the site. Nor would the project obstruct views of Lake Merritt, the shoreline or open space visual resources. In addition, views looking southward along Telegraph offer clear sight of Oakland's downtown high-rise development which would not be disrupted by the project. Finally, the proposed project would not become a prominent feature in long range views looking west from hillside locations such as Grizzly Peak Road or Skyline Boulevard.

The proposed project would not be located within or near a state scenic highway; therefore it would not damage scenic resources within a state scenic highway.

The project would result in a visual change to the project site since it would result in construction of a 50-foot-tall mixed-use building on approximately 95 percent of the project site replacing a smaller (2-story, approximately 30,000 square foot) structure surrounded by surface parking. However, the project would be located on an in-fill site in an area that is already well developed and has been targeted for increased community and economic development in the General Plan.

The proposed architecture includes a combination of modern and traditional design elements, which would be compatible with existing development within the project vicinity as well as promote a more urban aesthetic. The project's mix of exterior building materials includes cement plaster (stucco), wood siding, metal railings and aluminum-framed window units. Built to the street, the project's nearly continuous, small scale commercial use along Telegraph Avenue would be consistent with design goals established in the General Plan and the Planning Code Design Review Criteria and would enhance the desirable existing characteristics of the Telegraph Avenue Corridor. Direct access to ground floor residential townhouses and flats along Telegraph Avenue, 29th and 30th Streets would also contribute to the project's ability to increase

pedestrian activity and promote a safe and attractive neighborhood environment. Consistent with the zoning classifications for the site, the proposed project would be subject to the City's Design Review process, during which the Landmarks Preservation Advisory Board and the Planning Commission would influence specific building designs and materials. Therefore, while the project would result in a change to the visual quality of the project site, the proposed building would not degrade the visual character or quality of the site or its surroundings.

Sources of light and glare in the project vicinity would include interior and exterior building lights, as well as light and glare associated with increased vehicular traffic in the project vicinity. The existing level and sources of light and glare are typical of those in a developed urban setting. The project is not anticipated to create a significant or substantial new source of light or glare, nor would it adversely affect day or nighttime views in the area. In addition, the project applicant shall be required to implement and comply with the following uniformly-applied standard conditions of approval, which would help reduce the potential for impacts associated with light and glare to a less than significant level.

Standard Condition A-1: The project applicant will submit a plan for exterior lighting that is visible from the exterior of the building for review and approval by the Electrical Services Division. The plan shall include the design and location of all lighting fixtures or standards. The plan shall indicate lighting fixtures that are adequately shielded to a point below the light bulb and reflector and that prevent unnecessary glare onto adjacent properties. All lighting shall be architecturally integrated into the site.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
e) Introduce landscape that would now or in the future cast substantial shadows on existing solar collectors (in conflict with California Public Resource Code Section 25980-25986)?	☐	☐	☐	☒	☐
f) Cast shadow that substantially impairs the function of a building using passive solar heat collection, solar collectors for hot water heating, or photovoltaic solar collectors?	☐	☐	☐	☒	☐
g) Cast shadow that substantially impairs the beneficial use of any public or quasi-public park, lawn, garden, or open space?	☐	☐	☐	☒	☐
h) Cast shadow on an historic resource, as defined by CEQA Section 15064.5(a), such that the shadow would materially impair the resource's historical significance by materially altering those physical characteristics of the resource that convey its historical significance and that justify its inclusion on or eligibility for listing in the National Register of Historic Places, California Register of Historical Resources, Local register of historical resources or a historical resource survey form (DPR Form 523) with a rating of 1-5?	☐	☐	☐	☒	☐
i) Require an exception (variance) to the policies and regulations in the General Plan, Planning Code, or Uniform Building Code, and the exception causes a fundamental conflict with policies					

and regulations in the General Plan, Planning Code, and Uniform Building Code addressing the provision of adequate light related to appropriate uses?	☐	☐	☐	☒	☐
j) Create winds exceeding 36 mph for more than 1 hour during daylight hours during the year, for projects 100 or more feet tall and either Downtown or adjacent to a substantial water body?	☐	☐	☐	☒	☐

Comments to I.e, f, g, h, i and j:

In the morning and afternoon of the winter solstice in December, the sun is at its lowest and the project shadows would be at their longest. Shadows on any other day of the year would be within the range of shadows cast between the spring and fall equinoxes in March and September respectively, when shadows are midway through a period of shortening and lengthening. In general, new shadows from the project would fall in a westerly to northwesterly direction during the morning hours and sweep eastward to terminate in a northeasterly and then easterly direction as the afternoon progresses. Overall, the extent of new shadowing by the project would affect existing uses to the west and north of the project site.

The site reconnaissance conducted for this analysis did not identify any passive solar heat collectors, solar collectors for hot water heating, or photovoltaic solar collectors in the areas adjacent to the project site. The project and proposed landscaping would not cast a shadow on a public building using passive solar heart collection, solar collectors for hot water hearting or photovoltaic solar collectors; on any public or quasi-public park, lawn, garden or open space.

The St. Augustine's Episcopal Church, located on the southwest corner of 29th Street and Telegraph Avenue, is a City of Oakland Historical Landmark and is therefore considered an historic resource as defined by CEQA section 15064.5(a). However, as this resource is located to the south of the project site, it is not anticipated that the project shadow would reach the Church at any point during the year. Therefore, the project would not result in a significant physical effect such that the shadow would materially impair the resource's historical significance by precluding its inclusion on or eligibility for listing in the National Register of Historic Places, California Register of Historical Resources, Local register of historical resources or a historical resource survey form (DPR Form 523) with a rating of 1-5.

The project would reach a maximum height of approximately 50 feet. Buildings of this height are unlikely to generate ground force winds enough to create wind hazards and are therefore exempt from wind analysis testing requirements. .

Source:
Field Survey.
List of Officially Designated State Scenic Highways, Caltrans website, accessed January 14, 2006, at http://www.dot.ca.gov/hq/LandArch/scenic/schwy1.html.
Open Space, Conservation, and Recreation (OSCAR) Element of the General Plan
Project Description and Plans.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
II. AGRICULTURAL RESOURCES -- Would the project:					
a) Convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒	☐
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒	☐
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	☐	☐	☐	☒	☐

Comments to II.a, b and c:
The proposed project would be located in a built-out urban area and there are no agricultural or farmland uses within or adjacent to the project site. The site is not zoned for agricultural use nor is it within a Williamson Act contract. The project would not result in the conversion of farmland to non-agricultural uses. Therefore, the proposed project would not affect any agricultural resources.

Source:
Oakland General Plan, Land Use and Transportation Element, March 24, 1998.
Oakland General Plan: Open Space, Conservation and Recreation Element, June 1996.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
III. AIR QUALITY -- Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐	☐
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐	☐
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☒	☐	☐
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☐	☒
e) Frequently create substantial objectionable odors affecting a substantial number of people?	☐	☐	☒	☐	☐
f) Contribute to CO concentrations exceeding the State AAQS of 9 ppm averaged over 8 hours and 20 ppm for 1 hour?	☐	☐	☒	☐	☐
g) Result in total emissions of ROG, NOx, or PM10 of 15 tons per year or greater, or 80 pounds (36 kilograms) per day or greater?	☐	☐	☒	☐	☐
h) Result in a potential to expose persons to substantial levels of Toxic Air Contaminants (TAC) such that the probability of contracting cancer for the Maximally Exposed Individual (MEI) exceeds 10 in one million?	☐	☐	☒	☐	☐
i) Result in ground level concentrations of non-carcinogenic TACs such that the Hazard Index would be greater than 1 for the MEI?	☐	☐	☒	☐	☐
j) Result in a substantial increase in diesel emissions?	☐	☐	☒	☐	☐

Comments to III.a:

The Bay Area is currently designated as a nonattainment area for state and national ozone standards and as a nonattainment area for the state particulate matter (PM-10 and PM-2.5) standards. The 2001 Bay Area Ozone Attainment Plan and the Bay Area 2005 Ozone Strategy have been prepared to address ozone nonattainment issues. No PM-10 or PM-2.5 plan has been prepared or is required under state air quality planning law.

Demolition of existing structures at the site and construction of the proposed structures would involve use of equipment and materials that would emit ozone precursor emissions (i.e., reactive organic gases, or ROG, and nitrogen oxides, or NO_X).

The regional agency primarily responsible for developing the regional ozone plans is the Bay Area Air Quality Management District (BAAQMD). BAAQMD is also the agency with permit authority over most types of stationary sources in San Francisco Bay Area. BAAQMD exercises permit authority through its *Rules and Regulations*. Both federal and state ozone plans rely heavily upon stationary source control measures set forth in BAAQMD's *Rules and Regulations*. The overall stationary source control program that is embodied by the BAAQMD *Rules and Regulations* has been developed such that new stationary sources can be allowed to operate in the Bay Area without obstructing the goals of the regional air quality plans.

With respect to the construction phase of the project, applicable BAAQMD regulations would relate to portable equipment (e.g., Portland concrete batch plants, and gasoline- or diesel-powered engines used for power generation, pumps, compressors, pile drivers, and cranes), architectural coatings, and paving materials. Project construction would be subject to the requirements of BAAQMD Regulation 2 (Permits), Rule 1(General Requirements) with respect to portable equipment unless exempt under Rule 2-1-105 (Exemption, Registered Statewide Portable Equipment); BAAQMD Regulation 8 (Organic Compounds), Rule 3 (Architectural Coatings); and BAAQMD Regulation 8 (Organic Compounds), Rule 15 (Emulsified and Liquid Asphalts).

With respect to the operational-phase of the project, emissions would be generated primarily from motor vehicle trips to the project site and emissions from stationary equipment, to a lesser extent. However, the number of average daily trips generated by the project would only marginally increase daily emissions of ozone precursors and PM-10 and would be well below BAAQMD established thresholds for consideration of a significant impact (refer to response to III.g) . Consequently, the project would not affect air quality in the region or conflict with or obstruct implementation of the applicable Air Quality Attainment Plans. Any stationary sources on site would be subject to the BAAQMD Rules and Regulations. Compliance with BAAQMD *Rules and Regulations* would ensure that the project would not conflict with or obstruct implementation of the applicable air quality plans.

Comments to III. b, c, f, and g:

The project site is located in the City of Oakland, within the San Francisco Bay Area Air Basin (Bay Area). The Bay Area experiences occasional violations of ozone and particulate matter (PM-10 and PM-2.5) standards. Although the regional monitoring network no longer records violations of the carbon monoxide standard, congestion on busy roadways and intersections could lead to local carbon monoxide hotspots, particularly during peak traffic hours.

The proposed project would result in up to 142 dwelling units, 2,900 square feet of retail and 204 parking spaces. The project would affect local pollutant concentrations in two ways. First, during project construction, the project would affect local particulate concentrations by generating dust. Over the long term, the project would result in an increase in emissions due to related motor vehicle trips associated with the residential and commercial uses proposed by the project, and the increase in motor vehicle trips would affect carbon monoxide concentrations along the local road network. In addition, any on-site stationary and area sources associated with the project may also affect local pollutant concentrations, but since they would likely be subject to BAAQMD permit requirements, they can be presumed to have a less-than-significant effect on local pollutant concentrations.

During construction, the project would generate short-term emissions of criteria pollutants, including suspended and inhalable particulate matter and equipment exhaust emissions. Project-related construction activities would include demolition, site preparation, earthmoving and general construction activities. Emissions generated from these activities include dust (including PM-10 and PM-2.5)[2] primarily from "fugitive" sources, such as soil disturbance; combustion emissions of criteria air pollutants (reactive organic

[2] Particles that are 10 microns or less in diameter and 2.5 microns or less in diameter, respectively

gases [ROG], nitrogen oxides [NOx], carbon monoxide [CO], sulfur oxides [SOx], and PM-10) primarily from operation of construction equipment and from worker vehicles; and evaporative emissions (ROG) from asphalt paving and architectural coating applications.

Construction-related fugitive dust emissions would vary from day to day, depending on the level and type of activity, silt content of the soil, and the weather. In the absence of mitigation, construction activities may result in significant quantities of dust, and as a result, local visibility and PM-10 and PM-2.5 concentrations may be adversely affected on a temporary and intermittent basis during the construction period. In addition, the fugitive dust generated by construction would include not only PM-10, but also larger particles, which would fall out of the atmosphere within several hundred feet of the site and could result in nuisance-type impacts.

The BAAQMD CEQA Guidelines recognize that construction equipment emits ozone precursors, but indicate that such emissions are included in the emission inventory that is the basis for regional air quality plans. Therefore, construction emissions of ROG and NOx are not expected to impede attainment or maintenance of ozone standards in the Bay Area. The impact of construction equipment exhaust emissions would therefore be less than significant and would not obstruct implementation of regional air quality plans.

The BAAQMD's approach to analyses of fugitive dust emissions from construction is to emphasize implementation of effective and comprehensive dust control measures rather than detailed quantification of emissions. The District considers any project's construction related impacts to be less than significant if the required dust-control measures are implemented. Without these measures, the impact is generally considered to be significant, particularly if sensitive land uses are located in the project vicinity. In the case of this project, residential land uses are located as close as 10 feet from the boundaries of the project site. The proposed project would be subject to the measures recommended by the BAAQMD (listed below), which are uniformly applied by the City as standard conditions of approval, and which would reduce construction-related PM-10 and PM-2.5 emissions to a less than substantial contribution level.

Standard Condition AQ-1: During construction, the project sponsor shall require the construction contractor to implement the following measures required as part of BAAQMD's basic and enhanced dust control procedures required for all construction sites. These include:

- **Water all active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible.**

- **Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).**

- **Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.**

- **Sweep daily (with water sweepers using reclaimed water if possible) all paved access roads, parking areas and staging areas at construction sites.**

- **Sweep streets (with water sweepers using reclaimed water if possible) at the end of each day if visible soil material is carried onto adjacent paved roads.**

- **Pave all roadways, driveways, sidewalks, etc. as soon as feasible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.**

- **Designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the BAAQMD prior to the start of construction as well as posted on-site over the duration of construction.**

- **Clean off the tires or tracks of all trucks and equipment leaving any unpaved construction areas.**

- **Install appropriate wind breaks at the construction site to minimize wind blown dust.**

Once complete and occupied, the proposed project would generate emissions of criteria air pollutants, primarily as a result of increased motor vehicle traffic. The project could affect localized carbon monoxide (CO) concentrations at nearby intersections. However, CO levels have been declining for a number of years and are expected to continue to do so in the future, and the relatively small number of vehicle trips that the project would generate (initially estimated to be approximately 85[3] vehicle trips in the p.m. peak hour, even when not subtracting existing trips generated by the fitness club currently operating on the project site), would be unlikely to result in violation of the state CO standard at any local intersections. Therefore, the project would not be expected to result in a violation of the state or federal standards for CO.

Based on analysis of the proposed project using the URBEMIS air quality model, project vehicle traffic would generate levels of criteria pollutants far below the significance criteria in Item III.g (80 lbs./day), which are the thresholds identified by the BAAQMD. Maximum emissions of reactive organic gases (ROG), nitrogen oxides (NOx), and fine particulate (PM-10) generated by project traffic would be approximately 9 pounds per day, 18 pounds per day, and 7 pounds per day, respectively, even without accounting for a reduction in auto travel due to transit access, or the number of existing trips to an from the fitness club. Therefore, the project would not be expected to result in a violation of the state or federal standards ozone standards.

Comments to III.d:

The project proposes to develop residential dwelling which would be considered sensitive receptors for the purposes of air quality impact assessment. The proposed project is located in a mixed use area with no substantial stationary sources of criteria pollutants in the vicinity. A review of the BAAQMD's most recent air toxics annual report indicates that there are no identified sources of toxic air contaminants is the project vicinity.

The project is located approximately 500 feet from I-980 based on measurement using Google-Earth. In April 2005, the California Air Resources Board (ARB) published *Air Quality And Land Use Handbook: A Community Health Perspective*. This handbook is intended to give guidance to local governments in the siting of sensitive land uses near sources of air pollution. Recent studies have shown that public exposure to air pollution can be substantially elevated near freeways and certain other facilities. Specifically, the document focuses on risks from emissions of diesel particulate matter, a known carcinogen, to establish recommended siting distances. The proposed project would just conform with the general guidelines of this handbook regarding freeways, which is:

- Avoid siting new sensitive land uses within 500 feet of a freeway, urban roads with 100,000 vehicles/day, or rural roads with 50,000 vehicles/day.

[3] Korve Engineering, *Draft Transportation Impact Analysis, Courthouse Condominium Project*, June, 2006.

Consequently, the proposed project would not be considered to expose sensitive receptors to substantial pollutant concentrations.

Comments to III.e:

As a general matter, the types of land use development that pose potential odor problems include wastewater treatment plants, refineries, landfills, composting facilities and transfer stations. No such uses would occupy the project site. Therefore the project would not create objectionable odors that would affect a substantial number of people. Also, there are no existing odor sources in the vicinity of the project site that would impact future occupants of the project site.

Comments to III.f:

Please see Comment III.b and c.

Comments to III.g:

Please see Comment III.b and c.

Comments to III.h and III.I:

Demolition of existing structure may result in airborne entrainment of asbestos, a toxic air contaminant, particularly where structures built prior to 1980, such as the existing building on the project site, are being demolished.

As required for all development projects involving demolition of existing buildings, the project applicant shall be required to implement and comply with the following uniformly-applied standard conditions of approval, which would help reduce the potential for public health hazards associated with airborne asbestos fibers or lead dust to a less than significant level.

> **Standard Condition AQ-2: If asbestos is found to be present in building materials to be removed, demolition and disposal is required to be conducted in accordance with procedures specified by Regulation 11, Rule 2 (Asbestos Demolition, Renovation and Manufacturing) of BAAQMD's regulations.**

No other toxic substantial emissions of air contaminants would typically result from a project such as that proposed.

Comments to III.j:

As a primarily residential development, the project would generate a limited number of truck trips, and would not be expected to result in a substantial increase in emissions of diesel particulate, identified by the California Air Resources Board as a toxic air contaminant.

Source:
Bay Area Air Quality Management District, *Toxic Air Contaminant Control Program, Annual Report*, 2004.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
IV. BIOLOGICAL RESOURCES - - Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒	☐
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒	☐
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒	☐
f) Fundamentally conflict local policies or ordinances protecting biological resources, such as the City of Oakland Tree Preservation and Removal Ordinance (Oakland Municipal Code (OMC) Chapter 12.36) by removal of protected trees under certain circumstances and/or the City of Oakland Creek Protection Ordinance (OMC Chapter 13.16) intended to protect biological resources?	☐	☐	☐	☐	☒
f) Fundamentally conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒	☐

Comments to IV.a - f:
The proposed project site is an in-fill site located in an area that has been urbanized for at least 100 years. Urban development has replaced any former natural biotic habitats and natural vegetation. The project site is currently occupied by a paved surface parking lot and a fitness club. Given the existence of substantial urban development in the vicinity and motor vehicle traffic in the area, the site is unlikely to be a part of an established native resident or migratory wildlife corridor, and is unlikely to be located within a designated habitat area.

There are street trees along the east side of Telegraph Avenue, the south side of 29th Street as well as a few trees on the north side of 30th Street; all of which are across the street from the project block. There is also a small corridor of vegetation and trees to the west of the project site, adjacent to Interstate I-980. The only

vegetation on the site other than ornamental landscaping around portions of the building's exterior are two mature redwood trees; one on the southern boundary of the site (Tree No.1) and the other in the western half of the parking lot (Tree No. 2). See Figure 2 for tree locations.

In accordance with standard city practices, any removal of "protected" trees as a result of the proposed project would be subject to the Oakland Tree Preservation Ordinance and standard city tree protection/removal permit procedures. A "protected" tree includes "on any property, *Quercus agrifolia* (California or Coast Live Oak) measuring four inches diameter at breast height or larger, and any other tree measuring nine inches diameter at breast height (DBH) or larger except Eucalyptus and *Pinus radiata* (Monterey Pine)." Tree No.1 has a DBH of 40 inches and is considered to be in fair condition with some dieback in the branches and foliage and root damage from the parking lot. Tree No. 2 has a DBH of 51 inches and is considered to be in fair to poor condition with some minor deadwood and dieback in foliage and concrete to the base of the trunk. Because both existing redwood trees have DBH of more than nine inches, they are defined as protected trees per the City of Oakland Municipal Code (see Figure 2).

The proposed project would include a concrete podium that is two stories high (one level below ground and one above) which covers the entire site. Both of the redwood trees on the site fall within the footprint of the proposed concrete podium. The podium (and therefore project) would have to be redesigned in order to accommodate the two trees, which would compromise the economic viability of the project and the city's vision for the site's development. In order to retain Tree No. 2 located at the center of the site, the project's internal corridor system and interior courtyard network would have to be redesigned. The internal parking structure also would have to be significantly altered due to the tree's central location. Consequently, a considerable amount of parking would be lost, triggering the need for a larger and less functional parking garage that could accommodate the number of parking spaces required by the City. This could result in ground floor parking that is no longer hidden from the streetscape, an attractive benefit of the current project's plans. To accommodate Tree No. 1, which also falls within the area of proposed concrete podium, the podium and the project would also have to be redesigned, including the City-required ingress and egress locations. The preservation of the redwood trees would result in a reduction of approximately 20 units (or 14 percent of the proposed 142 units), which would affect the project in terms of both its design and financial viability. Finally, because both trees are in marginal health, especially Tree No. 2 which is in fair to poor condition, these existing trees may pose a safety threat to the property and its residents should tree branches fall to the ground, or should the trees become compromised in any way. Therefore, the project would necessitate the removal of the redwood trees to accommodate the project. The project sponsor intends to replace these two existing trees with approximately 20 deciduous trees to be planted within the project site courtyards, not including approximately 20 new trees to be planted along the street.

The project applicant shall be required to implement the following uniformly-applied standard conditions of approval, including acquisition of a Tree Removal Permit and adherence to its terms and conditions. Compliance with these standard conditions, as well as consultation with the City on any new street tree planting along the perimeter of the site, would ensure that the project does not conflict with any local ordinances, plans or policies and would reduce the potential for impacts associated with biological resources to a less than significant level.

> **Standard Condition BIO-1: To the extent feasible, removal of the large trees and other vegetation suitable for nesting shall not occur during the breeding season of March 15 and August 15. If tree removal must occur during the breeding season, all sites shall be surveyed by a qualified biologist to verify the presence or absence of nesting birds or raptors. If the survey indicates that potential presences of nesting birds or raptors, the results would be coordinated with CDFG and suitable avoidance measures would be developed and implemented. Construction shall observe the CDFG avoidance guidelines which are a minimum 500-foot buffer zone surrounding active raptor nests and a 250-foot buffer zone surrounding nests of other birds. Buffer zones shall remain until young have fledged.**

Standard Condition BIO-2: Replacement plantings shall be required in order to prevent excessive loss of shade, erosion control, groundwater replenishment, visual screening and wildlife habitat in accordance with the following criteria:

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

Standard Condition BIO-3: Workers compensation, public liability, and property damage insurance shall be provided by any person(s) performing tree removal work authorized by a tree removal permit.

Standard Condition BIO-4: Prior to receiving building permit, the applicant must secure a tree removal permit, and abide by the conditions of that permit, prior to removal of any trees located on the project site or in the public right-of-way adjacent to the project.

Source:

Environmental Science Associates, *Arborist Report for Courthouse Condominiums, Oakland California,* August 2006.
Oakland General Plan: Open Space, Conservation and Recreation Element, June 1996.
Oakland Municipal Code Title 12, Chapter 12.36 (Oakland Tree Ordinance).

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
V. CULTURAL RESOURCES -- Would the project:					
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	☒	☐	☐	☐	☐

Comments to V.a:
The building on the project site is a former residence dating from the turn of the nineteenth century that was transformed into a mortuary in the1940s. The mortuary was remodeled into a fitness club in the early 1980s, which is its current use. The building was assigned a preliminary (field) survey rating of "B+3" by Oakland Cultural Heritage Survey (OCHS) as part of its citywide historic resources inventory survey in 1996. This existing rating indicates that the building is of 'major importance, not in an area of primary or secondary importance." As buildings or structures that are designated City landmarks or have existing ratings of 'A' or 'B' qualify on the City of Oakland's local register of historical resources for purposes of CEQA (pursuant to Policy 3.8 of the Historic Preservation Element of the General Plan), the proposed demolition of the B-rated former mortuary would constitute a significant impact under CEQA. Therefore, impacts to historical architectural resources will be analyzed in the EIR. The existing building was also reviewed for its potential historic significance in a historic resources evaluation technical report; the findings of which will also be presented in the EIR.

Adjacent historic resources include St. Augustine's Episcopal Church, a City of Oakland Landmark on the southwest corner of 29th Street and Telegraph Avenue. Three blocks south of the project site along Broadway is the 25th Street Garage District, a City-identified Area of Primary Importance (API), or National Register quality district. The EIR will additionally address potential effects to the setting of nearby historic resources.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	☐	☐	☐	☐	☒

Comments to V.b
The area of the project site and vicinity is disturbed and surface evidence of any cultural or archeological resource is non existent due to development. Although no extant cultural resources within the project area are apparent or have been recorded, no intensive survey with subsurface testing has been conducted. Moreover, heavily paved, urbanized environment throughout the project area precluded adequate surface examination. Therefore, the nonexistence of subsurface cultural resources cannot be demonstrated and unidentified, buried archaeological remains could be present along the corridor. Buried archaeological remains such as prehistoric midden deposits, flaked and ground stone artifacts, bone, shell, building foundations and walls, and other buried cultural resource materials could be damaged during grading, trenching, and other construction related activities. The project would involve excavation for one subsurface floor level and foundations. The potential exists for such disturbance, including of archaeological resources (as identified in CEQA Guidelines Section 15064.5 or CEQA Section 21083.2(g)), which could cause substantial adverse changes to the significance of such resources, thereby resulting in a significant impact. Accordingly, the following standard condition would be implemented by the project sponsor and included as a condition of approval by the City.

Implementation of this standard condition would reduce the impact from potential discovery of subsurface cultural resources to a less-than-significant level.

Standard Condition Cul-1: 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 City shall consult with a qualified archaeologist to assess the significance of the find. If any find is determined to be significant, representatives of City and the qualified archaeologist shall meet to determine the appropriate avoidance measures or other appropriate mitigation, with the ultimate determination to be made by the CEDA Development Director. All significant cultural materials recovered shall be, as necessary, subject to scientific analysis, professional museum curation, and a report prepared by the qualified archaeologist according to current professional standards.

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

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☐	☒

Comments to V.c:

Paleontological resources are the fossilized evidence of past life found in the geologic record. Despite the tremendous volume of sedimentary rock deposits preserved worldwide, and the enormous number of organisms that have lived through time, preservation of plant or animal remains as fossils is an extremely rare occurrence. Because of the infrequency of fossil preservation, fossils – particularly vertebrate fossils – are considered to be nonrenewable resources. Because of their rarity, and the scientific information they can provide, fossils are highly significant records of ancient life.

The project site has a relatively thin (3 to 8.5 feet thick) heterogeneous fill material of very stiff to hard clay with some fine to medium sand. Natural alluvial deposits, identified by the U.S.G.S as the Alameda formation, underlie the fill and consist of medium stiff to hard sandy clay interbedded with gravelly sand layers. These types of alluvial sediments have been known to yield significant paleontologic remains because they are formations considered as fossil-bearing rock units**.** Because the proposed project would result in excavation of up to 12 feet, significant paleontological discoveries could be made. Excavation activities related to the proposed project could damage or destroy significant paleontological resources that could result in a significant effect. Accordingly, the following standard condition would be implemented by the project sponsor and included as a condition of approval by the City. Implementation of this standard condition would reduce the impact from potential discovery of paleontological resources to a less-than-significant level.

Standard Condition Cul-2: In the event of unanticipated discoveries paleontologic discoveries, the project sponsor shall notify a qualified paleontologist who shall document the

discovery as needed, evaluate the potential resource, and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5. In the event of an unanticipated discovery of a brea (a seep of natural petroleum that preserved and fossilized remains of trapped animals) or of fossils 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). 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 by the Director of Development.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☐	☒

Comments to V.d:
There is no indication that a particular site has been used for burial purposes in the recent or distant past. Thus, it is unlikely that human remains would be encountered during project construction. However, in the event of the accidental discovery of any human remains, including those interred outside of formal cemeteries, during project construction, the following standard condition, which would be included as a condition of approval by the City, would be implemented by the project sponsor, and reduce the impact from accidental discovery of human remains to a less-than-significant level.

Standard Condition Cul-3: In the event that human skeletal remains are uncovered during construction activities for the Proposed Project, the project contractor shall immediately halt work, contact the Alameda County Coroner 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, City shall contact the California Native American Heritage Commission, pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease until appropriate arrangements are made.

Source:
California Department of Parks and Recreation, Primary Record, *2395 Telegraph Avenue/501 30th Street*, September 30, 1996.
Project Description and Plans
URS Corporation, *Limited Phase II Environmental Site Investigation*. Prepared for Trammell Crow Residential, May 25, 2006.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
VI. GEOLOGY AND SOILS -- Would the project:					
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42 and 117 and PRC Section 2690.	☐	☐	☒	☐	☐
ii) Strong seismic ground shaking?	☐	☐	☐	☐	☒
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☐	☒

Comments to VI.a.i, ii, and iii:
The project site is not located within a Fault-Rupture Hazard Zone as designated by the Alquist-Priolo Earthquake Fault Zoning Act of 1972, and no known active faults have been mapped on or in the immediate vicinity.[4] [5] The closest active fault is the Hayward fault, located approximately 4 miles east. Other notable active faults include the San Andreas fault (14 miles southwest), the Calaveras fault (15 miles east), and the Rodgers Creek fault (19 miles north). As the site is not located on an active or potentially active fault, potential for surface fault rupture is low and the impact is considered less than significant.

The San Francisco Bay Area is considered a seismically-active region. The project site is located in an area subject to "very strong" groundshaking (Modified Mercalli Intensity VIII) from a characteristic earthquake along the Hayward Fault, according to the Association of Bay Area Governments (ABAG).[6] Groundshaking can result in significant structural damage or structural failure in the absence of appropriate seismic design. Seismic shaking can also trigger ground-failures caused by liquefaction.[7]

The proposed project site is located within an area designated by the California Division of Mines and Geology (CDMG) Seismic Hazards Mapping Act as a "Seismic Hazard Zone" for liquefaction. The Seismic Hazards Mapping Act (SHMA) was enacted in 1990 to protect the public from the effects of strong ground shaking, liquefaction, landslides, or other ground failure, and from other hazards caused by earthquakes. This act requires the State Geologist to delineate various seismic hazard zones and requires cities, counties, and other local permitting agencies to regulate certain development projects within these zones. In accordance with standard City practices, before a development permit is granted for a site within a seismic

4 California Geological Survey (CGS), formerly the California State Department of Conservation, Division of Mines and Geology (CDMG) *Cities and Counties Affected by Alquist-Priolo Earthquake Fault Zones as of May 1, 1998*, [http://www.consrv.ca.gov], November 16, 1998, and CDMG, *Fault Rupture Hazard Zones in California* Alquist Priolo Earthquake Zoning Act, Special Publication 42, Revised 1997

5 URS Corporation, *Final Geotechnical Characterization 2935 Telegraph Avenue Oakland, California*, Prepared for TCR Northern California Construction, Inc., May 19, 2006.

6 Available on ABAG website (viewed May 15, 2006) at: http://www.abag.ca.gov/bayarea/eqmaps/mapsba.html.

7 Liquefaction is the process by which saturated, loose, fine-grained, granular, soil, like sand, behaves like a dense fluid when subjected to prolonged shaking during an earthquake.

hazard zone, a geotechnical investigation must be conducted and appropriate measures incorporated into the project design.

A geotechnical investigation performed for the proposed project characterized the surface and subsurface conditions.[8] The proposed project site has a relatively thin (3 to 8.5 feet thick) heterogeneous fill material of very stiff to hard clay with some fine to medium sand. Natural alluvial deposits, identified by the U.S.G.S as the Alameda formation, underlie the fill and consist of medium stiff to hard sandy clay interbedded with gravelly sand layers. Some contaminated soils and no bedrock were encountered during field exploration. Groundwater depth was found to be between 9 to 12 feel below grade. Accordingly, the geotechnical investigation recommends that to restrict foundation settlements to tolerable movements, the proposed project be founded in the alluvium. The project sponsor has indicated that the foundation will be constructed of a concrete slab, but that no pile driven or drilled piers will be utilized in the foundation construction. The geotechnical report also recommends that once the proposed project foundation load is determined, two to three additional soil borings to further assess the subsurface conditions are suggested to finalize the foundation recommendation. A final decision on the project foundation would be made in conjunction with the project civil engineer. The project structures would be designed and constructed to meet the 1997 Unified Building Code (UBC) standards which require a seismic evaluation and particular seismic design criteria to reduce ground-shaking effects in structures. Although the potential for injury and damage from seismic ground shaking cannot be eliminated, adherence to the recommendations in the geotechnical investigation, the UBC and other applicable local construction codes would reduce the potential impact to a less-than-significant level.

In accordance with standard City practices, complying with the UBC standards, and incorporating a foundation design intended to minimize effects of ground shaking and seismically related ground failures such as liquefaction, the applicant shall be required to submit an engineering analysis report along with detailed engineering drawings to the Oakland Building Services Division prior to excavation, grading, or construction activities on the site. To ensure that buildings are designed and built in conformance with the seismic requirements of the City of Oakland Building Code, the project applicant shall be required to implement and comply with the following uniformly-applied standard conditions of approval: ,

Standard Condition GEO-1: A site-specific, design level geotechnical investigation for each construction site within the project area shall be required as part of this project. Specifically:

- **Each investigation shall include an analysis of expected ground motions at the site from known active faults. The analyses shall be in accordance with applicable City ordinances and policies, and consistent with the most recent version of the California Building Code, which requires structural design that can accommodate ground accelerations expected from known active faults.**

- **The investigations shall determine final design parameters for the walls, foundations, foundation slabs, and surrounding related improvements (utilities, roadways, parking lots and sidewalks).**

- **The investigations shall be reviewed and approved by a registered geotechnical engineer. All recommendations by the project engineer, and geotechnical engineer, as approved by the City will be included in the final design.**

8 URS Corporation, *Final Geotechnical Characterization 2935 Telegraph Avenue Oakland, California*, Prepared for TCR Northern California Construction, Inc. May 19, 2006.

- **Recommendations that are applicable to foundation design, earthwork, and site preparation that were prepared prior to or during the project design phase, shall be incorporated in the project.**

- **Final seismic considerations for the site shall be submitted to and approved by the City of Oakland Building Services Division prior to the commencement of the project.**

Considering that the proposed project would be constructed in conformance with the UBC, the City of Oakland Building Code, and the project applicant would implement Standard Condition GEO-1, the risks of injury and structural damage from a known earthquake fault, ground shaking, or seismic-related ground failure would be reduced and the impacts would be less than significant.

Source:
State of California Seismic Hazard Zones Map, Oakland West Quadrangle, February 13, 2003
URS Corporation, *Final Geotechnical Characterization 2935 Telegraph Avenue Oakland, California,* Prepared for TCR Northern California Construction, Inc. May 19, 2006.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
iv) Landslides?	☐	☐	☒	☐	☐

Comments to VI.a.iv:
The project site is relatively level and is not located on or adjacent to a hillside. In addition, the proposed project site is not located within an area designated by the California Division of Mines and Geology (CDMG) Seismic Hazards Mapping Act as a "Seismic Hazard Zone" for earthquake-induced landslides. Potential impacts associated with landslides are not significant.

Source:
State of California Seismic Hazard Zones Map, Oakland West Quadrangle, February 13, 2003

b) Result in substantial soil erosion or the loss of topsoil, creating substantial risks to life, property, or creeks/waterways?	☐	☐	☐	☐	☒

Comments to VI.b:
The project site is currently completely occupied by the existing building and asphalt parking lot. As such, no soil erosion or substantial loss of topsoil is anticipated. With development of the proposed project, the site would similarly be fully occupied by the proposed structure. Subsurface construction would include one basement level with the addition of the foundation slab and extend to a maximum depth of approximately 12 feet**.** Approximately 22,200 cubic yards of soil would be excavated and groundwater is expected to be encountered between 9 and 12 feet below ground surface. To address the shallow groundwater table, the geotechnical report recommends that basement walls be designed for hydrostatic lateral forces, basement floors for hydrostatic uplift forces, and waterproofing techniques applied to watertight the basement structure. A drainage system may be required below the basement slab.

To minimize wind or water erosion on the site during construction, the applicant shall be required in accordance with standard City practices, to submit a construction period erosion control plan to the Building Services Division for approval prior to the issuance of grading and building permits. The plan shall be in

effect for a period of time sufficient to stabilize the construction site throughout all phases of the project. Long-term erosion potential shall be addressed through installation of project landscaping and storm drainage facilities, both of which shall be designed to meet applicable regulations. In addition, the following standard measures shall be implemented as conditions of approval to avoid adverse long-term erosion impacts:

Standard Condition GEO-2: To erosion impacts, the project applicant shall implement the following measures:

- **Construction operations, especially excavation and grading operations, shall be confined as much as possible to the dry season, in order to avoid erosion of disturbed soils; and**
- **Final project landscaping plans shall be submitted to the Planning Director for review and approval.**

With the implementation of these standard conditions and the recommendations in the geotechnical report, the proposed project would not result in significant impacts with respect to erosion or loss of topsoil.

Source:
Oakland General Plan, Open Space, Conservation, and Recreation Element, October 1995.
Project Description and Plans.
URS Corporation, *Final Geotechnical Characterization 2935 Telegraph Avenue Oakland, California,* Prepared for TCR Northern California Construction, Inc. May 19, 2006.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	☐	☒	☐	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994, as it may be revised), creating substantial risks to life or property?	☐	☐	☒	☐	☐

Comments VI.c and d:
Landsliding (section VI.a.iv), liquefaction ground failures including lateral spreading (Section VI.a.i through iii), soil subsidence, and soil collapse have been determined to be less than significant because the project design would incorporate foundation recommendations of the project geotechnical evaluation, comply with applicable City regulations, be constructed to applicable UBC standards, adhere to, where appropriate, guidelines of the CDMG Special Publication 117, and would incorporate the proposed measure to address potential liquefaction hazards.

According to the U.S.D.A. Natural Resource Conservation Service soils classification, the soils in the project area are characterized as Urban Land-Danville complex, which have some development limitations, including expansive behavior. Four borings to a depth of 40 feet each at the approximate locations of the four corners of the proposed building were taken as part of a geotechnical investigation prepared for the project site. The borings revealed that soils underlying the site consists predominantly heterogeneous fill material of very stiff to hard clay with some fine to medium sand underlain by natural alluvial deposits of

medium stiff to hard sandy clay interbedded with gravelly sand layers, identified by the U.S.G.S as the Alameda formation. Depth to groundwater is between about 9 feet and 12 feet below ground surface.

As noted above, in the discussion under Section VI.a.i through iii, the geotechnical investigation identified various options for foundation systems would be feasible at the project site, and the project sponsor has indicated that it is not likely that drilled piers will be used to support a concrete slab.

In accordance with standard City practices, and in conformance with current codes and regulations, the project sponsor shall be required to submit detailed engineering drawings and materials to the Building Services Division prior to excavation, grading, or construction on the site. This measure would ensure that the building is designed and built in conformance with the requirements of the City of Oakland Building Code and the applicable provisions of the UBC. Therefore, the proposed project would not result in substantial risks to life or property due to unstable or expansive soil.

Source:
Oakland General Plan, Environmental Hazards Element, September 1974.
Oakland General Plan, Open Space, Conservation, and Recreation Element, October 1995.
URS Corporation, *Final Geotechnical Characterization 2935 Telegraph Avenue Oakland, California,* Prepared for TCR Northern California Construction, Inc. May 19, 2006.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
e) Be located above a well, pit, swamp, mound, tank vault, or unmarked sewer line, creating substantial risks to life or property?	☐	☐	☐	☒	☐
f) Be located above landfills for which there is no approved closure and post-closure plan, or unknown fill soils, creating substantial risk to life or property?	☐	☐	☐	☒	☐

Comments to VI.e and f:
The project site is not located on a site subject to the conditions identified in Item VI.e, nor is it located on a current or former known landfill.

g) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒	☐

Comments to VI.g:
Because the project site is located in an urban area and has been previously developed, the proposed project would be able to connect to the existing central sewer system, which provides wastewater collection service for the City of Oakland. Therefore, the project would not result in any significant impacts due to soils incapable of adequately supporting septic tanks or alternative wastewater disposal systems since neither septic tanks nor alternative wastewater disposal are found in this part of Oakland.

Source:
Site Observation.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
VII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☐	☒
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒	☐

Comments to VII.a, b, c and d:
The project, as a residential development would not involve the transport, use, storage, or disposal of hazardous materials, other than routine use of minor quantities of household cleaning products, commercial products used in cleaning and maintenance of the building, and, potentially, pesticides and fertilizers for care of on-site landscaping. These materials would not pose a significant hazard to the public. The project would not produce emissions other than from natural gas for space and water heating.

A Phase I Environmental Site Assessment prepared for the project site identified two sources of potential soil or groundwater contamination; a former gas station and auto repair facility which occupied the southeastern corner of the property prior to 1975, and former mortuary uses within the existing facility. No regulatory agency files were found regarding the presence or removal of underground storage tanks (UST) associated with the gas station. A small fuel UST was reported removed from the northern boundary of the project site, however, no regulatory agency information was found regarding this UST and its removal. The former presence of a gas station and auto repair facility suggests the presence of underground storage tanks. In addition, embalming chemicals, such as formaldehyde and petroleum hydrocarbons, associated with the existing buildings' former use as a mortuary are considered potential sources of soil and groundwater contamination on the project site.

In terms of off-site sources of soil or groundwater contamination, a former Shell Gas Station at 2800 Telegraph Avenue is located approximately 500 feet south of the subject property. Although this site is at a lower elevation and cross-gradient to the subject property, monitoring wells located within one block south of the subject property have historically been reported to contain petroleum hydrocarbons, BTEX, and MTBE. Due to historical groundwater contamination, the proximity to the subject property, and the limited local groundwater flow direction information, this site is considered an off-site Recognized Environmental Condition (REC) property, relative to the subject site.

A limited Phase II Site Assessment was conducted in January 2006 to determine the extent of potential soil and groundwater contamination. The assessment included the collection of seven soil borings using direct-

push techniques and four soil borings using rotary mud drilling techniques. In addition, the assessment sampled groundwater from temporary wells installed at six locations selected based on proximity to evaluated RECs, probable groundwater flow direction and field screening results. Petroleum hydrocarbons, formaldehyde, Volatile Organic Compounds (VOC) and heavy metals impacted soils from collected samples. The petroleum hydrocarbon concentrations identified were below the Environmental Screening Levels (ESLs) established by the Regional Water Quality Control Board Region 2 (RWQCB). However, visible staining and odors suggest 'hot spots' of petroleum hydrocarbon contamination may exist on the project site. Groundwater samples were found to have petroleum hydrocarbons from diesel and gasoline above their respective ESLs. One groundwater sample contained 2-methylnaphthaliene above its ESL.

Formaldehyde was detected above its ESL in one groundwater sample and below its ESL in several soil samples. The assessment postulated that higher concentrations of formaldehyde are likely to exist under the building, where sampling was not conducted due to drill rig access limitations. Arsenic was detected above its ESL in nine soil samples and barium and nickel were detected in the groundwater at levels above the applicable ESLs. However, these concentrations were in the range of naturally occurring concentrations. It should be noted that the presence of chemical concentrations above ESLs do not necessarily indicate a human health risk, but that further evaluation may be necessary.

In general, results from the Phase II investigation suggest that stockpile management and soils disposal may be impacted by elevated contaminant concentrations. Removal and disposal of contaminated soils may be required. Although on-site and off-site groundwater may require additional investigation and/or monitoring, since the shallow groundwater is not a source of drinking water, it is possible that a non-drinking-water cleanup level may be acceptable.

The project site is within one-quarter mile of the Oakland Emiliano Zapata Street Academy. However, it is not anticipated that the project would emit hazardous emissions or handle hazardous materials in a way that would pose a significant hazard to this school. Accordingly, the following standard conditions would be implemented by the project sponsor and included as conditions of approval by the City. Implementation of these standard conditions would reduce the impact from potential exposure of construction workers, the school, and the public to soil and/or groundwater contamination to a less-than-significant level.

Standard Condition HAZ-1: Prior to issuance of demolition, grading, or building permits the applicant shall submit the Phase 1 and Phase II reports for the existing buildings to determine if remediation of contaminated soil and groundwater are identified on the site. The Planning Director shall review and provide a determination on the completeness of the reports.

Standard Condition HAZ-2: If the Phase I and/or Phase II reports indicate that remediation is required, the applicant must submit the following:

a. The project applicant shall ensure that environmental assessment and remediation would either be performed under the oversight of the ACDEH or other agencies, or be conducted by qualified professionals with experience in soil and groundwater contamination remediation. In cases where regulatory involvement is not necessary, soil and groundwater removal and disposal would still occur to mitigate the potential hazards that could result from removal of soil and/or groundwater during construction.

b. The project applicant submit a Soil Management Plan for review and approval by the appropriate agency, which shall be prepared to outline required procedures for handling and disposing impacted soil. All disposal and transportation of contaminated soil shall be done in accordance with state and federal agencies and under federal (RCRA) and state laws. All contaminated soil determined to be hazardous or non-hazardous waste must be adequately profiled for acceptable disposal before it can be removed from the site. The applicant shall ensure that impacted soil is handled in accordance with the approved Soil Management Plan.

c. Groundwater pumped from the subsurface would be contained onsite prior to treatment and disposal to ensure environmental and health issues are resolved pursuant to oversight agencies. Engineering controls shall be utilized, which include impermeable barriers to prohibit groundwater and vapor intrusion into the building.

d. Written verification that the appropriate State, Federal or County authorities including but not limited to the Regional Water Quality Control Board and the Alameda County Public Health Department have granted all required clearances and confirmed that all applicable standards, regulations, and conditions are in compliance, for all previous contamination at the site.

d. The applicant shall provide evidence from the City's Fire Department, Office of Emergency Services, indicating compliance with the City of Oakland Hazardous Material Assessment and Reporting Program, pursuant to City Ordinance No. 12323.

e. Prior to issuance of any demolition, grading or building permits, the applicant shall demonstrate to the satisfaction of the Office of Fire Department, Office of Emergency Services, that the site has been investigated for the presence of lead and does not contain hazardous levels of lead.

The Phase I site assessment also noted the likelihood that asbestos-containing building materials and lead-based paint are present in the existing structure, given its age. Both of these materials could be harmful to construction workers and the public if treated improperly during demolition of the existing building. Section 19827.5 of the California Health and Safety Code requires that local agencies not issue demolition or alteration permits until an applicant has demonstrated compliance with notification requirements under applicable federal regulations regarding hazardous air pollutants, including asbestos. The Bay Area Air Quality Management District is vested by the California legislature with authority to regulate airborne pollutants, including asbestos, through both inspection and law enforcement, and is to be notified ten days in advance of any proposed demolition or abatement work.

Because of the likelihood that asbestos and lead-based paint are present in the existing building, the following standard conditions would be implemented by the project sponsor and included as conditions of approval by the City. Implementation of these standard conditions would reduce the impact from potential exposure of construction workers and the public to asbestos and lead-based paint to a less-than-significant level.

Standard Condition HAZ-3: Prior to issuance of any demolition, grading or building permit, the applicant shall submit for review and approval by the Planning and Zoning Division, written documentation that any asbestos containing materials (ACMs) have been removed from the project site prior to the start of any demolition activities. A licensed asbestos abatement firm in accordance with the BAAQMD's Regulation 11 shall conduct the removal of ACMs, Rule 2.

Standard Condition HAZ-4: Future demolition or renovation activities shall require the project sponsor to prepare an assessment for the potential presence of lead-based paint or coatings, asbestos, or PCB-containing equipment be prepared prior to commencing these activities.

Standard Condition HAZ-5: If the assessment required by Standard Condition 4 finds presence of lead-based paint, asbestos, and/or PCBs, the project sponsor shall create and implement a health and safety plan to protect workers from risks associated with hazardous materials during demolition or renovation of affected structures.

Standard Condition HAZ-6: If the assessment required by Standard Condition 4 finds presence of lead-based paint, the project sponsor shall develop and implement a lead-based paint removal plan. The plan shall specify, but not be limited to, the following elements for implementation:

- **Develop a removal specification approved by a Certified Lead Project Designer.**
- **Ensure that all removal workers are properly trained.**
- **Contain all work areas to prohibit off-site migration of paint chip debris.**
- **Remove all peeling and stratified lead-based paint on building and non-building surfaces to the degree necessary to safely and properly complete demolition activities according to recommendations of the survey. The demolition contractor shall be responsible for the proper containment and disposal of intact lead-based paint on all equipment to be cut and/or removed during the demolition.**
- **Provide on-site personnel and area air monitoring during all removal activities to ensure that workers and the environment are adequately protected by the control measures used.**
- **Clean up and/or vacuum paint chips with a high efficiency particulate air (HEPA) filter.**
- **Collect, segregate, and profile waste for disposal determination.**
- **Properly dispose of all waste.**

Standard Condition HAZ-7: If the assessment required by Standard Condition 4 finds presence of asbestos, the project sponsor shall ensure that asbestos abatement shall be conducted prior to building demolition or renovation.

Standard Condition HAZ-8: If the assessment required by Standard Condition 4 finds presence of PCBs, the project sponsor shall ensure that PCB abatement shall be conducted prior to building demolition or renovation.

Standard Condition HAZ-9: Fire Safety: The project applicant and construction contractor will ensure that during project construction, all construction vehicles and equipment will be fitted with spark arrestors to minimize accidental ignition of dry construction debris and surrounding dry vegetation.

Standard Condition HAZ-10: Handling Misuse: The project applicant and construction contractor shall ensure that construction best management practices are implemented as part of construction to minimize the potential negative effects to groundwater and soils. These shall include the following:

- **Follow manufacturer's recommendations on use, storage, and disposal of chemical products used in construction;**
- **Avoid overtopping construction equipment fuel gas tanks;**
- **During routine maintenance of construction equipment, properly contain and remove grease and oils;**
- **Properly dispose of discarded containers of fuels and other chemicals.**

Source:
Project Description and Plans

URS Corporation, *Limited Phase II Environmental Site Investigation*. Prepared for Trammell Crow Residential, May 25, 2006.
URS Corporation, *Phase I Environmental Site Assessment*. Prepared for Trammell Crow Residential, June 15, 2006.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	☐
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	☐

Comments to VII.e and f:
The project is not located within two miles of a public airport, and there are no private airstrips in the vicinity. Therefore the project would not result in any significant safety hazards for people residing or working in the project area.

Source:
Oakland General Plan, Land Use and Transportation Element, March 1998.

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒	☐

Comments to VII.g:
Upon review of the City of Oakland's Multi-Hazard Functional Plan, ("City Emergency Plan"), the proposed project would not significantly interfere with emergency response plans or evacuation plans. The City of Oakland Fire Services Agency (Fire Department) is responsible for first response in an emergency. Standard notification procedures required by the City are designed to ensure that the Fire Department is notified if construction traffic would block any city streets. Specifically, the job site supervisor is required to call the Fire Department's dispatch center any day construction vehicles would partially or completely block a city street during the construction process. Therefore, assuming compliance with the City's notification requirements, project construction would not significantly interfere with emergency response plans or evacuation plans, nor adversely affect the City's response and operational procedures in the event of a large scale disaster or emergency.

Source:
City of Oakland, *Draft Multi-Hazard Functional Plan*, 1993.
Project Description and Plans.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒	☐

Comments to VII.h:
The project site is within downtown Oakland and not located adjacent to wildlands. Any new structures built on the site would be required to comply with all applicable Fire Code and fire suppression systems, as routinely required by the City. Therefore, the proposed project would not expose people or structures to significant risks associated with wildland fires.

Source:
Project Description and Plans.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
VIII. HYDROLOGY AND WATER QUALITY -- Would the project:					
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☐	☒
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☐	☒

Comments to VIII.a and b:
The proposed project would not increase the amount of impervious surface, since the site is currently entirely covered by the existing structure and surface parking. Hazardous materials associated with construction activities are likely to involve minor quantities of paint, solvents, oil and grease, and petroleum hydrocarbons. Construction activities on 10,000 square feet or more, such as the proposed project, that would discharge storm water to a municipally owned storm drain system would be required to comply with the Alameda County Clean Water Program (ACCWP) NPDES permit that includes the city of Oakland. Project applicants would also be required to apply for a NPDES General Construction Permit for discharges associated with project construction activities. These requirements are detailed in Standard Condition HYDRO-1 below. This uniformly-applied standard measure shall be implemented as conditions of approval to avoid impacts related to water quality:

Standard Condition HYDRO-1: Prior to and during project demolition, grading and construction activities, the project shall comply with all City of Oakland Grading Permit requirements and all NPDES Permit requirements as follows:

Grading Plan, Erosion and Sedimentation Control Plan, and Drainage Plan

City of Oakland Municipal Code Chapter 13.16 and Section 15.04.780 require that the project applicant prepare a grading plan for the proposed project. Because during project construction the volume of the excavated fill material would exceed 50 cubic yards and involve depths of excavation that exceed five feet, the project sponsor must prepare a grading plan, erosion and sedimentation control plan, and drainage plan.

- **The required plan shall include drainage, erosion, and sediment control measures and incorporate construction BMPs to prevent pollutants from entering the storm sewer to the maximum extent practicable.**

- **The grading plan shall discuss existing, temporary, and final drainage facilities. Erosion and sediment control must combine interim and permanent measures to minimize erosion, stormwater runoff, and sedimentation. Such measures, at a minimum, shall include provision of filter materials at the catch basin to prevent debris or dirt from flowing into the storm drain system. According to the City Public Works Agency, such filter materials shall be applied to batch basins within private areas. As proposed by the project, filter protection at catch basins and inlets will include filter fabric covering the grates, straw bales or wattles circling the inlet, or some combination of these and/or other measures.**

- **The plan shall specify that, after construction is complete, the sponsor shall ensure that the storm drain system shall be inspected and that the sponsor shall clear the system of any debris or sediment.**

- **Preparation and implementation of the grading plan would include preparation of the construction stormwater pollution prevention plan (SWPPP) (discussed below).**

NPDES Permit and Construction Stormwater Pollution Prevention Plan (SWPPP)

The project sponsor shall apply for and comply with all requirements of the ACCWP NPDES General Construction Permit. As required by the permit:

- **The sponsor shall prepare a SWPPP in coordination with a project's grading plan. The SWPPP shall describe erosion and sedimentation control measures as recommended in the California Stormwater Best Management Practice Handbook (Stormwater Quality Task Force, 2003).**

- **The project sponsor shall prepare the SWPPP and submit a notice of intent to the RWQCB prior to construction activities, as required by the RWQCB. Implementation of the SWPPP shall start with the commencement of construction and continue though the completion of the project.**

- **At a minimum, the SWPPP shall include a description of construction materials, practices, and equipment storage and maintenance; a list of pollutants likely to contact stormwater; site-specific erosion and sedimentation control practices; a list of provisions to eliminate or reduce discharge of materials to stormwater; best management practices (BMPs), and inspection and monitoring program.**

- **After construction is completed, the project sponsor shall submit a notice of termination to the RWQCB.**

Following the completion of construction activities, the application of pesticides and herbicides related to landscape maintenance are potential sources of polluted stormwater runoff. However, on-site landscaping would be minimal, and the proposed project would not significantly increase the use of pesticides or herbicides, compared to existing conditions. In addition, the proposed project would be required to comply with the City of Oakland and Alameda County stormwater quality protection requirements. Potential groundwater quality impacts associated with the proposed project are therefore considered less than significant.

As noted in Section VI, Geology and Soils, the depth to groundwater is between about 9 feet and 12 feet below grade, according to geotechnical characterization prepared for the project. The proposed project design may involve some dewatering of the site to accommodate one level of subsurface construction with the addition of the foundation slab. If dewatering is required, the water generated may contain Volatile Organic Compounds (VOC) and Total Petroleum Hydrocarbons (TPH) as diesel and gasoline, according to the Phase II site assessment. Barium and nickel, found in ground water samples at levels above their respective Environmental Screening Levels (ESL) established by the Regional Water Quality Control Board Region 2 (RWQCB), could also be found in water generated from dewatering. However these dissolved metals appear to be in the possible range of naturally occurring concentrations. Depending on discharge requirements, this water may be discharged into the City of Oakland sanitary sewer system or be temporarily stored and then transported to an appropriate disposal facility. In areas of the project site where the water table is higher than 12 feet below ground level, a permanent dewatering system may be required.

Water quality requirements associated with required permits would necessitate treatment of contaminated groundwater prior to discharge (see Standard Condition HAZ-2 in Section VII. Hazards and Hazardous Materials). Considering the permitting requirements for treatment and discharge of groundwater generated during temporary or ongoing dewatering, the project would not violate any water quality or waste discharge standards.

The shallow groundwater in the project area is not considered potable and is not used as a public drinking water supply. Permanent dewatering, as discussed above, may result in slight lowering of the groundwater table some areas of the project site but would not result in a substantial depletion of the groundwater supplies.

In accordance with standard City practices, the project sponsor shall be required to comply with all applicable regulatory standards and regulations pertaining to potential contaminants and to project-related grading and excavation prior to issuance of grading and building permits, consistent with standard City practices (see Section VI. Geology and Soils). Therefore, the project would not result in significant impacts on water quality or on groundwater supplies.

Source:

Project Description and Plans.

URS Corporation, *Final Geotechnical Characterization 2935 Telegraph Avenue Oakland, California*, Prepared for TCR Northern California Construction, Inc. May 19, 2006.

URS Corporation, *Limited Phase II Environmental Site Investigation*. Prepared for Trammell Crow Residential, May 25, 2006.

URS Corporation, *Phase I Environmental Site Assessment*. Prepared for Trammell Crow Residential, June 15, 2006.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site that would affect the quality of receiving waters?	☐	☐	☒	☐	☐
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	☐	☐	☒	☐	☐
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☐	☒
f) Otherwise substantially degrade water quality?	☐	☐	☐	☐	☒

Comments to VIII.c, d, e and f:
The project site currently is occupied by an existing building and surface parking lot. There are no known streams or rivers on the project site or in the vicinity. Completion of the proposed project would not require the alteration of a stream or river course.

The site is currently fully developed with impervious surfaces and, therefore, the proposed project would not alter the volume of surface runoff, compared to existing conditions. The proposed project would be connected to the City of Oakland's stormwater drain system. Because the site is currently developed, the stormwater discharges are not expected to increase due to the project. Thus, the proposed project would not effect on the amount of runoff, and would not result in flooding on- or off-site. The proposed landscaping, although minimal, would absorb some storm water runoff, potentially reducing surface runoff.

In accordance with standard City practices, and in order to minimize any short-term (construction-related) or long-term impacts on surface water quantity (i.e. stormwater) or quality, the applicant shall be required to comply with applicable standards and regulations of the City of Oakland. In addition, the following standard measures shall be implemented as conditions of approval to avoid impacts related to stormwater or water quality:

> **Standard Condition HYDRO-2: The project sponsor shall implement site design/landscape characteristics as feasible, which maximize infiltration (where appropriate), provide retention or detention, slow runoff, and minimize impervious land coverage, so that post-development pollutant loads from the site have been reduced to maximum extent possible. Where feasible, the project shall introduce measures to help reduce the rate and volume of stormwater runoff.**

Considering the above discussion, the proposed project would not result in significant impacts with respect to erosion, flooding, stormwater drainage system capacity, surface water quality or quantity.

Source:
City of Oakland, *Oakland Community Services Analysis, Technical Report #5*, October 1995.
Oakland General Plan, Open Space, Conservation, and Recreation Element, October 1995.

Project Description and Plans.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒	☐
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒	☐
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒	☐

Comments to VIII.g, h and i:
The proposed project site is located in Zone C, as shown on the Federal Emergency Management Agency Flood Insurance Rate Map. This zone is located in neither a 100-year nor in a 500-year flood boundary and is therefore considered a zone at minimal risk for flooding hazards. The project site is not located near a levee or a dam. Therefore, the project would not result in significant impacts by exposing people or structures to risk of flooding.

Source:
Flood Insurance Rate Map, Federal Emergency Management Administration.
Oakland Community Services Analysis, Technical Report #5, October 1995.
Oakland General Plan, Open Space, Conservation, and Recreation Element, October 1995.

j) Result in inundation by seiche, tsunami, or mudflow?	☐	☐	☒	☐	☐

Comments to VIII.j:
Although seiches and tsunamis can occur and cause tidal surges in the San Francisco Bay, these events are extremely rare, and would not result in wave run-up capable of causing flood damage at the project site. The potential for mudslides to occur is low due to the developed urbanized nature of the surrounding area and the lack of exposed slopes. Regardless, the project sponsor would be required to comply with applicable City regulations and standards to address potential geologic and seismic impacts prior to the issuance of grading or building permits, consistent with standard City practices (also see Section VI. Geology and Soils). Therefore, the project would not result in significant impacts with respect to seismic-related flood hazards or unstable soils that result in mudflows.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
k) Fundamentally conflict with the elements of the City of Oakland Creek Protection (OMC Chapter 13.16) ordinance intended to protect hydrologic resources. Although there are no specific, numeric/quantitative criteria to assess impacts, factors					

to be considered in determining significance include whether there is substantial degradation of water quality through (a) discharging a substantial amount of pollutants into a creek; (b) significantly modifying the natural flow of the water or capacity; (c) depositing substantial amounts of new material into a creek or causing substantial bank erosion or instability; or (d) substantially endangering public or private property or threatening public health or safety.	☐	☐	☐	☒	☐

Comments to VIII.k:
No creek is located on or near the project site, and the project would not affect any creeks subject to the City of Oakland Creek Protection Ordinance 13.16.

Source:
Oakland General Plan, Open Space, Conservation, and Recreation Element, October 1995.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
IX. LAND USE AND PLANNING -- Would the project:					
a) Physically divide an established community?	☐	☐	☒	☐	☐
b) Result in a fundamental conflict between adjacent or nearby land uses?	☐	☐	☒	☐	☐

Comments to IX.a and b:
The project site is located at 2935 Telegraph Avenue on approximately 1.4 acres of the block bounded by 29th Street, Telegraph Avenue, 30th Street and Interstate I-980. This project would be in the Telegraph Corridor district of Oakland's Central / Chinatown planning area, which is considered an essential urban center for the region. In this area of Oakland, a mix of institutional, commercial and residential uses characterize the project vicinity. Broadway Auto Row, an area noted for automobile-related sales and services, is to the east and north east of the project site. Institutional uses, primarily the Alta Bates Summit Medical Center, characterize the area to the north and north east of the project site. Three blocks south of the project site along Broadway is the 25th Street Garage District, a City-designated Area of Primary Importance (API) as an historic district. The Central Business District, approximately six blocks south of the project site, defines views down Telegraph Avenue. Interstates I-580 and I-980 border the project area to the north and west respectively.

The project site is surrounded by residential uses on 29th and 30th Streets, and primarily commercial uses fronting Telegraph Avenue. Telegraph Avenue is a four-lane arterial boulevard with a center turning lane and on-street parking, connecting downtown Oakland to the south with downtown Berkeley to the north. The residential uses in the project vicinity are mostly two-story, single-family detached residences, with smaller number of multi-family residential buildings range from three to five stories. The commercial uses opposite Telegraph Avenue from the project site are primarily two to three-story buildings with ground floor retail and office uses above, as well as a few older, single family homes that have been converted to office and/or commercial uses.

Land use in the Telegraph corridor is influenced by the nearby 'Pill Hill' area; Oakland's largest concentration of hospitals and medical services. Medical retail and office uses occupy many of the retail spaces including the former church and mortuary on the northwest corner of 30th Street and Telegraph Avenue, which is now a medical office building. Other uses in the project vicinity include Alta Bates Summit Medical Center on the corner of 30th Street and Telegraph Avenue, diagonally across Telegraph Avenue from the project site, St. Augustine's Episcopal Church, a City of Oakland Historical Landmark on the southwest corner of 29th Street and Telegraph Avenue, as well as a number of small restaurants, cafes and food markets. Interstate I-980 (Grove/Shafter Freeway) is located approximately 160 west from the western boundary of project site, separated by about three properties containing single-family homes.

Current uses on the project site include a two-story fitness club (Courthouse Athletic Club) approximately 30,000 square feet in size on the corner of 30th Street and Telegraph Avenue. Adjacent to the fitness club is surface parking lot which can accommodate approximately 93 automobiles. The parking lot is encircled by a chain link fence, with an entrance to the lot on Telegraph Avenue adjacent to the athletic club. The site is completely developed with the exception of two groupings of mature redwood trees located toward the westerly and southerly portions of the site. The proposed project would replace these uses with residential and commercial activities and associated parking. As these uses are consistent with the surrounding community, the proposed project would not physically divide an established community or demonstrably conflict with nearby land uses.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
c) Fundamentally conflict with applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐	☐

Comments to IX.c:
Development on the project site is subject to the City of Oakland General Plan and zoning ordinance. The following General Plan policies and zoning ordinances applicable to the project are described below.

Land Use and Transportation Element. As identified in the Land Use and Transportation Element of the Oakland General Plan, which identifies policies for managing Oakland's land uses, the project site is located within the both the "Community Commercial" and the "Urban Residential" areas. The eastern third of the project site, fronting along Telegraph Avenue, falls within the "Community Commercial" land use designation. The intent of the "Community Commercial" designation is "identify, create, maintain, and enhance areas suitable for a wide variety of commercial and institutional operations along the City's major corridors and in shopping districts." The rear (western) two thirds of the project site falls within the "Urban Residential" land use designation. The intent of the "Urban Residential" designation is to "create, maintain, and enhance areas of the City that are appropriate for multi-unit, mid-rise or high-rise residential structures in locations with good access to transportation and other services."

The following policies in the Land Use and Transportation Element of the General Plan, without limitation, apply to the proposed project:

- Facilitating the construction of housing units should be considered a high priority for the City of Oakland (Policy N3.1, Facilitating Housing Construction).

- 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 (Policy N3.2, Encouraging Infill Development).

- High-quality design standards should be required of all new residential construction. Design requirements and permitting procedures should be developed and implemented in a manner that is sensitive to the added costs of those requirements and procedures (Policy N3.8, Requiring High Quality Design).

- Residential developments should be encouraged to face the street and orient their units to desirable sunlight and views, while avoiding unreasonably blocking sunlight and views for neighboring 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 (Policy N3.9, Orienting Residential Development).

- Off-street parking for residential buildings should be adequate in amount and conveniently located and laid out, but its visual prominence should be minimized (Policy N3.10, Guiding the Development of Parking).

- Retail uses should be focused in "nodes" of activity, characterized by geographic clusters of concentrated commercial activity, along corridors that can be accessed through many modes of transportation (Policy I/C3.3, Clustering Activity in "Nodes").

- The vitality of existing neighborhood mixed-use and community commercial areas should be strengthened and preserved (Policy I/C3.4, Strengthening Vitality).

- Neighborhood-serving commercial development should be promoted within one-quarter to one-half mile of established transit routes and nodes (Policy T2.3, Promoting Neighborhood Services).

- The city should make major efforts to improve the visual quality of streetscapes. Design of the streetscape, particularly in neighborhoods and commercial centers, should be pedestrian-oriented, including lighting, directional signs, trees, benches and other support facilities (Policy T6.2 Improving Streetscapes).

- Create a pedestrian-friendly downtown (Objective D3).

- Pedestrian-friendly commercial areas should be promoted (Policy D3.1, Promoting Pedestrians).

- New parking facilities for cars and bicycles should be incorporated into the design of any project in a manner that encourages and promotes safe pedestrian activity (Policy D3.2, Incorporating Parking Facilities).

- Increase the economic vitality of downtown (Objective D4).

- Enhance the safety and perception of safety downtown at all hours (Objective D5).

- Activities and amenities that encourage pedestrian traffic during the work week, as well as evenings and weekends should be promoted (Policy D5.1, Encouraging Twenty-Four Hour Activity).

- Eliminate blight caused by underutilized properties (Objective D6).

- Downtown residents should have access to goods and services to meet their daily and long term needs within the downtown area (Policy D9.2, Meeting Daily Needs).

- Maximize housing opportunities in the downtown to create a better sense of community (Objective D10).

- Housing in the downtown should be encouraged as a vital component of a 24-hour community presence (Policy D10.1, Encouraging Housing).

- Housing in the downtown should be encouraged in identifiable districts, within walking distance of the 12th Street, 19th Street, City Center, and Lake Merritt BART stations to encourage transit use, and in other locations where compatible with surrounding uses (Policy D10.2, Locating Housing).

- Downtown residential areas should generally be within the Urban Density Residential and Central Business District density ranges, where not otherwise specified. The height and bulk should reflect existing and desired district character, the overall city skyline, and the existence of historic structures or areas (Policy D10.3, Framework for Housing Densities).

- Housing in the downtown should be safe and attractive, of high quality design, and respect the downtown's distinct neighborhoods and its history (Policy D10.5, Designing Housing).

- Infill housing that respects surrounding development and the streetscape should be encouraged in the downtown to strengthen or create distinct districts (Policy D10.6, Creating Infill Housing).

- Foster mixed use developments to help create a diverse, lively, and vibrant downtown (Objective D11).

- Mixed use development should be encouraged in the downtown for such purposes as to promote its diverse character, provide for needed goods and services, support local art and culture, and give incentive to reuse existing vacant or underutilized structures (Policy D11.1, Promoting Mixed-Use Development).

- Mixed use development should be allowed in commercial areas, where the residential component is compatible with the desired commercial function of the area (Policy D11.2, Locating Mixed-Use Development).

The project would be generally consistent with the above policies because it would provide new infill housing near the downtown and close to transit routes at densities consistent with the General Plan. The project would also include commercial uses on a major commercial corridor, Telegraph Avenue. The project includes on-site parking to serve residents and the parking would be visually concealed behind the commercial and residential frontages. On-site open space would be provided on the podium (second) level in the form of nine courtyards totaling approximately 18,450 square feet. Over 6,000 square feet of open space would also be provided in the form of balconies for a total of about 24,530 square feet of project open space. The proposed new construction would be designed and oriented to minimize the blocking of sunlight and views from nearby buildings.

The "Urban Residential" and the "Community Commercial" areas allow a maximum residential density of 125 units per net acre. The "Community Commercial" area allows a maximum floor area ratio (FAR) of 5.0. The 142 units proposed on the 1.4-acre project site would be consistent with the maximum allowed General Plan density and allowable FAR.

Open Space, Conservation and Recreation Element. The Open Space, Conservation and Recreation Element (OSCAR) of the Oakland General Plan addresses the management of open land, natural resources, and parks in Oakland. The following OSCAR policies are most relevant to the proposed project:

- Continue to require new multifamily development to provide usable outdoor open space for its residents (Policy OS-4.1, Provision of Useable Open Space).

- Encourage site planning for new development which minimizes adverse visual impacts and takes advantage of opportunities for new vistas and scenic enhancement (Policy OS-10.2, Minimizing Adverse Visual Impacts).

- Provide better access to attractive, sunlit open spaces for persons working or living in downtown Oakland. The development of rooftop gardens is encouraged, especially on parking garages (Policy OS-11.1, Access to Downtown Open Space).

The project would be generally consistent with the above policies because it would provide accessible and useable group open space within the proposed development. The project design would be compatible with the surrounding area such that parking and loading as well as mechanical units would be screened from view from key vantage points along Telegraph Avenue.

The Cultural Resources analysis that will be included in the EIR will include analysis of the project with respect to consistency with policies in the Historic Preservation Element of the General Plan.

Zoning Regulations.
The project site is mapped with the C-40 Community Thoroughfare Commercial Zone and the R-80 High-Rise Apartment Zones. The C-40 Zone exists in the front (east) portion of the project site along Telegraph Avenue with the rear (west) portion of the site falling in the R-80 Zone. This arrangement is generally contiguous with the two land use designations on the site ("Community Commercial" and "Urban Residential").

The C-40 zone is intended to "create, preserve, and enhance areas with a wide range of both retail and wholesale establishments serving both short and long term needs in convenient locations, and is typically appropriate along major thoroughfares" (Section 17.54.010). Residential, general retail sales and general personal service, the most likely uses that would be included in the project, are permitted in the C-40 zone. Residential uses in the C-40 zone are subject to the density regulations for the R-70 High Density Residential Zone, which allow approximately one regular dwelling unit for each 450 square feet of lot area (Section 17.54.130). The maximum floor area ratio for projects in the C-40 zone is 3.00 for projects containing both residential and nonresidential facilities (Section 17.54.140). This may also be exceeded by ten (10) percent on any corner, which applies to the project site. There is no maximum height for residential facilities in the C-40 zone, unless, per Section 17.108.010, it abuts a boundary of any of certain other zones, which the project does not. The proposed residential, parking and ground floor commercial uses along Telegraph Avenue would be consistent with the uses and densities allowed under the C-40 zone.

The R-80 zone is intended to "create, preserve, and enhance areas for high-rise apartment living at high densities in desirable settings, and is typically appropriate to areas near major shopping and community centers and rapid transit stations" (Section 17.30.010). Residential activities are permitted in the R-80 zone. Residential uses in the R-80 zone allow approximately one regular dwelling unit for each 300 square feet of lot area (Section 17.30.140). The maximum floor area ratio for projects in the R-80 zone is 3.50 for projects containing both residential and nonresidential facilities (Section 17.30.150). This may also be exceeded by ten (10) percent on any corner, which applies to the project site. There is no maximum height for residential facilities in the R-80 zone, unless, per Section 17.108.010, it abuts a boundary of any of certain other zones, which the project does not. The proposed residential and parking uses would be consistent with the use and density requirements of the R-80 zone.

The Oakland Tree Preservation Ordinance. The Oakland Tree Preservation Ordinance is intended to protect and preserve certain trees, prevent unnecessary tree loss, minimize environmental damage from improper tree removal, enforce tree preservation regulations, and promote the appreciation and understanding of trees (Section12.36.020). The project site contains two groupings of mature redwood trees that are "protected" under the Oakland Tree Preservation Ordinance due to their size. In accordance with standard city practices, any removal of "protected" trees as a result of the proposed project would be subject to the standard city tree protection/removal permit procedures. Acquisition of a Tree Removal Permit and adherence to its terms and conditions would ensure that the project does not conflict with any local ordinances, plans or policies (See IV. Biological Resources).

Guidelines for Determining General Plan Conformity. As a general rule, whenever there is an express conflict between the General Plan and zoning regulations, a project must conform with the General Plan (Section 17.01.030). As required by Section 17.01.060 of the Planning Code, the Oakland City Planning Commission (May 6, 1998 and as amended through July 15, 2003) adopted Guidelines for Determining General Plan Conformity to determine if a project conforms to the General Plan. Pursuant to these Guidelines, in cases where the project clearly conforms to the General Plan but is not permitted by the Zoning and/or Subdivision Regulations, the project may be allowed upon the granting of a conditional use permit.

It is anticipated that the project would require Design Review pursuant to the C-40 zone (17.54.030) and the R-80 zone (17.30.030); a Tree Removal Permit (12.36.050); and Variance approvals pursuant to (17.148.)

In summary, the project would not conflict with any plans, policies, or regulations as discussed above.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
d) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒	☐

Comments to IX.d:
The proposed project site is not located in an area that is governed by any habitat conservation plan or natural community conservation plan. Therefore, the proposed project would not conflict with any applicable habitat conservation plan or natural community conservation plan affecting the area.

Source:
Oakland General Plan, Land Use and Transportation Element, March 1998.
Oakland General Plan, Open Space, Conservation and Recreation Element, June 1996.
Oakland Municipal Code, accessed May 19, 2006 at http://bpc.iserver.net/codes/oakland/
Project Description and Plans.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
X. MINERAL RESOURCES -- Would the project:					
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒	☐
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	☐	☐	☐	☒	☐

Comments to X.a and b:
The proposed project would be located on an urban in-fill site and would replace an existing building with new construction. The project site has no known existing mineral resources. The project would not require quarrying, mining, dredging, or extraction of locally important mineral resources on site, nor would it deplete any nonrenewable natural resource. Therefore, the project would not impact any mineral resources.

Source:
Oakland General Plan, Open Space, Conservation, and Recreation Element, October 1995.
Project Description and Plans.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
XI. NOISE -- Would the project result in:					
a) Expose persons to or generate noise levels in excess of standards established in the Oakland General Plan or other agencies (e.g., OSHA)?	☐	☐	☐	☐	☒
b) Violate the City of Oakland Noise Ordinance (Oakland Planning Code Section 17.120.050) regarding operational noise?	☐	☐	☐	☐	☒
c) Generate interior Ldn or CNEL greater than 45 dBA for multi-family dwellings, hotels, motels, dormitories and long-term care facilities (and may be extended by local legislative action to include single-family dwellings) per California Noise Insulation Standards (CCR Part 2, Title 24)?	☐	☐	☐	☐	☒
d) Result in a 5 dBA permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐	☐
e) Conflict with state land use compatibility guidelines for all specified land uses for determination of acceptability of noise					

(Source: State of California, Governor's Office of Planning and Research, General Plan Guidelines, 2003)? ☐ ☐ ☒ ☐ ☐

Comments to XI.a, b, c, d and e:
The existing ambient noise environment at the project site is dominated by traffic noise on Telegraph Avenue. Though the western boundary of the site is 160 feet away from the elevated Interstate I-980, noise from the freeway is barely audible due to the sound barrier along the freeway that blocks direct line of sight to the project site. Use of the parking lot associated with existing activities at the site also influence the noise environment. To provide the basis for evaluating potential noise impacts of the project, three short-term noise measurements were taken at different points on the project site during the morning peak hour. Where traffic dominates the ambient noise environment (such as the project site), the peak hour Leq approximately is the same the DNL.[9] Table NOI-1 below summarizes the noise measurements:

TABLE NOISE-1
Existing Noise Levels at the Project Site (dBA)

	Peak Hour Leq	Location
ST-1	69.7 dBA	At the project site's boundary along Telegraph Avenue approximately 30 feet from the curb.
ST-2	66.3 dBA	Along the site's northern boundary along 30th Street, approximately 100 feet from Telegraph Avenue
ST-3	64.5 dBA	At the rear of the parking lot approximately 40 feet from the curb of 29th Street and approximately 250 feet from Telegraph Avenue

SOURCE: Environmental Science Associates, 2006.

The City of Oakland uses state noise guidelines for judging the compatibility between various land uses and their noise environments. For multifamily residential land uses, the guidelines indicate that a noise environment of DNL 65 dBA or less is "normally acceptable," while a noise environment between DNL 60 and 70 dBA is considered "conditionally acceptable." These standards are for outdoor noise levels.

Given the measured exterior noise levels in the vicinity of the project site, the interior noise levels within the project's residential units could exceed DNL 45 dBA, the interior noise standard for dwelling units according to the City of Oakland General Plan Noise Element and the requirements of California Noise Insulation Standards found in California Code of Regulations, Title 24 (Building Standards Administrative Code), Part 2 (California Building Code), Appendix Chapters 12 and 12A. In order to meet the interior noise standard of 45 DNL dBA, building construction would need to reduce exterior noise levels by as much as 25 dBA from the external facades of the building. Conventional contemporary building construction methods and materials decrease outdoor noise by 12-18 dB (with partially open windows) which would not be adequate to meet the City's interior noise standard. Therefore, the following standard condition would be applicable:

[9] Sound pressure is measured in decibels (dB), with zero dB corresponding roughly to the threshold of human hearing, and 120 dB to 140 dB corresponding to the threshold of pain. Because sound pressure can vary by over one trillion times within the range of human hearing, a logarithmic loudness scale is used to keep sound intensity numbers at a convenient and manageable level. Owing to the variation in sensitivity of the human ear to various frequencies, sound is "weighted" to emphasize frequencies to which the ear is more sensitive, in a method known as A-weighting and expressed in units of A-weighted decibels (dBA). The L_{eq} is the constant sound level, which would contain the same acoustic energy as the varying sound level, during the same time period (i.e., the average noise exposure level for the given time period).The day-night noise level (DNL) is an average 24-hour noise level that accounts for the greater sensitivity of most people to nighttime noise by giving greater weight to nighttime noise.

Standard Condition NOISE-1: If necessary to comply with the interior noise requirements of the City of Oakland's General Plan Noise Element and achieve an acceptable interior noise level, noise reduction in the form of sound-rated assemblies (i.e., windows, exterior doors, and walls) shall be incorporated into project building design. Final recommendations for sound-rated assemblies will depend on the specific building designs and layout of buildings on the site and shall be determined during the design phase.

Implementation of standard condition of approval NOISE-1 would reduce interior noise levels to an acceptable level, and would render noise impacts less than significant.

In terms of project-generated traffic noise, ambient noise levels in the vicinity of the project are typical of noise levels in urban Oakland. The ambient noise is dominated by vehicular traffic, including trucks, cars, buses, and emergency vehicles along Telegraph Avenue as well as traffic on Interstates I-980 and I-580. Generally, traffic must double in volume to produce a noticeable increase in noise levels. Although traffic volumes would increase in the immediate project vicinity, it is not anticipated that these volumes would double on any nearby streets as a result of the proposed project; therefore, substantial increases in traffic noise levels would not be anticipated in the project area. Traffic noise will not be analyzed further in the EIR.

Building operations would not be expected to result in unusual or noticeably loud noises.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
f) Violate the City of Oakland Noise Ordinance (Oakland Planning Code Section 17.120.050) regarding construction noise, except if an acoustical analysis is performed and all feasible mitigation measures imposed, including the standard City of Oakland noise measures adopted by the Oakland City Council on January 16, 2001?	☐	☐	☐	☐	☒
g) Violate the City of Oakland Noise Ordinance (Oakland Municipal Code Section 8.18.020) regarding nuisance of persistent construction-related noise?	☐	☐	☐	☐	☒

Comments to XI.f and g:
The City of Oakland noise ordinance requires that any nighttime noise level received by any land use and produced by any construction or demolition activity between weekday hours of seven p.m. and seven a.m. or between eight p.m. and nine a.m. on weekends and federal holidays shall not exceed the applicable nighttime noise level standards outlined in Table NOISE-2 below.

TABLE NOISE-2
Maximum Allowable Receiving Noise Level Standards, (dBA)

Cumulative Number of Minutes in Nighttime One Hour Time Period	Residential, school, child care, health care or nursing home, public open space, and similar land uses	Commercial land uses
20	45	65
10	50	70
5	55	75
1	60	80
0	65	85

SOURCE: City of Oakland Planning Code Section 17.120.050 Noise.

Where technically and economically feasible, construction activities are required to be conducted in such a manner that the maximum daytime noise level received by any residential or commercial land use which is produced by repetitively scheduled and relatively long-term construction or demolition operation (ten days or more) shall not exceed noise level standards outlined in those listed in Table NOISE-3 below.

TABLE NOISE-3
Maximum Allowable Receiving Noise Level Standards for Temporary Construction or Demolition, (dBA)

Land Use	Daily 7 a.m. to 7 p.m.	Weekends 9 a.m. to 8 p.m.
Residential	65	55
Commercial, Industrial	70	60

SOURCE: City of Oakland Planning Code Section 17.120.050 Noise.

The project includes demolition of the fitness club and surface parking lot and construction of approximately 142 residential units, about 2,900 square feet of ground floor retail, and on-site parking for approximately 204 automobiles, in a five story building (four stories of residential construction above a two-level parking garage; one level of parking would be below ground and one at ground level). Project related construction activities would intermittently and temporarily generate noise levels above existing ambient levels in the project vicinity. During the construction period, a wide variety of construction and demolition equipment would be used, and material would be transported to and from the site by truck. Some equipment would generate relatively steady-state noise levels, such as the noise from diesel engines, and other equipment would generate impulse or impact noise. These activities would intermittently and temporarily increase ambient noise levels in the project vicinity over the duration of construction.

The receptors nearest to the proposed construction would be the residences located across 29th and 30th Streets from the project site as well as residences on the project block to the rear (west) of the project site. Receptors opposite Telegraph Avenue from the project site include commercial uses such as ground floor retail with office uses above and a few homes that have been converted to office and/or commercial uses. In addition, a medical office building on the northwest corner of 30th Street and Telegraph Avenue, Alta Bates Summit Medical Center on the corner of 30th Street and Telegraph Avenue, diagonally across Telegraph

Avenue from the project site and St. Augustine's Episcopal Church, on the southwest corner of 29th Street and Telegraph Avenue would receive noise from construction related activities.

Construction-related noise levels at and near locations on the project site would fluctuate depending on the particular type, number and duration of use of various pieces of construction equipment. The effect of construction noise would depend upon the level of construction activity on a given day and the related noise generated by that activity, the distance between construction activities and the nearest noise-sensitive uses, and the existing noise levels at those uses. The main noise sources associated with excavation are the operation of excavators removing and loading material and trucks hauling excavated materials away. The noisiest phase of construction would be likely during boring for cast concrete piers, which could generate noise levels of up to 95 L_{eq} at 50 feet. Pile driving would not be required as part of this construction. Table NOISE-4 shows typical noise levels generated by construction equipment typically used for commercial buildings.

TABLE NOISE-4
Typical Commercial Construction Equipment Noise Emission Levels

Equipment	**Noise Level (L_{eq}) [a]**
Shovel (Excavator)	82
Back Hoe	80
Concrete pumps	82
Jack Hammer	88
Pneumatic tools	85
Truck	88
Pile Driving	101

[a] Estimates correspond to a distance of 50 feet from the piece of equipment.

SOURCE: U.S. Department of Transportation, Transit Noise and Vibration Impact Assessment , April 1994.

Given that sensitive residential receptors are located within 50 feet of the project site and that multiple piece of construction equipment could be operating simultaneously, resulting cumulative construction noise levels would have the potential to exceed the applicable standards of the City of Oakland as discussed previously (Table NOISE-3). Consequently, noise levels from project related construction activities would have the potential to exceed the maximum allowable receiving noise level standards for temporary construction or demolition as set forth in the City of Oakland Noise Ordinance. To reduce noise impacts of the project construction on adjacent sensitive receptors, the project applicant shall be required to implement and comply with the following uniformly-applied City standard conditions of approval throughout the duration of construction activity:

Standard Condition NOISE-2: The project sponsor shall require construction contractors to limit standard construction activities as required by the City Building Department.

- **Such activities are limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, with pile driving and/or other extreme noise generating activities greater than 90 dBA limited to between 8:00 a.m. and 4:00 p.m. Monday through Friday.**

- **Any construction activity proposed to occur outside of the standard hours of 7:00 am to 7:00 pm for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a survey of resident's preferences for**

whether the activity is acceptable if the overall duration of construction is shortened and such construction activities shall only be allowed with the prior authorization of the Building Services Division.

- **Construction activity shall not occur on Saturdays, with the following possible exceptions:**

    - **Prior to the building being enclosed, requests for Saturday construction for special activities (such as concrete pouring which may require more continuous amounts of time), shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened. Such construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division. No extreme noise generating activities shall be allowed on Saturdays, with no exceptions.**

    - **After the building is enclosed, requests for Saturday construction activities shall only be allowed on Saturdays with the prior authorization of the Building Services Division, and only then within the interior of the building with the doors and windows closed.**

- **No extreme noise generating activities shall be allowed on Saturdays, with no exceptions.**

- **No construction activity shall take place on Sundays or Federal holidays.**

- **For clarification, construction activities include but are not limited to: tuck idling, moving equipment (including trucks, elevators, etc) or materials, deliveries, and construction meetings held on-site in a non-enclosed area.**

Standard Condition NOISE-3: To reduce daytime noise impacts due to construction, the project sponsor shall require construction contractors to implement the following measures: site-specific noise reduction program, subject to city review and approval, which includes the following measures:

- **Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible).**

- **Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used**

where feasible, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.

- **Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or other measures to the extent feasible.**

- **If feasible, the noisiest phases of construction (such as pile driving) shall be limited to less than 10 days at a time.**

Standard Condition NOISE-4: If pile driving, pile drilling or other extreme noise generating construction impacts were to occur, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted for review and approval by the City to ensure that maximum feasible noise attenuation will be achieved. This plan shall be based on the final design of the project. A third-party peer review, paid for by the applicant, shall be required to assist the City in evaluating the feasibility and effectiveness of the noise reduction plan submitted by the applicant. A special inspection deposit is required to ensure compliance with the noise reduction plan. The amount of the deposit shall be determined by the Building Official, and the deposit shall be submitted by the project sponsor concurrent with submittal of the noise reduction plan. The noise reduction plan shall include, but not be limited to, an evaluation of the following measures. (Major projects only? These attenuation measures shall include as many of the following control strategies as feasible:

- **Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings;**

- **Implement "quiet" pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;**

- **Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;**

- **The feasibility of temporarily improving the noise reduction capability of adjacent or nearby buildings, by the use of sound blankets for example, if acceptable to adjacent or nearby users.**

- **Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings; and**

- **Monitor the effectiveness of noise attenuation measures by taking noise measurements.**

Standard Condition NOISE-4: Prior to the issuance of each building permit, along with the submission of construction documents, the project sponsor shall submit to the City Building

Department a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include:

- **A procedure for notifying the City Building Division staff and Oakland Police Department; (during regular construction hours and off-hours);**
- **A plan for posting signs on-site pertaining with permitted construction days and hours and complaint procedures and who to notify in the event of a problem;**
- **A listing of telephone numbers (during regular construction hours and off-hours);**
- **The designation of an on-site construction complaint and enforcement manager for the project;**
- **Notification of neighbors within 300 feet of the project construction area at least 30 days in advance of pile-driving activities about the estimated duration of the activity; and**
- **A preconstruction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise mitigation and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.**

Based on the significance criteria used by the City of Oakland, compliance with the Noise Ordinance is achieved if the above measures are implemented.

Implementation of standard conditions of approval NOISE-2 through NOISE-5 would reduce the construction noise levels from the project to the extent feasible, and thus project construction impacts would be considered less than significant.

Source:
Environmental Science Associates, *Noise Analysis Report for Courthouse Condominiums, Oakland California*, June 2006.
Oakland General Plan, Noise Element, June 2005.
Project Description and Plans

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
h) Create a vibration which is perceptible without instruments by the average person at or beyond any lot line containing vibration-causing activities not associated with motor vehicles, trains, and temporary construction or demolition work, except activities located within the (a) M-40 zone or (b) M-30 zone more than 400 feet from any legally occupied residential property (Oakland Planning Code Section 17.120.060)?	☐	☐	☒	☐	☐

Comments to XI.h:
Project construction activities could result in some vibration, but these impacts would not be expected to be substantial, because pile-driving is not anticipated as part of the project. (See VI., Geology and Soils, above.)

In terms of operational impacts, as a residential project, the project would not result in substantial vibration perceptible at nearby locations.

Source:
Project Description and Plans.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
i) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	☐
j) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	☐

Comments to XI.i and j:
The proposed project site is not located within two miles of a public airport, or in the vicinity of a private airstrip. The Metropolitan Oakland International Airport is located approximately seven miles south of the project site, and the San Francisco International Airport is located approximately 18 miles southwest of the project site. Therefore, the project would not expose persons residing at the project site to excessive noise levels as a result of proximity to an airport or land strip.

Source:
Field Survey.
Oakland General Plan, Land Use and Transportation Element, March 1998.
Project Description and Plans.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
XII. POPULATION AND HOUSING -- Would the project:					
a) Induce substantial population growth in a matter not contemplated in the General Plan, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure), such that additional infrastructure is required but the impacts of such were not previously considered or analyzed?	☐	☐	☒	☐	☐
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere in excess of that contained in the City's Housing Element?	☐	☐	☐	☒	☐
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere in excess of that contained in the City's Housing Element?	☐	☐	☐	☒	☐

Comments to XII.a, b and c:
The proposed project would provide about 142 one- and two-bedroom residential units which would result in approximately 277 additional residents in the area.[10] There are no existing residential units on the project site, and therefore no residents would be displaced by the proposed project.

The project also proposes up to 2,900 feet of commercial floor area resulting in approximately eight new employment opportunities.[11] The existing fitness club employs approximately 72 people in full and part-time positions. As a result, the approximately 64 jobs would be lost at the project site. However, these individuals could seek employment elsewhere in Oakland, and the project would not create a substantial loss of employment in the City's overall economy.

The proposed project is consistent with many policies in the General Plan Land Use and Transportation Element (LUTE). Specifically, the General Plan encourages additional in-fill urban housing projects in an effort to provide new housing opportunities in close proximity to the downtown and alternative transportation options.

According to the US Census, the City of Oakland's population in 2000 was approximately 400,000 persons. Based on the City projections, population in Oakland is anticipated to increase by approximately 13 percent, to about 453,000, by 2025.[12] The population increase generated by the project's proposed 142 new residential units and 2,900 square feet of new commercial space (a total of approximately 277 additional residents and eight new employees) would not result in a substantial contribution to this anticipated population growth. The population increase from the project would be an incremental portion of the anticipated new growth in persons and housing, therefore, the project would not result in any significant impacts related to population and housing.

[10] Conservative estimates assume 1.5 residents per 1 bedroom unit and 2.5 residents per 2 bedroom unit.

[11] Employment estimates assume that each 350 square feet of retail/commercial use would generate approximately one employee.

[12] City of Oakland, *Oak to Ninth Mixed Use Development Draft EIR*, September 1, 2005. Case No. ER 04-0009 (State Clearinghouse Number 2004062013); p,. IV.J-22. Available for review on the internet at http://www.oaklandnet.com/government/ceda/revised/planningzoning/MajorProjectsSection/oaktoninth.html.

Source:
Association of Bay Area of Bay Area Government (ABAG) projections, 2002
Oakland General Plan, Housing Element, June 2004.
Oakland General Plan, Land Use and Transportation Element, March 1998.
Project Description and Plans
US Census 2000

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
XIII. PUBLIC SERVICES - - Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:					
a) Fire protection?	☐	☐	☒	☐	☐

Comments to XIII.a:
The project site is located in a developed urban area already served by public services. Fire protection and emergency medical response services would be provided by the Oakland Fire Department. The nearest fire station, Station 15, is located less than one half mile (approximately 2.5 blocks southeast) from the project site at 455 27th Street at Telegraph Avenue. Station 15 serves a geographic area generally bounded by 37th Street to the north, 20th Street to the south, Perkins Street to the east, and Martin Luther King Jr. Way to the west. The response time to the project site is estimated to be within seven minutes – the Citywide response goal established by the City of Oakland. In accordance with standard City practices, the proposed project would be designed in compliance with Oakland's Building Code, and the Fire Services Agency would review the project plans at the time of building permit issuance to ensure that adequate fire and life safety measures are designed into the project and in compliance with all applicable state and city fire safety requirements. Therefore, there would not be any significant impacts on fire services. In particular, as a residential mid-rise structure, the project would be required to be of fire-resistive construction (Type 5-one hour fire rated) and fully sprinklered, and to have a firefighters' control room to allow responding crews to monitor building alarms and override elevator controls. The proposed project, with about 142 residential units and 2,900 square feet of commercial space would replace an existing fitness club. The increased on-site population would be expected to result in an incremental increase in the number of emergency medical calls at the project site. The project-generated increase in traffic to and from the site could also incrementally increase the number of motor vehicle accidents requiring Fire Department response. However, neither increase would be anticipated to be substantial in the context of existing development and response patterns, because the project would result in relatively little growth in the context of the greater downtown. Assuming compliance with building codes, the number of fire responses could be expected to show a slight, but not substantial, increase. Therefore, there would not be any significant impacts on fire services.

b) Police protection?	☐	☐	☒	☐	☐

Comments to XIII.b
Police protection services would be provided to the project site by the Oakland Police Department, headquartered in downtown Oakland at 455 Seventh Street, about 1.5 miles from the project site. The Police

Department has more than 700 officers and more than 300 civilian staff (City of Oakland, 2005; p. IV.L-1). As with fire and EMS services, the proposed project could incrementally increase the demand for police services, but the increased demand generated by 142 residential units and 2,900 square feet of commercial space would not be substantial, and therefore, the project is not anticipated to affect police response time or result in a significant impact on police services. The Police Department recommends that preventative design measures, such as landscaping, lighting and security alarms and door locks be incorporated into final project designs for new development projects. As part of standard development practices, project plans would be reviewed by the Police Department, and the project applicant shall be required to incorporate the Department's recommendations into the final project design.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
c) Schools?	☐	☐	☒	☐	☐

Comments to XIII.c:
The Oakland Unified School District (OUSD) operates public schools within the vicinity of the project site. The project site lies within the boundaries serviced by Hoover Elementary School located to the northwest on Brockhurst St. The project site also lies within the boundaries of Westlake Middle/Junior High School and Oakland Technical High School located on Harrison Street and Broadway and 42nd Street, respectively. School enrollment generated by the project could be expected to be approximately 100 students, based on the California State Department of Education student generation rate of approximately 0.7 students per residential unit. The project would develop about 142 residential units, about 55 percent of which would be studios and one-bedroom units. As studios and one-bedroom units are typically occupied by singles or couples without children, the proposed project would likely generate fewer than the 100 school-age children that would be expected for larger, especially detached, units. As a result, the project impact to schools would be less than significant. In addition, prior to issuance of building permits and as required by Senate Bill 50, the project sponsor would be required to pay school impact fees of $2.63 per square foot for residential space and $0.42 per square foot for commercial space to offset any impacts to school facilities from the proposed project. Senate Bill 50 implements Proposition 1A, approved by the voters on November 4, 1998; prohibits local agencies, such as the City of Oakland, from denying land use approvals on the basis that school facilities are inadequate; and establishes statewide school impact mitigation fees, adjusted biannually, that preempt local existing school impact fees. The project would not interfere with the operations of existing schools.

d) Parks?	☐	☐	☒	☐	☐

Comments to XIII.d:
The project would be located in a developed urban area served by existing parkland including a neighborhood park fewer than five blocks from the project site and Mosswood Recreation Center, a community park less than one mile from the project site. The project also would be served by parkland around Lake Merritt which includes Children's Fairyland, a boat house, a bird sanctuary and other recreational facilities. In addition, the project would include 24,530 square feet of open space in the form of nine courtyards on the podium level and private balconies accessible to most residents in all other dwelling units. Therefore, impacts on park facilities are anticipated to be less-than-significant.

e) Other public facilities?	☐	☐	☒	☐	☐

Comments to XIII.e:
Finally, the Community Services Analysis prepared for the Land Use and Transportation Element of the General Plan stated that future in-fill development through the General Plan horizon year of 2015 would not be likely to impose a burden on existing public services. The proposed project's increase in the on-site

population is assumed within the horizon ear 2015. Thus, the proposed project is not anticipated to result in significant impacts on public services.

Source:
City of Oakland, *Broadway-West Grand Mixed-Use Project Draft EIR* (ER 03-0022), August, 2004.
City of Oakland, *Oak to Ninth Avenue Project Draft EIR* (ER04-0009), August 2005.
Oakland Community Services Analysis, Technical Report #5, October 1995.
Project Description and Plans.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
XIV. RECREATION - - Would the project:					
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐	☐
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☒	☐	☐

Comments to XIV.a and b:
The proposed project is not anticipated to result in significant impacts related to recreation. The project would include 24,530 square feet of open space in the form of nine courtyards on the podium level and private balconies accessible to most residents in all other dwelling units.

As described above, the project would be located in a developed urban area served by existing parkland including a neighborhood park fewer than five blocks from the project site and Mosswood Recreation Center, a community park less than one mile from the project site. In addition, the project would be served by parkland around Lake Merritt which includes Children's Fairyland, a boat house, a bird sanctuary and other recreational facilities.

As the project would not induce significant population growth, it is not anticipated to result in adverse effects on any of the existing parks or recreational facilities in the area. Therefore, the proposed project is not anticipated to result in significant impacts related to recreation.

Source:
City of Oakland, Office of Parks and Recreation (map)
General Plan: Open Space, Conservation, and Recreation Element, June 1996.
Project Description and Plans.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
XV. TRANSPORTATION/TRAFFIC - - Would the project:					
a) 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., street closures, changing direction of travel) in a manner that would substantially impact access or traffic load and capacity of the street system?	☒	☐	☐	☐	☐
b) Cause a roadway segment on the Metropolitan Transportation System to operate at LOS F or increase in V/C ratio by more than three (3) percent for a roadway segment that would operate at LOS F without the project?	☒	☐	☐	☐	☐
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety?	☐	☐	☐	☒	☐
d) 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)?	☐	☐	☐	☒	☐
e) Result in fewer than two emergency access routes for streets exceeding 600 feet in length?	☐	☐	☐	☒	☐
f) Fundamentally conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle routes)?	☐	☐	☐	☒	☐
g) Generate added transit ridership that would increase the average ridership on AC Transit lines by three (3) percent at bus stops where the average load factor with the project in place would exceed 125% over a peak thirty minute period; increase the peak hour average ridership on BART by three(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 three (3) percent where average waiting time at fare gates would exceed one minute?	☒	☐	☐	☐	☐

Comments to XV.a, b, c, d, e, f and g:
The proposed construction of 142 residential units with parking for 204 automobiles plus 2,900 square feet of commercial uses would increase vehicular traffic in the project vicinity, may decrease the level of service (LOS) or V/C ratio of nearby roadway segments, and may generate added transit ridership in the area which

could result in significant impacts to transportation and traffic. Therefore, the project EIR will address the project's potential transportation impacts, including transit impacts and (non-CEQA) parking impacts.

Regarding Item XV.c, the project would result in no change in air traffic patterns.

Regarding Items XV.d and e, the project would not result unusual design features that could result in traffic hazards, nor would the project result in fewer than two emergency access routes. Regardless, the project EIR will analyze the project's effects on traffic hazards.

Regarding Item XV.f, the project would not fundamentally conflict with adopted policies supporting alternative transportation, as the project would be infill development on a site served by existing transit (AC Transit bus service). Regardless, the project EIR will analyze the project's potential conflict with adopted policies, plans, or programs supporting alternative transportation.

Source:
Project Description and Plans.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
XVI. UTILITIES AND SERVICE SYSTEMS -- Would the project:					
a) Exceed wastewater treatment requirements of the San Francisco Bay Regional Water Quality Control Board?	☐	☐	☒	☐	☐
b) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, construction of which could cause significant environmental effects?	☐	☐	☐	☐	☒
c) Exceed water supplies available to serve the project from existing entitlements and resources, and require or result in the construction of water facilities or expansion of existing facilities, construction of which could cause significant environmental effects?	☐	☐	☒	☐	☐
d) Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments and require or result in construction of new wastewater treatment facilities or expansion of existing facilities, construction of which could cause significant environmental effects?	☐	☐	☒	☐	☐
e) Be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs and require or result in construction of landfill facilities or expansion of existing facilities, construction of which could cause significant environmental effects?	☐	☐	☒	☐	☐

f) Violate applicable federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☐	☒
g) Violate applicable federal, state, and local statutes and regulations relating to energy standards?	☐	☐	☒	☐	☐
h) Result in a determination by the energy provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments and require or result in construction on new energy facilities or expansion of existing facilities, construction of which could cause significant environmental effects.	☐	☐	☒	☐	☐

Comments to XVI.a, b, c, d, e, f, g and h:
The proposed project site is located in an urban area already served by utilities and service systems. The Community Services Analysis prepared for the Land Use and Transportation Element (LUTE) of the General Plan states that future in-fill development through the General Plan horizon year of 2015, which assumes a certain degree of urban in-fill development such as that proposed for the project site, would not be likely to exceed the capacity of existing utilities and service systems.

With a proposed development of approximately 142 residential units and 2,900 square feet of commercial space, the project would not exceed the threshold for requiring a water supply assessment from the East Bay Municipal Utility District (EBMUD) per State Senate Bill 610 (which requires a water supply assessment for larger projects, including a 500-unit threshold for residential projects). The net increase in water consumption is estimated at about 18,000 gallons per day, after subtracting demand from the existing fitness club and pool on the project site.[13] This increase would be negligible in the context of existing and projected future water demand in Oakland. Similarly, with regard to wastewater treatment, the net increase of approximately 16,000 gpd would also be negligible. However, if sufficient local distribution capacity in existing water, wastewater, and storm water drainage facilities were not available to serve the proposed project, the project sponsor would be required to provide infrastructure improvements and pay required installation and hookup fees to the affected service providers to ensure provision of adequate service, prior to service connection.

The project site currently generates demand for both potable water and wastewater treatment, as a result of the existing fitness club. Because the proposed project would result in an increase of more than 20 percent in wastewater generation over existing conditions (about 22,200 gpd proposed compared to approximately 6,300 gpd existing, for an increase of 16,000 gpd or about 250 percent), and because the project site is within a wastewater sub-basin (sub-basin number 52-06) where the growth allowance is 20 percent above existing conditions, the project sponsor would be required to pay for relief sanitary sewers in the basin or be required to upgrade any of the existing sewer lines from the project site to the interceptor. Improving the system elsewhere would reduce flows and is a methodology approved by the Oakland Public Works Agency for accommodating local growth in wastewater flow such as would occur with the project. Such improvements as would be required to be funded by the project sponsor would have relatively minor local construction impacts, typical of local utility improvements, and would not be expected to result in any significant environmental impact as defined by CEQA. In light of the above, the proposed project would not result in

[13] Water demand estimates are based upon the average daily flow estimates of 150 gallons per day (gpd) per 1 bedroom condominium, 200 gpd per 2 bedroom condominium, 100 gpd per 1000 gross square feet of retail area as presented in the City of Oakland Public Words Agency Standards Sanitary Sewer Design Guidelines. Wastewater generation is based upon the conservative estimate of 90% of water demand. Existing water usage at the project site is estimated to be approximately 7,000 gpd (personal communication, Mike Schmitz, Courthouse Athletic Club, with Brad Brewster, ESA, June 8, 2006).

significant impacts related to the utilization of water supplies or wastewater treatment facilities. There would be little or no impact to storm water drainage facilities, because the project site would remain virtually entirely covered with impervious surfaces, as it is under existing conditions.

Assembly Bill 939 requires that all cities divert 50 percent of their solid waste from landfills by December 31, 2000. The waste diversion rate in the City of Oakland was 55 percent in 2004. The project sponsor shall be required to comply with the City's construction and demolition debris recycling ordinance, which requires submittal of a plan to divert at least 50 percent of the construction waste generated by the project from landfill disposal. Compliance with this ordinance would result in less than significant short-term impacts on solid waste. In addition, the following standard measure shall be implemented as a standard condition of project approval:

> **UTL-1: As feasible and applicable, the project sponsor shall implement the following water-efficient equipment and devices into building design and project plans, consistent with the Landscape Water Conservation section of the City of Oakland Municipal Code (Chapter 7, Article 10): low-, ultra-low, and dual flush flow toilets and showerheads; water efficient irrigation systems that include drip irrigation and efficient sprinkler heads; evapotranspiration (ET) irrigation controllers; drought-resistant and native plants for landscaping; and minimization of turf areas.**
>
> **UTL-2: Prior to issuance of any building permits including the grading and/or demolition permit the project applicant will submit a demolition/construction waste diversion plan and operational waste reduction plan for review and approval by the Public Works Agency. The plan will specify the methods by which the development will make a good faith effort to divert 50% of the demolition/construction waste generated by the proposed project from landfill disposal. After approval of the plan, the project applicant will implement the plan. The operational diversion plan will specify the methods by which the development will make a good faith effort to divert 50% of the solid waste generated by operation of the proposed project from landfill disposal. After approval of the plan, the project applicant will implement the plan. Contact the City of Oakland Environmental Services Division of Public Works at (510) 238-7283 for information.**
>
> **UTL-3: Prior to completing the final design for the project's sewer service, confirmation of the City's surrounding stormwater and sanitary sewer system capacity and state of repair shall be completed by a qualified civil engineer with funding from the project sponsor. The project sponsor shall be required to pay mitigation fees to improve stormwater and sanitary sewer infrastructure if required by the City. Improvements to the existing sanitary sewer collection system shall specifically include, but are not limited to, mechanisms to control or minimize increases in infiltration/inflow associated with the proposed project. Additionally, the project sponsor shall be responsible for payment of the required installation or hook-up fees to the affected service providers.**

Adherence to the above standard condition would reduce the potential long-term impacts of the proposed project on solid waste disposal to a less-than-significant level.

The project would increase energy consumption at the project site, but not to a degree that would require construction of new facilities. The project demand would be typical for a project of this scope and nature and would meet, or exceed, current state and local codes and standards concerning energy consumption,

including Title 24 of the California Code of Regulations enforced by the City of Oakland through its building permit review process.

Source:
California State Water Code
Cherinet, P.E., Mastewal, City of Oakland, Public Works Agency, personal communication, June 13, 2006.
City of Oakland, Public Works Agency, Design and Construction Division, March 6, 2006.
City of Oakland, Public Works Agency, *Draft Sanitary Sewer Design Guidelines*, November 2004.
City of Oakland, Public Works Agency, http://www.oakandpw.com/Page34.aspx#recycling_goal
City of Oakland, *Oakland Community Services Analysis, Technical Report #5*, October 1995.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
XVII.MANDATORY FINDINGS OF SIGNIFICANCE					
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☒	☐	☐	☐	☐

Comments to XVII.a:
As explained above, the proposed project would not affect natural habitat or fish or wildlife populations, threaten or otherwise restrict plant or animal communities or species. The project would eliminate a building important to local history, resulting in a potentially significant impact. The project EIR will analyze impacts related to historic resources.

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☒	☐	☐	☐	☐

Comments to XVII.b:
The additional traffic generated by the proposed project could contribute to a cumulative traffic impact. Potential cumulative impacts of the proposed project with respect to traffic generation will be analyzed in the project EIR.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒	☐

Comments to XVII.c:
As described in the various analyses above, the project would not result in any direct or indirect effects that would result in substantial adverse effect on human beings.

APPENDIX B
NOP Comment Letters

Linda S. Adams
Secretary for
Environmental Protection

Department of Toxic Substances Control

Maureen F. Gorsen, Director
700 Heinz Avenue
Berkeley, California 94710-2721

Arnold Schwarzenegger
Governor

October 31, 2006

Joann Pavlinec
City of Oakland
Community and Economic Development Agency
Planning Division
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, California 94612

Dear Ms. Pavlinec:

Thank you for the opportunity to comment on the Notice of Preparation of the Draft Environmental Impact Report for the Courthouse Condominiums Project (NOP). As you may be aware, the California Department of Toxic Substances Control (DTSC) oversees the cleanup of sites where hazardous substances have been released pursuant to the California Health and Safety Code, Division 20, Chapter 6.8. As a Responsible Agency, DTSC is submitting comments to ensure that the environmental documentation prepared for this project to address the California Environmental Quality Act (CEQA) adequately addresses any required remediation activities which may be required to address any hazardous substances release.

The Courthouse Condominium project, as described in the NOP, includes the demolition of the commercial building and parking lot, presently on the property, to construct approximately 140 residential units, on-site parking for approximately 200 automobiles, and 2,900 square feet of ground floor retail commercial space. The Phase I Environmental Site Assessment Report identifies the past uses of the property included a gasoline service station, mortuary, and a fitness club. Soil and groundwater sampling was conducted as part of the Limited Phase II Report activities, detecting elevated concentrations of metals, petroleum hydrocarbons, and volatile organic hydrocarbons. However, samples were not collected and analyzed under the existing building or from under the raised area of the parking. A full site characterization is recommended.

Without this information we are unable to determine the extent of the hazardous substances released into the soil and groundwater at the Site. Based on the information from the previous sampling events and the information from the recommended sampling, it can be determined whether the presence of hazardous substances in the soil and/or groundwater is an issue which needs to be addressed in the CEQA compliance document. Because hazardous substances have been released, they will need to be discussed as part of the Environmental Impact Report for this project.

For example, if the remediation activities include the need for soil excavation, the CEQA document should include: (1) an assessment of air impacts and health impacts associated with the excavation activities; (2) identification of any applicable local standards which may be exceeded by the excavation activities, including dust levels and noise; (3) transportation impacts from the removal or remedial activities; and (4) risk of upset should be there an accident at the Site.

DTSC can assist your agency in overseeing characterization and cleanup activities through our Voluntary Cleanup Program. A fact sheet describing this program is enclosed. We are aware that projects such as this one are typically on a compressed schedule, and in an effort to use the available review time efficiently, we request that DTSC be included in any meetings where issues relevant to our statutory authority are discussed.

Please note, DTSC and the Regional Water Quality Control Boards (Regional Boards) signed a Memorandum of Agreement, March 1, 2005 (MOA) aimed to avoid duplication of efforts among the agencies in the regulatory oversight of investigation and cleanup activities at brownfield sites. Under the MOA, anyone requesting oversight from DTSC or a Regional Board must submit an application to initiate the process to assign the appropriate oversight agency. The completed application and site information may be submitted to either DTSC or Regional Board office in your geographical area. The application is available at http://www.calepa.ca.gov/brownfields/MOA/application.pdf.

Please contact Xavier Bryant of my staff at (510) 540-3835 or xbryant@dtsc.ca.gov if you have any questions or would like to schedule a meeting. Thank you in advance for your cooperation in this matter.

Sincerely,

Denise M. Tsuji, Unit Chief
Northern California - Coastal
Cleanup Operations Branch

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044

Guenther Moskat
CEQA Tracking Center
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

EAST BAY
MUNICIPAL UTILITY DISTRICT

October 27, 2006

Joann Pavlinec, Planner III
City of Oakland, Community and Economic Development Agency
Planning Division
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612

Re: Notice of Preparation of a Draft Environmental Impact Report – Courthouse Condominiums/2935 Telegraph Avenue – Oakland

Dear Ms. Pavlinec:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Notice of Preparation of a Draft Environmental Impact Report (EIR) for the proposed Courthouse Condominiums located in the City of Oakland. EBMUD has the following comments.

WATER SERVICE

EBMUD's Central Pressure Zone, with a service elevation between 0 and 100 feet, will serve the proposed development. When the development plans are finalized, the project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine costs and conditions for providing water service to the proposed development. Engineering and installation of water services requires substantial lead-time, which should be provided for in the project sponsor's development schedule.

Page 33 of the Initial Study describes petroleum hydrocarbons, formaldehyde, and other contaminants that are present in the soil and groundwater at the project site. The project sponsor should be aware that EBMUD will not install piping or services in contaminated soil or groundwater (if groundwater is present at any time during the year at the depth piping is to be installed) that must be handled as a hazardous waste, or that may be hazardous to the health and safety of construction and maintenance personnel wearing Level D personal protective equipment. EBMUD will not install piping or services in areas where groundwater contaminant concentrations exceed specified limits for discharge to the sanitary sewer system and sewage treatment plants.

The project sponsor must submit copies to EBMUD of all known information regarding soil and groundwater quality within or adjacent to the project boundary and a legally sufficient, complete and specific written remediation plan establishing the methodology, planning and design of all necessary systems for the removal, treatment, and disposal of contaminated soil and groundwater. EBMUD will not design piping or

services until soil and groundwater quality data and remediation plans have been received and reviewed, and will not start underground work until remediation has been carried out and documentation of the effectiveness of the remediation has been received and reviewed. If no soil or groundwater quality data exists, or the information supplied by the project sponsor is insufficient, EBMUD may require the project sponsor to perform sampling and analysis to characterize the soil and groundwater that may be encountered during excavation or EBMUD may perform such sampling and analysis at the project sponsor's expense. If evidence of contamination is discovered during EBMUD work on the project site, work may be suspended until such contamination is adequately characterized and remediated to EBMUD standards.

If you have any questions concerning this response, please contact David J. Rehnstrom, Senior Civil Engineer, Water Service Planning at (510) 287-1365.

Sincerely,

William R. Kirkpatrick
Manager of Water Distribution Planning

WRK:JAJ:sb
sb06_315.doc

cc: Trammell Crow Residential
1810 Gateway Drive, Suite 240
San Mateo, CA 94404

ALAMEDA COUNTY
CONGESTION MANAGEMENT AGENCY

1333 BROADWAY, SUITE 220 • OAKLAND, CA 94612 • PHONE: (510) 836-2560 • FAX: (510) 836-2185
E-MAIL: mail@accma.ca.gov • WEB SITE: accma.ca.gov

November 6, 2006

Ms. Joann Pavlinec
Community and Economic Development Agency
City of Oakland Planning Division
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612

SUBJECT: Comments on the Notice of Preparation for a Draft Environmental Impact Report (DEIR) for the Courthouse Condominiums Project in the City of Oakland

Dear Ms. Pavlinec:

Thank you for the opportunity to comment on the Notice of Preparation for a Draft Environmental Impact Report (DEIR) for the Courthouse Condominiums Project in the City of Oakland. The project is located at 2935 Telegraph Avenue between 29th and 30th Streets. The project proposal intends to demolish the fitness club and surface parking lot and construct approximately 142 residential units. About 2,900 square feet of ground floor retail and on-site parking for approximately 204 automobiles, in a five storey building with four stories of residential construction about a two-level parking garage; one-level of parking below ground and one at ground.

The ACCMA respectfully submits the following comments:

- The City of Oakland adopted Resolution No. 69475 on November 19, 1992 establishing guidelines for reviewing the impacts of local land use decisions consistent with the Alameda County Congestion Management Program (CMP). Based on our review of the NOP, the proposed project appears to generate at least 100 p.m. peak hour trips over existing conditions. If this is the case, the CMP Land Use Analysis Program requires the City to conduct a traffic analysis of the project using the Countywide Transportation Demand Model for projection years 2010 and 2025 conditions. Please note the following paragraph as it discusses the responsibility for modeling.

  - The CMA Board amended the CMP on March 26th, 1998 so that local jurisdictions are now responsible for conducting the model runs themselves or through a consultant. The City of Oakland and the ACCMA have signed a

Countywide Model Agreement on March 22, 1999. The Countywide model, updated incorporating ABAG's revisions to the employment data for Projections 2002, is available to the local jurisdictions for this purpose. The model was already released to the City based on a separate request.

- Potential impacts of the project on the Metropolitan Transportation System (MTS), including cumulative impacts need to be addressed (See 2005 CMP Figures E-2 and E-3 and Figure 2). The DEIR should address all potential impacts of the project on the MTS roadway and transit systems. These include I-580, I-980, SR 24, West MacArthur Boulevard, Telegraph Avenue, Martin Luther King Jr. Way, as well as BART and AC Transit. Potential impacts of the project must be addressed for 2010 and 2025 conditions.
  - Please note that the ACCMA does not have a policy for determining a threshold of significance for Level of Service for the Land Use Analysis Program of the CMP. Professional judgment should be applied to determine the significance of project impacts (Please see chapter 6 of 2005 CMP for more information).
  - In addition, the adopted 2005 CMP requires using 1985 Highway Capacity Manual for freeway capacity standards.

- The adequacy of any project mitigation measures should be discussed. On February 25, 1993 the CMA Board adopted three criteria for evaluating the adequacy of DEIR project mitigation measures:
  - Project mitigation measures must be adequate to sustain CMP service standards for roadways and transit;
  - Project mitigation measures must be fully funded to be considered adequate;
  - Project mitigation measures that rely on state or federal funds directed by or influenced by the CMA must be consistent with the project funding priorities established in the Capital Improvement Program (CIP) section of the CMP or the Regional Transportation Plan (RTP).

  The DEIR should include a discussion on the adequacy of proposed mitigation measures relative to these criteria. In particular, the DEIR should detail when proposed roadway or transit route improvements are expected to be completed, how they will be funded, and what would be the effect on LOS if only the funded portions of these projects were assumed to be built prior to project completion.

- Potential impacts of the project on CMP transit levels of service must be analyzed. (See 2005 CMP, Chapter 4). Transit service standards are 15-30 minute headways for bus service and 3.75-15 minute headways for BART during peak hours. The DEIR should address the issue of transit funding as a mitigation measure in the context of the CMA's policies as discussed above.

- The DEIR should also consider demand-related strategies that are designed to reduce the need for new roadway facilities over the long term and to make the most

efficient use of existing facilities (see 2005 CMP, Chapter 5). The DEIR should consider the use of TDM measures, in conjunction with roadway and transit improvements, as a means of attaining acceptable levels of service. Whenever possible, mechanisms that encourage ridesharing, flextime, transit, bicycling, telecommuting and other means of reducing peak hour traffic trips should be considered. The Site Design Guidelines Checklist may be useful during the review of the development proposal. A copy of the checklist is enclosed.

Thank you for the opportunity to comment on this Notice of Preparation. Please do not hesitate to contact me at 510/836-2560 ext. 24 if you require additional information.

Sincerely,

Saravana Suthanthira
Associate Transportation Planner

file: CMP - Environmental Review Opinions - Responses - 2006

Attachment

Design Strategies Checklist
for the
Transportation Demand Management Element
of the
Alameda County CMP

The Transportation Demand Management Element included in the 2003 Congestion Management Program requires each jurisdiction to comply with the "" Required Program". This requirement can be satisfied in three ways: 1) adoption of "Design Strategies for encouraging alternatives to auto use through local development review" prepared by ABAG and the Bay Area Quality Management District; 2) adoption of new design guidelines that meet the individual needs of the local jurisdictions and the intent of the goals of the TDM Element or 3) evidence that existing policies and programs meet the intent of the goals of the TDM Element.

For those jurisdictions who have chosen to satisfy this requirement by Option 2 or 3 the following checklist has been prepared. In order to insure consistency and equity throughout the County, this checklist identifies the components of a design strategy that should be included in a local program to meet the minimum CMP conformity requirements. The required components are highlighted in bold type and are shown at the beginning of each section. A jurisdiction must answer Yes to each of the required components to be considered consistent with the CMP. Each jurisdiction will be asked to annually certify that it is complying with the TDM Element. Local jurisdictions will not be asked to submit the back-up information to the CMA justifying its response; however it should be available at the request of the public or neighboring jurisdictions.

Questions regarding optional program components are also included. You are encouraged but not required to answer these questions. ACTAC and the TDM Task Force felt that it might be useful to include additional strategies that could be considered for implementation by each jurisdiction.

CHECKLIST

Bicycle Facilities

Goal: To develop and implement design strategies that foster the development of a countywide bicycle program that incorporates a wide range of bicycle facilities to reduce vehicle trips and promote bicycle use for commuting, shopping and school activities. (Note: an example of facilities are bike paths, lanes or racks.)

Note: Bold type face indicates those components that must be included the "Required Program" in order to be found in compliance with the Congestion Management Program.

Local Responsibilities:

1a. In order to achieve the above goal, does your jurisdiction have design strategies or adopted policies that include the following:

1a.1 provides a system of bicycle facilities that connect residential and/or non-residential development to other major activity centers?

Yes No

1a.2 bicycle facilities that provide access to transit?

Yes No

1a.3 that provide for construction of bicycle facilities needed to fill gaps, (i.e. gap clure), not provided through the development review process?

Yes No

1a.4 that consider bicycle safety such as safe crossing of busy arterials or along bike trails?

Yes No

1a.5 that provide for bicycle storage and bicycle parking for (A) multi-family residential and/or (B) non-residential developments?

Yes No

1b. How does your jurisdiction implement these strategies? Please identify.

Zoning ordinance
Design Review
Standard Conditions of Approval
Capital Improvement Program
Specific Plan
Other

Pedestrian Facilities

Goal: To develop and implement design strategies that reduce vehicle trips and foster walking for commuting, shopping and school activities.

Local Responsibilities

2a. In order to achieve the above goal, does your jurisdiction have design strategies or adopted policies that incorporate the following:

2a.1 that provides reasonably direct, convenient, accessible and safe pedestrian connections to major activity centers, transit stops or hubs parks/open space and other pedestrian facilities?

Yes No

Note: Bold type face indicates those components that must be included the "Required Program" in order to be found in compliance with the Congestion Management Program.

2a.2 that provide for construction of pedestrian paths needed to fill gaps, (i.e. gap closure), not provided through the development process?

Yes No

2a.3 that include safety elements such as convenient crossing at arterials?

Yes No

2a.4 that provide for amenities such as lighting, street trees, trash receptacles that promote walking?

Yes No

2a.5 that encourage uses on the first floor that are pedestrian oriented, entrances that are conveniently accessible from the sidewalk or transit stops or other strategies that promote pedestrian activities in commercial areas?

Yes No

2b. How does your jurisdiction implement these strategies? Please identify.

Zoning ordinance
Design Review, such as ADA Accessibility Design Standards
Standard Conditions of Approval
Capital Improvement Program
Specific Plan
Other

Transit

Goal: To develop and implement design strategies in cooperation with the appropriate transit agencies that reduce vehicle trips and foster the use of transit for commuting, shopping and school activities.

Local Responsibilities

3a. In order to achieve the above goal, does your jurisdiction have design strategies or adopted policies that include the following:

3a.1 provide for the location of transit stops that minimize access time, facilitate intermodal transfers, and promote reasonably direct, accessible, convenient and safe connections to residential uses and major activity centers?

Yes No

Note: Bold type face indicates those components that must be included the "Required Program" in order to be found in compliance with the Congestion Management Program.

3a.2 provide for transit stops that have shelters or benches, trash receptacles, street trees or other street furniture that promote transit use?

Yes No

3a.3 that includes a process for including transit operators in development review?

Yes No

3a.4 provide for directional signage for transit stations and/or stops?

Yes No

3a.5 that include specifications for pavement width, bus pads or pavement structure, length of bus stops, and turning radii that accommodates bus transit?

Yes No

3.b How does your jurisdiction implement these strategies? Please identify.

Zoning ordinance
Design Review
Standard Conditions of Approval
Capital Improvement Program
Specific Plan
Other

Carpools and Vanpools

Goal: To develop and implement design strategies that reduce the overall number of vehicle trips and foster carpool and vanpool use.

Local Responsibilities:

4a. In order to achieve the above goal, does your jurisdiction have design strategies or adopted policies that include the following:

4a.1 For publicly owned parking garages or lots, are there preferential parking spaces and/or charges for carpools or vanpools?

Yes No

4a.2 that provide for convenient or preferential parking for carpools and vanpools in non-residential developments?

Yes No

Note: Bold type face indicates those components that must be included the "Required Program" in order to be found in compliance with the Congestion Management Program.

4.b How does your jurisdiction implement these strategies? Please identify.

Zoning ordinance
Design Review
Standard Conditions of Approval
Capital Improvement Program
Specific Plan
Other

Park and Ride

Goal: To develop design strategies that reduce the overall number of vehicle trips and provide park and ride lots at strategic locations.

Local Responsibilities:

5a. In order to achieve the above goal, does your jurisdiction have design strategies or adopted policies that include the following:

5a.1 promote park and ride lots that are located near freeways or major transit hubs?

Yes No

5a.2 a process that provides input to Caltrans to insure HOV by-pass at metered freeway ramps?

Yes No

5b. How does your jurisdiction implement these strategies? Please identify.

Zoning ordinance
Design Review
Standard Conditions of Approval
Capital Improvement Program
Specific Plan
Other

Note: Bold type face indicates those components that must be included the "Required Program" in order to be found in compliance with the Congestion Management Program.

November 3, 2006

Joann Pavlinec
City of Oakland
CEDA Planning Division
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612

Re: Response to Notice of Preparation (Case ER06-0012)
Courthouse Condominiums

Dear Ms. Pavlinec,

As Member of the City of Oakland Preservation Advisory Board, I offer the following comments on the Notice of Preparation (NOP) for the Courthouse Condominiums.

Proposed Standard Conditions
The City proposes to require a standard condition (Standard Condition Cul-1) to address the potential discovery of prehistoric or historic subsurface cultural resources. This condition should be modified to include a commitment from the project sponsor to prepare a Cultural Resources Contingency Plan, subject to review and approval by City staff, which would be incorporated into the project's construction documents. At a minimum, this Plan should outline the types of finds that would constitute a 'discovery,' and should provide (a) specific guidance regarding work stoppage in the immediate area of the discovery, and (b) a clear sequence of notifications and response actions following the discovery. Additionally, I would recommend that a qualified archaeologist be retained to inspect the project site during construction to assess potential discoveries that may not be obvious to others.

The City also proposes to require two additional standard conditions (Standard Conditions Cul-2 and -3) to address the potential discovery of paleontological resources, unique geologic features, or human remains. These conditions should be modified in a manner consistent with my comments regarding Standard Condition Cul-1, to include preparation of a Contingency Plan for potential discoveries.

OCHS Survey Rating
The rating of B+3 is a preliminary (field) survey rating assigned in 1996 by Oakland Cultural Heritage Survey (OCHS). There is no discussion in the NOP of whether the OCHS has further assessed this property since 1996 to consider an upgrade or downgrade of the preliminary survey rating. Further review of this rating should be evaluated prior to, or as part of, the EIR preparation. Additionally, the existing rating, or any amended rating, should be clearly assigned to relevant portions of the building, if this has not already been done (various additions appear to have been made for the fitness club, which may not be significant).

Adaptive Reuse Within the Proposed Project
Given the building's OCHS rating and the proximity of adjacent historic resources and Area of Primary Importance, the EIR should evaluate project 'alternatives' that would provide for the reuse and restoration of the entire building(s) or of a portion of the building(s). The feasibility of such reuse should be discussed in the EIR or separately.

Effects on Adjacent Properties and Areas
As currently proposed, the project would provide loading and parking access ramps/areas across 29th Street from St. Augustine's Episcopal Church, a City of Oakland Landmark. The aesthetics of locating such functions across from the Church are questionable; alternatives for the loading and garage access should be evaluated. Additionally, a study should be conducted to determine potential shadow effects on the Church.

Mitigation
I leave it to City staff to ultimately develop appropriate mitigation measures for the project (in its final form). However, if any measure requires documentation of site history (photos, maps, text), I recommend that such documentation be displayed at the project site, in order to provide future residents and members of the public a sense of place and time in this neighborhood.

In closing, I would like to express my support for the revitalization of the subject segment of Telegraph Avenue. Please do not hesitate to contact me if you have any questions.

Sincerely,

Delphine Prévost
Member
City of Oakland Landmarks Preservation Advisory Board

RE: Case # CR 06-0012

10/27/06

To the Oakland Planning Commission:

As residents and neighbors to the new apartment complex slated to be built at the old Courthouse Athletic Club, 2935 Telegraph Ave., we are excited at the prospect of a good-looking building arriving on our street.

We also know that if done right, a project of this type will improve the quality of our neighborhood in resale values and create a more cohesive community.

However, after having been a neighbor to a large condominium building, which only recently has completed, we also have first hand knowledge of the negatives that long-term construction projects can bring.

The condominium project is going to have a huge impact on us as well as our neighbors, for up to two years of construction.

When we attended the meeting at Moss Park the representatives from TCR Northern California 1 Inc., stressed repeatedly that they were looking for feedback from the neighborhood and that 'they were committed to working with the community' to try and make the whole project as successful as possible.

We want to take this opportunity to include our thoughts on what we think would make the build successful for the whole neighborhood. Here is what we would like to see happen to see the construction process ultimately become a profound success.

- Firstly, the biggest thing that this project could do for our streets (and specifically I am referring to the half block of 30th and 29th from the freeway to Telegraph Ave.) is to bury the power lines underground and add large trees along the sidewalks. *

This single act would dramatically increase the look and feel of our neighborhood, as well as benefit everybody, including the new owners (or renters) of the condominium project on 2935 Telegraph Ave.

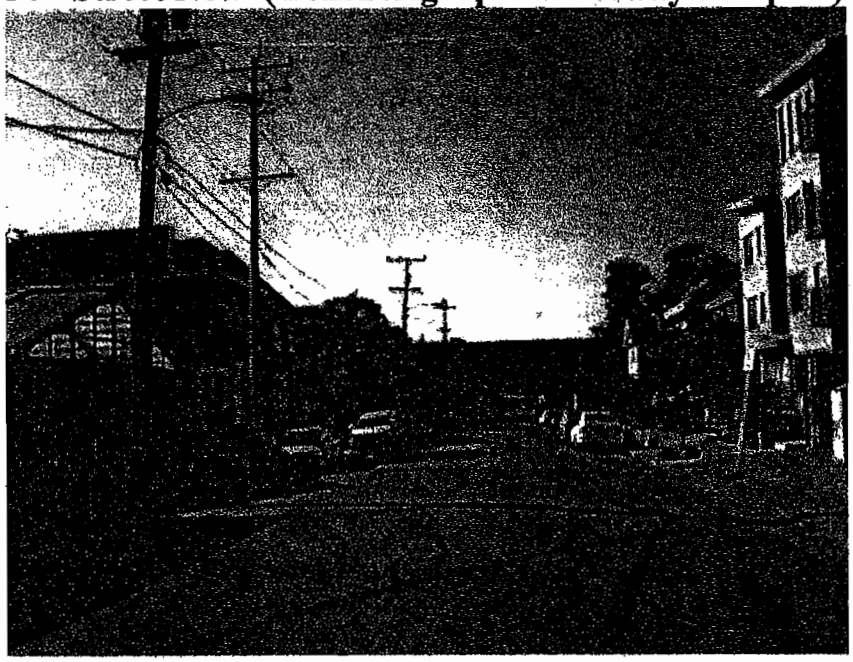
- Secondly, we are very invested in seeing if it is possible to keep the trees that are currently on the Courthouse property as part of the new design. These trees are the oldest on their block and should absolutely be deemed as irreplaceable.
- Thirdly, we feel that is imperative that some form of committee or process is in place to ensure that the commercial retail spaces are not rented specifically to the following: No liquor stores. No fast food establishments. No pawn or porn stores, and no gun shops.

We have talked to all of our neighbors on the 30th block and some on the 29th street block and everyone is very excited about these ideas. We are very interested in talking further with the city and the project leaders to see how we will start the process of working with TCR Northern California 1 Inc.

* We have talked with other property developers who built large condo style properties in Oakland and who were required by the community and helped by the city to bury street power lines. These endeavors turned out to be extremely successful. They were, relatively speaking, inexpensive for the developers, yet had a massive benefit to the community, the look of the surrounding area and only helped sales of the new units. We believe by offering to bury the power lines and plant large

trees, again on the two blocks of 29th and 30th street, from the freeway to Telegraph Ave, TCR Northern California has an opportunity to make the area immeasurably more desirable and therefore gain a higher occupancy rate for their new units. Additionally it will prove the Company's goodwill to the adjacent properties, tenants and property owners who will have to deal with the adversity of the building process for such an extended time. Our wish is for everyone to be a winner throughout this process.

30th Street Now (fromTelegraph to freeway overpass)



2 blocks away:

Hawthorne Street @ Telegraph (No Power lines, Tree lined)

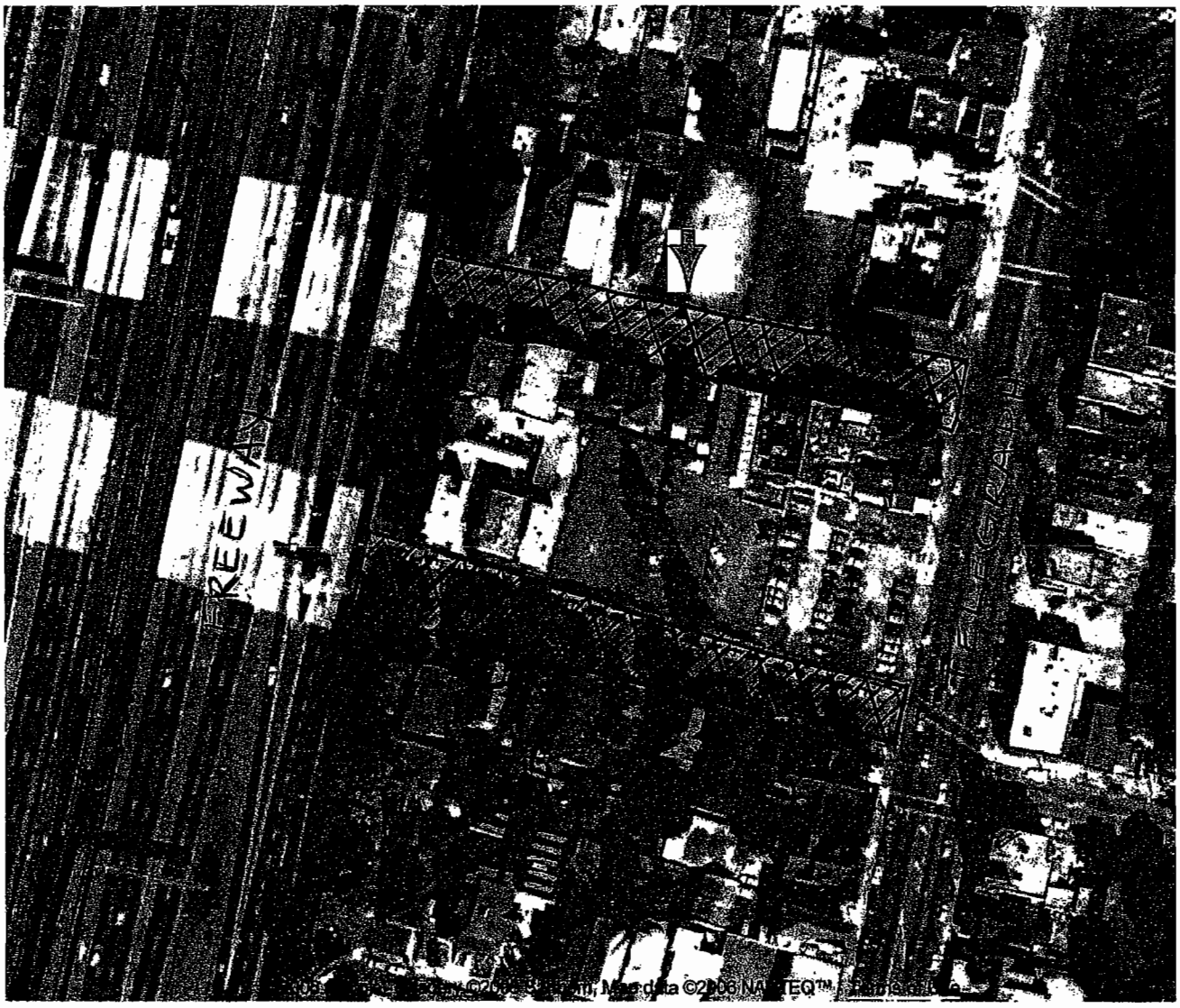
Sincerely,
Andy Hill and Kegan Stedwell, Property Owners, 540 30th Street, A, B and C.

Kegan Stedwell

Google Maps

Address **540 30th St**
Oakland, CA 94609

To see all the details that are visible on the screen,use the "Print" link next to the map.



Plan view of 29th & 30th street between Telegraph & Freeway.

I, DAO Matthews, 893-6145, am here to represent over 75 persons living + working in the Northgate Community, and we ARE All Vehemently opposed to any motion of Removing our historic + cherished bldg of historic value → THE COURTHOUSE at 2935 TELEGRAPH. We all value our area, our old churches, our Grant Miller bldg, our old Easter Seals Bldg and the list goes on + on. Our area IS historic. Our Courthouse is an extremely important structure of Old OAKland Historic Property Heritage!

there is no need, no precedent, no purpose → (other than greed or "a little gain for a LOT of pain") in tearing down Historic Heritage property in order to ERECT WHAT?!! Another, just another redundant shoebox, dollhouse Condo/APT. We oppose the congestion, overcrowding of such a structure. It is a well known fact that new construction is crap, just ticky tacky slapped together junk. It will not be rented. No One in their right mind will pay ridiculous prices to "live" on the north west corner of 29th/Telegraph. Such a monstrosity is out of character for our area. Again, there is no demand/need/purpose/precedent for "condos"/new construction APTS. in our area.

Instead, LET US re-use our Courthouse for 1. a community center or
2. a school or
3. Retail Space or
4. Medical offices or
5. art galleries or
6. Day Care Center or
7. Senior care center or
8. Adult Education or
9. Service Center for Disabled

10. another athletic center for Special needs Athletes

you can also imagine just what else we, our neighborhood can benefit from in reusing (not destroying) our Courthouse

TO: Environmental Review Board
From: DAO Matthews 893-6145, 2878 Telegraph Ave Oakland 94609-3639 Ca
RE: Re-use of 2935 TELEGRAPH "The Courthouse" Historic Bldg.

#7

On behalf of the some 75 of my neighbors + myself, I write to absolutely oppose any or all "plans" to destroy our historic Courthouse" Bldg. We have so many wonderful historic heritage of Oakland buildings in our Northgate Community. These, (and such as Courthouse,): St. Augustines Church, old Easter Seals Bldg, Grant Miller property + Baptist 27th/Broadway Church, Orthodox Church at 29th/Fairmount, Temple Sinai, etc etc. We are an area of importance. Just look at the whole block of Hawthorne to 29th to Broadway to Telegraph — all Medical: Hospitals, clinics, etc. We are more than B+3. Review us. Firehouse is here also on 27th. Broadway Auto Row, etc. We do not want, need, or desire any Ridiculous 5 story bldg. of new cheap "build it + run" tacky tacky junk building construction in our community. We oppose the congestion, density + "little gain for a lot of pain" construction. No one will rent luxury apts over here. No one. We oppose the additional traffic + crime that such a thing will attract! There is no precedent + no need For this type of structure to be built here. In Concord, perhaps, but Not here. No. Not at all. There is no demand in our area for it. There are already too many thrown together, "Slap it up + run" new buildings sitting vacant (25th + Telegraph for one — that monstrosity called Telegraph Lofts or similar in grey, red, + yellow) Looks like a giant dollhouse!

Our Courthouse is our heritage. Re-use it for 1) UC extension 2) Medical offices 3) Lawyers Offices 4) Retail space 5) art gallery 6) Community Center 7) Governmental Research space 8) a new gym (it has a pool) You can see these are just a few examples of how to lucratively re-use Historic Properties in Northgate.

DAO Matthews

nivaxe
SBCglobal.net

(1) (#5) 11/1/06

VIVA WAX
2201 East
28th St,
Oakland, CA
94606
510
5365079

Item 5

TO: Ann Mudge
Chair of Planning
Commissioners

Re: Courthouse
Athletic Club and
EIR Scoping

The courthouse,
athletic was an
important resource
for the disabled, older
community. It has a
unique large pool with
windows in the ceiling,

Nina
WAX

(2)

My Phone:
(510) 536 5079
(510) 978 9226

I was a member for 10 years and it was a very important resource for the disabled, with special classes for the disabled.

I request you please retain the large unique pool with windows above on ceiling.

I request you study an alternative to retain the athletic facilities.

NINA WAX 200 East 28th St
Oakland [illegible]

WINDY WAX

(3) A community has been destroyed and the B+3 historic building is going to be torn down by Trammel Crowe the new owners. Condo's are to replace the beautiful B+3 building at 29th & Telegraph.

I cannot drive to another gym, it my back is injured. I am 52% disabled

 Nina WHX

I met with the new owners of the courthouse Athletic Club trammel/Crow.

I pointed out the resell value of the condos they plan to build is not very good. They said they do not care, they are willing to fool the condo buyers, no low cost housing is planned by trammel crow. Need

APPENDIX C

OCHS Historic Inventory and Research Forms

State of California - The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
PRIMARY RECORD

Primary # _____
HRI # _____
Trinomial _____
NRHP Status Code: 7

Page P1 of 1

Other Listings OPB Prelim. B+3
Review Code _____ Reviewer _____ Date _____

*P1. a. Resource Identifier (assign a name or number): Serial No. B1205
b. Other Identifier: Courthouse Athletic Club
*P2. Location:
a. County Alameda
*b. Address 2935 TELEGRAPH AV/501 30TH ST
City Oakland, CA Zip
*c. UTM: USGS 7.5' Quad Date Zone: mE / mN
*d. Other Locational Data (e.g. parcel #, legal description, additional UTMs, etc.)
Parcel no.: 009 0698 001 00

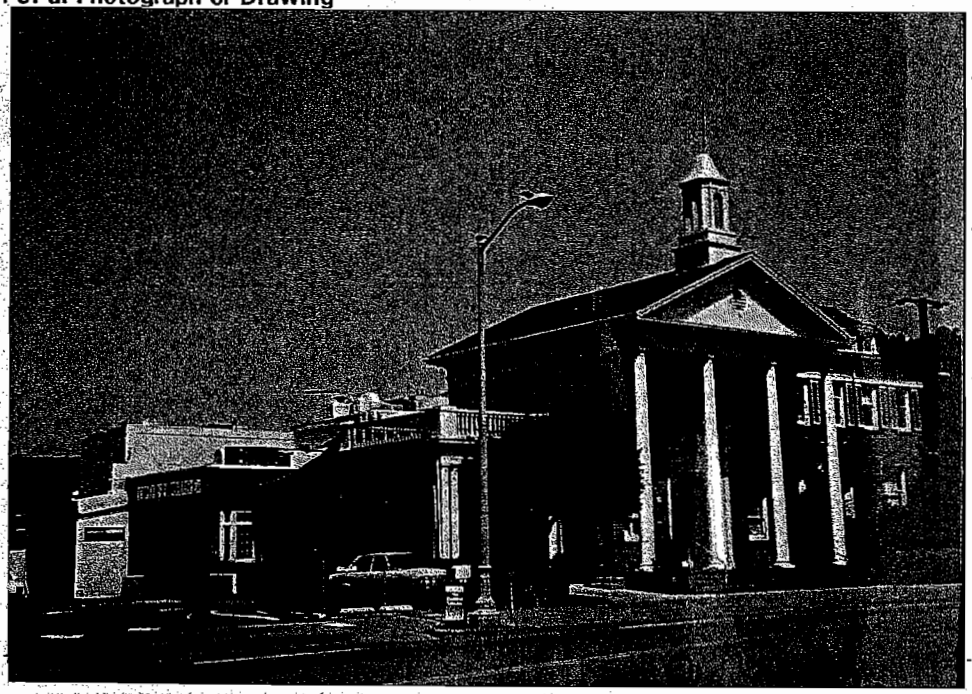
*P3. a. Description (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, etc.):

2935 TELEGRAPH AV is a Colonial Revival funerary building. It is two stories, accretive plan, on a corner lot. It has a hip roof and dormer, tall columned porch with pediment and steeple, and arched windows on the right side. Exterior walls are brick. Roof is composition shingle. Structure is wood frame. The building has wood sash windows, shutters in the second story windows, and a scrolled broken pediment over the entry. There is a porte cochere with balustrade above on the left side. Present use is recreational (sports), Courthouse Athletic Club. Surroundings are densely built up, commercial, residential.

Visible alterations include rear addition. The building is in excellent condition; its integrity is excellent.

b. Resource attributes: HP39--funerary building
*P4. Resources present: /X/Building / /Structure / /Object / /Site / /District / /Element of District ( ) / /Other

*P5. a. Photograph or Drawing



P5. b. Photo number: 714-9
Photo date: 06/01/96

*P6. Date Constructed/Age, and Source:
/ /Prehistoric /X/Historic / /Both
1920s E
field observation

*P7. Owner and Address:
SCHMITZ THOMAS
2935 TELEGRAPH AV
OAKLAND CA 94609

*P8. Recorded by (name, affiliation, address):
Oakland Cultural Heritage Survey, 1 City Hall Plaza, Oakland 94612 (510-238-3941)

*P9. Date Recorded: 09/30/96

*P10. Type of Survey: / /Intensive
/X/Reconnaissance / /Other

*P11. Report Citation: OCHS Completion Report, CLG Project #06-95-10104, 9/30/96 (Citywide)

*Attachments: /X/None / /Location Map / /Sketch Map / /Continuation Sheet / /Building, Structure, and Object Record / /Other

Oakland Cultural Heritage Survey
Oakland City Planning Department

FIELD FORM — F F

OCHS file address: 2935 TELEGRAPH AV/501 30TH ST — Serial no. B1205 — Prelim. B+3
Assessor's parcel: 009 0698 001 00 Bldg: Photo: 714-9 06/01/96 — Estdate:
Common name: Courthouse Ath Club District: C contributor None

Coded description:

X: Exterior:	M: Materials:	R: Remodeling:
Story: 2S two stories	Wall1: BR brick	- ~~AD~~ RA
Plan: AF accretive plan	Wall2:	-
Lot: CL on a corner lot	Found:	-
Roof: HH hip roof and dormer	Roof: AP composition shingle	-
Ex5: CP columned porch	Other: WW wood sash windows	-
Ex6: RW arched windows	Other:	-

Condition: E Integrity: E — Stru1: 4F wood frame Stru2:

A: Archstyle: CR Colonial Revival
B: Bldg type: FU funerary building — Athletic Club

U: Present use: 99 recreational (sports) — N: Supportive: — S: Surround: DCR

Computer prose (derived from codes above). Make suggestions for text editing below. (14 lines max on 1 page)

rem'd as an athletic club

2935 TELEGRAPH AV is a Colonial Revival funerary building. It is two stories, accretive plan, on a corner lot. It has a hip roof and dormer, tall columned porch, w/ pediment & steeple and arched windows on R side. Exterior walls are brick. Roof is composition shingle. Structure is wood frame. The building has wood sash windows. Present use is recreational (sports).

Shutters in the sec story windows
scrolled broken pediment over the entry
porte cochere w/ balustrade above on L side

Visuals Surround Cond Integ

resource attributes: 39--funerary building

Sanborn map information: PS map # 31A Green# map
Sancolor: V wood frame, brick veneer
Uses (1951 etc.):

additional information:
notes: Courthouse Ath Club, Federal Revival, semi-clinker brick, light clinker, accretive around 30th St side/

Oakland Cultural Heritage Survey
RESEARCH FORM FOR BUILDINGS

R 1942 Add

ADDRESS: 2935 Telegraph

Estimated Year 1920s ? (If pre-1905, to OHR) PS map/Rating 31A B+

Existing OCHS file? (WO, CD, AP, URM, NCR, Bldgs outside Survey, Neighborhoods?)

Green # Map (from binder or PS) 51? Green # Permit Campbell

(1916 house orig) SW cor 30th + Tele 2s dw ox GN 31

ORIGINAL BUILDING PERMIT wing added 1942-51

Building Permit # Date

Owner Address

Builder Address

Architect Address

Description

Location Cost Date Finaled

Blueprints/Plans Available? Yes No

ADDRESS FICHE: Original Permit on Address Fiche or Tray 7

Alterations:

#41331 add 3/6/16 o. Chas H.J. Truman b. Johnston Co a Willson J. Wythe additions + alterations, 2935 Tele #1800 to dw + undertaking parlor "per plans"

+ A 64683 1936 change style of doors, take out closets, replaster #850

#A58749 1935 #900 cut in opening for organ grill, reinforce bay window

NO PERMIT?

Sanborns: 1903? 1889?

Edwards?

CITY DIRECTORIES

Year	Name	Listing
1903 1906 1911	Ø Truman & Undertaking	here ØO,B,A
1912		
1914		
1915 1916	Truman Undertaking Co	Chas Truman Pres - 2935 Tele, r. 2935 Tele

1936 Reverse Directory:

1967 Reverse Directory:

Architect File:

WPA Cards:

Customer Name: Phone Date

Oakland Cultural Heritage Survey
Oakland City Planning Department

EVALUATION TALLY SHEET

ET

Address _____

					Column I	Column II
16	(8)	4	0	1. Exterior		
				2. Interior	Survey Rating	National Register Eligibility
8	4	2	0	(a) Space 1		
4	2	1	0	(b) Space 2		
2	1	1	0	(c) Other Spaces		
10	(5)	4	3	0	3. Construction	
6	(3)	2	0	4. Designer/Builder		
10	(5)	4	3	0	5. Type/Style	
8	4	2	(0)	6. Supportive Elements		
				A. VISUAL QUALITY/DESIGN TOTAL (40 Maximum)	21-19-17	
20	10	5	(0)	7. Person/Organization		
20	10	5	(0)	8. Event		
12	(6)	3	0	9. Patterns		
8	4	(2)	0	10. Age *		
				B. HISTORY/ASSOCIATION TOTAL (40 Maximum)	8-5.5-3	
8	4	(2)	0	11. Continuity	2	
20	10	5	(0)	12. Familiarity		
				C. CONTEXT TOTAL (20 Maximum)		
				PRELIMINARY TOTAL (Sum of A, B, and C: 100 Maximum)	31+26.5-2	+24,5-
--	-3%	-5%	-10%	13. Condition (From A, B, and C total)		
				14. Exterior Alterations *		
--	-20%	-40%	-80%	(a) From A and C total (excl. 2)		
--	-10%	-20%	-40%	(b) From B total		
				15. Interior Alterations *		
--	-20%	-40%	-80%	(a) Space 1		
--	-20%	-40%	-80%	(b) Space 2		
--	-20%	-40%	-80%	(c) Other Spaces		
				16. Structural Removals *		
--	-40%	-60%	-80%	(a) From A and C total		
--	-25%	-38%	-50%	(b) From B total		
--	-25%	-38%	-50%	17. Site * (from B total)		
				D. INTEGRITY DEDUCTIONS		
				ADJUSTED TOTAL (Preliminary Total minus Integrity Deductions)		
(3)	(3)	(2)	(2)	18. Reversability of Item 14 (Exterior)		
				19. Reversability of Item 15 (Interior)		
(3)	(3)	(2)	(2)	(a) Space 1		
(3)	(3)	(2)	(2)	(b) Space 2		
(3)	(3)	(2)	(2)	(c) Other Spaces		

RATING (FROM COLUMN I TOTALS):

Present Status (Adjusted Total): ☐ A (41+) ☐ B (28-40) ☐ C (18-27) ☐ D (11-17) ☐ E (0-10)

Contingency Status (Preliminary Total plus higher ratings for certain items):

☐ A (41+) ☐ B (28-40) ☐ C (18-27) ☐ D (11-17) ☐ E (0-10) ☐ Not applicable

Contingency Factors: ☐ (1) More significant information is learned about the property's history, design, or development (specify evaluation criteria and contingency score for each criterion: _____). ☐ (2) Existing (exterior) (interior) alterations are reversed; feasibility doubtful or unknown (line 18 or 19 rated "F" or "P") ☐ (3) Existing (exterior) (interior) alterations are reversed; feasibility appears good (line 18 or 19 rated "E" or "G").

ELIGIBILITY (FROM COLUMN II TOTALS):

National Register (individual): ☐ Listed (check Federal Register) ☐ Determined Eligible (check Federal Register) ☐ Appears eligible (Adjusted Total 28+ except *) ☐ Potential if restored (Preliminary total 28+ and line 14 is "F" or "P" except *) ☐ Potential when over 50 years old (Preliminary Total 28+ and property is less than 50 years old except *) ☐ None of the above

National Register (as part of Group or District only): ☐ Listed (check Federal Register) ☐ Determined eligible (check Federal Register) ☐ Appears eligible (line 11 is "E" or "VG" except *) ☐ Appears eligible if restored (line 11 if "E" or "VG" and line 14 is "P" except *) ☐ Appears eligible when more than 50 years old (line 11 is "E" or "VG" and property is less than 50 years old except *) ☐ None of the above

City Landmark: ☐ Listed (per LM list dated ___/___/___) ☐ In S-7 Zone ☐ On Study List (per SL list dated ___/___/___) ☐ None of the above.

*The National Register generally excludes properties that are less than 50 years old (#10), have been severly altered, (#14, 15, & 16), or have been moved (#17) unless a moved property is significant primarily for architectural value or as the most important surviving structure associated with a person or event.

This form has been adapted from the San Francisco Downtown Inventory, prepared for the Foundation for San Francisco's Architectural Heritage by Charles Hall Page and Associates, and Harold Kalman's The Evaluation of Historic Buildings.

Rev. 6/88

Gail G. Lombardi
Oakland Cultural Heritage Survey
City of Oakland Strategic Planning
250 Frank Ogawa Plaza, Suite 3315
Oakland, CA 94612-2032
510-238-3797

August, 2, 2005

Michael Schmidtz
2935 Telegraph Avenue
Oakland, CA 94609
Fax 588-4499

Dear Michael,

The microfiche reader in our Survey office was much more legible. Here are a few of the more interesting permits on the microfiche for 2935 Telegraph Avenue.

In 1916 (permit #41331) Charles Truman took out a permit for additions and alterations to dwelling and undertaking parlor "per plans" with a cost of $1800. Minor interesting changes followed in light of the mortuary business. In 1935 Truman cut in an opening for the organ grill and remodeled the present bay window for $900. In 1936 he changed the style of the doors, took out closets and replastered for $850. In 1939 he added 14x24 and 12x47 buildings between the building and garage. Truman built a new foundation in 1944 for $200.

The big alteration was in October, 1945. He added a store room and passage (15x90) and put on the brick veneer -- "entire old building to be fireproofed on the exterior." In December, 1945, architects Miller & Warnecke did alterations and additions "per plans" for $25,000. Unfortunately no further details were noted on the building permit, and the city no longer has those plans. It seems likely that the 1945 alterations doubled the size of the

building, since the 1942 newspaper photo shows the mortuary still looking like the original house.

In 1978, permit #D 6209 was to alter the mortuary to a sports, health and performance evaluation building with no exterior changes. The owner was The Shape Center. In 1981 there is a sign permit for the Courthouse Athletic Club, and in 1983 a permit to install the swimming pool. From then on, there are many building, electrical and plumbing permits for Courthouse or Thomas Schmidtz for changes.

If you are interested in all the details, you can view all three pages of microfiche on the second floor.

To date, we do not know the date of the original construction of Truman's house. That will require a visit to the tax assessor records at the Main Library. We do know that Charles Truman lived and worked at 2935 Telegraph as early as 1912, and that Truman Company publicity states that the company was founded in 1899. We don't yet know where the company was founded in 1899. Neither the company nor Charles Truman is listed in the Oakland, Berkeley or Alameda city directories for 1906 or 1903. If you are interested in pursuing Charles Truman, the Oakland History Room in the Main Library has an excellent index that may contain information on Charles Truman.

I hope this information adds to your knowledge about the building.

Sincerely,

Lois G Lombardi

State of California - The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
PRIMARY RECORD

Primary # _____
HRI # _____
Trinomial _____
NRHP Status Code: 7

Page P1 of 1

Other Listings OPB Prelim. B+3
Review Code _____ Reviewer _____ Date _____

*P1. a. Resource Identifier (assign a name or number): Serial No. B1208
b. Other Identifier: Telegraph Hill Medical Plaza

*P2. Location:
a. County Alameda
*b. Address 3007-21 TELEGRAPH AV/500 31ST ST
City Oakland, CA Zip
*c. UTM: USGS 7.5' Quad Date Zone: mE / mN
*d. Other Locational Data (e.g. parcel #, legal description, additional UTMs, etc.)
Parcel no.: 009 0708 004 00

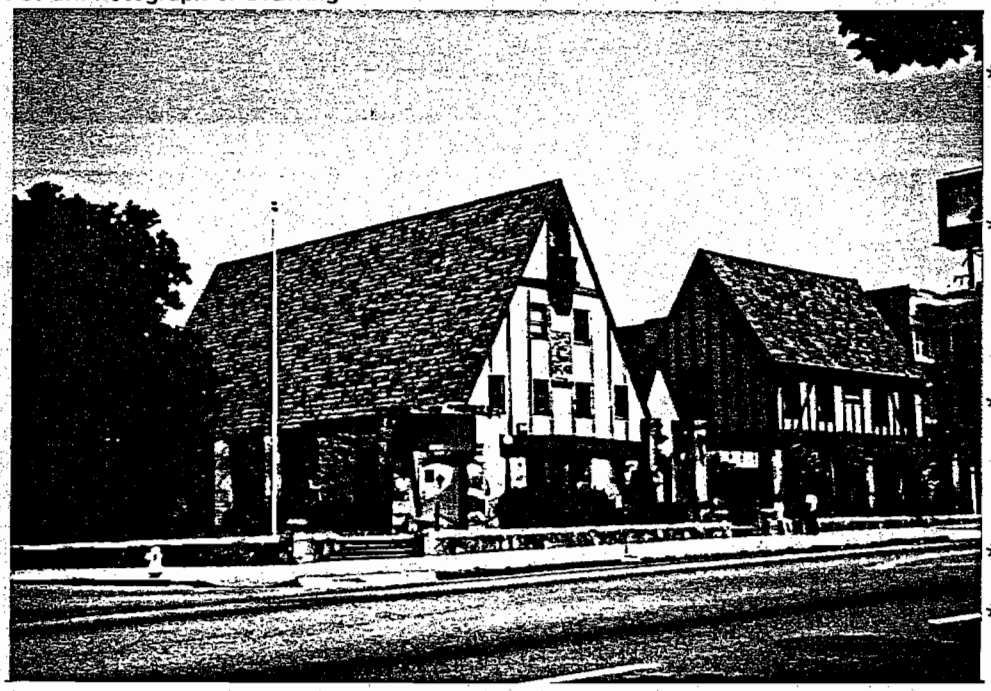
*P3. a. Description (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, etc.):

3007-21 TELEGRAPH AV is a period revival or pre-Tudor funerary building. It is two and a half stories, irregular plan, on a corner lot. It has a multiple gable roof with arched window and small balcony in the peak, and a decorative panel with clock between the second and third story windows. Exterior walls are stucco and stone. Roof is slate. Structure is wood frame. Sanborn maps describe it as wood frame veneered or clad with stone. The building has vertical half-timbering and leaded glass. Present use is medical or dental offices, Telegraph Hill Medical Plaza. Supportive elements include stone wall. Surroundings are densely built up, commercial, residential.

Visible alterations include sign. The building is in excellent condition; its integrity is excellent.

b. Resource attributes: HP39--funerary building
*P4. Resources present: /X/Building / /Structure / /Object / /Site / /District / /Element of District ( ) / /Other

*P5. a. Photograph or Drawing



P5. b. Photo number: 714-10
Photo date: 06/01/96

*P6. Date Constructed/Age, and Source:
/ /Prehistoric /X/Historic / /Both
1920s E
field observation

*P7. Owner and Address:
JONG GORDON K & NANCY S &
MICHAEL W & SHARON D
1489 WEBSTER ST
SAN FRANCISCO CA 94115

*P8. Recorded by (name, affiliation, address):
Oakland Cultural Heritage Survey, 1 City Hall Plaza, Oakland 94612 (510-238-3941)

*P9. Date Recorded: 09/30/96

*P10. Type of Survey: / /Intensive
/X/Reconnaissance / /Other

*P11. Report Citation: OCHS Completion Report, CLG Project #06-95-10104, 9/30/96 (Citywide)

*Attachments: /X/None / /Location Map / /Sketch Map / /Continuation Sheet / /Building, Structure, and Object Record / /Other

/ ^ \ I DD
I | I Oakland Cultural Heritage Survey I D D
TTTTT Oakland City Planning Department **IDENTIFICATION SHEET** I DD

PART I IDENTIFICATION Serial No. 4623-B1208 Flag: AB

A. OCHS (Sanborn) File Address:

3007-21 TELEGRAPH AV

B. Second Address/location:
500 31ST ST

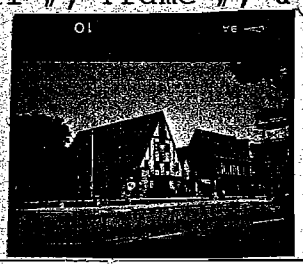
C. Assessor's File Address:
3007 TELEGRAPH AV

D. Assessor's Parcel Number:

Mapbook/Subbook
Block Number
Parcel Number
Subparcel No.

E. Building:
(if there's more than 1/parcel)

PART II PHOTOGRAPHS Attach below. Identify Roll #, Frame #, & Date



714-10

06/01/96

PART III PRELIMINARY SURVEY Info. from PSmap 32A and Zmap

A. Preliminary Rank: B+3

B. Date(s): est. const: 1920s

alts:

Zmap (c.1951): R

C. District: none noted

D. Stories, shape, lot, construction:
2H two and a half stories
IF irregular plan
CL on a corner lot
4F wood frame
Color on Zmap: YvN

PART IV ADDITIONAL INFORMATION Information from Assessor's records

A. OCHS (assessor's) Use: 93 (93 10) medical or dental offices
Opstatus: OB

B. Present Owner: JONG GORDON K & NANCY S & MICHAEL W & SHARON D
since 12/20/88 1489 WEBSTER ST
SAN FRANCISCO CA 94115

C. Present Assessed Value of all Improvements on this Parcel: 687813

D. Homeowner's Exemption: N E. Type of Owner: PR private

PART V NOTES AND COMMENTS

3003-07 on bldg, Tell, Hill Medical Plaza, belfry, stone wall, plaque with clock/

Oakland Cultural Heritage Survey
Oakland City Planning Department

FIELD FORM | F F

OCHS file address: 3007-21 TELEGRAPH AV/500 31ST ST | Serial no. B1208 | Prelim. B+3
Assessor's parcel: 009 0708 004 00 Bldg: Photo: 714-10 06/01/96 | Estdate: 1920s
Common name: Tele Hill Med. Plaza District: C contributor None

Coded description:

X: Exterior:
Story: ~~1H~~ one and a half stories
Plan: IF irregular plan
Lot: CL on a corner lot
Roof: UG multiple gable roof
Ex5: ~~AW~~ RW
Ex6: PN

M: Materials:
Wall1: ST stucco
Wall2: SN stone
Found:
Roof: SL slate
Other: HT half-timbering
Other: LG leaded glass

R: Remodeling:
- S1
-
-
-
-
-

Condition: Integrity: | Stru1: 4F wood frame Stru2:

A: Archstyle: ~~2F~~ PE early 20th century (or pre-Tudor Revival)
B: Bldg type: FU

U: Present use: 93 medical or dental offices N: Supportive: BW S: Surround: DCR

Computer prose (derived from codes above). Make suggestions for text editing below. (14 lines max on 1 page)

3007-21 TELEGRAPH AV is an early 20th century commercial bldg. It is ~~one~~ two and a half stories, irregular plan, on a corner lot. It has a multiple gable roof. Exterior walls are stucco and stone. Roof is slate. Structure is wood frame. Sanborn maps describe it as wood frame veneered or clad with stone. The building has half-timbering and leaded glass. Present use is medical or dental offices.

AW in peak of front gable
PN ~~below~~ above 2s wind. w/clock

Vis Alts sign

BW → stone wall

resource attributes: --

Sanborn map information: PS map # 32A Green# map
Sancolor: YvN wood frame veneered or clad with stone
Uses (1951 etc.):
A79396/

additional information:
notes: 3003-07 on bldg, Tell, Hill Medical Plaza, belfry, stone wall, plaque with clock/

/ ^ \ I DD
I | I Oakland Cultural Heritage Survey I D D
TTTTT Oakland City Planning Department **IDENTIFICATION SHEET** I DD

PART I IDENTIFICATION

Serial No. 4623-1126

A. OCHS (Sanborn) File Address:

2850 TELEGRAPH AV

B. Second Address/location:

C. Assessor's File Address:
2850 TELEGRAPH AV

D. Assessor's Parcel Number:

Map Book Number	9
Block Number	688
Parcel Number	15
Subparcel No.	0

E. Building:
(if there's more than 1/parcel)

PART II PHOTOGRAPHS Attach below. Identify Roll #, Frame #, & Date

603-31A

10/18/91

Adams House, remodeled

PART III PRELIMINARY SURVEY

Information from Sanborn Map # 35A

A. Preliminary Rank: B+3

B. Est Date(s): const: 1920s
(permit date 01/02/31)
alts:
Date if bldg is mvd:

C. District: none noted

D. Stories, shape, lot:
2S two stories
LF L-plan
IL on an interior lot

PART IV ADDITIONAL INFORMATION

Information from Assessor's records

A. Present Use: 86 mortuary

Opstatus: OB

B. Present Owner: CROCKETT PROPERTIES

PART V NOTES AND COMMENTS

Undertaker.--SSinfo: 2.0 stories; 2700 sf; Red/BEARING WALL; //x Mortuary/Bldg is made completely of masonary./--SSaddrs: 2850 TELEGRAPH AVE./ /2850TELEGRAPH AV | 1936 Reverse Dir.: Miller, Grant D,Mortuary Inc

Address: 2850 TELEGRAPH AV

Common name: Grant Miller Mortuary
Historic name: Miller (Grant D.) Cathedral Chapel

A.P. no: 9- 688- 15- 0
UTM: 10/ /
Sanborn 35A Prelim. B+3
Serial No. 1126

A. 1. Exterior:
Story: 2S-two stories
Plan: AF-accretive plan
Lot: IL-on an interior lot
Roof: CG-cross-gabled roof
Ex5: AE-arched entry
Ex6: -
Sanborn: brick with appendage ofwood frame, brick veneer
RaV

3. Construction:
Wall1: BR-brick
Wall2: CO-concrete
Found: CO-concrete
Roof: -
Other: SG-stained glass
Other: OC-cast concrete ornament
Stru1: 1W-brick bearing wall
Stru2: 4V-wood frame with brick veneer

4. Architect: Miller & Warnecke — Milwain, W.E. (1896)
Builder: Jensen & Pedersen — Baudin, J.P. (1896)

5. Arch style: TD Tudor Revival

Bldg type: FU funerary building

Present use: 86-mortuary
6. Supportive: LT-long-time occupancy

B. 7. Name1:

Name2, 3, etc: (see Signif. text or ES sheet))
8. Events? (see ES sheet)

9. Patterns (historic contexts):
Eval.Ctx. SO social institutions in Oakland 1850-1945
SO-social history N.R.contingency:
AC-architecture
OH-old buildings remodeled &moved

10. Constr. date: 1931 INC 1896

Source: BP building permit Value: $30,000 Permit #: A45666
Plans: L

C. 11. District Role: None -:
District Name:

Surroundings: D C Threat: N none known
densely built up commercial
12. Familiarity (see ES form)

D. 13. Condition: (field)
14-16. Alterations:
- -
- -
- -

17. Site: on original site

E. 18. n/a
19. n/a

		Rating	Score
A.	VISUAL QUALITY/DESIGN (Photo #: 603-31A)		
	1. Exterior	V	8.0
	2. Interior	V	4.0
	3. Construction	V	5.0
	4. Designer/Builder	V	3.0
	5. Type/Style	V	5.0
	6. Supportive Elements	G	2.0
B.	HISTORY/ASSOCIATION		
	7. Person/Organization	G	5.0
	8. Event	F	0.0
	9. Patterns	G	3.0
	10. Age	G	2.0
C.	CONTEXT		
	11. Continuity	F	0.0
	12. Familiarity	F	0.0
D.	INTEGRITY DEDUCTIONS		minus:
	13. Condition (field:)	E	0% A,B,C
	14. Exterior Alterations (field:)	E	0% A&C 0% B
	15. Interior Alterations	-	0% 2
	16. Structural Removals	E	0% A&C 0% B
	17. Site	E	0% B
E.	REVERSIBILITY		
	18. Exterior Alterations	-	
	19. Interior Alterations	-	

Evaluated by Betty Marvin on 02/21/94
Tallied (or re-tallied) by computer; printed on 03/09/94
OCHSET3.FRM rev.2/8/94 Adapted from the San Francisco Downtown Inventory & Harold Kalman's 'The Evaluation of Historic Buildings'

Address: 2850 TELEGRAPH AV

Common name: Grant Miller Mortuary
Historic name: Miller (Grant D.) Cathedral Chapel

A.P. no: 9- 688- 15- 0
UTM: 10/ /
Sanborn 35A Prelim. B+3
Serial No. 1126

Evaluated by Betty Marvin on 02/21/94
Tallied (or re-tallied) by computer; printed on 03/09/94

Description

2850 TELEGRAPH AV is a Tudor Revival funerary building. It is two stories, accretive plan, on an interior lot. It has a cross-gabled roof and arched entry. Exterior walls are brick and concrete. Foundation is concrete. Structure is brick bearing wall and wood frame with brick veneer. Sanborn maps describe it as brick with appendage of wood frame, brick veneer. The building has stained glass and cast concrete ornament. Present use is mortuary, Grant Miller Mortuary. Supportive elements include long-time occupancy. Surroundings are densely built up, commercial.

The building is in excellent condition; its integrity is excellent.

Significance

2850 TELEGRAPH AV, the Miller (Grant D.) Cathedral Chapel, is a very good example of a Tudor Revival funerary building. This building appears to be individually eligible for the National Register of Historic Places for its importance in the context of social institutions in Oakland 1850-1945.

It was built in 1931, architect Miller & Warnecke and builder Jensen & Pedersen. It is dated by building permit A45666; it was originally valued at $30,000. Plans are on file with the City of Oakland. It appears to incorporate an earlier building constructed in 1896. Historically the building reflects social history, architecture, and reuse of old buildings by remodeling or moving.

Notes:
Undertaker.--SSinfo: 2.0 stories; 2700 sf; Red/BEARING WALL; //x Mortuary/Bldg is made completely of masonary./--SSaddrs: 2850 TELEGRAPH AVE./ /2850TELEGRAPH AV | 1936 Reverse Dir.: Miller, Grant D,Mortuary Inc [51 San shows brick fernery in the back yard].

Oakland Cultural Heritage Survey
RESEARCH FORM FOR BUILDINGS

ADDRESS: 3630 Telegraph / SE cor 37th St
Estimated Year ______ (If pre-1905, to OHR) PS map/Rating 19H C3 1920s
Existing OCHS file? (WO, CD, AP, URM, NCR, Bldgs outside Survey, Neighborhoods?) ______
Green # Map (from binder or PS) 19 Green # Permit A 4188 A 49822
[illegible]

ORIGINAL BUILDING PERMIT

Building Permit # A 49822 Date 5/2/32
Owner Engel, Albert Address ______
Builder [illegible] Address ______
Architect Ø Address ______
Description [illegible]
Location 3630 Telegraph Ave Cost 17,500 Date Finaled ______
Blueprints/Plans Available? Yes ______ No ______

ADDRESS FICHE: Original Permit on Address Fiche ______ or Tray 7 ______
Alterations:

NO PERMIT?
Sanborns: 1903? 1889?
Edwards?

CITY DIRECTORIES

Year	Name	Listing
1932	Engel Albert Co. Mortuaries	
(1988 - only on High St.)		
2004	McNary-Morgan-Engel & Jackson	

1936 Reverse Directory: Engel Albert & Co. (& individuals also listed)

1967 Reverse Directory: 3630 Engel Albert Co Mortuary ; Mosswood

Architect File: Engel Mortuary

WPA Cards:

Phone Date

State of California - The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
PRIMARY RECORD

Primary # _____
HRI # _____
Trinomial _____
NRHP Status Code: 7

Page P1 of 1

Other Listings OCHS B+3
Review Code _____ Reviewer _____ Date _____

*P1. a. Resource Identifier (assign a name or number): Serial No. 1282
b. Other Identifier: Albert Brown Co. Mortuary

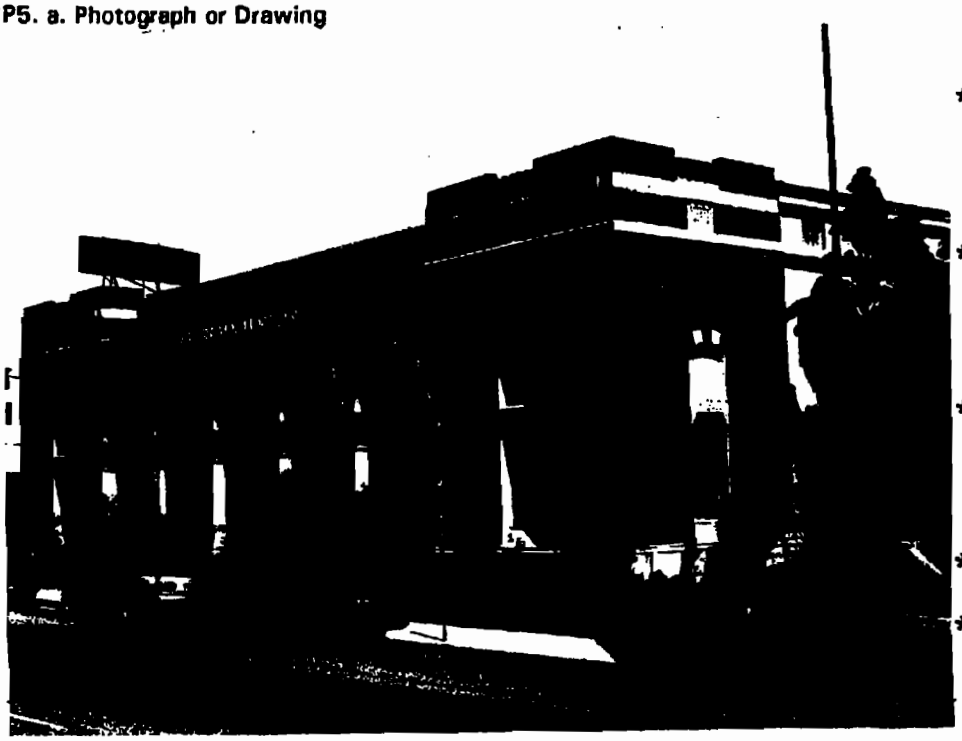
*P2. Location:
a. County Alameda
*b. Address 3476 PIEDMONT AV/SE cor WESTALL
City Oakland, CA Zip 94611
*c. UTM: USGS 7.5' Quad Oakland West Date 1980; Zone: mE / mN
*d. Other Locational Data (e.g. parcel #, legal description, additional UTMs, etc.)
Parcel no.: 009 0731 043 04

*P3. a. Description (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, etc.):

3476 PIEDMONT AV is a 1920s exotic revival ("Byzantine") funerary building. It is two stories, rectangular plan, on a corner lot. The symmetrical facade is one high story, with square corner bays treated as short, heavy towers, linked by a five-bay porch arcade. It has tiled parapets and corner stepped parapets. Exterior walls are variegated brown and yellow pressed brick and terra cotta. Roof is composition. Foundation is concrete. Structure is brick bearing wall. Sanborn maps describe it as brick with steel columns, with a fireproof rear garage addition. The building has elaborate cast concrete or terra cotta Byzantine-style ornament on the columns, lintels, grilles in the upper frieze, in the upper sections of the tall windows, and alternating with radiating bricks in the arches. It has textured amber glass in metal sash. Present use is mortuary, Albert Brown Mortuary. Supportive elements include long-time occupancy. Surroundings are built up, commercial, residential. The building is in excellent condition; its integrity is excellent.

b. Resource attributes: HP39--funerary building
*P4. Resources present: /X/Building / /Structure / /Object / /Site / /District / /Element of District ( ) / /Other

*P5. a. Photograph or Drawing



P5. b. Photo number: 614-32A
Photo date: 07/07/92

*P6. Date Constructed/Age, and Source:
/ /Prehistoric /X/Historic / /Both
1926-27 F add 1930 building permit

*P7. Owner and Address:
BROWN A MORTUARY
3476 PIEDMONT AV
OAKLAND CALIF 94611

*P8. Recorded by (name, affiliation, address):
Oakland Cultural Heritage Survey, 1 City Hall Plaza, Oakland 94612 (510-238-3941)

*P9. Date Recorded: 09/30/94

*P10. Type of Survey: / /Intensive
/X/Reconnaissance / /Other

*P11. Report Citation: OCHS Completion Report, CLG Project #06-93-80101, 9/30/94 (URM Citywide)

*Attachments: /X/None / /Location Map / /Sketch Map / /Continuation Sheet / /Building, Structure, and Object Record / /Other

State of California - The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
BUILDING, STRUCTURE, AND OBJECT RECORD
Page B1 of 2

Primary # _____
HRI # _____
*NRHP Status Code: 3S
Local/Other Rating: B+3

*Resource Name or #: Serial No. 1282
3476 PIEDMONT AV/SE cor WESTALL Oakland CA 94611

B1. Historic Name: Albert Brown Company Mortuary
B2. Common Name: Albert Brown Mortuary
B3. Original Use: Funerary B4. Present Use: Funerary/mortuary
*B5. Architectural Style: exotic revival
*B6. Construction History: built 1926-27, addition 1930

*B7. Moved? /X/No / /Yes / /Unknown Date: Original Location:
*B8. Related Features:

B9a. Architect: McCall, Charles W. b. Builder: Welch, E.M.

*B10. Significance: Theme: masonry buildings (civic and institutional) Area: Oakland
Period: 1850-1948 Property Type: funerary building N.R. Criteria: A,C
(Discuss importance in terms of context as defined by theme, period, and geographic scope. Also address integrity.)

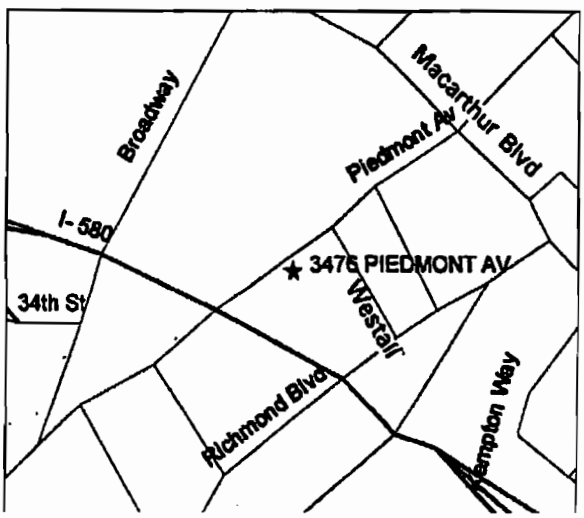
3476 PIEDMONT AV, the Albert Brown Company Mortuary, is a very good example of an exotic revival funerary building. It was built in 1926-27, architect Charles W. McCall and builder E.M. Welch. It is dated by building permit A23269, and was originally valued at $48,000. Plans are on file with the City of Oakland, showing carefully selected "reddish tan and russet" Roman brick, oak and mahogany, wrought iron, much amber hammered glass, and rubber flooring. A garage addition was made in 1930. Historically the building reflects social history, and architecture. The original owner, developer and business, was and still is Albert Brown Company Mortuary, "Since 1873." A press release in the Oakland Tribune of September 11, 1927, credited the Albert Brown Company with a series of innovations in the mortuary business, beginning in the 1880s when "it undertook to present a service and equipment entirely separate from any other business. Up to that time such combinations as undertaking and household furniture were in customary vogue." The new building was described as "Done in Byzantine architecture with as close conformity to classical lines as modern professional needs will permit"; special features included a "palm chapel" and a long private driveway for processions. "Part of the live and hustling Piedmont Avenue community," the mortuary was also located across from another funeral business, Hill & Kammerer, at the foot of the "Pill Hill" medical district. Architect Charles McCall (b.1878) was trained in England and practiced in Oakland from 1901 into the 1940s. He designed some
(see continuation page)

B11. Resource Attributes: HP39--funerary building
*B12. References:
Building and alteration permits, Sanborn maps, 1912-1935, 1951, 1970s; directories & phone books; city & county block books; name and subject indexes, Oakland History Room, OPL

B13. Remarks:
Primary Record submitted 9/30/94.

*B14. Evaluator: Betty Marvin
*Date of Evaluation: 02/20/94
Date Recorded: 09/30/95
(This space reserved for official comments.)

(Sketch map, ^N^ north at top.)



APPENDIX D

Evaluation of Telegraph Avenue Bus Rapid Transit

Evaluation of Telegraph Avenue Bus Rapid Transit

In 2003, AC Transit published a Notice of Intent (NOI) and Notice of Preparation (NOP) related to an Environmental Impact Report (EIR) and Environmental Impact Statement (EIS) for a proposed transit system expansion along Telegraph Avenue, which would extend from Berkeley to San Leandro. This transit system expansion would be in the form of Bus Rapid Transit (BRT). According to the American Public Transit Association, BRT combines the quality of rail transit and the flexibility of buses, operating on exclusive transit ways, High-Occupancy Vehicle lanes, expressways, or ordinary streets. A BRT system combines Intelligent Transportation Systems technology, priority for transit, rapid and convenient fare collection, and integration with land use policy in order to upgrade bus system performance.

Although there are no finalized design plans, an assurance of full funding for the BRT project, or approvals from AC Transit, the City of Oakland and other public agencies, and although proposed (but not approved) transit improvements are *not* typically considered as part of the projected baseline conditions, this EIR nevertheless (conservatively) provides an evaluation of the potential effects on project impacts caused by proposed modifications to the traffic circulation network by the proposed Telegraph Avenue BRT.

At the time of this report, the BRT EIR/EIS documents have not been published. The potential effects of the proposed BRT project with and without the proposed 2935 Telegraph Avenue project were studied in the area most directly affected by the proposed BRT project using the preliminary travel demand model work provided by AC Transit and their consultant.

In the vicinity of the 2935 Telegraph Avenue project, the Telegraph Avenue BRT project would result in elimination of one travel lane in each direction of Telegraph Avenue. Traffic signals along Telegraph Avenue would also be upgraded, and traffic signal timings would also be improved to provide transit priority.

The proposed BRT project would result in more congestion along Telegraph Avenue due to the reduced traffic capacity. As a result, traffic would divert from Telegraph Avenue to other parallel routes such as Martin Luther King Junior Way or Broadway. These parallel routes would in turn experience more delay.

The BRT project may have off-setting benefits as it would increase the capacity of Telegraph Avenue on a per person basis. Thus, if a substantial number of people switch to BRT, the overall person delay in the corridor would be less than with the current configuration.

Long Term 2025 with BRT Conditions – Project Impacts

Table D-1 summarizes intersection LOS under 2025 With BRT and No Project conditions and 2025 With BRT and With Project conditions for key intersections. As shown, all study intersections would continue to operate at acceptable levels of service. Thus, similar to the 2025 Without BRT conditions, the proposed project would not create significant impacts in the Cumulative plus Project conditions with the BRT.

TABLE D-1
2025 WITH BRT CONDITIONS
AM AND PM PEAK HOUR INTERSECTION LEVEL OF SERVICE (LOS) AND DELAY (seconds/vehicle)

		AM Peak Hour				PM Peak Hour			
		Baseline		With Project		Baseline		With Project	
No.	Intersections	LOS[a]	Delay	LOS[a]	Delay	LOS[a]	Delay	LOS[a]	Delay
#1	Telegraph Avenue / MacArthur Boulevard (*signalized*)	D	40.4	D	41.1	D	49.3	D	51.2
#2a	Telegraph Avenue / 30th Street (*signalized*)	A	8.4	A	9.3	B	12.6	B	12.6
#2b	Telegraph Avenue / 30th Street (*signalized*) [b]	A	5.1	A	5.4	A	6.1	A	6.3
#3	Telegraph Avenue / 29th Street (*signalized*)	B	10.5	B	10.5	B	13.6	B	14.1
#4	Telegraph Avenue / 27th Street (*signalized*)	C	22.4	C	22.4	C	22.4	C	24.1
#5	Telegraph Avenue / West Grand Avenue (*signalized*)	C	24.2	C	25.4	C	31.6	C	33.0
#6	Martin Luther King Jr. Way / 27th Street (*signalized*)	B	14.9	B	14.9	B	13.0	B	13.0
#7	I-980 Southbound Off-Ramp / 27th Street (*signalized*)	B	10.0	B	10.1	B	12.0	B	12.0
#8	Northgate Avenue - I-980 Northbound On-Ramp / 27th Street (*signalized*) [c]	B	19.4	B	19.5	D	45.7	D	45.4
#9	Broadway / 27th Street (*signalized*)	B	15.5	B	15.5	C	22.1	C	22.1

[a] The LOS and delay for two-way stop controlled intersections represent the worst movement or approach. The LOS and delay for signalized intersections represent the overall intersection.
[b] Assumed to be signalized as part of the BRT project.
[c] Project would add trips primarily to non-critical movements, thus resulting in a minor decrease to overall average delay in Cumulative with Project conditions.

SOURCE: Korve Engineering, 2007