Environmental Assessment

285 12th Street Affordable Family Housing

285 12th Street
Oakland, CA 94607

ALAMEDA COUNTY • CALIFORNIA

Determinations and Compliance Findings
for HUD-assisted Projects
24 CFR Part 58

March 2021

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Project Information

Project Name:	285 12th Street Affordable Family Housing Project
Responsible Entity:	City of Oakland
Grant Recipient:	Oakland Housing Authority 1540 Webster Street Oakland, CA 94612
State/Local Identifier:	ES19007 Oakland, California
Preparer:	Tyler Rogers David J. Powers & Associates, Inc. 1736 Franklin Street, 3rd Floor | Oakland, CA 94612 510.902.5850 trogers@davidjpowers.com
Certifying Officer Name and Title:	William Gilchrist, Director of Planning and Building
Consultant:	David J. Powers and Associates, Inc.
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Project Location:

The 0.3-acre project site includes one parcel (APN: 002-0069-00301) located at the southeast corner of 12th Street and Harrison Street in the City of Oakland. (see Figure 1, Figure 2, and Figure 3).

Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:

Background

Emerge Development, LLC c/o Forma Development submitted an application to develop two parcels in the City of Oakland, together known as the W12 Project. The W12 project would be located at 301 12th Street, on the block bounded by 11th, 12th, Webster, and Harrison Streets (Building A) and 285 12th Street (Building B) on the northwest corner of block bounded by 11th, 12th, Harrison, and Alice Streets across Harrison Street from Building A.

Building A would include 339 residential units and approximately 23,400 square feet of ground-floor commercial use. Building B would include 77 residential units and approximately 1,650 square feet of ground-floor commercial use.

The W12 Project received Conditional Use Permit, Design Review, and Tentative Parcel Map approval and California Environmental Quality Act certification in November of 2016 on appeal to the Oakland City Council per the attached findings and conditions. One of the voluntary Conditions of Approval was that the applicant voluntarily agrees it shall sell the Quarter Block (301 12th Street) to East Bay Asian Local Development Corporation (EBALDC) or another affordable housing developer at its accrued cost basis less the value of the affordable housing impact fees, provided, however, it is able to obtain receipt of an Impact Fee Waiver under Section 15.72.080(A)(1) of the Municipal Code.

The East Bay Asian Local Development Corporation (EBALDC) submitted a request for a formal Determination from the Zoning Manager as to the substantial conformance of a revised set of plans to the original project plans approved under Planning Case file number PLN16133 for the property located at 285 12th Street. On October 15, 2018, the City of Oakland Zoning Manager approved the minor design revisions including:

- setback of 5’ for a portion of the building,
- reduction in units from 77 to 65,
- reduction in parking stalls from 44 to 15,
- increase in the commercial square footage from 1,650 to 3,436, and
- exterior building finishes.

This background is being provided for informational purposes and for clarification only as some of the appendices relied on in this analysis describe the W12 Project. The 285 12th Street parcel is separated from the larger Building A across Harrison Street, has been sold and is now a stand along proposal. Furthermore, all of these design revisions are now fully incorporated as the “Project” and represent the “Project” as reviewed in this Environmental Assessment as described in detail below.

Mixed-Use Building

The East Bay Asian Local Development Corporation (EBALDC) will acquire and develop the 285 12th Street affordable housing project located on one parcel at 285 12th Street. The project will demolish existing improvements and construct a seven-story building containing 65 affordable residential units and approximately 3,500 square feet of commercial space on the ground floor (see Figure 4, Figure 5, and Figure 6). As shown in the elevations in Figure 7, the podium apartment structure would be approximately 83 feet tall to the roof and 93 feet tall to the top of the elevator shaft. An approximately 2,300 square-foot outdoor courtyard would be located on the second floor at the southeast corner of the building. An approximately 800 square foot light court open space would also be provided on the ground floor and open to the adjacent courtyard on the second floor.

Parking and Access

Parking for the 65 residential units would be located within a ground floor parking garage. Access to the parking garage would be provided via a driveway along 12th Street. The project would provide 15 parking spaces (0.23 spaces per unit) for the apartments. The project proposes 64 Class I bicycle parking spaces for the apartments, which would be located in a designated bicycle storage room on the ground floor. Six additional bicycle spaces would be provided by sidewalk bike racks on Harrison and 12th Streets.

Resident access to the lobby of the apartment building would be from the public sidewalk along Harrison Street. Access to the commercial space would be from the public sidewalks along Harrison Street and 12th Street.

Utility Connections and Site Improvements

Storm, sewer, and water utility lines within Harrison Street and 12th Street are adjacent to the project site on two sides. The project would connect to the existing lines within those streets. Significant off-site utility improvements are not required for the project.

The project would widen the existing sidewalks along 12th Street and Harrison Street to approximately 20 feet and improve the street corner with an enhanced pedestrian bulb-out. Four existing street trees would be removed and replaced with nine street trees as part of the project.

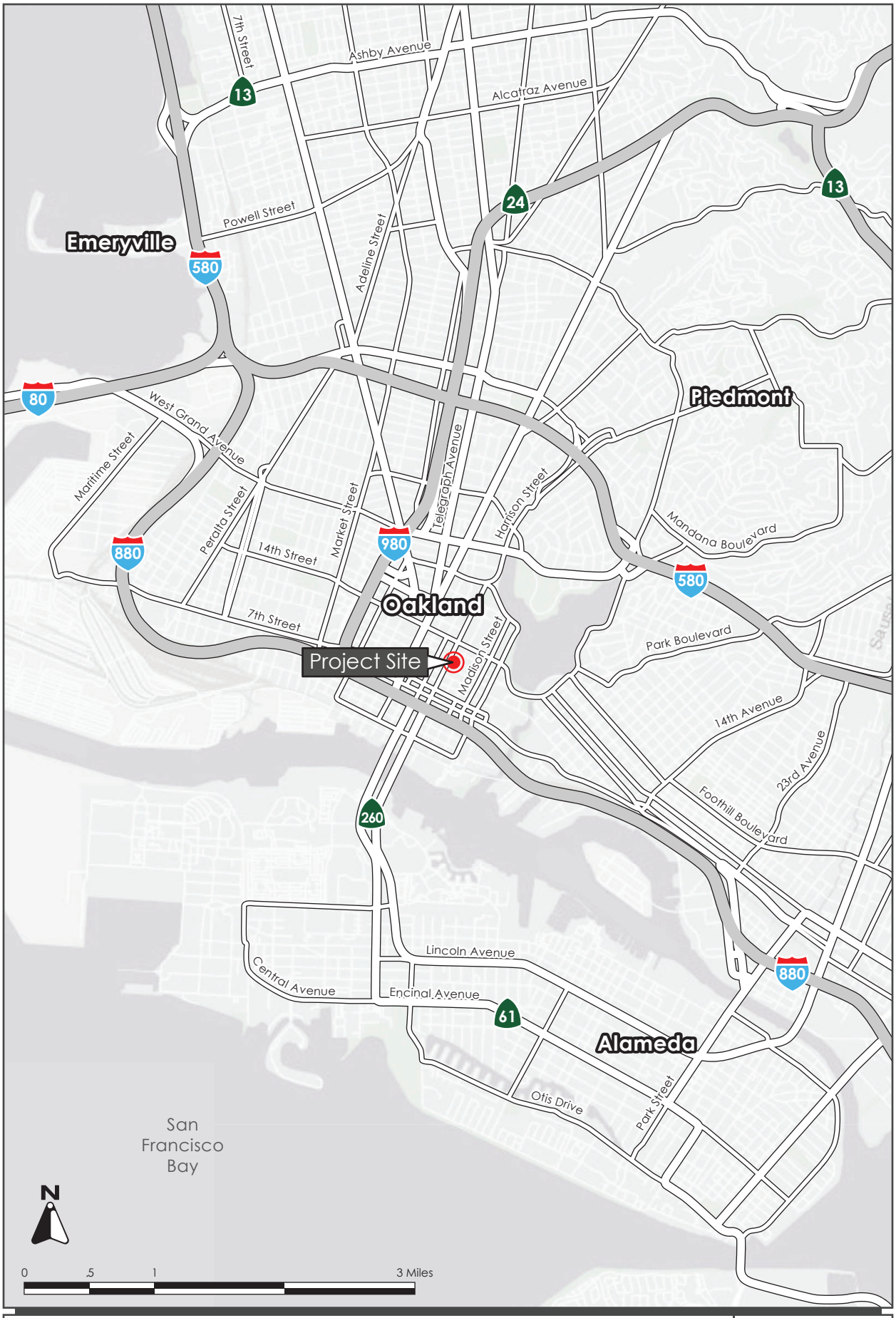
Green Building

The project proposes to achieve LEED Silver[1] standards and comply with the City's Green Building Ordinance and the California Green Building Code (CalGreen). Green building measures include on-site bicycle facilities, energy-efficient lighting, and energy-efficient HVAC systems.

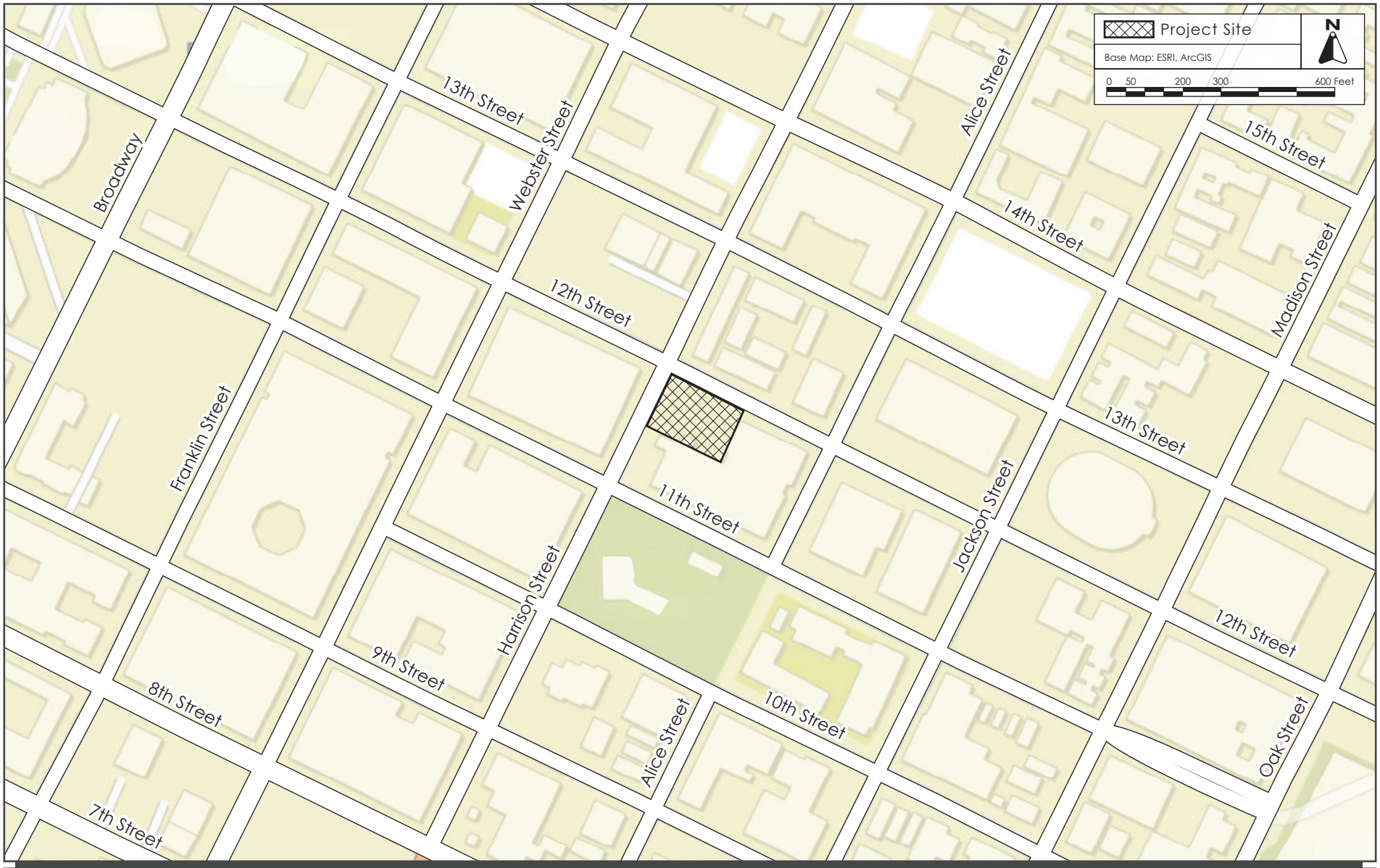
[1] Leadership in Energy and Environmental Design (LEED) is a point-based building certification system. LEED has four levels of certification, with LEED Certified, LEED Silver, LEED Gold, and LEED Platinum ranked from the base to the highest level of certification.

Unit Mix and Funding

The proposed residential project includes 64 units for low income households, and one non-rent manager's unit. The unit mix consists of 15 studios, 16 one-bedroom, 17 two-bedroom, and 17 three-bedroom units. EBALDC proposes to finance construction of the project through Low Income Housing Tax Credits (LIHTC) with affordability levels between 20 and 60 percent of the area median income (AMI). Other sources of financing may include U.S. Department of Housing and Urban Development (HUD) funding, as administered by the City of Oakland Housing Authority, as well non-federal funds from the City of Oakland, State of California Department of Housing and Community Development, and private sources.

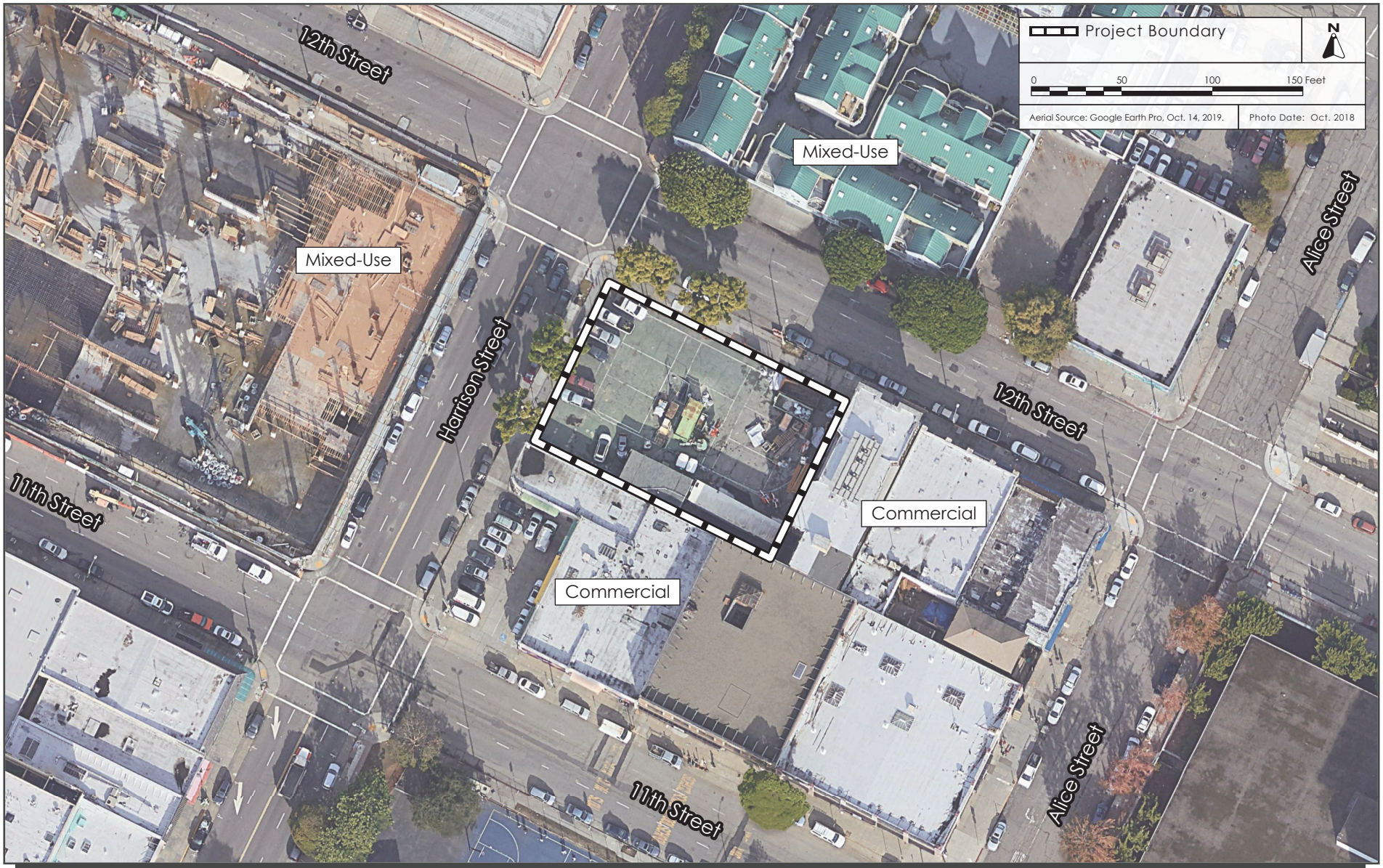


REGIONAL MAP | FIGURE 1



VICINITY MAP

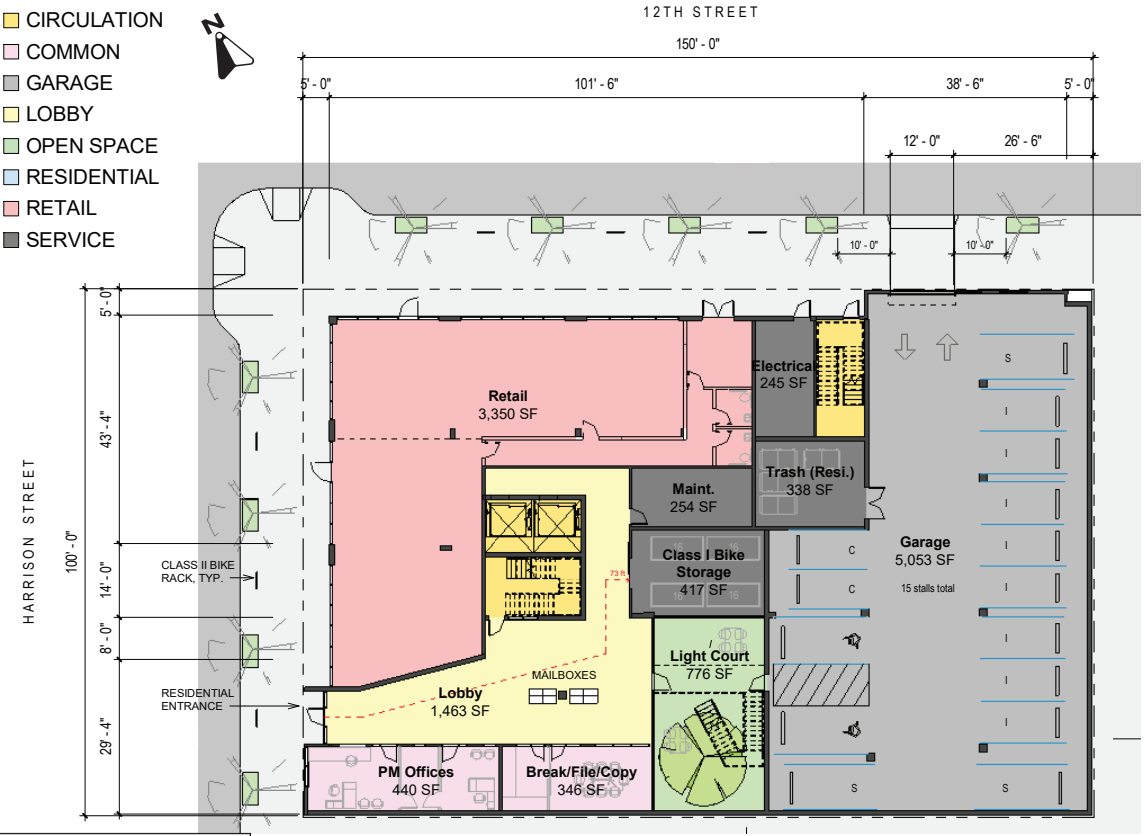
FIGURE 2



AERIAL PHOTOGRAPH AND SURROUNDING LAND USES | FIGURE 3

2nd Floor Plan

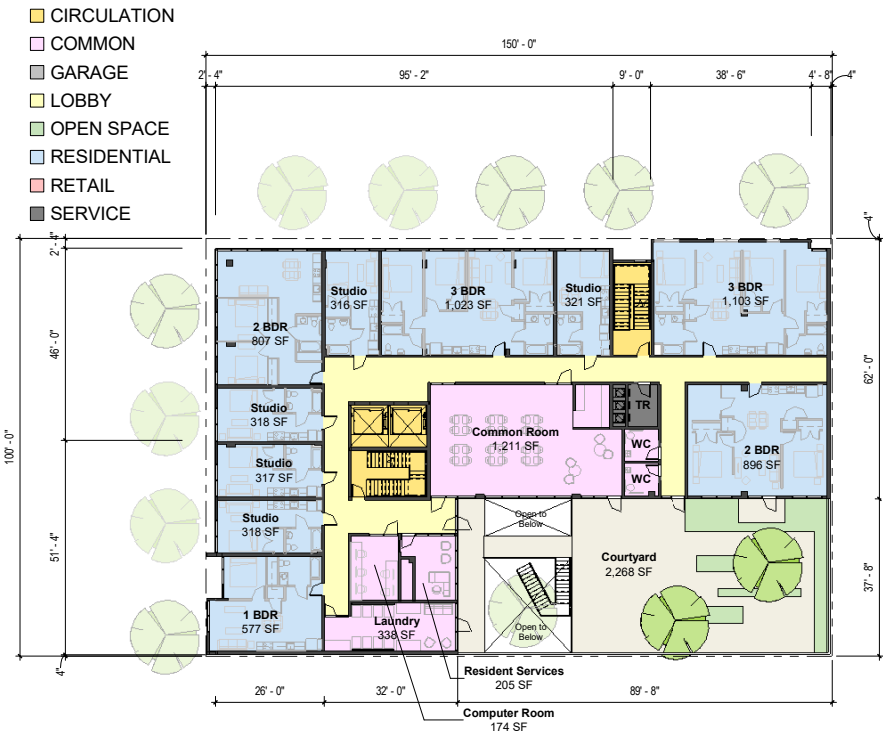
- CIRCULATION
- COMMON
- GARAGE
- LOBBY
- OPEN SPACE
- RESIDENTIAL
- RETAIL
- SERVICE



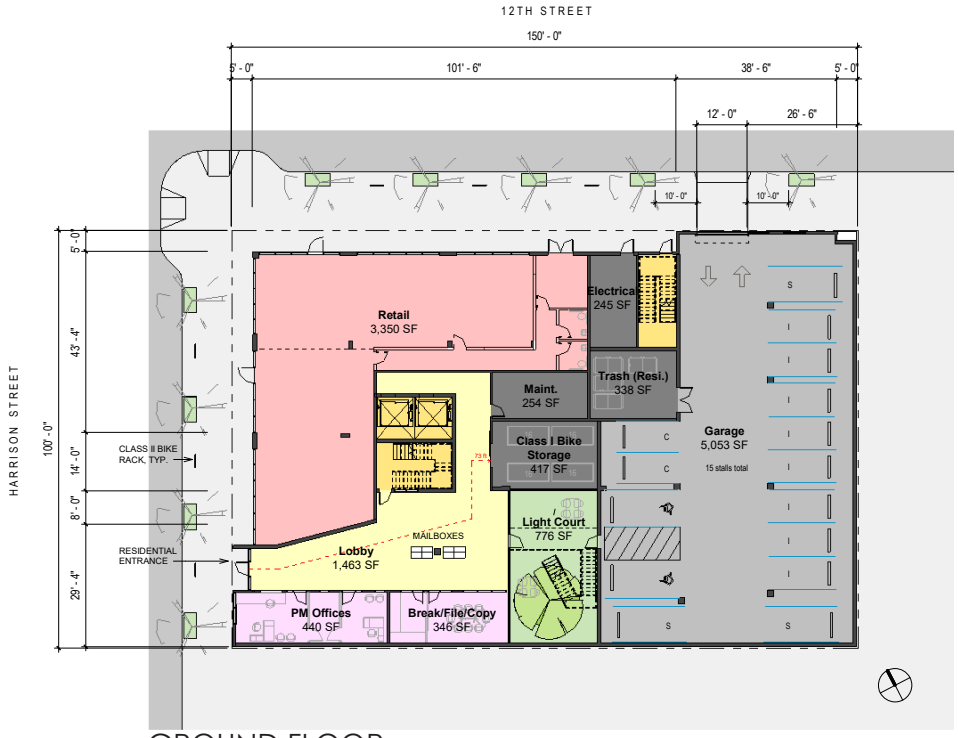
Ground Floor Plan

Source: David Baker Architects, Aug. 29, 2018.

CONCEPTUAL SITE PLAN | FIGURE 4



LEVEL 2

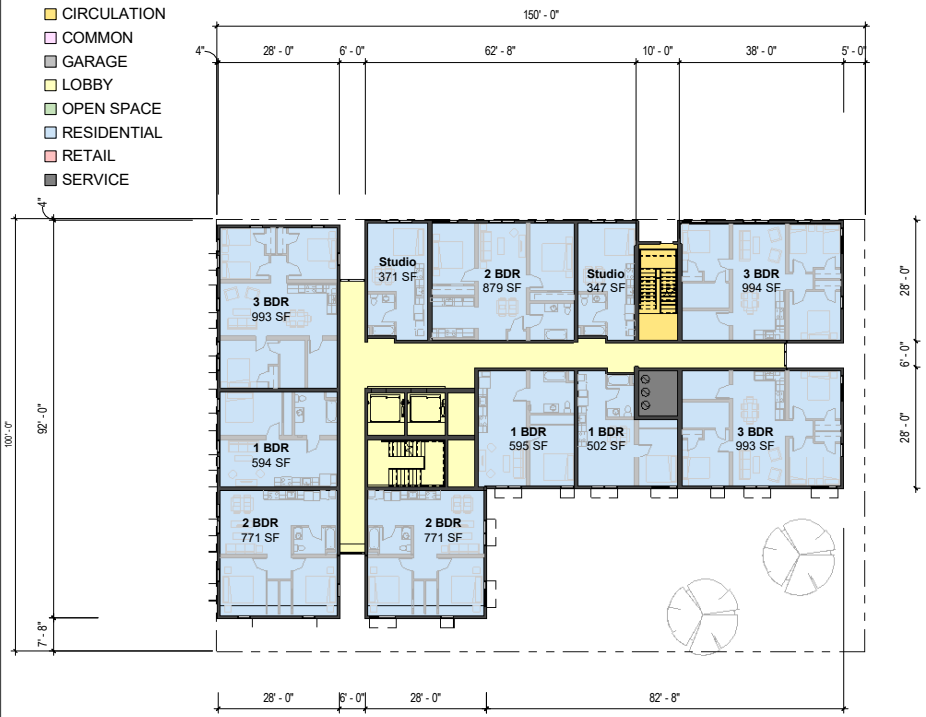


GROUND FLOOR

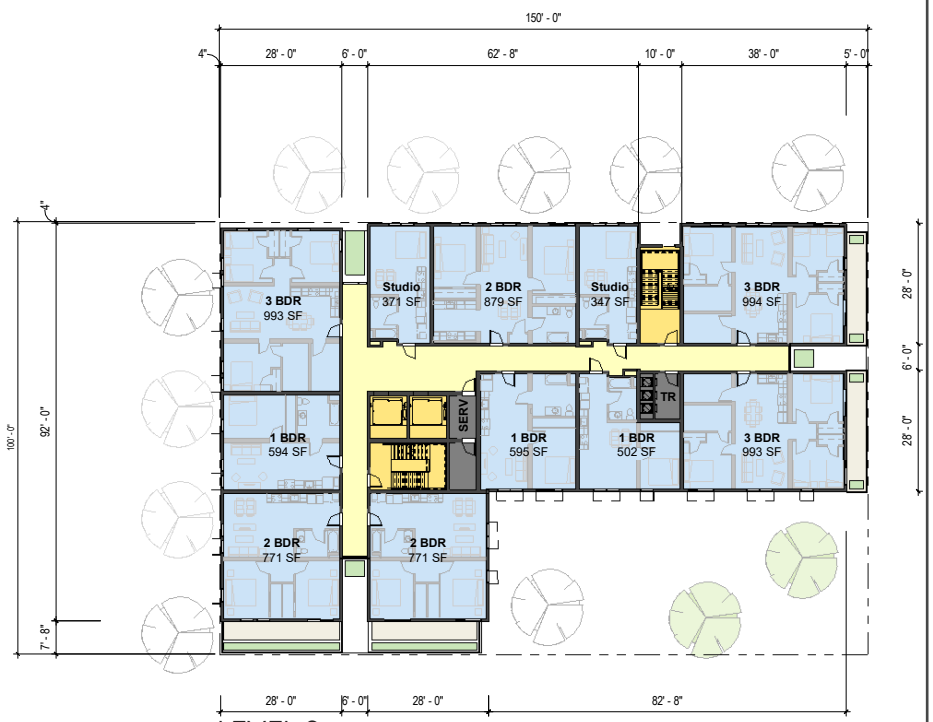
Source: David Baker Architects, August 29, 2018.

LOWER FLOOR PLANS

FIGURE 5



TYPICAL UPPER FLOOR



LEVEL 3

Source: David Baker Architects, August 29, 2018.

UPPER FLOOR PLANS

FIGURE 6

12TH STREET (NORTHEAST) ELEVATION

HARRISON STREET (NORTHWEST) ELEVATION

Source: David Baker Architects, August 29, 2018.

ELEVATIONS

FIGURE 7

Statement of Purpose and Need for the Proposal [40 CFR 1508.9(b)]:

The purpose of the proposed mixed-use project at 285 12th Street is to provide affordable housing for low income persons in the City of Oakland and Alameda County as a whole. An increase of 65 permanent units will be accomplished by implementing the proposed project.

The City of Oakland's 2015-2023 Housing Element (Adopted December 9, 2014) states the City's housing policy goals and objectives for preserving, improving, and developing new housing units. A top policy goal identified in the plan is to promote the development of adequate housing for low- and moderate-income households. Furthermore, the Housing Element specifies a goal to encourage the development of affordable rental and ownership housing units that can accommodate large families. The City of Oakland continues to experience a long-term shortage of decent affordable rental housing. Housing for larger families in particular is inadequate to meet the need, leading to overcrowding and a deterioration of housing conditions. The City will implement programs for new construction and substantial rehabilitation of rental housing, including the identification of specific housing opportunity sites and priority development areas.

The 285 12th Street mixed-use project contributes towards the fulfillment of these objectives by addressing the serious local need for affordable housing for families, while also enhancing the look and feel of the neighborhood by developing the currently vacant lot. The site is located in the priority development area of Downtown Oakland, and the site has specifically been identified in the housing element as a housing opportunity site.

Existing Conditions and Trends [24 CFR 58.40(a)]:

Regional Outlook

The Bay Area continues to be one of the most expensive real estate markets in the country. In the City of Oakland, it is estimated 53 percent of households are extremely low-, very low- or low-income.[2] Of those 53 percent of households, approximately 67 percent of renters and 32 percent of homeowners are overpaying for housing in the City.[3,4] While over 10,100 multi-family housing units were constructed in the City between 2000 and 2013, and about 30 percent of the multi-family housing constructed since 2000 has been publicly assisted rental housing for lower-income households, a significant portion of the population still struggles to pay for housing costs without creating a housing burden.[5]

[2] Extremely low-income is 30 percent or less of City median income. Very low-income is 31 to 50 percent City median income. Low-income is 51 to 80 percent City median income. Source: U.S. Department of Housing and Urban Development. "CHAS Data Book: 2012-2016 ACS". Accessed October 14, 2019. https://www.huduser.gov/portal/datasets/cp.html.

[3] Ibid.

[4] According to HUD, a household is considered "cost-burdened" (i.e., overpaying for housing) if more than 30 percent of gross income is spent on housing-related costs. Households are severely "cost-burdened" if they pay more than 50 percent of their income on housing costs.

[5] City of Oakland. *Housing Element 2015-2023*. December 9, 2014. Page 126.

The City of Oakland Housing Element 2015-2023 (Housing Element) shows a divergent trend occurred with respect to incomes in Oakland relative to incomes for the entire county. The median income for all households in Oakland as a percentage of the countywide median income continued to remain about the same as was reported in the last Housing Element (72 percent). The median income of families experienced a small decline as a percentage of the countywide median family income. Median income of non-family households (singles and unrelated individuals sharing housing) has increased dramatically. This change in income can be attributed to the in-migration of more affluent singles and non-family households, caused by high housing costs in Silicon Valley and San Francisco.

Apartments can provide affordable options for seniors, who are typically over 55 years of age and rely on limited fixed incomes. The low-income senior population is growing in the Bay Area. Apartments can vary in price but are typically more affordable than single-family houses. Seniors who sell or are displaced from their single-family houses have challenges finding new affordable housing options due to the rising housing costs in the Bay Area.

Local Perspective

According to the Alameda County Housing Needs Allocation, 2015 to 2023 (see Table 1 below) prepared by the Association of Bay Area Governments, the City of Oakland should add 14,765 new units by 2023 (of which 2,059 would be classified for very low-incomes, 2,075 would be classified for low-incomes, and 2,815 would be moderate-incomes) in order to meet the need for affordable housing.

Table 1: Alameda County Housing Needs Allocation, 2015-2023

Jurisdiction	Very Low <50 Percent	Low < 80 Percent	Moderate <120 Percent	Above Moderate	Total
Alameda	444	248	283	748	1,723
Albany	80	53	57	145	335
Berkeley	532	442	584	1,401	2,959
Dublin	796	446	425	618	2,285
Emeryville	276	211	259	752	1,498
Fremont	1,714	926	978	1,837	5,455
Hayward	851	480	608	1,981	3,920
Livermore	839	474	496	920	2,729
Newark	330	167	158	423	1,078
Oakland	2,059	2,075	2,815	7,816	14,765
Piedmont	24	14	15	7	60
Pleasanton	716	391	407	553	2,067

Table 1: Alameda County Housing Needs Allocation, 2015-2023					
Jurisdiction	**Very Low <50 Percent**	**Low < 80 Percent**	**Moderate <120 Percent**	**Above Moderate**	**Total**
San Leandro	504	270	352	1,161	2,287
Union City	317	180	192	417	1,106
Unincorporated	430	227	295	817	1,769
Alameda Total	**9,912**	**6,604**	**7,924**	**19,596**	**44,036**
Source: ABAG. *Regional Housing Needs Plan San Francisco Bay Area 2015*-2023. Adopted July 18, 2013. Page 21.					

Physical Setting/ Existing Conditions

The City of Oakland is in northern Alameda County, along the eastern side of San Francisco Bay. The City covers an area of approximately 56 square miles and is bounded by the cities of Berkeley, San Leandro, Emeryville, and Alameda. The City of Oakland has a population of approximately 429,082 people.[6]

The General Plan land use designation for the project site is Central Business District and the site is zoned D-LM-4 (Lake Merritt Station Area District Mixed Commercial Zone-4). The 0.3-acre project site is currently vacant and being used as a construction staging site. The site is generally surrounded by mixed-use apartment and commercial buildings to the north and west (currently under construction), commercial buildings to the south, and apartment buildings to the east.

Public transit near the project site is provided by the Alameda-Contra Costa Transit District (AC Transit) and Bay Area Rapid Transit (BART). Several AC Transit bus stops are located within walking distance of the project site, including along 12th Street and 11th Street. These bus stops serve AC Transit routes running south to Fremont, north to Richmond, and locally within Oakland. The nearest BART stop is 12th Street, located 0.3-mile northwest of the project site on Broadway. BART is a rail service with lines running throughout the Bay Area and east into the foothills. Vehicle access to the project site is currently provided via existing driveways located on 12th and Harrison Streets.

The project was approved by the City of Oakland on appeal on November 29, 2016. A California Environmental Quality Act (CEQA) Addendum to the Lake Merritt Station Area Plan Environmental Impact Report (LMSAP EIR) was prepared in 2016 and adopted by the City as part of the appeal decision.

[6] U.S. Census Bureau. "QuickFacts: Oakland, California". July 2018. Accessed October 14, 2019. https://www.census.gov/quickfacts/oaklandcitycalifornia.

Funding Information

Grant Number	HUD Program	Funding Amount
	Project-Based Section 8 Vouchers – CDFA No. 14.871	16 Vouchers
	Moving to Work (MTW) – CDFA No. 14.881	$12 million dollars

Estimated Total HUD Funded Amount: $12 Million plus 16 Project-Based Section 8 Vouchers– CDFA No. 14.871

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]: $40 Million

Compliance with 24 CFR 50.4, 58.5, and 58.6 Laws and Authorities

Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5 and 58.6	Are formal compliance steps or mitigation required?	Compliance Determinations
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS AT 24 CFR 50.4 and 58.6		
Airport Hazards 24 CFR Part 51 Subpart D	Yes No ☐ ☒	The project site is located approximately 6.8 miles northwest of the Oakland International Airport, 13.6 miles northeast of the San Francisco International Airport, and 12.5 miles northwest of the Hayward Executive Airport. The project site is not located within any airport influence area, airport clear zones, or safety zones. [Source: 1, 20, 21, Appendix E]
Coastal Barrier Resources Coastal Barrier Resources Act, Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes No ☐ ☒	The Coastal Barrier Resources Act of the United States (CBRA, Public Law 97-348), enacted October 18, 1982, designated various undeveloped coastal barriers, depicted by a set of maps adopted by law, for inclusion in the John H. Chafee Coastal Barrier Resources System (CBRS). Areas so designated were made ineligible for direct or indirect Federal national security, navigability, and energy exploration. CBRS areas extend along the coasts of the Atlantic Ocean and the

		Gulf of Mexico, Puerto Rico, the U.S. Virgin Islands, and the Great Lakes, and consist of 857 units. There are no Coastal Barrier Resources in California. [Source: 2, 37]
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes No ☐ ☒	The project site is located within Flood Zone X, which is an area of minimal flood hazard. Flood hazard designation is depicted on FIRM Map Number 06001C0067HX, with an effective date of December 21, 2018. Project structures or insurable property would not be located in a FEMA-designated Special Flood Hazard Area. While flood insurance may not be mandatory in this instance, HUD recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program. The project is in compliance with flood insurance requirements. [Source: 3, Appendix F]
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS AT 24 CFR 50.4 & 58.5		
Clean Air Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	Yes No ☒ ☐	**<u>Regulatory Setting</u>** The Federal Clean Air Act governs air quality in the United States. In addition to being subject to federal requirements, air quality in California is also governed by more stringent regulations under the California Clean Air Act. At the Federal level, the United States Environmental Protection Agency (USEPA) administers the Clean Air Act (CAA). The California Clean Air Act is administered by the California Air Resources Board (CARB) at the State level and by the Air Quality Management Districts at the regional and local levels. The Bay Area Air Quality Management District (BAAQMD) regulates air quality at the regional level, which includes the nine-county Bay Area. For consistency with local air quality management, the BAAQMD standards were used to evaluate impacts for several pollutants. For air quality, the analysis considers whether the Proposed Action or alternatives would: 1) Conflict with the Clean Air Act General Conformity Rule;

		2) Emit a criteria pollutant or precursor that exceeds local thresholds for construction or operation; 3) Exceed local standards for fugitive dust emissions during construction; 4) Exceed carbon monoxide standards during operation; 5) Expose sensitive receptors to health risks in excess of local thresholds; 6) Exceed local PM2.5 standards for new residential development; or 7) Expose a substantial number of people to odor emissions. The federal Clean Air Act requires each state to identify areas that have ambient air quality in violation of federal standards. States are required to develop, adopt, and implement a state implementation plan (SIP) to achieve, maintain, and enforce federal ambient air quality standards in these nonattainment areas. SIP elements are developed on a pollutant-by-pollutant basis whenever one or more air quality standards are being violated. In California, local and regional air pollution control agencies have primary responsibility for developing SIPs, generally in coordination with local and regional land use and transportation planning agencies. The Bay Area Air Quality Management District (BAAQMD) is the responsible regional air pollution control agency in the San Francisco Bay Area. An area's compliance with national ambient air quality standards under the Clean Air Act is categorized as nonattainment, attainment (better than national standards), unclassifiable, or attainment/cannot be classified. The unclassified designation includes attainment areas that comply with federal standards, as well as areas for which monitoring data are lacking. Unclassified areas are treated as attainment areas for most regulatory purposes. Simple attainment designations generally are used only for areas that transition from nonattainment status to attainment status. Areas that have been reclassified from nonattainment to attainment of federal air quality standards are automatically considered maintenance areas, although this designation is seldom noted in status listings. The San Francisco Bay Area is designated as nonattainment for the federal 8-hour ozone standard and the 24-hour fine particulate matter

		($PM_{2.5}$) standard. The San Francisco Bay Area is designated as attainment or unclassified for the other national ambient air quality standards. With respect to the state ambient air quality standards, California classifies areas as attainment, nonattainment, nonattainment-transitional, or unclassified. The San Francisco Bay Area is designated as nonattainment for the state ozone, inhalable particulate matter (PM_{10}) and $PM_{2.5}$ standards and as attainment or unclassified for the other state ambient air quality standards. The predominant regulation that guides assessment of air quality impacts of federal actions is the General Conformity Rule, established under the Clean Air Act (Section 176(c)(4)). The General Conformity Rule ensures that the actions taken by federal agencies in nonattainment and maintenance areas do not interfere with a state's plans to meet national standards for air quality. The project area is located within the San Francisco Bay Area Air Basin, which is designated as a nonattainment area for the federal 8-hour ozone standard and the federal fine particulate matter ($PM_{2.5}$) standard. The air basin is designated as a maintenance area with respect to the federal carbon monoxide (CO) standards. In keeping with the General Conformity Rule process, this assessment applies the appropriate de minimis thresholds of the Rule as they apply to the San Francisco Bay Area Air Basin for ozone precursors, PM2.5, and CO. The de minimis thresholds for these three pollutants in the San Francisco Bay Area Air Basin are 100 tons per year for each pollutant. **Health Risk Assessment** A Health Risk Assessment was conducted for the proposed project by Environmental Science Associates in 2015 for the proposed W12 proposal which included the project site (see Project Description section of this report). The purpose was to determine if future residents of the project will be exposed to excess cancer risks. A summary of the report follows.

		Setting The project site is located in Alameda County which is a part of San Francisco Bay Area Air Basin. Air quality in the region is affected by natural factors such as proximity to the Bay and ocean, topography, and meteorology, as well as proximity to sources of air pollution. Ambient air quality standards have been established at both the State and federal level. The Bay Area meets all ambient air quality standards with the exception of ground-level ozone, respirable particulate matter (PM_{10}), and fine particulate matter ($PM_{2.5}$). **Toxic Air Contaminants** Toxic Air Contaminants (TACs) are a broad class of compounds known to cause morbidity or mortality (usually because they cause cancer or serious illness) and include but are not limited to criteria air pollutants. TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, fuel combustion, and commercial operations (e.g., dry cleaners). TACs are typically found in low concentrations, even near their source (e.g., diesel particulate matter near a freeway). Because chronic exposure can result in adverse health effects, TACs are regulated at the regional, state, and federal level. The identification, regulation, and monitoring of TACs is relatively new compared to that for criteria air pollutants that have established ambient air quality standards. TACs are regulated or evaluated on the basis of risk to human health rather than comparison to an ambient air quality standard or emission-based threshold. **Impact Analysis** The City uses the BAAQMD California Environmental Quality Act (CEQA) Air Quality Guidelines to consider exposure of sensitive receptors to air pollutant levels that result in an unacceptable cancer risk or hazard, to be significant. For cancer risk, which is a concern with diesel particulate matter (DPM) and other mobile-source TACs, the BAAQMD considers an increased risk of contracting cancer that is 10.0 in one million chances or greater, to be significant risk for a single

source. The BAAQMD CEQA Guidelines also consider single-source TAC exposure to be significant if annual fine particulate matter ($PM_{2.5}$) concentrations exceed 0.3 micrograms per cubic meter ($\mu g/m^3$) or if the computed hazard index (HI) is greater than 1.0 for non-cancer risk hazards. Cumulative exposure is assessed by combining the risks and annual $PM_{2.5}$ concentrations for all sources within 1,000 feet of a project. The thresholds for cumulative exposure are an excess cancer risk of 100 in one million, annual $PM_{2.5}$ concentrations of 0.8 $\mu g/m^3$, and a hazard index greater than 10.0. These thresholds were used to address impacts from TAC sources that could affect future project residents. A review of the project site has identified several sources including a freeway, a high-volume roadway and stationary sources that are within 1,000 feet of the site and could, therefore, adversely affect the site. The contribution of each TAC/$PM_{2.5}$ source affecting the project site are shown in Table 2 below. The combination of impacts from all sources at the are also reported in the table below. The maximum impacts from each source were simply added to compute the combined impacts from all sources. This is a slight overestimate, because each source affects the site at a different location and this assessment assumes the worst location for each source is at the same location.

Table 2: Community Risk to Project Sensitive Receptors

Name	Address	Cancer Risk (persons per million)	Chronic Hazard Impact	$PM_{2.5}$ ($\mu g/m^3$)
Hotel Oakland	270 13th Street	7.53	0.003	0.002
Mark Bosuk Esq.	1432 Harrison Street	0	0	0
Ideal Cleaners[1]	322 14th Street	0	0	0
Alameda County GSA	165 13th Street	0.082	<0.001	0
Aqua Science	250 8th Street	0	0	0

China Town 76 Unocal	800 Harrison Street	0.235	<0.001	0
Trans Pacific Center	1000 Broadway	7.71	0.003	0.002
East Bay MUD	375 11th Street	21.68	0.0120	1.51
Paetec	427 14th Street	0.122	<0.001	<0.001
Alameda County GSA	393 13th Street	1.28	<0.001	<0.001
Project Generators		20	2	N/A
Cumulative Impacts		58.64	2.018	1.51
City of Oakland Significance Criteria (new receptor)		100	10	0.8
Potentially Significant Impact?		No	No	Yes

Source: ESA. *W12 Mixed-Use Project CEQA Analysis*. July 2016.

Conclusion

The combined cancer risk is below the threshold of 100 chances per million and the Hazard Index is well below 10.0. The annual $PM_{2.5}$ concentration, however does exceed 0.8 $\mu g/m^3$. Consistent with City of Oakland's Standard and Uniformly Applied Conditions of Approval, the project would be required to implement AIR-1 as follows:

AIR-1 Exposure to Air Pollution (Toxic Air Contaminants): The project applicant shall incorporate the following health risk reduction measures into the project. These features shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City:

- Installation of air filtration to reduce cancer risks and Particulate Matter (PM) exposure for residents and other sensitive populations in the project that are in close proximity to sources of air pollution. Air filter devices shall be rated MERV-13 or higher. As part of implementing this measure, an ongoing maintenance plan for

		the building's HVAC air filtration system shall be required. • Where appropriate, install passive electrostatic filtering systems, especially those with low air velocities (i.e., 1 mph). • Phasing of residential developments when proposed within 500 feet of freeways such that homes nearest the freeway are built last, if feasible. • The project shall be designed to locate sensitive receptors as far away as feasible from the source(s) of air pollution. Operable windows, balconies, and building air intakes shall be located as far away from these sources as feasible. If near a distribution center, residents shall be located as far away as feasible from a loading dock or where trucks concentrate to deliver goods. • Sensitive receptors shall be located on the upper floors of buildings, if feasible. • Planting trees and/or vegetation between sensitive receptors and pollution source, if feasible. Trees that are best suited to trapping PM shall be planted, including one or more of the following: Pine (Pinus nigra var. maritima), Cypress (X Cupressocyparis leylandii), Hybrid poplar (Populus deltoids X trichocarpa), and Redwood (Sequoia sempervirens). • Sensitive receptors shall be located as far away from truck activity areas, such as loading docks and delivery areas, as feasible. • Existing and new diesel generators shall meet CARB's Tier 4 emission standards, if feasible. • Emissions from diesel trucks shall be reduced through implementing the following measures, if feasible: o Installing electrical hook-ups for diesel trucks at loading docks. o Requiring trucks to use Transportation Refrigeration Units (TRU) that meet Tier 4 emission standards. o Requiring truck-intensive projects to use advanced exhaust technology (e.g., hybrid) or alternative fuels.

		○ Prohibiting trucks from idling for more than two minutes. ○ Establishing truck routes to avoid sensitive receptors in the project. A truck route program, along with truck calming, parking, and delivery restrictions, shall be implemented. With implementation of AIR-1, maximum annual $PM_{2.5}$ concentrations would be reduced to 0.15 $\mu g/m^3$ at the project's new receptors, which is below the BAAQMD/City significant threshold of 0.8 $\mu g/m^3$. **<u>Construction-Related Emissions</u>** Construction of the project would result in the temporary generation of NOx and PM_{10} emissions. Short-term air quality impacts are mostly due to fugitive dust (PM_{10}) generated by construction and development activities, and emissions from equipment and vehicle engines (NOx) operated during these activities. Dust generation is dependent on soil type and soil moisture, as well as the amount of total acreage actually involved in clearing, grubbing and grading activities. Clearing and earthmoving activities comprise the major source of construction dust generation, but traffic and general disturbance of the soil also contribute to the problem. Sand, lime or other fine particulate materials may be used during construction and stored on-site. If not stored properly, such materials could become airborne during periods of high winds. The effects of construction activities include increased dust fall and locally elevated levels of suspended particulates. PM_{10} is considered unhealthy because the particles are small enough to inhale and damage lung tissue, which can lead to respiratory problems. PM10 emissions during project construction can be reduced through compliance with institutional requirements for dust abatement and erosion control. Construction period emissions were modeled using CalEEMod defaults for a project of this type and size (see Table 3**Error! Reference source not found.**). The CalEEMod model provided total annual $PM_{2.5}$ exhaust emissions (assumed to be diesel particulate

matter) for the off-road construction equipment and for exhaust emissions from on-road vehicles (haul trucks, vendor trucks, and worker vehicles. The on-road emissions are a result of haul truck travel, worker travel, and vendor deliveries during grading and construction activities. As shown in Table 3**Error! Reference source not found.**, construction of the proposed project would not exceed the City of Oakland's Significant Criteria for any type of construction emission.

Table 3: Construction-Related Emissions

Project Construction	**ROG**	**NOx**	**PM_{10} ($\mu g/m^3$)**	**$PM_{2.5}$ ($\mu g/m^3$)**
Average Daily Construction Emissions	24.79	31.02	0.36	1.30
City of Oakland Significance Criteria (pounds per day)	*54*	*54*	*82*	*54*
Potentially Significant Impact?	**No**	**No**	**No**	**No**

* Project construction emissions estimates were made using CalEEMod, version 2013.2.2. Emissions are average daily pounds per day during a default estimated 12-month construction period which is conservative for this analysis.

Source: ESA. *W12 Mixed-Use Project CEQA Analysis*. July 2016.

Construction-related emissions, however, could cause temporary adverse nuisance impacts. Fine particulate matter associated with fugitive dust is the construction pollutant of greatest concern. Construction equipment would also produce exhaust emissions. The project would be required to implement the Bay Area Air Quality Management District and the following City of Oakland's Standard Conditions of Approval.

AIR-2 Dust Controls – Construction Related: The project applicant shall implement all of the following applicable dust control measures during construction of the project:

a) Water all exposed surfaces of 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 feasible. b) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer). c) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. d) Limit vehicle speeds on unpaved roads to 15 miles per hour. e) All demolition activities (if any) shall be suspended when average wind speeds exceed 20 mph. f) All trucks and equipment, including tires, shall be washed off prior to leaving the site. g) Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel. **AIR-3 Criteria Air Pollutant Controls – Construction Related:** The project applicant shall implement all of the following applicable basic control measures for criteria air pollutants during construction of the project as applicable: a) Idling times on all diesel-fueled commercial vehicles over 10,000 lbs. shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code of Regulations). Clear signage to this effect shall be provided for construction workers at all access points. b) Idling times on all diesel-fueled off-road vehicles over 25 horsepower shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes and fleet operators must develop a written policy as required by

		Title 23, Section 2449, of the California Code of Regulations ("California Air Resources Board Off-Road Diesel Regulations"). c) All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. Equipment check documentation should be kept at the construction site and be available for review by the City and the Bay Area Air Quality District as needed. d) Portable equipment shall be powered by grid electricity if available. If electricity is not available, propane or natural gas generators shall be used if feasible. Diesel engines shall only be used if grid electricity is not available and propane or natural gas generators cannot meet the electrical demand. e) Low VOC (i.e., ROG) coatings shall be used that comply with BAAQMD Regulation 8, Rule 3: Architectural Coatings. f) All equipment to be used on the construction site shall comply with the requirements of Title 13, Section 2449, of the California Code of Regulations ("California Air Resources Board Off-Road Diesel Regulations") and upon request by the City (and the Air District if specifically requested), the project applicant shall provide written documentation that fleet requirements have been met. With implementation of AIR-2 and AIR-3, the potential for construction period dust (particulate matter) impacts would not be significant. **<u>Operational Emissions</u>** BAAQMD established screening criteria based on project size to identify projects that could generate operational-related criteria air pollutants that exceed BAAQMD thresholds of significance. Projects that generate more than 54 pounds per day (or 10 tons per year) of reactive organic gases, nitrous oxides, or $PM_{2.5}$; or 82 pounds per day (or 15 tons per year) of

		PM_{10} would be considered to have a significant impact on regional air quality. The project is below the BAAQMD criteria air pollutant screening levels for low-rise apartments (451 dwelling units). In addition, the emergency backup generator would comply with applicable BAAQMD permit requirements and would not be considered to have an individual significant air quality impact as the BAAQMD would deny an Authority to Construct or would deny a Permit to Operate any new or modified source of TACs that exceeds a cancer risk of 10 in one million or a chronic or acute hazard index of 1.0. The project would also be required to implement the following City of Oakland's Standard Conditions of Approval. **AIR-4 Stationary Sources of Air Pollution (Toxic Air Contaminants):** The project applicant shall incorporate appropriate measures into the project design in order to reduce the potential health risk due to on-site stationary sources of toxic air contaminants. The project applicant shall choose one of the following methods: a. The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with California Air Resources Board (CARB) and Office of Environmental Health and Hazard Assessment requirements to determine the health risk associated with proposed stationary sources of pollution in the project. The HRA shall be submitted to the City for review and approval. If the HRA concludes that the health risk is at or below acceptable levels, then health risk reduction measures are not required. If the HRA concludes the health risk exceeds acceptable levels, health risk reduction measures shall be identified to reduce the health risk to acceptable levels. Identified risk reduction measures shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City. - or -

		b. The project applicant shall incorporate the following health risk reduction measures into the project. These features shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City: i. Installation of non-diesel fueled generators, if feasible; or ii. Installation of diesel generators with an EPA-certified Tier 4 engine or engines that are retrofitted with a CARB Level 3 Verified Diesel Emissions Control Strategy, if feasible. With implementation of SCA AIR-4, the project would not result in operational-related criteria air pollutants in excess of BAAQMD thresholds. **<u>Greenhouse Gas Emissions</u>** The BAAQMD *CEQA Air Quality Guidelines* include information on methods of analyzing GHG emissions, mitigation measures, and background information. The current *CEQA Air Quality Guidelines* recommend a GHG threshold of 1,100 MT or 4.6 MT per capita. These thresholds were developed based on meeting the 2020 GHG targets. Development of the project would occur beyond 2020, so a threshold that addresses a future target is appropriate. Although BAAQMD has not yet published a quantified threshold for 2030, the analysis in this section uses a "Substantial Progress" efficiency metric of 2.6 MT of CO_2e per service population per year and a "bright-line" threshold of 660 MT of CO_2e per year. The "Substantial Progress" efficiency metric for 2030 addresses the requirements in SB 32 that GHG emissions be reduced by 40 percent below 1990 levels by 2030.**Error! Reference source not found.** Table 4 below identifies the calculated GHG emissions of the 416-unit, W12 proposal which included the project site (see Project Description section of this report).

		Table 4: Project GHG Emissions (metric tons/year) [a,b] **Project Component** / **CO_2e** Area Source Emissions: 23.34 Energy Emissions: *657.1* Mobile Emissions: 1,934 Backup Generator [c]: 43.50 Solid Waste: 132.7 Water and Wastewater: 77.58 Annualized Construction Emissions (Over 40 Years): 21.08 **Total Increase: 2,889** **Total Increase without Mobile and Generators [c]: 911** **2030 Screening Threshold: 660** **Emissions per Service Population (1,035 residents and 15 employees): 0.87** **2030 Service Population Threshold: 2.6** **Significant? No** a. Project operational emissions estimates were made using CalEEMod, version 2013.2.2. b. The GHG analysis relied on inputs from the Transportation Analysis by Fehr & Peers (see source 36 of this EA) c. Emissions from stationary sources such as backup generators are assessed under a separate 10,000 metric ton per year threshold which is not exceeded. Source: ESA. *W12 Mixed-Use Project CEQA Analysis*. July 2016. As shown in Table 4**Error! Reference source not found.**, based on service population, the project's GHG emissions would be below the efficiency metric required to meet the "Substantial Progress" threshold for 2030 GHG emissions consistent with SB 32. In addition, the proposed Project would include fewer units (65 units) than what was analyzed in the W12 proposal (77 units); therefore, GHG emissions would be even lower than what is shown in Table 4. Thus, the project would not result in significant GHG emissions. [Source: 4, 40]
Coastal Zone Management Coastal Zone Management Act, sections 307(c) & (d)	Yes No ☐ ☒	The project site is located in the City of Oakland in an urban area of the East Bay of the San Francisco Bay Area. The project is subject to requirements of the San Francisco Bay Conservation and Development

		Commission, as the designated governing body over the Local Coastal Program in the greater Bay Area. Activities requiring permit approval include: Filling: Placing solid material, building pile-supported or cantilevered structures, disposing of material or permanently mooring vessels in the Bay or in certain tributaries of the Bay. Dredging: Extracting material from the tidal waters. Shoreline Projects: Nearly all work, including grading, on the land within 100 feet of the Bay shoreline. Other Projects: Any filling, new construction, major remodeling, substantial change in use, and many land subdivisions in the Bay, along the shoreline, in salt ponds, duck hunting preserves or other managed wetlands adjacent to the Bay. The proposed project does not involve activities within 100 feet of the shoreline or any of the other activities described above that requires a permit. The project site is approximately 0.6 miles from the shoreline, and therefore, not immediately adjacent to the Bay. A Coastal Development Permit is not required. [Source: 2, 22, 23]
Contamination and Toxic Substances 24 CFR Part 50.3(i) & 58.5(i)(2) this whole section needs to be revised – please see my comments which were not addressed	Yes No ☒ ☐	Per HUD policy, as described in 24 CFR Part 50.3(i) and 24 CFR 58.5(i)(2), a) all property proposed for use in HUD programs be free of hazardous materials, contamination, toxic chemicals and gasses, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended utilization of the property; b) environmental review of multifamily and non-residential properties shall include evaluation of previous uses of the site and other evidence of contamination on or near the site, to assure that occupants of proposed sites are not adversely affected by the hazards; and c) that particular attention should begiven to any proposed

		site on or in the general proximity of such areas as dumps, landfills, industrial sites, or other locations that contain, or may have contained, hazardous wastes. **Background** Site environmental investigations were conducted in 2015, 2016, 2017 as noted below. A Draft Phase II Environmental Site Assessment was prepared in 2015 by Langan Treadwell Rollo for the W12 Project as discussed in the *Project Description* section of this report. Two of the borings were advanced on the 285 12th Street site. Concentrations of TPH-mo and lead were detected in soil, TPH-d and 1,2,-DCA in groundwater, and volatile organic compounds (VOCs) in soil gas. TCE was detected off-site in soil gas collected at boring location B-6 but was not detected at t boring location B-7 on the 285 12th Street on-site. The concentration of TCE in soil gas at boring B-6 is above the current Tier 1 ESLs but was below its respective ESL at that time. Based on the analytical results, Langan concluded that historical activities on-site and in the surrounding vicinity may have impacted the soil gas and groundwater conditions. **Subsurface Investigation** PES Environmental, Inc. conducted a subsurface investigation for the W12 Project, as discussed in the *Project Description* section of this report and reported the results in a report dated July 14, 2016. The objectives of the investigation were to: • Delineate the on-site and off-site lateral and vertical distribution of VOCs in soil gas and groundwater, and of TPH in groundwater; • Further characterize the site in the vicinity of the former hydraulic lift, former gasoline and waste oil underground storage tank (UST) areas on the 301 12th Street property; and,

		• Characterize lead concentrations in the fill material for off-site disposal on the 301 12th Street property. Groundwater samples were collected from three existing shallow monitoring wells on the adjacent 301 12th Street property. Environmental data was also collected near 285 12th Street to evaluate off-site impacts related to the 301 12th Street site. In addition, groundwater samples were collected in borings upgradient and downgradient of the 285 12th Street site. The analytical results were screened against the San Francisco Bay Regional Water Quality Control Board (RWQCB) Environmental Screening Levels (ESLs) and the DTSC residential and commercial/industrial California Human Health Screening Levels (CHHSLs), and tap water United States (US) Environmental Protection Agency (EPA) tap water Regional Screening Levels (RSLs). PCE and TCE were not detected in either the shallow or deep groundwater samples collected from borings located north, off-site and downgradient of the 285 12th Street site. The only VOC detected in samples from was 1,2-dichloroethane at a concentration of 2.8 µg/L in the shallow groundwater sample. No other VOCs were detected in the deeper groundwater sample. **Phase I and II Environmental Site Assessments** Phase I and Phase II ESAs were prepared for the project site in November 2017 and May 2020, respectively. Beginning between 1903 and 1911, the project site was used for automotive service and repair work. Between 1911 and the mid-1960s, it appears that site operations included various commercial uses, ranging from automobile repairs, to sales, and to a cocktail lounge. Office uses were replaced with automobile sales at the site in the mid-1960s. Automobile sales were conducted at the site until the mid-1990s, when

		the lot was converted to a playground for a school located at 301 12th Street. The Geo Blue's 2017 Phase I ESA identified two recognized environmental conditions (RECs): • Former automotive service operations at the site, conducted during the early 1900s, and potentially over an approximately 40-year time period, and the results from sampling performed at the site in 2015, including reported detections of total petroleum hydrocarbons (TPH) as gasoline (TPH-g), TPH as diesel (TPH-d), TPH as motor oil (TPH-mo), benzene, toluene, acetone, 1,3-butadiene, chloromethane, cyclohexane, 1,3-dichlorobenzene, n-hexane, methyl ethyl ketone, methyl isobutyl ketone, lead, 1,2-dichloroethane (1,2-DCA), trichloroethene (TCE) in the site subsurface; and • The off-site presence of historical automotive and historical cleaning operations immediately adjacent and potentially upgradient of the site, including the former Gin's ARCO service station, and the 301 12th Street cleanup case across the street. Roux Associates, Inc. submitted a Data Gap Work Plan for Phase II Investigation to DTSC dated December 19, 2019. The Work Plan was developed to resolve data gaps and investigate the RECs identified in a Geo Blue's Phase I ESA. Following the initial investigation, additional data gaps related to lead concentrations in shallow soil and potential petroleum concentrations in groundwater were identified, and supplemental sampling was performed to delineate the lead concentrations and more accurately assess groundwater conditions, in accordance with the Addendum Data Gap Work Plan, dated March 11, 2020. The Phase II ESA identified the following contaminants of concern (COC): • **Soil:** Soil sampling has detected the following COCs in soil in exceedance of applicable

		DTSC screening levels: lead, benzo(a)pyrene, dibenzo(a,h)anthracene, and total petroleum hydrocarbons as diesel (TPH-d). • **Groundwater:** Encountered on-site groundwater at around 21 to 23 feet below ground surface (bgs) contain concentrations of 1,2-dichloroethane (1,2-DCA) and TPH-d exceeding DTSC screening levels. No TCE was detected in on-site groundwater; however, low concentrations of TCE were found in nearby off-site groundwater and is considered an off-site COC. • **Soil Vapor:** Soil vapor was tested in January 2020 and October 2020 to account for different climates. TCE, benzene, chloroform, and 1,2-dichloroethane were all detected at levels about DTSC screening levels. The analysis recommended: • Excavation and removal of impacted soil is recommended. • Decommissioning of RBMW-1, in accordance with ACPWA and Department of Water Resources guidance Prior to the start of redevelopment construction. • A land use covenant to limit the use of shallow groundwater for human consumption and use. A Second Revision of Site Summary and Corrective Action Memorandum for the 285 12th Street (Site), Oakland, California, was submitted by Roux Associates to DTSC on December 28, 2020. The Memo outlined specific remediation activities that may be conducted to reduce risk to human health and the environment at the site. On December 30, 2020, DTSC concurred with the memo that remediation at the site will likely include some combination of the above activities and controls. DTSC approved the Memo with the caveat that EBALDC will be required to submit a more detailed evaluation of proposed remediation activities in the PEA Equivalent, which will require DTSC review and approval.

		Contamination-1 Submittal of Preliminary Endangerment Assessment Report: Prior to issuance of grading permits, remediation activities shall be evaluated in more detail in the Report of Finding that is an equivalent to the Preliminary Endangerment Assessment Report (PEA Equivalent) and submitted to DTSC for review and approval. Remediation activities and controls could include, but are not limited to, the following: • Soil: Excavate and dispose of soil in areas where COPC concentrations in soil exceed applicable screening levels, conduct confirmation sampling and backfill with clean fill. Soil consolidation and stabilization may also be conducted as a part of the soil remedy. • Groundwater: Remediation of groundwater at the site will likely not be required; however, groundwater use at the Site may be restricted to prohibit extraction of groundwater and to prohibit drilling any wells aside from monitoring wells. • Soil Gas/Indoor Air: Prior to construction of the proposed commercial/residential development, a vapor barrier, sub slab venting system (SSVS) and/or vapor mitigation system (VMS) will be required to prevent vapor intrusion into indoor air in future Site buildings. An operation and maintenance (O&M) agreement and plan will be required to ensure that the vapor barrier, SSVS and/or VMS continue to be protective of future building occupants. • A land use covenant (LUC) may be necessary to ensure that all environmental conditions at the Site remain protective of human health and the environment for future Site occupants. **Contamination-2 Implementation of the Final Endangerment Assessment Report:** The applicant shall implement all remediation activities outlined in the Final Endangerment Assessment Report, or any other Remediation Action Plan approve by DTSC prior, during and after construction as required.

		In addition, the City has adopted Uniformly Applied Development Standards imposed as Standard Conditions of Approval that apply to contamination and toxic substances. Application of these standards and the mitigation measures would ensure that impacts to hazardous impacts are less than significant. **Contamination-3 Regulatory Permits and Authorizations from Other Agencies:** The project applicant shall obtain all necessary regulatory permits and authorizations from applicable resource/regulatory agencies including, but not limited to, the Regional Water Quality Control Board, Bay Area Air Quality Management District, Bay Conservation and Development Commission, California Department of Fish and Wildlife, U. S. Fish and Wildlife Service, and Army Corps of Engineers and shall comply with all requirements and conditions of the permits/authorizations. The project applicant shall submit evidence of the approved permits/authorizations to the City, along with evidence demonstrating compliance with any regulatory permit/authorization conditions of approval. **Contamination-4 Hazardous Material Related to Construction:** The project applicant shall ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to minimize potential negative effects on groundwater, soils, and human health. These shall include, at a minimum, the following: a. Follow manufacture's recommendations for use, storage, and disposal of chemical products used in construction; b. Avoid overtopping construction equipment fuel gas tanks; c. During routine maintenance of construction equipment, properly contain and remove grease and oils; d. Properly dispose of discarded containers of fuels and other chemicals; e. Implement lead-safe work practices and comply with all local, regional, state, and federal requirements concerning lead (for more

		information refer to the Alameda County Lead Poisoning Prevention Program); and f. f. If soil, groundwater, or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the project applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notifying the City and applicable regulatory agency(ies) and implementation of the actions described in the City's Standard Conditions of Approval, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate. **Contamination-5 Hazardous Building Materials and Site Contamination:** Hazardous Building Materials Assessment. The project applicant shall submit a comprehensive assessment report to the Bureau of Building, signed by a qualified environmental professional, documenting the presence or lack thereof of asbestos-containing materials (ACMs), lead-based paint, polychlorinated biphenyls (PCBs), and any other building materials or stored materials classified as hazardous materials by State or federal law. If lead-based paint, ACMs, PCBs, or any other building materials or stored materials classified as hazardous materials are present, the project applicant shall submit specifications prepared and signed by a qualified environmental professional, for the stabilization and/or removal of the identified hazardous materials in accordance with all applicable laws and regulations. The project applicant shall implement the approved recommendations and submit to the City evidence of approval for any proposed

		remedial action and required clearances by the applicable local, state, or federal regulatory agency. Environmental Site Assessment Required. The project applicant shall submit a Phase I Environmental Site Assessment report, and Phase II Environmental Site Assessment report if warranted by the Phase I report, for the project site for review and approval by the City. The report(s) shall be prepared by a qualified environmental assessment professional and include recommendations for remedial action, as appropriate, for hazardous materials. The project applicant shall implement the approved recommendations and submit to the City evidence of approval for any proposed remedial action and required clearances by the applicable local, state, or federal regulatory agency. Health and Safety Plan Required. The project applicant shall submit a Health and Safety Plan for the review and approval by the City in order to protect project construction workers from risks associated with hazardous materials. The project applicant shall implement the approved Plan. Best Management Practices (BMPs) Required for Contaminated Sites. The project applicant shall ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to minimize potential soil and groundwater hazards. These shall include the following: i. Soil generated by construction activities shall be stockpiled on-site in a secure and safe manner. All contaminated soils determined to be hazardous or non-hazardous waste must be adequately profiled (sampled) prior to acceptable reuse or disposal at an appropriate off-site facility. Specific sampling and handling and transport procedures for reuse or disposal shall be in accordance with applicable local, state, and federal requirements. ii. ii. Groundwater pumped from the subsurface shall be contained on-site in a secure and safe manner, prior to treatment and disposal, to ensure environmental and health issues are

		resolved pursuant to applicable laws and policies. Engineering controls shall be utilized, which include impermeable barriers to prohibit groundwater and vapor intrusion into the building. [Source: 24, 25, Appendix A, Appendix B]
Endangered Species Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	Yes No ☐ ☒	The United States Fish and Wildlife Service was contacted for a list of threatened and endangered species that may occur within the boundary of the proposed project and/or be affected by the proposed project. The species of concern are: • Salt Marsh Harvest Mouse • California Clapper Rail • California Least Tern • Western Snowy Plover • Alameda Whipsnake • Green Sea Turtle • California Red-legged Frog • Delta smelt • Tidewater Goby • San Bruno Elfin Butterfly • California Seablite • Santa Cruz Tarplant The project site is located in an urban area and is surrounded by existing development. Vegetation in the surrounding area consists solely of landscape trees and plants. Because of the history of development in the immediate project area and the lack of wetlands or other waterbodies on-site, no natural or sensitive habitats exist that would support the above-listed endangered, threatened, or special-status wildlife species. There are no wetlands on-site and, as a result, the project would not affect any federally protected wetlands as defined by Section 404 of the Clean Water Act. Urban habitats including street trees, landscaping, lawns, and vacant lots, provide habitat for wildlife that is adapted to the modified environment. The project site is not located within any mapped critical habitat for any species. There is not potential to effect listed plants or animals.

		[Source: 5, 9, 10, Appendix D]
Explosive and Flammable Hazards 24 CFR Part 51 Subpart C	Yes No ☐ ☒	An Explosives and Flammable Hazards Review was performed on September 10, 2019 for the proposed project. The review and survey were conducted in accordance with 24 CFR Part 51 Subpart C. There are no explosive or flammable operations on the project site. The survey identified eight businesses within one mile of the site that reported storage of materials that warranted calculation of Acceptable Separation Distance (ASD)per the HUD Distance Assessment Tool. Based on the proposed site plan, all identified businesses with hazardous substances satisfy or exceed the required ASD for the quantities of the chemicals present. [Source: 38, Appendix C]
Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	Yes No ☐ ☒	The project is located in an urban area and would not impact any protected farmlands. The project is not actively farmed, subject to a Williamson Act Contract, or designated as Prime Farmland. The project site is designated as "urban and built-up land" on the 2016 Alameda County Important Farmland Map and no federally designated Farmlands have been identified within the project area; therefore, the project complies with the Farmland Protection Policy Act. [Source: 5, 7, 26]

Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55	Yes No ☐ ☒	The subject property is not located within a 100-year floodplain (Zones A or V) or 500-year floodplain (Zone B) identified on a Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM). The project involves acquisition and development of real property. The area is a Flood Hazard Area Designation Zone X: Areas of minimal flooding. No Base Flood Elevations or depths are shown within this zone. Insurance purchase is not required in these zones. Flood hazard designation is depicted on FIRM Map Number 06001C0067HX, with an effective date of December 21, 2018. Flood insurance is not required. There are no impacts to floodplains as a result of the project. [Source: 3, Appendix F]
Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	Yes No ☒ ☐	**<u>Undertaking</u>** The City of Oakland and East Bay Asian Local Development Corporation (EBALDC) intend to use funding from the U.S. Department of Housing and Urban Development (HUD) for the development of multifamily affordable housing at 285 12th Street. The undertaking involves the demolition of a small existing building and construction of 64 affordable housing units, one manager's residential unit, 3,500 square feet of ground floor commercial space, and two floors of parking, in a seven-story, mixed-use building. The project site is currently used as a construction staging site. One permanent structure, a former used car sales office, built in 1965 remains but is unused. **<u>Area of Potential Effects</u>** The area of potential effects (APE) is the project parcel and six immediately adjacent parcels. The APE was determined by including all properties adjacent and facing the project. In each case the entire parcel was included. The APE for archeology is the site footprint, i.e. the limit of the subject parcels. **<u>Historic Resources</u>**

		Oakland Cultural Heritage Survey (OCHS)/Historical and Architectural Rating System The Rating System, adopted in the Oakland General Plan, Historic Preservation Element, is shorthand for the relative importance of properties. The OCHS is an ongoing survey started in 1980 that evaluates buildings in the context of the history of Oakland, rather than in the context of California. The OCHS criteria include visual quality and design, history and association, and context. Once a building is evaluated it is given a rating from A to E, with A being highest historical importance and E having no historic importance. The OCHS rating system also provides a rating for the relative historic importance of districts. The system uses numbers 1 to 3 to rate individual districts, with "1" indicating an Area of Primary Importance (API) or National Register-quality (or eligible) district; "2" indicating an Area of Secondary Importance (ASI) or district of local interest; and "3" indicating not in a historic district. Areas of Primary Importance (APIs) appear eligible for the National Register of Historic Places either as a district or as a historically related complex. Areas of Secondary Importance (ASIs) may be of local importance, but do not appear eligible for the National Register. Below are the OCHS ratings for the APE: • Project Site: No rating • 267-271 12th Street: Potentially Designated Historic Property (PDHP); rating C3 • 270-276 11th Street: Rated Cb+2+, in the 258 & 270-76 11th Street ASI • 288 11th Street/1100 Harrison Street: No rating • 301 12th Street: No rating; building under construction • 308 12th Street: Rated A1+; King Block API • 1220 Harrison Street: No rating Evaluation

		A Cultural Resources Evaluation Report was prepared for the project and APE to evaluate the properties per the National Register of Historic Places (NRHP) standards and the Oakland Cultural Heritage Survey Rating System (OCHS). The used car sales building on the project site was found to be ineligible for listing in the NRHP and the OCHS. One building (301 12th Street) is under construction and another across the street (1220 Harrison Street) are less than 45 years old and ineligible for listing in the NRHP and the OCHS. Four buildings outside the project site but within the APE (267-271 12th Street, 308 12th Street, 270-276 11th Street, and 288 11th Street/1100 Harrison Street) were also evaluated. Only the building at 308 12th Street (King Building) was eligible for listing in the NRHP and rated A1+ in the OCHS. The proposed project at 285 12th street would be seven-stories and 83 feet tall. The project site is outside the King Block API and not located within a historic district or zone. The building would have no physical effects on adjoining buildings. The surrounding buildings are a diverse mix of architectural styles and do not have strong relationships in terms of style, size, massing, or aesthetic which could be disrupted by the proposed project. Thus, the proposed project would not cause an adverse effect on historic buildings listed in the NHRP or OCHS and would be in compliance with Section 106. In February of 2020, the Agency Official concurred with the description of the undertaking, the Area of Potential Effects, and the recommended determination of no effect to historic properties, and initiated consultation with the Office of Historic Preservation with a letter and evaluation materials. The State Historic Preservation Officer (SHPO) reviewed these finding and provided confirmation of them on March 27, 2020. **<u>Archaeological Resources</u>**

		The Northwest Information Center of the California Historical Resources Information System completed a record search for the project site in September 2019 (NWIC File #19-0401). The record search found no previously recorded cultural resources or previous studies for the project site. Four cultural resources were recorded within a quarter mile of the project site. Letters to six Native American tribes were sent on November 25, 2019. Katherine Perez of the North Valley Yokuts Tribe replied describing possible reburials in the township; however, she believes that reburials are closer to Alameda and not near the project site. She requested that a measure for inadvertent discoveries be included in the project. As no known cultural resources or watercourses have been identified on the project site, there is low to moderate sensitivity for archaeological resources. In February of 2020, the Agency Official concurred with the description of the undertaking, the Area of Potential Effects, and the recommended determination of no effect to cultural properties, and initiated consultation with the Office of Historic Preservation with a letter and evaluation materials. The State Historic Preservation Officer (SHPO) reviewed these finding and provided confirmation of them on March 27, 2020. The City has adopted Uniformly Applied Development Standards imposed as Standard Conditions of Approval that apply to potential areas of archeological discovery. Application of these standards would ensure that the Project would have a less than significant impact on archaeological resources. **Archeo-1 Archaeological and Paleontological Resources – Discovery During Construction:** Pursuant to CEQA Guidelines section 15064.5(f), in the event that any historic or prehistoric subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant shall notify the City and consult with a qualified

		archaeologist or paleontologist, as applicable, to assess the significance of the find. In the case of discovery of paleontological resources, the assessment shall be done in accordance with the Society of Vertebrate Paleontology standards. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined unnecessary or infeasible by the City. Feasibility of avoidance shall be determined with consideration of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted. Work may proceed on other parts of the project site while measures for the cultural resources are implemented. In the event of data recovery of archaeological resources, the project applicant shall submit an Archaeological Research Design and Treatment Plan (ARDTP) prepared by a qualified archaeologist for review and approval by the City. The ARDTP is required to identify how the proposed data recovery program would preserve the significant information the archaeological resource is expected to contain. The ARDTP shall identify the scientific/historic research questions applicable to the expected resource, the data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. The ARDTP shall include the analysis and specify the curation and storage methods. Data recovery, in general, shall be limited to the portions of the archaeological resource that could be impacted by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practicable. Because the intent of the ARDTP is to save as much of the archaeological resource as possible, including moving the resource, if feasible, preparation and implementation of the ARDTP would reduce the potential adverse impact to less than significant. The project applicant shall implement the ARDTP at his/her expense.

		In the event of excavation of paleontological resources, the project applicant shall submit an excavation plan prepared by a qualified paleontologist to the City for review and approval. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by a qualified paleontologist, as appropriate, according to current professional standards and at the expense of the project applicant. **Archeo-2 Archaeologically Sensitive Areas – Pre-Construction Measures:** The project applicant shall implement either Provision A (Intensive Pre-Construction Study) or Provision B (Construction ALERT Sheet) concerning archaeological resources. <u>Provision A: Intensive Pre-Construction Study</u>. The project applicant shall retain a qualified archaeologist to conduct a site-specific, intensive archaeological resources study for review and approval by the City prior to soil-disturbing activities occurring on the project site. The purpose of the site-specific, intensive archaeological resources study is to identify early the potential presence of history-period archaeological resources on the project site. At a minimum, the study shall include: a. Subsurface presence/absence studies of the project site. Field studies may include, but are not limited to, auguring and other common methods used to identify the presence of archaeological resources. b. A report disseminating the results of this research. c. Recommendations for any additional measures that could be necessary to mitigate any adverse impacts to recorded and/or inadvertently discovered cultural resources. If the results of the study indicate a high potential presence of historic-period archaeological resources on the project site, or a potential resource is discovered, the project applicant shall hire a qualified archaeologist to monitor any ground disturbing activities on the project site during construction and prepare an ALERT sheet pursuant to Provision B below that details what could potentially be found at

		the project site. Archaeological monitoring would include briefing construction personnel about the type of artifacts that may be present (as referenced in the ALERT sheet, required per Provision B below) and the procedures to follow if any artifacts are encountered, field recording and sampling in accordance with the Secretary of Interior's Standards and Guidelines for Archaeological Documentation, notifying the appropriate officials if human remains or cultural resources are discovered, and preparing a report to document negative findings after construction is completed if no archaeological resources are discovered during construction. <u>Provision B: Construction ALERT Sheet.</u> The project applicant shall prepare a construction "ALERT" sheet developed by a qualified archaeologist for review and approval by the City prior to soil-disturbing activities occurring on the project site. The ALERT sheet shall contain, at a minimum, visuals that depict each type of artifact that could be encountered on the project site. Training by the qualified archaeologist shall be provided to the project's prime contractor, any project subcontractor firms (including demolition, excavation, grading, foundation, and pile driving), and utility firms involved in soil-disturbing activities within the project site. The ALERT sheet shall state, in addition to the basic archaeological resource protection measures contained in other standard conditions of approval, all work must stop and the City's Environmental Review Officer contacted in the event of discovery of the following cultural materials: concentrations of shellfish remains; evidence of fire (ashes, charcoal, burnt earth, fire-cracked rocks); concentrations of bones; recognizable Native American artifacts (arrowheads, shell beads, stone mortars [bowls], humanly shaped rock); building foundation remains; trash pits, privies (outhouse holes); floor remains; wells; concentrations of bottles, broken dishes, shoes, buttons, cut animal bones, hardware, household items, barrels, etc.; thick layers of burned building debris (charcoal, nails, fused glass, burned plaster, burned dishes); wood structural remains (building, ship, wharf); clay roof/floor tiles; stone walls or footings;

		or gravestones. Prior to any soil-disturbing activities, each contractor shall be responsible for ensuring that the ALERT sheet is circulated to all field personnel, including machine operators, field crew, pile drivers, and supervisory personnel. The ALERT sheet shall also be posted in a visible location at the project site. **Archeo-3 Human Remains – Discovery During Construction:** Pursuant to CEQA Guidelines section 15064.5(e)(1), in the event that human skeletal remains are uncovered at the project site during construction activities, all work shall immediately halt and the project applicant shall notify the City and the Alameda County Coroner. If the County Coroner determines that an investigation of the cause of death is required or that the remains are Native American, all work shall cease within 50 feet of the remains until appropriate arrangements are made. In the event that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of section 7050.5 of the California Health and Safety Code. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance, and avoidance measures (if applicable) shall be completed expeditiously and at the expense of the project applicant. [Source: 5, 12, 27, Appendix G, Appendix H]
Noise Abatement and Control Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	Yes No ☒ ☐	**<u>Project-generated Noise</u>** <u>Traffic Noise</u> As a residential housing project, community noise levels will not be significantly affected by the development. The only noise anticipated is from the normal automobile traffic generated from the project. A trip generation analysis was produced by Fehr and Peers Associates in July 2016 for the W12 project (original Project with 77 units before the design revision approval and the adjacent approximately

		339-unit residential proposal at 301 12th Street) as discussed in the *Project Description* section of this document. The analysis determined that using land use 220, Apartment and land use 820 Shopping Center, the W12 project will generate an estimated 1,456 total vehicle trips per day per weekday. An estimated 16 of those trips will occur during the peak AM hour and 117 will occur during the peak PM hour. However, the proposed Project would contribute only a portion (less than 1/6th) of those vehicle trips. The use of public transit should be high because residents will be very low income and the proximity of transit. Specifically, the 12th Street BART is three blocks west of the project site and several AC Transit lines are within a block of the site. The low-income supportive housing nature of the target demographic can reasonably be expected to have a lower rate of personal vehicle ownership than a market-rate development. The project would have to double traffic to have a significant impact on noise in the vicinity. As shown in Table 5 below, the proposed project would contribute minimal traffic noise over the existing condition. Impacts are considered less than significant noise increase on the surrounding roadways.

Table 5: Traffic Noise Levels (dBA)			
Roadway Segment	**Existing**	**Existing Plus Project**	**Cumulative Plus Project**
11th Street	65.0	65.2	66.1
12th Street	*64.0*	*64.3*	*65.2*
Webster Street	62.4	62.6	63.5
Harrison Street	64.4	64.5	65.4

Note: Considered significant if the incremental increase in noise from traffic is greater than the existing ambient noise level by 5.0 dBA Leq, per City of Oakland, CEQA Thresholds/Criteria of Significance Guidelines. Considered a cumulatively considerable contribution to a significant noise increase if the incremental increase in noise is greater than 3 dBA.

Source: ESA. *W12 Mixed-Use Project CEQA Analysis*. July 2016.

Operational Noise

The operation of the project would not generate noise levels that would be considered substantial in terms of existing or future noise levels in the area. Future noise levels in the project vicinity will continue to result from local transportation related noise sources. Occasionally audible noises from the proposed residential land uses will not measurably contribute to daily average noise. The proposed project also includes a back-up generator for power.

Construction Noise

Noise generated during construction activities on the site could cause a substantial temporary increase in noise levels at surrounding land uses. Hours of construction are restricted to between the hours of 7:00 AM and 7:00 PM Monday through Friday.

Conclusion

Community noise levels will not be significantly affected by the development. The only contribution of the project to long-term noise levels would be from the normal automobile traffic generated from the project which will contribute to less than 1 dBA increase.

		The proposed project would temporarily generate noise during demolition and construction activities. Construction noise will be subject to Section 17.120 of City of Oakland Planning Code and Section 8.18 of the Municipal Code. The City has adopted Uniformly Applied Development Standards imposed as Standard Conditions of Approval that apply to potential operation and construction noise. Application of these standards would ensure that the Project would have a less than significant impact with respect to noise impacts. **Noise-1 Operational Noise:** Noise levels from the project site after completion of the project (i.e., during project operation) shall comply with the performance standards of Chapter 17.120 of the Oakland Planning Code and Chapter 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the City. **Noise-2 Construction Days/Hours:** The project applicant shall comply with the following restrictions concerning construction days and hours: a. Construction activities are limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, except that pier drilling and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m. b. Construction activities are limited to between 9:00 a.m. and 5:00 p.m. on Saturday. In residential zones and within 300 feet of a residential zone, construction activities are allowed from 9:00 a.m. to 5:00 p.m. only within the interior of the building with the doors and windows closed. No pier drilling or other extreme noise generating activities greater than 90 dBA are allowed on Saturday. c. No construction is allowed on Sunday or federal holidays.

		Construction activities include, but are not limited to, truck idling, moving equipment (including trucks, elevators, etc.) or materials, deliveries, and construction meetings held on-site in a non-enclosed area. Any construction activity proposed outside of the above days and hours for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case-by-case basis by the City, with criteria including the urgency/emergency nature of the work, the proximity of residential or other sensitive uses, and a consideration of nearby residents'/occupants' preferences. The project applicant shall notify property owners and occupants located within 300 feet at least 14 calendar days prior to construction activity proposed outside of the above days/hours. When submitting a request to the City to allow construction activity outside of the above days/hours, the project applicant shall submit information concerning the type and duration of proposed construction activity and the draft public notice for City review and approval prior to distribution of the public notice. **Noise-3 Construction Noise:** The project applicant shall implement noise reduction measures to reduce noise impacts due to construction. Noise reduction measures include, but are not limited to, the following: a. Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds) wherever feasible. b. Except as provided herein, impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered 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, if such jackets are commercially available, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever such procedures are available and consistent with construction procedures. c. Applicant shall use temporary power poles instead of generators where feasible. d. Stationary noise sources shall be located as far from adjacent properties as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or use other measures as determined by the City to provide equivalent noise reduction. e. The noisiest phases of construction shall be limited to less than 10 days at a time. Exceptions may be allowed if the City determines an extension is necessary and all available noise reduction controls are implemented. **Noise-4 Extreme Construction Noise:** *Construction Noise Management Plan Required* Prior to any extreme noise generating construction activities (e.g., pier drilling, pile driving and other activities generating greater than 90dBA), the project applicant shall submit a Construction Noise Management Plan prepared by a qualified acoustical consultant for City review and approval that contains a set of site-specific noise attenuation measures to further reduce construction impacts associated with extreme noise generating activities. The project applicant shall implement the approved Plan during construction. Potential attenuation measures include, but are not limited to, the following: i. Erect temporary plywood noise barriers around the construction site, particularly along sites adjacent to residential buildings; ii. 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; iii. Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site; iv. Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for example and implement such measure if such measures are feasible and would noticeably reduce noise impacts; and v. Monitor the effectiveness of noise attenuation measures by taking noise measurements. *Public Notification Required* The project applicant shall notify property owners and occupants located within 300 feet of the construction activities at least 14 calendar days prior to commencing extreme noise generating activities. Prior to providing the notice, the project applicant shall submit to the City for review and approval the proposed type and duration of extreme noise generating activities and the proposed public notice. The public notice shall provide the estimated start and end dates of the extreme noise generating activities and describe noise attenuation measures to be implemented. **Noise-5 Construction Noise Complaints:** The project applicant shall submit to the City for review and approval a set of procedures for responding to and tracking complaints received pertaining to construction noise, and shall implement the procedures during construction. At a minimum, the procedures shall include: a. Designation of an on-site construction complaint and enforcement manager for the project; b. A large on-site sign near the public right-of-way containing permitted construction days/hours, complaint procedures, and phone numbers for the project complaint manager and City Code Enforcement unit;

		c. Protocols for receiving, responding to, and tracking received complaints; and d. Maintenance of a complaint log that records received complaints and how complaints were addressed, which shall be submitted to the City for review upon the City's request. [Source: 5, 6, Appendix I]
Sole Source Aquifers Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	Yes No ☐ ☒	The project activities do not affect a sole source aquifer, as there are no aquifers subject to a MOU between EPA and HUD in Alameda County. [Source: 8]
Wetlands Protection Executive Order 11990, particularly sections 2 and 5	Yes No ☐ ☒	The site does not appear on the National Wetlands Inventory database. The site does not contain any on-site wetlands or jurisdictional waters. No further consultations are required. [Source: 9]
Wild and Scenic Rivers Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	Yes No ☐ ☒	The project site is not located within a mile of a designated wild and scenic river system. There are no such rivers in Oakland. [Source: 10]
ENVIRONMENTAL JUSTICE		
Environmental Justice Executive Order 12898	Yes No ☐ ☒	The proposed project was screened against enviornmental justice indexes using the EPA's EJSCREEN tool (see Appendix M). The proposed project is in at least the 55th percentile of all environmental justice indexes (i.e., air quality and hazardouse materials) compared to California and is in at least the 73rd percentile of all environmental justice indexes compared to the United States. As discussed throughout this Environmental Assessment, the proposed project would be required to implement mitigation measures and Uniformly Applied Development Standards imposed as Standard Conditions of Approval that address air quality and hazardous materials. Implementation of these measures and conditions of approval would reduce

		any adverse environmental impacts to a less than significant level. The proposed project is in the 67th percentile of low income population compared to California and the 69th percentile compared to the United States. The project includes affordable housing for low-income residents of the area and would not have any disproportionately high health or other negative effects on the minority or low-income populations. The project would not displace any minority owned buisnesses or residents. The project would faciliate the General Plan goals of the City of Oakland and provide much needed housing opportunities to benefit low-income populations; therefore, the project would comply with Executive Order 12898. [Source: 11, Appendix M]

Environmental Assessment Factors [24 CFR 58.40; Ref. 40 CFR 1508.8 &1508.27]:
Recorded below is the qualitative and quantitative significance of the effects of the proposal on the character, features and resources of the project area. Each factor has been evaluated and documented, as appropriate and in proportion to its relevance to the proposed action. Verifiable source documentation has been provided and described in support of each determination, as appropriate. Credible, traceable and supportive source documentation for each authority has been provided. Where applicable, the necessary reviews or consultations have been completed and applicable permits of approvals have been obtained or noted. Citations, dates/names/titles of contacts, and page references are clear. Additional documentation is attached, as appropriate. **All conditions, attenuation or mitigation measures have been clearly identified.**
Impact Codes: Use an impact code from the following list to make the determination of impact for each factor.
(1) Minor beneficial impact
(2) No impact anticipated
(3) Minor Adverse Impact – May require mitigation
(4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement

Environmental Assessment Factor	Impact Code	Impact Evaluation
LAND DEVELOPMENT		
Conformance with Plans/Compatible Land Use and Zoning/	3	The City of Oakland approved the project's planning application in November of 2016 on appeal. The Zoning Manager approved the minor design changes in October of 2018. A summary of the findings that support the planning

Scale and Urban Design		application's approval, are cited below that pertain to plans, land use, zoning and design are cited below. **Oakland General Plan and Lake Merritt Station Area Plan** The project site has a General Plan land use designation of *Central Business District*, is located within the LMSAP and the Upper Chinatown Plan sub-district, The LMSAP notes that the Upper Chinatown Chinatown Plan is is "envisioned as a neighborhood center for community gathering for recreation, education, and cultural enrichment. As part of this vision, the Plan seeks to intensify this urban area with new high-density housing and accompanying retail, restaurants, commercial uses, and public uses." The project as a medium density residential project with ground floor retail is consistent with the intent of the General Plan and the LMSAP. **Zoning** The project is also located in D-LM-4 (Lake Merritt Station Area District Mixed - 4 Commercial zoning district. The intent of the D-LM-4 Zone is to designate areas of the Lake Merritt Station Area Plan District appropriate for a wide range of Residential, Commercial, and compatible Light Industrial Activities. Again, the project as a medium density residential project containing 65 affordable residential units and approximately 3,500 square feet of commercial space on the ground floor is consistent with the intent of the zoning. **Scale and Urban Design** The height area for the parcel is 85 which allows buildings up to 85 feet in height. The project would be 83 feet tall, which is within the height limit. The project's design would be consistent with new residential development in the Downtown area and, as discussed in the Historic Preservation section of this Environmental Assessment, would not result in a design conflict with any adjacent historic properties. In addition, the City has adopted Uniformly Applied Development Standards imposed as Standard Conditions of Approval that apply to urban design. Application of these standards would ensure that the Project would have a less than significant impact with respect to design impacts.

		Urban Design-1 Graffiti Control: During construction and operation of the project, the project applicant shall incorporate best management practices reasonably related to the control of graffiti and/or the mitigation of the impacts of graffiti. Such best management practices may include, without limitation: i. Installation and maintenance of landscaping to discourage defacement of and/or protect likely graffiti-attracting surfaces. ii. Installation and maintenance of lighting to protect likely graffiti-attracting surfaces. iii. Use of paint with anti-graffiti coating. iv. Incorporation of architectural or design elements or features to discourage graffiti defacement in accordance with the principles of Crime Prevention Through Environmental Design (CPTED). v. Other practices approved by the City to deter, protect, or reduce the potential for graffiti defacement. The project applicant shall remove graffiti by appropriate means within seventy-two (72) hours. Appropriate means include the following: i. Removal through scrubbing, washing, sanding, and/or scraping (or similar method) without damaging the surface and without discharging wash water or cleaning detergents into the City storm drain system. ii. Covering with new paint to match the color of the surrounding surface. iii. Replacing with new surfacing (with City permits if required) **Urban Design-2 Landscape Plan:** *Landscape Plan Required* The project applicant shall submit a final Landscape Plan for City review and approval that is consistent with the approved Landscape Plan. The Landscape Plan shall be included with the set of drawings submitted for the construction-related permit and shall comply with the landscape requirements of Chapter 17.124 of the Planning Code. Proposed plants shall be predominantly drought-tolerant. Specification of any street trees shall comply with the Master Street Tree List and Tree Planting Guidelines and with any applicable streetscape plan. *Landscape Installation* The project applicant shall implement the approved Landscape Plan unless a bond, cash deposit, letter of credit, or other equivalent instrument acceptable to the Director of City

		Planning, is provided. The financial instrument shall equal the greater of $2,500 or the estimated cost of implementing the Landscape Plan based on a licensed contractor's bid. *Landscape Maintenance* All required planting shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements. The property owner shall be responsible for maintaining planting in adjacent public rights-of-way. All required fences, walls, and irrigation systems shall be permanently maintained in good condition and, whenever necessary, repaired or replaced. **Urban Design-3 Lighting:** Proposed new exterior lighting fixtures shall be adequately shielded to a point below the light bulb and reflector to prevent unnecessary glare onto adjacent properties. **Urban Design-4 Trash and Blight Removal:** The project applicant and his/her successors shall maintain the property free of blight, as defined in chapter 8.24 of the Oakland Municipal Code. For nonresidential and multifamily residential projects, the project applicant shall install and maintain trash receptacles near public entryways as needed to provide sufficient capacity for building users. [Source: 5, 15, 28, 29, Appendix K]
Soil Suitability/Slope/ Erosion/Drainage/ Storm Water Runoff	3	**<u>Soil Suitability/Slope</u>** The project site is located on a relatively flat site at an elevation of approximately 42 feet above mean sea level. The project site is primarily underlain by Merritt Sand. Merritt Sand is characterized by beach and dune sand and has low shrink-swell potential. It is assumed that the site is suitable with site-specific geotechnical conditions. No adverse impacts are anticipated. **<u>Erosion</u>** The site as it exists now is not subject to erosion as it is covered in structures and asphalt playground. However, if not properly managed, erosion could occur during construction of the project. Plans demonstrating the Best Management

		Practices for erosion control, sedimentation and water quality impacts to the maximum extent practicable must be submitted for review and approval by the City of Oakland's Planning and Zoning Division and Building Services Division. At a minimum, appropriate filter materials shall be provided at nearby catch basins to prevent debris and dirt from flowing into the City's storm drain system and creeks. **Drainage/Storm Water Runoff** Redevelopment of the site could affect drainage patterns and increase the overall amount of impervious surfaces, thus creating changes to stormwater flows and water quality. Increasing the total area of impervious surfaces can result in a greater potential to introduce pollutants to receiving waters. Urban runoff can carry a variety of pollutants, such as oil and grease, metals, sediments, and pesticide residues from roadways, parking lots, rooftops, landscaped areas and deposit them into an adjacent waterway via the storm drain system. New construction could also result in the degradation of water quality with the clearing and grading of sites, releasing sediment, oil and greases, and other chemicals to nearby water bodies. The City of Oakland imposes Best Management Practices to minimize the generation, discharge and runoff of stormwater pollution during construction of projects in the City. Post-construction stormwater management on the site will be required to comply with the requirements of Provision C.3 of the National Pollutant Discharge Elimination System (NPDES) permit issued to the Alameda Countywide Clean Water Program. A stormwater management plan will be developed to manage stormwater run-off and limit discharge of pollutants in stormwater after construction of the project. The plan will include hydromodification measures, if required, and stormwater treatment measures to remove pollutants and hydraulic sizing for treatment measures proposed. The project will be required to fund any repairs or infrastructure improvements to the surrounding stormwater system. The City has adopted Uniformly Applied Development Standards imposed as Standard Conditions of Approval that apply to stormwater control, runoff, the storm-drain system and water quality. Application of these standards (see below) and implementation of these measures and plans would ensure

		that impacts to stormwater and water quality are less than significant. **Erosion-1 Erosion and Sedimentation Control Measures for Construction:** The project applicant shall implement Best Management Practices (BMPs) to reduce erosion, sedimentation, and water quality impacts during construction to the maximum extent practicable. At a minimum, the project applicant shall provide filter materials deemed acceptable to the City at nearby catch basins to prevent any debris and dirt from flowing into the City's storm drain system and creeks. **SW-1 NPDES C.3 Stormwater Requirements to Regulated Project:** *Post-Construction Stormwater Management Plan Required* The project applicant shall comply with the requirements of Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES). The project applicant shall submit a Post-Construction Stormwater Management Plan to the City for review and approval with the project drawings submitted for site improvements, and shall implement the approved Plan during construction. The Post-Construction Stormwater Management Plan shall include and identify the following: i. Location and size of new and replaced impervious surface; ii. Directional surface flow of stormwater runoff; iii. Location of proposed on-site storm drain lines; iv. Site design measures to reduce the amount of impervious surface area; v. Source control measures to limit stormwater pollution; vi. Stormwater treatment measures to remove pollutants from stormwater runoff, including the method used to hydraulically size the treatment measures; and vii. Hydromodification management measures, if required by Provision C.3, so that post-project stormwater runoff flow and duration match pre-project runoff. *Maintenance Agreement Required* The project applicant shall enter into a maintenance agreement with the City, based on the Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement, in accordance with Provision C.3, which provides, in part, for the following:

		i. The project applicant accepting responsibility for the adequate installation/construction, operation, maintenance, inspection, and reporting of any on-site stormwater treatment measures being incorporated into the project until the responsibility is legally transferred to another entity; and ii. Legal access to the on-site stormwater treatment measures for representatives of the City, the local vector control district, and staff of the Regional Water Quality Control Board, San Francisco Region, for the purpose of verifying the implementation, operation, and maintenance of the on-site stormwater treatment measures and to take corrective action if necessary. The maintenance agreement shall be recorded at the County Recorder's Office at the applicant's expense. [Source: 5, 13, 17]
Hazards and Nuisances, including Site Safety and Noise	2	**Site Safety** The project would not create a risk of explosion, release of hazardous substances, or other dangers to public health. The project provides a safe place for residents. **Seismicity** The project site is located in the San Francisco Bay Area, which is considered one of the most seismically active regions in the United States. The project site is not located within an Alquist-Priolo Earthquake Fault Zone or an Alameda County Earthquake Zone for fault rupture. Significant earthquakes in the project area are generally associated with the San Andreas Fault system, located about 14 miles southwest of the site. The nearest active fault to the project site is the Hayward Fault, located approximately four miles east. The project site could experience strong seismic ground shaking and related effects in the event of an earthquake on one of the identified active or potentially active faults in the region. The U.S. Geological Survey's 2014 Working Group on California Earthquake Probabilities has compiled the earthquake fault research for the San Francisco Bay area in order to estimate the probability of fault segment rupture. They have determined that the overall probability of moment magnitude 6.7 or greater earthquake occurring in the San

		Francisco Bay Region during the next 30 years (starting from 2014) is 72 percent. The highest probabilities are assigned to the Hayward Fault, Calaveras Fault, and the northern segment of the San Andreas Fault. These probabilities are 14.3, 7.4, and 6.4 percent, respectively. **Seismic Hazards** Langan Treadwell Rollo prepared a preliminary geotechnical evaluation in 2015 for the proposed W12 proposal which included the project site (see Project Description section of this report) to evaluate site seismicity and seismic hazards including: • probable foundation type(s) for the proposed buildings • preliminary design criteria for foundations, including appropriate depth and bearing pressures • estimated settlement behavior for the proposed foundation types • probable shoring and underpinning types • 2013 California Building Code (CBC) seismic design criteria • preliminary construction considerations. Ground Shaking During a major earthquake on a segment of one of the nearby faults, strong to very strong shaking is expected to occur at the project site. Strong shaking during an earthquake can result in ground failure such as that associated with soil liquefaction, lateral spreading and cyclic densification. The ground shaking intensity felt at the project site will depend on: 1) the size of the earthquake (magnitude), 2) the distance from the site to the fault source, 3) the directivity (focusing of earthquake energy along the fault in the direction of the rupture), and 4) subsurface conditions. The site is less than 5 kilometers from the Hayward Fault. Therefore, the potential exists for a large earthquake to induce strong to very strong ground shaking at the site during the life of the project. Liquefaction and Lateral Spreading If a soil liquefies during an earthquake, it experiences a significant temporary loss of strength. Flow failure, lateral spreading, differential settlement, loss of bearing, ground

		fissures, and sand boils are evidence of excess pore pressure generation and liquefaction. Based on the preliminary geotechnical evaluation of the subsurface information derived from nearby sites, the analysis concluded that the sand encountered beneath the groundwater has sufficient relative density to resist liquefaction. Similarly, the very stiff to hard clays encountered at depth likely have sufficient cohesion to resist liquefaction. Therefore, the potential for soil liquefaction and liquefaction-related ground failure occurring at the site is low. The study also concluded that the potential for lateral spreading to occur at the site is nil. <u>Cyclic Densification</u> Cyclic densification (also referred to as seismic densification and differential compaction) can occur during strong ground shaking in loose, clean granular deposits above the water table, resulting in ground surface settlement. The near surface soils encountered at nearby sites were loose to medium dense and susceptible to cyclic densification. The preliminary geotechnical evaluation concluded the soil layers on the site may settle during a major earthquake, with associated ground surface settlements ranging from ½ to 1½ inches beneath the ground surface. Despite the fact that within the project site the majority of these sands will likely be excavated during the installation of the planned basements, the settlement beneath the planned basement levels could be on the order of ½ to ¾ inches. <u>Fault Rupture</u> As no and no known active or potentially active faults exist on the site, the preliminary geotechnical evaluation concluded that the risk of fault offset rupture at the site from a known active fault is low. **<u>Conclusions</u>** The preliminary geotechnical evaluation concluded that from a geotechnical standpoint, the site can be developed as planned. The primary geotechnical concerns are: 1) the support of the sides of the excavation, including adjacent buildings, during construction of the basements and 2) foundation support for the proposed buildings. To address these issues, the evaluation recommended measures related to foundations and settlement, ground improvements, shoring and

		underpinning, seismic design, construction considerations, and further design level investigations. **GEO-1 Comply with Geotechnical Recommendations:** Follow all recommendations as set forth in the Geotechnical Investigation prepared for the Project by Langan Engineering and Environmental Services, Inc. In addition, the City has adopted Uniformly Applied Development Standards imposed as Standard Conditions of Approval (see below) that apply to geology and soils. With the preparation and implementation of a site-specific geotechnical report for site-specific conditions and Standard Conditions of Approval, there are no adverse impacts identified. **GEO-2 Construction-Related Permits:** The project applicant shall obtain all required construction-related permits/approvals from the City. The project shall comply with all standards, requirements and conditions contained in construction-related codes, including but not limited to the Oakland Building Code and the Oakland Grading Regulations, to ensure structural integrity and safe construction. **GEO-3 Soils Report:** The project applicant shall submit a soils report prepared by a registered geotechnical engineer for City review and approval. The soils report shall contain, at a minimum, field test results and observations regarding the nature, distribution and strength of existing soils, and recommendations for appropriate grading practices and project design. The project applicant shall implement the recommendations contained in the approved report during project design and construction. **GEO-4 Seismic Hazards Zone (Landslide/Liquefaction):** The project applicant shall submit a site-specific geotechnical report, consistent with California Geological Survey Special Publication 117 (as amended), prepared by a registered geotechnical engineer for City review and approval containing at a minimum a description of the geological and geotechnical conditions at the site, an evaluation of site-specific seismic hazards based on geological and geotechnical conditions, and recommended measures to reduce potential impacts related to liquefaction and/or slope stability hazards. The project applicant shall implement the recommendations contained in the approved report during project design and construction.

		Noise A NEPA noise assessment was prepared for the project in February 2020 to determine whether the project will be located in a noise-sensitive area. HUD environmental noise regulations are set forth in 24 CFR Part 51B. The following noise standards for new housing construction would be applicable to this project: Interior: Acceptable – 45 DNL or less Exterior: Acceptable – 65 DNL or less Normally Unacceptable – exceeding 65 DNL but not exceeding 75 DNL Unacceptable– Exceeding 75 DNL These noise standards also apply, "… at a location 2 meters from the building housing noise sensitive activities in the direction of the predominant noise source…" and "…at other locations where it is determined that quiet outdoor space is required in an area ancillary to the principal use on the site." A goal of 45 dBA DNL is set forth for interior and attenuation requirements are geared toward achieving that goal. It is assumed that with standard construction any building will provide sufficient attenuation to achieve an interior level of 45 dBA DNL or less if the exterior level is 65 dBA DNL or less. Where exterior noise levels range from 65 dBA DNL to 70 dBA DNL, the project must provide a minimum of 25 decibels of attenuation, and a minimum of 30 decibels of attenuation is required in the 70 dBA DNL to 75 dBA DNL zone. Where exterior noise levels range from 75 dBA DNL to 80 dBA DNL, the project must provide a minimum of 35 decibels of attenuation to achieve an interior level of 45 dBA DNL or less. **City of Oakland General Plan** The Noise Element of the City's General Plan was established to protect the quality of life and physical and mental well-being of the City's residents by mitigating noise incompatibilities among land uses. According to the City's land use compatibility matrix for residential uses, noise levels up to 70 dBA Ldn (or CNEL) would be conditionally acceptable. This standard would be applicable to residential

		buildings. Noise levels below 65 dBA are normally acceptable. Conditionally acceptable noise levels require detailed noise analysis and additional noise reduction requirements for new development. **Existing Noise Environment** A noise monitoring survey was conducted between January 7 and January 9, 2020. The noise monitoring survey included two - noise measurements and two short-term measurements. Long-term noise measurement one (LT-1) was taken along 12th Street and measured a noise level of 70 dBA DNL (day-night average noise level). This noise level was confirmed with the HUD DNL calculator. LT-2 was taken along Harrison Street and measured a noise level of 68 dBA DNL. This noise level was about three dBA DNL higher than the level predicted by the HUD DNL calculator. Combining these two measurements in the HUD calculator, the noise level at the corner of the 12th Street and Harrison Street would be 73 dBA DNL. Short-term noise measurements resulted in noise levels ranging from 59 to 65 dBA. **Exterior Noise Environment** The noise standard of 65 DNL for residential exterior noise would apply to the project's common courtyard in the southeast corner on the second floor. Under future conditions, traffic on area roadways is expected to continue to be the dominant noise source on the project site. An increase of 1-2% in volume per year has been assumed for traffic due to general growth throughout the City and surrounding region. Based on this future traffic volume estimate, the future noise environment on the project site would be approximately 1 decibel higher than existing noise levels, resulting in DNL noise levels of 70 dBA at the 12th Street building façade and 69 dBA at the Harrison Street building facade. Four small, private balconies are proposed on the third level of the building, with two adjacent to Harrison Street and two adjacent to 12th Street. Noise levels at the balconies are measured from the center of them; thus, the balcony itself provides some shielding from noise below. Future exterior noise levels at these balconies are expected to range from 61 to 64 dBA DNL when accounting for acoustical shielding from adjacent buildings and the balcony itself. Per HUD, "Balconies are not 'locations where it is determined that quiet outdoor

		space is required in an area ancillary to the principal use on the site' (24 CFR 51.103(c)). Furthermore, balconies are not indicative of an 'outdoor noise sensitive activity' for the purpose of eligibility for the discretionary waiver of the Environmental Impact Statement offered in 24 CFR 51.104(b)(2) since spaces inside the dwelling unit can accommodate activities that may occur on balconies." The project also includes a centrally located courtyard on the second level of the building. The courtyard would be well shielded from traffic noise by the proposed building (83 feet tall) and existing buildings located to the south and east (18-38 feet tall). Per HUD's Noise Barrier Worksheets, the predicted exterior noise level due to local traffic at the courtyard would be 50 dBA DNL. These simple calculations assume a standard noise barrier, not a building, and estimate the performance of the standard barrier to be at least 19 dB. Exterior noise levels at outdoor activity areas proposed by the project would be considered "acceptable" by HUD. **Interior Noise Environment** Residential units proposed adjacent to 12th Street and Harrison Street would be exposed to future exterior noise levels ranging from 69 to 73 dBA DNL. The predicted exterior noise level would exceed HUD's "normally acceptable" threshold of 65 dBA DNL by up to 8 dBA DNL and the goal of providing interior noise levels of 45 dBA or less. Thirty (30) decibels of attenuation would be required to achieve acceptable levels. Attaining the necessary noise reduction from exterior to interior spaces is readily achievable in noise environments less than 75 dBA DNL with proper wall construction techniques, the selections of proper windows and doors, and the incorporation of forced-air ventilation systems. Large aluminum storefront windows are proposed for the majority of second-floor residential units adjacent 12th Street and Harrison Street (northeast and northwest elevations). These residential units should be provided with windows having a minimum Sound Transmission Class (STC) rating of STC 34. The remaining residential units adjacent to 12th Street and Harrison Street should be provided with windows having a minimum rating of STC 32. The reduced sound-rating accounts for the lower percentage of windows making up the overall wall area in these units. Standard dual-insulating, thermal-pane windows (STC 26 or greater) would be sufficient for all other residential units. Second-floor units should have walls with an STC rating

		of 39, and third floor and above units should have walls with an STC rating of 40. Figure 8 and Figure 9 of Appendix I show the required noise insultation for each level of the proposed residential building, as described above. With the incorporation of the above noise insultation features, the NEPA Noise Assessment for the project concluded that interior noise levels would be maintained below 45 dBA DNL with an adequate margin of safety. **Noise-6 Comply with Noise Reduction Recommendations**: Follow all recommendations as set forth in the 285 12th Street Affordable Family Housing NEPA Noise Assessment as prepared by Illingworth & Rodkin, Inc., dated February 6, 2020 (see Appendix I), including required STC ratings for the walls and windows and mechanically ventilated residential units. In addition, the City has adopted Uniformly Applied Development Standards imposed as Standard Conditions of Approval that apply to interior noise. Application of these standards (see below) would ensure that interior noise levels are maintained at acceptable levels. **Noise-7 Operations and Maintenance Plan:** The Project shall develop and implement an Operations and maintenance Plan that provides for periodic inspection of seals, and repair or replacement of building components at private decks or balconies when their noise attenuation performance diminishes. **Noise-8 Exposure to Community Noise:** The project applicant shall submit a Noise Reduction Plan prepared by a qualified acoustical engineer for City review and approval that contains noise reduction measures (e.g., sound-rated window, wall, and door assemblies) to achieve an acceptable interior noise level in accordance with the land use compatibility guidelines of the Noise Element of the Oakland General Plan. The applicant shall implement the approved Plan during construction. To the maximum extent practicable, interior noise levels shall not exceed the following: 45 dBA: Residential activities, civic activities, hotels 50 dBA: Administrative offices; group assembly activities 55 dBA: Commercial activities 65 dBA: Industrial activities

		[Source: 5, 6, 31, 39, Appendix I, Appendix L]
Energy Consumption	3	The new development would not represent a wasteful use of energy. The project would be required to comply with applicable building energy efficiency standards pursuant to Title 24, Part 6 of the California Code of Regulations. At the building permit stage, the project would comply with CalGreen and the City's Green Building Ordinance, which requires the project to meet the Green Point Rated certification or equivalent. The project would be built to meet LEED Silver certification, consistent with the City's Green Building Ordinance, CalGreen, and Title 24. The City has adopted Uniformly Applied Development Standards imposed as Standard Conditions of Approval (see below) that apply to green building, energy efficiency and water conservation. Application of these standards and implementation of these measures would further ensure that impacts to sustainability are less than significant. **EC-1 Green Building Requirements:** *Compliance with Green Building Requirements During Plan-Check* The project applicant shall comply with the requirements of the California Green Building Standards (CALGreen) mandatory measures and the applicable requirements of the City of Oakland Green Building Ordinance (Chapter 18.02 of the Oakland Municipal Code). i. The following information shall be submitted to the City for review and approval with the application for a building permit: • Documentation showing compliance with Title 24 of the current version of the California Building Energy Efficiency Standards. • Completed copy of the final green building checklist approved during the review of the Planning and Zoning permit. • Copy of the Unreasonable Hardship Exemption, if granted, during the review of the Planning and Zoning permit. • Permit plans that show, in general notes, detailed design drawings, and specifications as necessary, compliance with the items listed in subsection (ii) below.

		• Copy of the signed statement by the Green Building Certifier approved during the review of the Planning and Zoning permit that the project complied with the requirements of the Green Building Ordinance. • Signed statement by the Green Building Certifier that the project still complies with the requirements of the Green Building Ordinance, unless an Unreasonable Hardship Exemption was granted during the review of the Planning and Zoning permit. • Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance. ii. The set of plans in subsection (i) shall demonstrate compliance with the following: • CALGreen mandatory measures. • LEED Silver • All green building points identified on the checklist approved during review of the Planning and Zoning permit, unless a Request for Revision Plan-check application is submitted and approved by the Bureau of Planning that shows the previously approved points that will be eliminated or substituted. • The required green building point minimums in the appropriate credit categories. *Compliance with Green Building Requirements During Construction* The project applicant shall comply with the applicable requirements of CALGreen and the Oakland Green Building Ordinance during construction of the project. The following information shall be submitted to the City for review and approval: i. Completed copies of the green building checklists approved during the review of the Planning and Zoning permit and during the review of the building permit. ii. Signed statement(s) by the Green Building Certifier during all relevant phases of construction that the project complies with the requirements of the Green Building Ordinance. iii. Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.

		Compliance with Green Building Requirements After Construction Prior to the finalization of the Building Permit, the Green Building Certifier shall submit the appropriate documentation to City staff and attain the minimum required point level. [Source: 5, 15, 28]
SOCIOECONOMIC		
Employment and Income Patterns	1	According to the 2017 American Community Survey 5-year Estimate approximately 25 percent of Oakland households are extremely low income (earning 30 percent of median income or less), 15 percent are very low income (incomes between 31 percent and 50 percent of the area median), 13 percent are low income (between 51 percent and 80 percent of area median) and 47 percent are moderate income (above 80 percent of area median). Median income in Oakland was $63,251 in 2017. The project includes 3,500 square feet of commercial space on the ground floor, which would employee approximately three employed in the retail (LMSAP assumed 0.8026 employees per 1,000 square feet). The project would be located in downtown Oakland near goods and services, other residential units of varying incomes, and near transit. The project is located on an infill development site and will not result in physical barriers or difficult access which will isolate a particular neighborhood or population group, or make access to local services, facilities, and institutions or more difficult The project would increase the availability of affordable housing for low-income residents of the City of Oakland and Alameda County. Using HUD guidelines for the maximum number of residents, the project will house 282 persons. The City of Oakland had 429,082 residents. The project represents less than 0.1% of the population and therefore the impact to employment and income patterns is less than significant. [Source: 16, 18, 31, 32, Appendix K]
Demographic Character Changes, Displacement	1	**<u>Demographic Character Changes</u>**

		At 65 units, the project is not anticipated to induce substantial growth in population in the area. The project will help to address the need for housing projected in the Regional Housing Needs Allocation. Based on guidelines provided by HUD, the maximum number of residents appropriate to multi-family unit dwellings is two persons per bedroom, plus one per unit. Thus, at most there would be seven persons in a three-bedroom unit, five persons in a two-bedroom unit, three persons in a one-bedroom, and two persons in a studio. The proposed project would provide 15 studios, 16 one-bedroom units, 17 two-bedroom unit, and 17 three two-bedroom units. To consider the maximum number of persons the project could accommodate, HUD guidelines for the maximum number of residents will be used. Carrying the math forward, we see that (15 x 2) = 30 plus (16 x 3) = 48 plus (17 x 5) = 85 and (17 x 7) = 119 for a total of 282. So, the proposed project would provide housing for at most 282 people. However, it is not expected that the maximum number of persons would inhabit each unit. Regardless, the population of the City of Oakland is 429,082, so the additional 282 people would represent a less than 0.07% of that population. A less than significant impact is expected to result from the proposed project, as it would not create a significant change to the demographics of the area. **Displacement** The Uniform Relocation Act (URA), passed by Congress in 1970, establishes minimum standards for federally-funded programs and projects that require the acquisition of real property (real estate) or displace persons from their homes, businesses, or farms. The Uniform Act's protections and assistance apply to the acquisition, rehabilitation, or demolition of real property for federal or federally-funded projects. Section 205 of the URA requires that, "Programs or projects undertaken by a federal agency or with federal financial assistance shall be planned in a manner that (1) recognizes, at an early stage in the planning of such programs or projects and before the commencement of any actions which will cause displacements, the problems associated with the displacement of individuals, families, businesses, and farm operations, and (2) provides for the resolution of such problems in order to minimize adverse impacts on displaced persons and to expedite program or project advancement and completion."

		The developer/project proponent owns the site and it is currently developed with a small office building. No tenants lease the space at this time that would require relocation prior to construction. A relocation plan is not required. [Source: 18, 31]
COMMUNITY FACILITIES AND SERVICES		
Educational and Cultural Facilities	2	**School Facilities** The project site is located within the Oakland Unified School District (OUSD) which consists of 87 district-run schools and 34 district-authorized charter schools. The proposed project would increase Oakland's resident population and, as a result, would increase the demand on local school facilities. Of the proposed 65 affordable-apartments, 34 apartments would provide two- and three-bedrooms which could accommodate at most 282 persons including families with school aged children. The City applies impact fees at the permitting stage of a project. The proposed project would be required to pay the school impact fee (at a current rate of Residential = $3.48 per square foot and Commercial = $0.56 per square foot) upon obtaining building and grading permits from the City. Application of this permit impact fee would further ensure that impacts to school facilities are less than significant. **Cultural Facilities** The City of Oakland and the San Francisco Bay Area is rich in culture and opportunities for cultural experiences. The proposed project is within five miles of 12 cinemas, 19 convention centers, 51 galleries, 51 landmarks, 39 libraries, 28 museums, two stadiums, and 31 theatres. The project's location near high quality transit offers many opportunities for cultural enrichment outside the immediate area (three blocks away from 12th Street BART Station). Impacts are considered less than significant. [Source: 5, 32]
Commercial Facilities	2	The project site is currently vacant and would not displace existing commercial facilities nor would it affect commercial facilities by its operation. The project is located in an urban

		area in close proximity to shopping and commercial opportunities. The project site is located within Downtown Oakland and is within walking distance of a variety of retail, financial, and food services. In addition, the project proposes to include ground-floor retail below the apartment units. The additional residents would not constitute a significant or adverse impact on the demand for commercial facilities in the area. [Source: 5, 32]
Health Care and Social Services	1	The project is located within several miles of four major hospitals; Alta Bates Hospital in Oakland is located 1.3 miles north from the site, Kaiser Oakland Medical Center located 1.5 mile north from the site, Highland Hospital located two miles east from the site, and UCSF Benioff Children's Hospital located 0.6 miles southwest from the site. There are numerous smaller clinics, medical facilities, and convalescent hospitals located nearby. There would be no significant impacts to healthcare facilities or delivery systems resulting from the project. The Alameda County and City of Oakland departments of social services are located within 0.75 miles of the project site. In addition, there are several child-care facilities, church organizations, job training centers, assisted-living centers, and senior centers. The project would provide affordable housing intended to accommodate the unmet housing needs of the low-income population of Oakland. The additional residents would not constitute a significant or adverse impact on the demand for social services in the project area as it is intended to serve the existing population. [Source: 5, 32]
Solid Waste Disposal/Recycling	3	**<u>Operational Waste</u>** Franchise waste hauler Waste Management, Inc. provides solid waste services to the site and vicinity. Waste Management is the largest garbage company in North American with over 21 million customers, 262 active solid waste landfills, 5 hazardous waste landfills, and 43,000 employees as of year-

		end 2013. Waste Management operates 120 traditional recycling facilities, of which 50 are single stream and 12 are for construction and demolition material recycling. Waste Management also operates five independent power production plants, two of which produce renewable energy; and 17 waste-to-energy plants. Waste Management has been moving operations into green services that extract value from waste rather than the traditional model of isolating waste in disposal sites. Operating more sustainably is a goal for many Waste Management customers. Sustainability goals can be as complex as addressing climate change or as simple as increasing recycling. Waste Management Sustainability Services (WMSS) works closely with customers to create customized solutions that help them reduce waste of resources, water or energy. The City of Oakland has been a partner in these efforts. Chapter 17.118 of the Oakland Municipal Code defines the Recycling Space Allocation Ordinance in an effort to divert solid waste generated by operation of the project from landfills. An Operational Diversion Plan (ODP) must be submitted to the Environmental Services Division of the Public Works Agency for review and approval. The site and adjacent properties are already served with solid waste disposal service; therefore, the project represents a net increase. However, the increase in demand would not exceed the capacity of or reduce the capability of services in the City of Oakland and would not require the construction of additional solid waste management facilities. Impacts are considered less than significant. **Construction Waste** Chapter 15.34 of the Oakland Municipal Code outlines requirements for reducing waste and optimizing construction and demolition recycling. The goal is to divert debris waste from landfill disposal. The project proponent is required to submit a Construction & Demolition Waste Reduction and Recycling Plan (WRRP) for review and approval by the Oakland Public Works Agency. In addition, waste generated by demolition and construction will be required to be diverted from landfills to reduce impacts to landfills and encourage the reuse of such materials. Impacts after adherence to Oakland Municipal Code are less than significant.

		The City has adopted Uniformly Applied Development Standards imposed as Standard Conditions of Approval (see below) that apply to waste reduction and recycling. Application of these standards and implementation of these measures would further ensure that impacts to sustainability are less than significant. **Waste-1 Construction and Demolition Waste Reduction and Recycling:** The project applicant shall comply with the City of Oakland Construction and Demolition Waste Reduction and Recycling Ordinance (Chapter 15.34 of the Oakland Municipal Code) by submitting a Construction and Demolition Waste Reduction and Recycling Plan (WRRP) for City review and approval, and shall implement the approved WRRP. Projects subject to these requirements include all new construction, renovations/alterations/modifications with construction values of $50,000 or more (except R-3 type construction), and all demolition (including soft demolition) except demolition of type R-3 construction. The WRRP must specify the methods by which the project will divert construction and demolition debris waste from landfill disposal in accordance with current City requirements. The WRRP may be submitted electronically at www.greenhalosystems.com or manually at the City's Green Building Resource Center. Current standards, FAQs, and forms are available on the City's website and in the Green Building Resource Center. **Waste-2 Recycling Collection and Storage Space:** The project applicant shall comply with the City of Oakland Recycling Space Allocation Ordinance (chapter 17.118 of the Oakland Planning Code). The project drawings submitted for construction-related permits shall contain recycling collection and storage areas in compliance with the Ordinance. For residential projects, at least two (2) cubic feet of storage and collection space per residential unit is required, with a minimum of ten (10) cubic feet. For nonresidential projects, at least two (2) cubic feet of storage and collection space per 1,000 square feet of building floor area is required, with a minimum of ten (10) cubic feet. [Source: 5, 15]
Wastewater/Sanitary Sewers	2	The proposed project is not anticipated to have impacts to waste water/sanitary sewer services. The project would result in an incremental increase in wastewater and sanitary sewer

		services. The East Bay Municipal Utility District (EBMUD) wastewater treatment plant (WWTP) has a maximum dry weather capacity of approximately 168 million gallons per day (mgd) and a maximum wet weather capacity of 320 mgd. The average daily flow is approximately 65 mgd. Approval of the project's planning application to the City of Oakland is conditioned on the project proponent funding any infrastructure upgrades required to accommodate the project. Specifically, the project applicant is required to construct the appropriate sewer laterals. The City has adopted Uniformly Applied Development Standards imposed as Standard Conditions of Approval that apply to potential impacts to wastewater and sewers. Application of City of Oakland's Standard Conditions of Approval would further reduce wastewater and sewer impacts. **Wastewater-1 Sanitary Sewer System:** The project applicant shall prepare and submit a Sanitary Sewer Impact Analysis to the City for review and approval in accordance with the City of Oakland Sanitary Sewer Design Guidelines. The Impact Analysis shall include an estimate of pre-project and post-project wastewater flow from the project site. In the event that the Impact Analysis indicates that the net increase in project wastewater flow exceeds City-projected increases in wastewater flow in the sanitary sewer system, the project applicant shall pay the Sanitary Sewer Impact Fee in accordance with the City's Master Fee Schedule for funding improvements to the sanitary sewer system. [Source: 5, 19]
Water Supply	2	The proposed project is not anticipated to have an impact on water supply. The City of Oakland is supplied water through EBMUD. EBMUD's primary source of water is the Mokelumne River in the Sierra Nevada, accounting for approximately 90 percent of the water supply. EBMUD has water rights that allow for the delivery of up to a maximum of 325 mgd or approximately 364,000 acre-feet per year. EBMUD has prepared a Water Supply Management Plan 2040 to estimate water supply needs over a 30-year planning period and proposes a diverse portfolio of policy initiatives and

		potential projects to ensure that needs are be met in dry years. The portfolio of solutions includes increased conservation and provision of recycled water, as well as rationing and a mix of possible supplemental supply projects that can be adjusted and implemented in a step-wise manner over the next thirty years as necessary to respond to changes in demand, changes in supplies, and future uncertainties, including the potential for climate change effects on both supply and demand. In addition to including aggressive conservation goals and an increase in the provision of recycled water, a mix of possible supplemental supply projects intended to be pursued in progressive stages is included, with the projects involving the fewest regulatory and institutional challenges undergoing study in order to respond to water need in the short-term, while the other more complex, regional projects to be pursued in the longer-term, beyond 2025, if the demand arises and other short-term projects do not provide sufficient yield to meet dry year needs. **Proposed Project** To reduce usage, the project will implement water-saving features to the extent practicable. Water saving fixtures such as low-flow toilets and water efficient appliances will be used throughout. Emphasis has been placed on water conservation efforts. Common space at the project is provided on the first and second levels of the building. **Conclusion** Alameda County is projected to grow its population by 32% by 2040. According to the Association of Bay Area Governments (ABAG), Alameda County Housing Needs Allocation 2014 to 2022, the City of Oakland should add 14,765 new units by 2022 in order to meet the needs for housing. Plans developed by water provider EBMUD will ensure future supplies are adequate to cover dry years. At 65 units, the project will have an incremental adverse impact in the short-term by adding additional demand during a drought; however, inclusion of water-conserving measures in the project will contribute to overall water use reduction even in wet years. The City has adopted Uniformly Applied Development Standards imposed as Standard Conditions of Approval that apply to potential impacts to water supply impacts.

		Water-1 Water Efficient Landscape Ordinance: The project applicant shall comply with California's Water Efficient Landscape Ordinance (WELO) in order to reduce landscape water usage. For any landscape project with an aggregate (total noncontiguous) landscape area equal to 2,500 sq. ft. or less. The project applicant may implement either the Prescriptive Measures or the Performance Measures, of, and in accordance with the California's Model Water Efficient Landscape Ordinance. For any landscape project with an aggregate (total noncontiguous) landscape area over 2,500 sq. ft., the project applicant shall implement the Performance Measures in accordance with the WELO. *Prescriptive Measures:* Prior to construction, the project applicant shall submit documentation showing compliance with Appendix D of California's Model Water Efficient Landscape Ordinance. *Performance Measures:* Prior to construction, the project applicant shall prepare and submit a Landscape Documentation Package for review and approval, which includes the following: a. Project Information: i. Date, ii. Applicant and property owner name, iii. Project address, iv. Total landscape area, v. Project type (new, rehabilitated, cemetery, or home owner installed), vi. Water supply type and water purveyor, vii. Checklist of documents in the package, and viii. Applicant signature and date with the statement: "I agree to comply with the requirements of the water efficient landscape ordinance and submit a complete Landscape Documentation Package." b. Water Efficient Landscape Worksheet i. Hydrozone Information Table ii. Water Budget Calculations with Maximum Applied Water Allowance (MAWA) and iii. Estimated Total Water Use iv. Soil Management Report v. Landscape Design Plan vi. Irrigation Design Plan, and vii. Grading Plan

		Upon installation of the landscaping and irrigation systems, the Project applicant shall submit a Certificate of Completion and landscape and irrigation maintenance schedule for review and approval by the City. The Certificate of Compliance shall also be submitted to the local water purveyor and property owner or his or her designee. [Source: 5, 19, 33]
Public Safety - Police, Fire and Emergency Medical	2	**Police** The Oakland Police Department provides police services to the area. The site is located in Beat 3X within Area 12. The nearest station is located at 250 Frank H. Ogawa Plaza, approximately 0.4 miles northwest of the project site. Although the demand for police services would incrementally increase, it is not expected that the project would require construction or expansion of law enforcement facilities or the number of sworn officers; therefore the impact is considered less than significant. **Fire and Emergency Medical** The Oakland Fire Department provides emergency services to the site and vicinity. The nearest fire station is Oakland Fire Station No. 12 located at 822 Alice Street, approximately 0.2 miles south of the project site. Emergency response starts with the 9-1-1 Dispatch Center. This Accredited Center of Excellence provides the highest level of emergency dispatch; the Fire Prevention Bureau is knowledgeable of the fire code and the vegetation management system; the Public Education Division has built strong partnerships with local schools, libraries, head start programs, and senior and community centers. Emergency preparedness is a core function of the Oakland Fire Department. Communities of Oakland Responding to Emergencies (CORE) teaches self-reliance skills and helps establish response teams to take care of your neighborhood until professional emergency response personnel arrive. Because first responders will be overwhelmed during a catastrophic event such as a major earthquake on the Hayward fault, it is critical that community members are prepared to be

		self-sufficient for the first 72 hours or longer during an emergency. The Oakland Fire Department is comprised of eight divisions including the Operations Division. The Operations Division responds out of 25 Fire Stations, located throughout the City and the International Airport, operating a fleet of 24 Engines, 7 Trucks, and numerous other special operations, support, and reserve units throughout 3 Battalions. The Oakland Fire Department responds to approximately 60,000 emergency calls annually, with over 80% being emergency medical services calls. The project would have a significant impact if it would exceed the ability of fire and emergency medical providers to adequately serve the existing and future residents and require new or expanded facilities. Planned projects such as this one would incrementally increase service needs, but the impact would be less than significant. Although the demand for fire and emergency medical services would increase, it would not require the new construction or expansion of Fire or Emergency Medical facilities; therefore, the impact is considered less than significant. [Source: 5, 32]
Parks, Open Space and Recreation	2	The project site has numerous parks and recreational opportunities nearby. There are seven neighborhood parks within 0.5 miles of the project site, including Lincoln Square Park, Snow Park, and Madison Park The City of Oakland's Parks and Recreation Department is over 105 years old. They have 140 parks maintained by Public Works; 66 ball fields; 44 tennis courts; 28 recreation centers – three of which specialize in arts, music and dance; 14 rental venues; five swimming pools; 17 community gardens; three golf courses; a digital arts and culinary center; two boating centers; an inclusionary center; a host of programs designed for tiny tots to seniors, collectively serving over 95,000 enrolled participants and over a million drop-in users annually. The project represents an incremental demand for recreational facilities; therefore, impacts are considered less than significant.

		[Source: 5, 32, 34]
Transportation and Accessibility	33	**Transportation** Transportation impacts caused by the proposed project to traffic vary depending upon the number of personal vehicle trips the project will generate, the availability of public transit, the bicycle network, and the completeness of the nearby pedestrian network. Close amenities serve to further reduce the impacts to traffic. **Pedestrian** The proposed project site and vicinity are walkable, and the sidewalk network is complete. **Bicycle** The City of Oakland is a bicycle-friendly City and has an extensive bicycle network for access throughout the City. The site is near dedicated bike lanes along Jackson Street, Oak Street, and Lake Merritt Boulevard to the west of the project site, and bike lanes along 9th and 8th Street to the south. The City requires that projects comply with the City of Oakland Bicycle Parking Requirements (Chapter 17.1178 of the Oakland Planning Code). The project will provide 70 on-site bicycle parking spaces (64 long-term and six short-term spaces), consistent with the above parking requirements. **Public Transit** The project site is also located near high-quality public transit including BART (subway), AC Transit (bus service), and Amtrak (rail service). The nearest BART stop is three blocks west of the project site on Broadway. The closest AC Transit stop is across the street on the northwest corner of 12th Street and Harrison Street. The Oakland Amtrak stop is located 0.6 miles south of the project site at 245 2nd Street. **Personal Vehicles** The rate of personal vehicle ownership in affordable supportive housing developments is usually lower than market-rate developments. This site affords residents the

		opportunity to look for work outside the immediate area, as reliable, convenient and cost-effective public transportation is readily available. A trip generation analysis was produced by Fehr and Peers Associates in July 2016 for the W12 project (original Project with 77 units before the design revision approval and the adjacent approximately 339-unit residential proposal at 301 12th Street) as discussed in the *Project Description* section of this document. The analysis determined that using land use 220, Apartment and land use 820 Shopping Center, the W12 project will generate an estimated 1,456 total vehicle trips per day per weekday. An estimated 16 of those trips will occur during the peak AM hour and 117 will occur during the peak PM hour. However, the proposed Project would contribute only a portion of those vehicle trips. A total of seven intersections in Oakland were studied in a traffic operations analysis prepared for the project. Under existing plus project conditions (entire 416-unit W12 proposal), all study intersections are expected to operate at an acceptable LOS (A or B). Under 2040 cumulative plus project conditions, all study intersections are expected to operate at an acceptable LOS (A-C). Again, the proposed Project is only 65 units and all intersections would continue to operate at an acceptable LOS. Impacts to traffic are considered less than significant. **Accessibility** The project will comply with all HUD and local requirements for accessibility at the site. **Conclusion** The proposed project would not result in a significant traffic impact to any of the studied intersection in the project area. Pedestrian, bicycle and transit facilities are expected to adequately serve the proposed project. The project is transit-oriented by design. Therefore, project impacts to traffic are considered less than significant level. The City has adopted Uniformly Applied Development

		Standards imposed as Standard Conditions of Approval related to traffic and transportation. The project would be required to implement the following City of Oakland's Standard Condition of Approval Required: **TRANS-1 Transportation and Parking Demand Management:** *Transportation and Parking Demand Management (TDM) Plan Required* The project applicant shall submit a Transportation and Parking Demand Management (TDM) Plan for review and approval by add recommendations from the City. i. The goals of the TDM Plan shall be the following: • Reduce vehicle traffic and parking demand generated by the project to the maximum extent practicable. • Achieve the following project vehicle trip reductions (VTR): o Projects generating 50-99 net new a.m. or p.m. peak hour vehicle trips: 10 percent VTR o Projects generating 100 or more net new a.m. or p.m. peak hour vehicle trips: 20 percent VTR • Increase pedestrian, bicycle, transit, and carpool/vanpool modes of travel. All four modes of travel shall be considered, as appropriate. • Enhance the City's transportation system, consistent with City policies and programs. ii. The TDM Plan should include the following: • Baseline existing conditions of parking and curbside regulations within the surrounding neighborhood that could affect the effectiveness of TDM strategies, including inventory of parking spaces and occupancy if applicable. • Proposed TDM strategies to achieve VTR goals (see below). iii. For employers with 100 or more employees at the subject site, the TDM Plan shall also comply with the requirements of Oakland Municipal Code Chapter 10.68 Employer-Based Trip Reduction Program. iv. The following TDM strategies must be incorporated into a TDM Plan based on a project location or other characteristics. When required, these mandatory

		strategies should be identified as a credit toward a project's VTR. • Bus boarding bulbs or islands • Bus shelters • Concrete bus pad • Curb extensions or bulb-outs • Implementation of a corridor-level bikeway improvement • Implementation of a corridor-level capital improvement • Installation of amenities such as lighting; pedestrian-oriented green infrastructure, trees, or other greening landscape; and trash receptables per the Pedestrian Master Plan and any applicable streetscape plan. • Installation of safety improvements identified in the Pedestrian Master Plan (such as crosswalk striping, curb ramps, count down signals, bulb outs, etc.) • In-street bicycle corral • Intersection improvements • New sidewalk, curb ramps, curb and gutter meeting current City and ADA standards • No monthly permits and establish minimum price per floor for public parking • Parking garage is designed with retrofit capability • Parking space reserved for car share • Paving, lane striping or restriping (vehicle and bicycle), and signs to midpoint of street sections • Pedestrian crossing improvements • Pedestrian-supportive signal changes • Real-time transit information system • Relocating bus stops to far side • Signal upgrades • Transit queue jumps • Trenching and placement of conduit for providing traffic signal interconnect • Unbundled parking v. Other TDM strategies to consider include, but are not limited to, the following: • Inclusion of additional long-term and short-term bicycle parking that meets the design standards set forth in chapter five of the Bicycle Master Plan and the Bicycle Parking Ordinance (Chapter 17.117 of the Oakland Planning Code), and shower and

		locker facilities in commercial developments that exceed the requirement. • Construction of and/or access to bikeways per the Bicycle Master Plan; construction of priority bikeways, on-site signage and bike lane striping. • Installation of safety elements per the Pedestrian Master Plan (such as crosswalk striping, curb ramps, count down signals, bulb outs, etc.) to encourage convenient and safe crossing at arterials, in addition to safety elements required to address safety impacts of the project. • Installation of amenities such as lighting, street trees, and trash receptacles per the Pedestrian Master Plan, the Master Street Tree List and Tree Planting Guidelines and any applicable streetscape plan. • Construction and development of transit stops/ shelters, pedestrian access, way finding signage, and lighting around transit stops per transit agency plans or negotiated improvements. • Direct on-site sales of transit passes purchased and sold at a bulk group rate (through programs such as AC Transit Easy Pass or a similar program through another transit agency). • Provision of a transit subsidy to employees or residents, determined by the project applicant and subject to review by the City, if employees or residents use transit or commute by other alternative modes. • Provision of an ongoing contribution to transit service to the area between the project and nearest mass transit station prioritized as follows: 1) Contribution to AC Transit bus service; 2) Contribution to an existing area shuttle service; and 3) Establishment of new shuttle service. The amount of contribution (for any of the above scenarios) would be based upon the cost of establishing new shuttle service (Scenario 3). • Guaranteed ride home program for employees, either through 511.org or through separate program. • Pre-tax commuter benefits (commuter checks) for employees. • Free designated parking spaces for on-site car-sharing program (such as City Car Share, Zip Car,

		etc.) and/or car-share membership for employees or tenants. • On-site carpooling and/or vanpool program that includes preferential (discounted or free) parking for carpools and vanpools. • Distribution of information concerning alternative transportation options. • Parking spaces sold/leased separately for residential units. Charge employees for parking, or provide a cash incentive or transit pass alternative to a free parking space in commercial properties. • Parking management strategies including attendant/valet parking and shared parking spaces. • Requiring tenants to provide opportunities and the ability to work off-site. • Allow employees or residents to adjust their work schedule in order to complete the basic work requirement of five, eight-hour workdays by adjusting their schedule to reduce vehicle trips to the worksite (e.g., working four, ten-hour days; allowing employees to work from home two days per week). • Provide or require tenants to provide employees with staggered work hours involving a shift in the set work hours of all employees at the workplace or flexible work hours involving individually determined work hours. The TDM Plan shall indicate the estimated VTR for each strategy, based on published research or guidelines where feasible. For TDM Plans containing ongoing operational VTR strategies, the Plan shall include an ongoing monitoring and enforcement program to ensure the Plan is implemented on an ongoing basis during project operation. If an annual compliance report is required, as explained below, the TDM Plan shall also specify the topics to be addressed in the annual report. *TDM Implementation – Physical Improvements* For VTR strategies involving physical improvements, the project applicant shall obtain the necessary permits/approvals from the City and install the improvements prior to the completion of the project. *TDM Implementation – Operational Strategies*

		For projects that generate 100 or more net new a.m. or p.m. peak hour vehicle trips and contain ongoing operational VTR strategies, the project applicant shall submit an annual compliance report for the first five years following completion of the project (or completion of each phase for phased projects) for review and approval by the City. The annual report shall document the status and effectiveness of the TDM program, including the actual VTR achieved by the project during operation. If deemed necessary, the City may elect to have a peer review consultant, paid for by the project applicant, review the annual report. If timely reports are not submitted and/or the annual reports indicate that the project applicant has failed to implement the TDM Plan, the project will be considered in violation of the Conditions of Approval and the City may initiate enforcement action as provided for in these Conditions of Approval. The project shall not be considered in violation of this Condition if the TDM Plan is implemented but the VTR goal is not achieved. In addition, the City required the following mitigation measures to further review accessibility and pedestrian conflicts with the driveway. **TRANS- 2:** The project shall ensure that the project driveway would provide adequate sight distance between motorists exiting the driveway and pedestrians on the adjacent sidewalks. This may require redesigning and/or widening the driveway. If adequate sight distance cannot be provided, provide audio/visual warning devices at the driveway. **TRANS- 3:** As Part of the final design of the project, the project shall evaluate the feasibility of the following: • Explore the feasibility and consider installing Accessible Pedestrian Signals (APS), at the intersections of 12th Street/Harrison Street, 11th Street/ Harrison Street, 11th Street/Webster Street and 12th Street/Webster Street to decrease waiting time for the pedestrian and increase pedestrian safety. • Explore the feasibility and consider installing pedestrian bulb outs at the four intersections adjacent to the project site to decrease crossing times and increase pedestrian safety. • Consider installing high visibility crosswalks at the four intersections adjacent to the project site.

		• Ensure that project entrance doors do not open outward toward the sidewalk. All entrance doors of the proposed project should open inside rather than intruding into the sidewalk area. [Source: 5, 29, Appendix J]
NATURAL FEATURES		
Unique Natural Features, Water Resources	2	The proposed project would be located on a vacant infill lot previously used for automotive sales purposes and would not impact unique natural features such as sand dunes, waterfalls, unique rock outcroppings, caves with limestone or gypsum deposits, canyons, and petrified forests or water resources. There are no surface waters on or near the project site. Lake Merritt is approximately 0.4 mile to the east and would be unaffected by the project. There are no water courses, creeks, streams, seasonal wetlands or other water resources on the project site. There are no impacts in this regard. [Source: site visit, 5, 32]
Vegetation, Wildlife	3	The United States Fish and Wildlife Service was contacted for a list of threatened and endangered species that may occur within the boundary of the proposed project and/or be affected by the proposed project. The species of concern are: • Salt Marsh Harvest Mouse • California Clapper Rail • California Least Tern • Western Snowy Plover • Alameda Whipsnake • Green Sea Turtle • California Red-legged Frog • Delta smelt • Tidewater Goby • San Bruno Elfin Butterfly • California Seablite • Santa Cruz Tarplant The project site is located in an urban area and is surrounded by existing development. Vegetation in the surrounding area consists solely of landscape trees and plants. Because of the history of development in the immediate project area and the lack of wetlands or other waterbodies on-site, no natural or sensitive habitats exist that would support the above-listed

		endangered, threatened, or special-status wildlife species. There are no wetlands on-site and, as a result, the project would not affect any federally protected wetlands as defined by Section 404 of the Clean Water Act. Urban habitats including street trees, landscaping, lawns, and vacant lots, provide habitat for wildlife that is adapted to the modified environment. The project site is not located within any mapped critical habitat for any species. There is not potential to effect listed plants or animals The project would include the removal of four trees (little-leaf fig trees) along the sidewalks bordering the project site. These trees, however, offer potential nesting locations for herons, which are present at Lake Merritt approximately 0.4 mile east of the project site. The Migratory Bird Treaty Act states that it is unlawful to pursue, hunt, take, capture, or kill any migratory bird which includes their nest eggs. The City has adopted Uniformly Applied Development Standards imposed as Standard Conditions of Approval that apply to tree removal and replacement and protection of birds during nesting season for the street trees which will be protected. The project would be required to implement the following City of Oakland's Standard Condition of Approval Required: **VW-1 Tree Removal During Bird Breeding Season:** To the extent feasible, removal of any tree and/or other vegetation suitable for nesting of birds shall not occur during the bird breeding season of February 1 to August 15 (or during December 15 to August 15 for trees located in or near marsh, wetland, or aquatic habitats). If tree removal must occur during the bird breeding season, all trees to be removed shall be surveyed by a qualified biologist to verify the presence or absence of nesting raptors or other birds. Pre-removal surveys shall be conducted within 15 days prior to the start of work and shall be submitted to the City for review and approval. If the survey indicates the potential presence of nesting raptors or other birds, the biologist shall determine an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged. The size of the nest buffer will be determined by the biologist in consultation with the California Department of Fish and Wildlife, and will be based to a large extent on the nesting species and its sensitivity to disturbance. In general, buffer sizes of 200 feet for raptors and 50 feet for other birds should suffice to prevent

		disturbance to birds nesting in the urban environment, but these buffers may be increased or decreased, as appropriate, depending on the bird species and the level of disturbance anticipated near the nest. **VW-2 Tree Permit:** a) Tree Permit Required: Pursuant to the City's Tree Protection Ordinance (OMC Chapter 12.36), the project applicant shall obtain a tree permit and abide by the conditions of that permit. b) Tree Protection During Construction: Adequate protection shall be provided during the construction period for any trees which are to remain standing, including the following, plus any recommendations of an arborist: i. Before the start of any clearing, excavation, construction, or other work on the site, every protected tree deemed to be potentially endangered by said site work shall be securely fenced off at a distance from the base of the tree to be determined by the project's consulting arborist. Such fences shall remain in place for duration of all such work. All trees to be removed shall be clearly marked. A scheme shall be established for the removal and disposal of logs, brush, earth and other debris which will avoid injury to any protected tree. ii. Where proposed development or other site work is to encroach upon the protected perimeter of any protected tree, special measures shall be incorporated to allow the roots to breathe and obtain water and nutrients. Any excavation, cutting, filling, or compaction of the existing ground surface within the protected perimeter shall be minimized. No change in existing ground level shall occur within a distance to be determined by the project's consulting arborist from the base of any protected tree at any time. No burning or use of equipment with an open flame shall occur near or within the protected perimeter of any protected tree. iii. No storage or dumping of oil, gas, chemicals, or other substances that may be harmful to trees shall occur within the distance to be determined by the project's consulting arborist from the base of any protected trees, or any other location on the site from which such substances might enter the protected

		perimeter. No heavy construction equipment or construction materials shall be operated or stored within a distance from the base of any protected trees to be determined by the project's consulting arborist. Wires, ropes, or other devices shall not be attached to any protected tree, except as needed for support of the tree. No sign, other than a tag showing the botanical classification, shall be attached to any protected tree. iv. Periodically during construction, the leaves of protected trees shall be thoroughly sprayed with water to prevent buildup of dust and other pollution that would inhibit leaf transpiration. v. If any damage to a protected tree should occur during or as a result of work on the site, the project applicant shall immediately notify the Public Works Department and the project's consulting arborist shall make a recommendation to the City Tree Reviewer as to whether the damaged tree can be preserved. If, in the professional opinion of the Tree Reviewer, such tree cannot be preserved in a healthy state, the Tree Reviewer shall require replacement of any tree removed with another tree or trees on the same site deemed adequate by the Tree Reviewer to compensate for the loss of the tree that is removed. vi. All debris created as a result of any tree removal work shall be removed by the project applicant from the property within two weeks of debris creation, and such debris shall be properly disposed of by the project applicant in accordance with all applicable laws, ordinances, and regulations. To further protect the herons, the City also required additional mitigation to supplement Standard Condition of Approval VW-1 Tree Removal During Bird Breeding Season. *Mitigation Measure* **VW-3 Further Protection of Nesting Herons /Rookery:** The project applicant shall take the following additional actions, which will require City review and approval: 1) Prior to tree removal: a. *<u>Field Survey:</u>* The applicant shall submit the results of a field survey conducted by a qualified biologist to determine if the heron rookery shall be deemed active. An historical heron rookery must be assumed to be active

		unless a qualified biologist visits the rookery three times between March and July, with at least one month between visits, and does not observe any herons engaging in nesting behavior (e.g., territorial displays, courtship, nest building, food deliveries to the nest) at any time. If the rookery is deemed inactive, no further steps are necessary. If the rookery is deemed active, the applicant shall proceed with steps 1(b) through 1(f). b. *Technical Memorandum:* The project applicant shall submit a Technical Memorandum drafted by a qualified biologist that characterizes the rookery by documenting individual tree size (i.e., diameter at breast height, vertical height); canopy width, height and depth (square feet); distance between tree trunks or canopies, as appropriate; number of nests per tree canopy (sq ft), and overall characteristics of the existing rookery site (such as size, number of trees in rookery, noise level, substrate below trees, adjacent habitat/ building types, observations of predators or prey, etc.). Ideally, the survey is conducted during the breeding season, but it can be conducted during the non-breeding season. c. *Identification of Replacement Site:* The project applicant, in coordination with the City of Oakland and a qualified biologist, shall identify a replacement rookery site located as near as possible to the existing rookery (e.g., Lake Merritt, Oakland shoreline, estuary, parks). The applicant must demonstrate how the replacement rookery site meets the following requirements: i. Support an equal or greater number of nests as the existing rookery ii. Be composed of trees/ shrubs that are the same or similar (in foliage cover, canopy density, and branching structure) to those which are documented to have supported a successful rookery for BCNH and SNEG; or be a site in which such trees/shrubs (immature or mature) can be planted in order to develop a rookery within the time frame required by the SCA (see item 1(f) below). iii. Be within 3 miles of foraging habitat iv. Be in an area of equal or less human disturbance than the existing rookery.

		v. Not conflict with other uses in that area (e.g., presence of dogs or other domestic animals, human activity that could either cause heron nest abandonment, scheduled redevelopment projects, or nuisance problems associated with heron activity affecting humans). d. *Implementation Plan:* The applicant, in coordination with the City of Oakland and a qualified biologist, shall submit an Implementation Plan describing any enhancements to the replacement rookery site, including construction plans, landscaping plans or plant lists; detailed methods for using social attractants to attract herons to the site (e.g., number of decoy birds and nests, duration of playback recordings, etc.); and a timeline for implementation. e. *Monitoring Program:* The project applicant, in coordination with a qualified Biologist, shall submit a Monitoring Program for monitoring birds and vegetation in the replacement rookery. The Program shall include a monitoring protocol; performance criteria; and strategies for adaptive management should performance criteria not be met. Colonial nesting birds are known to take several years to reach the point of self-recruitment to a new rookery site (i.e. when social attractants are no longer needed to attract additional birds to the site), so a monitoring period of at least three heron breeding seasons is recommended. The Monitoring Program can include a provision that monitoring may be suspended if performance criteria are met within the first or second breeding season. f. *Implementation:* The project applicant, in coordination with the City of Oakland, and/or other entities, shall complete installation of any enhancements, including vegetation, and social attractants at the replacement rookery site. If new vegetation is required for rookery enhancement, it must be fully performing by the third year of monitoring. 2) Tree removal: a. If the rookery is deemed active, tree removal can only occur during the non-nesting season, defined as October 1 through January 31. 3) Following tree removal: a. Following tree removal and prior to the beginning of nesting season (February 1), social attractants will be activated to lure herons to the replacement rookery site.

		The Monitoring Plan will be implemented during the first nesting season following tree removal and will be implemented for at least three breeding seasons, unless otherwise stated in the approved Monitoring Plan. [Source: 5, 36, Appendix D]
Other Factors	1	Construction of the project would provide affordable housing for low income residents and make use of underutilized and vacant land. The project would be located Downtown near amenities and close to public transportation. The proposed project is beneficial to both the residents and the community. [Source: 5, 28, 29]

Additional Studies Performed and Field Inspection (Date and completed by):

Appendix A: Geo Blue Consulting. *Phase I Environmental Site Assessment 285 12th Street Oakland, California*. November 16, 2017.

Appendix B: Roux Associates, Inc. *Environmental Site Assessment Report 285 12th Street Oakland California*. May 12, 2020.

Appendix C: Running Moose Environmental Consulting. *HUD Explosive and Fire Hazards Review, 285 12th Street Oakland, CA*. September 10, 2019.

Appendix D: United States Fish and Wildlife Service. *List of Threatened and Endangered Species 285 12th Street Mixed-Use Project*. October 17, 2019.

Appendix E: Oakland, Hayward, and San Francisco Airport Safety Compatibility Zones.

Appendix F: FEMA. *Flood Insurance Rate Map 06001C0067H*. December 21, 2018.

Appendix G: Archaeological/Historical Consultants. *285 12th Street, Oakland Cultural Resources Evaluation Report*. February 2020.

Appendix H: Department of Parks and Recreation Office of Historic Preservation. *Multifamily Affordable Housing Development Project at 285 12th Street, Oakland Concurrence Letter*. March 27, 2020.

Appendix I: Illingworth & Rodkin, Inc. *285 12th Street Affordable Family Housing NEPA Noise Assessment*. February 6, 2020.

Appendix J: Fehr & Peers. *12th and Webster Street Residential Project – Transportation Assessment*. July 1, 2016.

Appendix K: Approved Plans, dated August 29, 2018.

Appendix L: Langan Treadwell Rollo. *Preliminary Geotechnical Evaluation 285 and 301 12th Street Oakland, CA*. November 3, 2015.

Appendix M: Environmental Protection Agency. *EJSCREEN Report*. February 17, 2021.

List of Sources, Agencies and Persons Consulted [40 CFR 1508.9(b)]:

Field Inspection (Date and completed by): September 2019 Completed by Tyler Rogers

1. **Alameda County Community Development Agency.** *Oakland International Airport Land Use Compatibility Plan.* December 2010. https://www.acgov.org/cda/planning/generalplans/airportlandplans.htm.

2. **San Francisco Bay Conservation and Development Commission.** *The San Francisco Bay Plan.* State of California. San Francisco, CA, 1969. http://www.bcdc.ca.gov/plans/sfbay_plan.html BCDC is the federally-designated state coastal management agency for the San Francisco Bay segment of the California coastal zone. This designation empowers the Commission to use the authority of the federal Coastal Zone Management Act.

3. **Federal Emergency Management Agency**. Flood Insurance Rate Map (FIRM) Number 06001C0067H, dated 12/21/18. https://msc.fema.gov/portal.

4. **Bay Area Air Quality Management District**. *CEQA Guidelines and Thresholds of Significance, effective May 2017*. http://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en.

5. **City of Oakland.** *Lake Merritt Station Area Plan EIR*. November 2013. SCH # 2012032012.

6. **City of Oakland**. *General Plan Noise Element*. March 2005.

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Additional Studies Performed: See Appendices and Source Documentation List

Field Inspection (Date and completed by): September 2019 Completed by Tyler Rogers

List of Sources, Agencies and Persons Consulted [40 CFR 1508.9(b)]: See Source Documentation List

List of Permits Obtained:

The project (Case File PLN16-133) received the following approvals and permits by the City of Oakland's Planning Commission on August 17, 2016 and again on appeal from the Oakland City Council on City Council meeting on November 29, 2016. Minor design changes were approved by the Zoning Manager in October of 2018:

- Conditional Use Permit
- Design Review Approval
- Tentative Map

No other permits have been obtained yet, as the moment the use of Federal funds was contemplated, all project actions were halted to conduct this environmental review.

Public Outreach [24 CFR 50.23 & 58.43]:

Approval of the project was the subject of notified public hearings before the Planning Commission of the City of Oakland in August 2016 and by the Oakland City Council in November of 2016. The project results in a Finding of No Significant Impact (FONSI) which will be published in the newspaper and circulated to public agencies, interested parties, and landowners/occupants of parcels located within the project's Area of Potential Effects (APE). Information about where the public may find the Environmental Review Record pertinent to the project will be included in the FONSI Notice.

Cumulative Impact Analysis [24 CFR 58.32]:

This project (as part of the W12 Project described in the Project Description section) has been approved by the City of Oakland as to design and conditional use permits as of November 29, 2016 and with design changes on October 15, 2018, and thus has been considered as an "approved project" in subsequent cumulative impacts analysis of later projects. No negative cumulative impact is anticipated.

Alternatives [24 CFR 58.40(e); 40 CFR 1508.9]:

<u>Reduced Intensity Alternative</u>

A Reduced Intensity Alternative was considered but rejected, as the project is already built within the allowed intensity and reduced intensity would not reduce any significant project impacts. The project would be inconsistent with the planning application approvals already achieved and not meet the goal of providing as many supportive housing units as possible.

No Action Alternative [24 CFR 58.40(e)]:

The No Action Alternative would not construct the proposed project. Under this alternative, the affordable housing objectives included in the project would not be achieved. The currently vacant lot may remain undeveloped, and it is possible that another residential development or commercial project could be approved for the site that may not include affordable housing units. Any project proposed that requires construction on the site would result in short-term construction period impacts similar to those of the proposed project.

Summary of Findings and Conclusions:

The project is suitable from an environmental standpoint. As long as the Standard Conditions of Approval/mitigation measures are adhered to, there is no anticipated significant impact from the project. The project will provide a safe, sanitary, and affordable place for residents.

Mitigation Measures and Conditions [40 CFR 1505.2(c)]:

Summarize below all mitigation measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements, and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

* The Standard Conditions of Approval were initially and formally adopted by the Oakland City Council on November 3, 2008 (Ordinance No. 12899 C.M.S.), pursuant to Public Resources Code section 21083.3 and CEQA Guidelines section 15183 (and now section 15183.3), and incorporate development policies and standards from various adopted plans, policies, and ordinances (such as the Oakland Planning and Municipal Codes, Oakland Creek Protection, Stormwater Management and Discharge Control Ordinance, Oakland Tree Protection Ordinance, Oakland Grading Regulations, National Pollutant Discharge Elimination System (NPDES) requirements, Housing Element and other General Plan Element-related mitigation measures, California Building Code, Uniform Fire Code, Energy and Climate Action Plan, Complete Streets Policy, and Green Building Ordinance, among others), which have been found to substantially mitigate environmental effects. Where there are peculiar circumstances associated with a project or project site that will result in significant environmental impacts despite implementation of the Standard Conditions of Approval, mitigation measures have been identified to reduce the impact to less than significant levels.

** A Standard Condition of Approval /Mitigation Monitoring and Reporting Program is attached as a separate document.

Law, Authority, or Factor	Mitigation Measure
Clean Air Measures	**AIR-1 Exposure to Air Pollution (Toxic Air Contaminants):** The project applicant shall incorporate the following health risk reduction measures into the project. These features shall be submitted to the City for

	review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City: • Installation of air filtration to reduce cancer risks and Particulate Matter (PM) exposure for residents and other sensitive populations in the project that are in close proximity to sources of air pollution. Air filter devices shall be rated MERV-13 or higher. As part of implementing this measure, an ongoing maintenance plan for the building's HVAC air filtration system shall be required. • Where appropriate, install passive electrostatic filtering systems, especially those with low air velocities (i.e., 1 mph). • Phasing of residential developments when proposed within 500 feet of freeways such that homes nearest the freeway are built last, if feasible. • The project shall be designed to locate sensitive receptors as far away as feasible from the source(s) of air pollution. Operable windows, balconies, and building air intakes shall be located as far away from these sources as feasible. If near a distribution center, residents shall be located as far away as feasible from a loading dock or where trucks concentrate to deliver goods. • Sensitive receptors shall be located on the upper floors of buildings, if feasible. • Planting trees and/or vegetation between sensitive receptors and pollution source, if feasible. Trees that are best suited to trapping PM shall be planted, including one or more of the following: Pine (Pinus nigra var. maritima), Cypress (X Cupressocyparis leylandii), Hybrid poplar (Populus deltoids X trichocarpa), and Redwood (Sequoia sempervirens). • Sensitive receptors shall be located as far away from truck activity areas, such as loading docks and delivery areas, as feasible. • Existing and new diesel generators shall meet CARB's Tier 4 emission standards, if feasible. • Emissions from diesel trucks shall be reduced through implementing the following measures, if feasible: o Installing electrical hook-ups for diesel trucks at loading docks.

	○ Requiring trucks to use Transportation Refrigeration Units (TRU) that meet Tier 4 emission standards. ○ Requiring truck-intensive projects to use advanced exhaust technology (e.g., hybrid) or alternative fuels. ○ Prohibiting trucks from idling for more than two minutes. Establishing truck routes to avoid sensitive receptors in the project. A truck route program, along with truck calming, parking, and delivery restrictions, shall be implemented. **AIR-2 Dust Controls – Construction Related:** The project applicant shall implement all of the following applicable dust control measures during construction of the project: a) Water all exposed surfaces of 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 feasible. b) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer). c) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. d) Limit vehicle speeds on unpaved roads to 15 miles per hour. e) All demolition activities (if any) shall be suspended when average wind speeds exceed 20 mph. f) All trucks and equipment, including tires, shall be washed off prior to leaving the site. g) Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel. **AIR-3 Criteria Air Pollutant Controls – Construction Related:** The project applicant shall implement all of the

	following applicable basic control measures for criteria air pollutants during construction of the project as applicable: a) Idling times on all diesel-fueled commercial vehicles over 10,000 lbs. shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code of Regulations). Clear signage to this effect shall be provided for construction workers at all access points. b) Idling times on all diesel-fueled off-road vehicles over 25 horsepower shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes and fleet operators must develop a written policy as required by Title 23, Section 2449, of the California Code of Regulations ("California Air Resources Board Off-Road Diesel Regulations"). c) All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. Equipment check documentation should be kept at the construction site and be available for review by the City and the Bay Area Air Quality District as needed. d) Portable equipment shall be powered by grid electricity if available. If electricity is not available, propane or natural gas generators shall be used if feasible. Diesel engines shall only be used if grid electricity is not available and propane or natural gas generators cannot meet the electrical demand. e) Low VOC (i.e., ROG) coatings shall be used that comply with BAAQMD Regulation 8, Rule 3: Architectural Coatings. f) All equipment to be used on the construction site shall comply with the requirements of Title 13, Section 2449, of the California Code of Regulations ("California Air Resources Board Off-Road Diesel Regulations") and upon request by the City (and the Air District if specifically requested), the project applicant shall provide written documentation that fleet requirements have been met.

	AIR-4 Stationary Sources of Air Pollution (Toxic Air Contaminants): The project applicant shall incorporate appropriate measures into the project design in order to reduce the potential health risk due to on-site stationary sources of toxic air contaminants. The project applicant shall choose one of the following methods: a) The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with California Air Resources Board (CARB) and Office of Environmental Health and Hazard Assessment requirements to determine the health risk associated with proposed stationary sources of pollution in the project. The HRA shall be submitted to the City for review and approval. If the HRA concludes that the health risk is at or below acceptable levels, then health risk reduction measures are not required. If the HRA concludes the health risk exceeds acceptable levels, health risk reduction measures shall be identified to reduce the health risk to acceptable levels. Identified risk reduction measures shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City. - or - b) The project applicant shall incorporate the following health risk reduction measures into the project. These features shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City: i. Installation of non-diesel fueled generators, if feasible; or ii. Installation of diesel generators with an EPA-certified Tier 4 engine or engines that are retrofitted with a CARB Level 3 Verified Diesel Emissions Control Strategy, if feasible.
Contamination and Toxic Substances	**Contamination-1 Submittal of Preliminary Endangerment Assessment Report:** Prior to issuance of grading permits, remediation activities shall be evaluated

	in more detail in the Report of Finding that is an equivalent to the Preliminary Endangerment Assessment Report (PEA Equivalent) and submitted to DTSC for review and approval. Remediation activities and controls could include, but are not limited to, the following: • Soil: Excavate and dispose of soil in areas where COPC concentrations in soil exceed applicable screening levels, conduct confirmation sampling and backfill with clean fill. Soil consolidation and stabilization may also be conducted as a part of the soil remedy. • Groundwater: Remediation of groundwater at the site will likely not be required; however, groundwater use at the Site may be restricted to prohibit extraction of groundwater and to prohibit drilling any wells aside from monitoring wells. • Soil Gas/Indoor Air: Prior to construction of the proposed commercial/residential development, a vapor barrier, sub slab venting system (SSVS) and/or vapor mitigation system (VMS) will be required to prevent vapor intrusion into indoor air in future Site buildings. An operation and maintenance (O&M) agreement and plan will be required to ensure that the vapor barrier, SSVS and/or VMS continue to be protective of future building occupants. • A land use covenant (LUC) may be necessary to ensure that all environmental conditions at the Site remain protective of human health and the environment for future Site occupants. **Contamination-2 Implementation of the Final Endangerment Assessment Report:** The applicant shall implement all remediation activities outlined in the Final Endangerment Assessment Report, or any other Remediation Action Plan approve by DTSC prior, during and after construction as required. **Contamination-3 Regulatory Permits and Authorizations from Other Agencies:** The project applicant shall obtain all necessary regulatory permits and authorizations from applicable resource/regulatory agencies including, but not limited to, the Regional Water Quality Control Board, Bay Area Air Quality

	Management District, Bay Conservation and Development Commission, California Department of Fish and Wildlife, U. S. Fish and Wildlife Service, and Army Corps of Engineers and shall comply with all requirements and conditions of the permits/authorizations. The project applicant shall submit evidence of the approved permits/authorizations to the City, along with evidence demonstrating compliance with any regulatory permit/authorization conditions of approval. **Contamination-4 Hazardous Material Related to Construction:** The project applicant shall ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to minimize potential negative effects on groundwater, soils, and human health. These shall include, at a minimum, the following: a. Follow manufacture's recommendations for use, storage, and disposal of chemical products used in construction; b. Avoid overtopping construction equipment fuel gas tanks; c. During routine maintenance of construction equipment, properly contain and remove grease and oils; d. Properly dispose of discarded containers of fuels and other chemicals; e. Implement lead-safe work practices and comply with all local, regional, state, and federal requirements concerning lead (for more information refer to the Alameda County Lead Poisoning Prevention Program); and f. If soil, groundwater, or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the project applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notifying the City and applicable regulatory agency(ies) and implementation of the actions described in the City's Standard Conditions of

	Approval, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate. **Contamination-5 Hazardous Building Materials and Site Contamination:** Hazardous Building Materials Assessment. The project applicant shall submit a comprehensive assessment report to the Bureau of Building, signed by a qualified environmental professional, documenting the presence or lack thereof of asbestos-containing materials (ACMs), lead-based paint, polychlorinated biphenyls (PCBs), and any other building materials or stored materials classified as hazardous materials by State or federal law. If lead-based paint, ACMs, PCBs, or any other building materials or stored materials classified as hazardous materials are present, the project applicant shall submit specifications prepared and signed by a qualified environmental professional, for the stabilization and/or removal of the identified hazardous materials in accordance with all applicable laws and regulations. The project applicant shall implement the approved recommendations and submit to the City evidence of approval for any proposed remedial action and required clearances by the applicable local, state, or federal regulatory agency. Environmental Site Assessment Required. The project applicant shall submit a Phase I Environmental Site Assessment report, and Phase II Environmental Site Assessment report if warranted by the Phase I report, for the project site for review and approval by the City. The report(s) shall be prepared by a qualified environmental assessment professional and include recommendations for remedial action, as appropriate, for hazardous materials. The project applicant shall implement the approved recommendations and submit to the City evidence of approval for any proposed remedial action and required clearances by the applicable local, state, or federal regulatory agency. Health and Safety Plan Required. The project applicant shall submit a Health and Safety Plan for the review and approval by the City in order to protect project

	construction workers from risks associated with hazardous materials. The project applicant shall implement the approved Plan. <u>Best Management Practices (BMPs) Required for Contaminated Sites.</u> The project applicant shall ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to minimize potential soil and groundwater hazards. These shall include the following: i. Soil generated by construction activities shall be stockpiled on-site in a secure and safe manner. All contaminated soils determined to be hazardous or non-hazardous waste must be adequately profiled (sampled) prior to acceptable reuse or disposal at an appropriate off-site facility. Specific sampling and handling and transport procedures for reuse or disposal shall be in accordance with applicable local, state, and federal requirements. ii. Groundwater pumped from the subsurface shall be contained on-site in a secure and safe manner, prior to treatment and disposal, to ensure environmental and health issues are resolved pursuant to applicable laws and policies. Engineering controls shall be utilized, which include impermeable barriers to prohibit groundwater and vapor intrusion into the building.
Historic Preservation	**Archeo-1 Archaeological and Paleontological Resources – Discovery During Construction:** Pursuant to CEQA Guidelines section 15064.5(f), in the event that any historic or prehistoric subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant shall notify the City and consult with a qualified archaeologist or paleontologist, as applicable, to assess the significance of the find. In the case of discovery of paleontological resources, the assessment shall be done in accordance with the Society of Vertebrate Paleontology standards. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined unnecessary or infeasible by the City. Feasibility of avoidance shall be determined with

	consideration of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted. Work may proceed on other parts of the project site while measures for the cultural resources are implemented. In the event of data recovery of archaeological resources, the project applicant shall submit an Archaeological Research Design and Treatment Plan (ARDTP) prepared by a qualified archaeologist for review and approval by the City. The ARDTP is required to identify how the proposed data recovery program would preserve the significant information the archaeological resource is expected to contain. The ARDTP shall identify the scientific/historic research questions applicable to the expected resource, the data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. The ARDTP shall include the analysis and specify the curation and storage methods. Data recovery, in general, shall be limited to the portions of the archaeological resource that could be impacted by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practicable. Because the intent of the ARDTP is to save as much of the archaeological resource as possible, including moving the resource, if feasible, preparation and implementation of the ARDTP would reduce the potential adverse impact to less than significant. The project applicant shall implement the ARDTP at his/her expense. In the event of excavation of paleontological resources, the project applicant shall submit an excavation plan prepared by a qualified paleontologist to the City for review and approval. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by a qualified paleontologist, as appropriate, according to current professional standards and at the expense of the project applicant. **Archeo-2 Archaeologically Sensitive Areas – Pre-Construction Measures:** The project applicant shall implement either Provision A (Intensive Pre-Construction

	Study) or Provision B (Construction ALERT Sheet) concerning archaeological resources. <u>Provision A: Intensive Pre-Construction Study</u>. The project applicant shall retain a qualified archaeologist to conduct a site-specific, intensive archaeological resources study for review and approval by the City prior to soil-disturbing activities occurring on the project site. The purpose of the site-specific, intensive archaeological resources study is to identify early the potential presence of history-period archaeological resources on the project site. At a minimum, the study shall include: a. Subsurface presence/absence studies of the project site. Field studies may include, but are not limited to, auguring and other common methods used to identify the presence of archaeological resources. b. A report disseminating the results of this research. c. Recommendations for any additional measures that could be necessary to mitigate any adverse impacts to recorded and/or inadvertently discovered cultural resources. If the results of the study indicate a high potential presence of historic-period archaeological resources on the project site, or a potential resource is discovered, the project applicant shall hire a qualified archaeologist to monitor any ground disturbing activities on the project site during construction and prepare an ALERT sheet pursuant to Provision B below that details what could potentially be found at the project site. Archaeological monitoring would include briefing construction personnel about the type of artifacts that may be present (as referenced in the ALERT sheet, required per Provision B below) and the procedures to follow if any artifacts are encountered, field recording and sampling in accordance with the Secretary of Interior's Standards and Guidelines for Archaeological Documentation, notifying the appropriate officials if human remains or cultural resources are discovered, and preparing a report to document negative findings after construction is completed if no archaeological resources are discovered during construction. <u>Provision B: Construction ALERT Sheet.</u> The project applicant shall prepare a construction "ALERT" sheet developed by a qualified archaeologist for review and approval by the City prior to soil-disturbing

	activities occurring on the project site. The ALERT sheet shall contain, at a minimum, visuals that depict each type of artifact that could be encountered on the project site. Training by the qualified archaeologist shall be provided to the project's prime contractor, any project subcontractor firms (including demolition, excavation, grading, foundation, and pile driving), and utility firms involved in soil-disturbing activities within the project site. The ALERT sheet shall state, in addition to the basic archaeological resource protection measures contained in other standard conditions of approval, all work must stop and the City's Environmental Review Officer contacted in the event of discovery of the following cultural materials: concentrations of shellfish remains; evidence of fire (ashes, charcoal, burnt earth, fire-cracked rocks); concentrations of bones; recognizable Native American artifacts (arrowheads, shell beads, stone mortars [bowls], humanly shaped rock); building foundation remains; trash pits, privies (outhouse holes); floor remains; wells; concentrations of bottles, broken dishes, shoes, buttons, cut animal bones, hardware, household items, barrels, etc.; thick layers of burned building debris (charcoal, nails, fused glass, burned plaster, burned dishes); wood structural remains (building, ship, wharf); clay roof/floor tiles; stone walls or footings; or gravestones. Prior to any soil-disturbing activities, each contractor shall be responsible for ensuring that the ALERT sheet is circulated to all field personnel, including machine operators, field crew, pile drivers, and supervisory personnel. The ALERT sheet shall also be posted in a visible location at the project site. **Archeo-3 Human Remains – Discovery During Construction:** Pursuant to CEQA Guidelines section 15064.5(e)(1), in the event that human skeletal remains are uncovered at the project site during construction activities, all work shall immediately halt and the project applicant shall notify the City and the Alameda County Coroner. If the County Coroner determines that an investigation of the cause of death is required or that the remains are Native American, all work shall cease within 50 feet of the remains until appropriate arrangements are made. In the event that the remains are Native American, the City shall contact the California Native American

	Heritage Commission (NAHC), pursuant to subdivision (c) of section 7050.5 of the California Health and Safety Code. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance, and avoidance measures (if applicable) shall be completed expeditiously and at the expense of the project applicant.
Noise Abatement and Control	**Noise-1 Operational Noise:** Noise levels from the project site after completion of the project (i.e., during project operation) shall comply with the performance standards of Chapter 17.120 of the Oakland Planning Code and Chapter 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the City. **Noise-2 Construction Days/Hours:** The project applicant shall comply with the following restrictions concerning construction days and hours: a. Construction activities are limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, except that pier drilling and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m. b. Construction activities are limited to between 9:00 a.m. and 5:00 p.m. on Saturday. In residential zones and within 300 feet of a residential zone, construction activities are allowed from 9:00 a.m. to 5:00 p.m. only within the interior of the building with the doors and windows closed. No pier drilling or other extreme noise generating activities greater than 90 dBA are allowed on Saturday. c. No construction is allowed on Sunday or federal holidays. Construction activities include, but are not limited to, truck idling, moving equipment (including trucks, elevators, etc.) or materials, deliveries, and construction meetings held on-site in a non-enclosed area. Any construction activity proposed outside of the above days and hours for special activities (such as concrete

	pouring which may require more continuous amounts of time) shall be evaluated on a case-by-case basis by the City, with criteria including the urgency/emergency nature of the work, the proximity of residential or other sensitive uses, and a consideration of nearby residents'/occupants' preferences. The project applicant shall notify property owners and occupants located within 300 feet at least 14 calendar days prior to construction activity proposed outside of the above days/hours. When submitting a request to the City to allow construction activity outside of the above days/hours, the project applicant shall submit information concerning the type and duration of proposed construction activity and the draft public notice for City review and approval prior to distribution of the public notice. **Noise-3 Construction Noise:** The project applicant shall implement noise reduction measures to reduce noise impacts due to construction. Noise reduction measures include, but are not limited to, the following: a. Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds) wherever feasible. b. Except as provided herein, impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered 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, if such jackets are commercially available, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever such procedures are available and consistent with construction procedures. c. Applicant shall use temporary power poles instead of generators where feasible. d. Stationary noise sources shall be located as far from adjacent properties as possible, and they shall be

	muffled and enclosed within temporary sheds, incorporate insulation barriers, or use other measures as determined by the City to provide equivalent noise reduction. e. The noisiest phases of construction shall be limited to less than 10 days at a time. Exceptions may be allowed if the City determines an extension is necessary and all available noise reduction controls are implemented. **Noise-4 Extreme Construction Noise:** *Construction Noise Management Plan Required* Prior to any extreme noise generating construction activities (e.g., pier drilling, pile driving and other activities generating greater than 90dBA), the project applicant shall submit a Construction Noise Management Plan prepared by a qualified acoustical consultant for City review and approval that contains a set of site-specific noise attenuation measures to further reduce construction impacts associated with extreme noise generating activities. The project applicant shall implement the approved Plan during construction. Potential attenuation measures include, but are not limited to, the following: i. Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings; ii. 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; iii. Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site; iv. Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for example and implement such measure if such measures are feasible and would noticeably reduce noise impacts; and v. Monitor the effectiveness of noise attenuation measures by taking noise measurements. *Public Notification Required*

	The project applicant shall notify property owners and occupants located within 300 feet of the construction activities at least 14 calendar days prior to commencing extreme noise generating activities. Prior to providing the notice, the project applicant shall submit to the City for review and approval the proposed type and duration of extreme noise generating activities and the proposed public notice. The public notice shall provide the estimated start and end dates of the extreme noise generating activities and describe noise attenuation measures to be implemented. **Noise-5 Construction Noise Complaints:** The project applicant shall submit to the City for review and approval a set of procedures for responding to and tracking complaints received pertaining to construction noise, and shall implement the procedures during construction. At a minimum, the procedures shall include: a. Designation of an on-site construction complaint and enforcement manager for the project; b. A large on-site sign near the public right-of-way containing permitted construction days/hours, complaint procedures, and phone numbers for the project complaint manager and City Code Enforcement unit; c. Protocols for receiving, responding to, and tracking received complaints; and d. Maintenance of a complaint log that records received complaints and how complaints were addressed, which shall be submitted to the City for review upon the City's request.
Conformance with Plans/Compatible Land Use and Zoning/ Scale and Urban Design	**Urban Design-1 Graffiti Control:** During construction and operation of the project, the project applicant shall incorporate best management practices reasonably related to the control of graffiti and/or the mitigation of the impacts of graffiti. Such best management practices may include, without limitation: i. Installation and maintenance of landscaping to discourage defacement of and/or protect likely graffiti-attracting surfaces. ii. Installation and maintenance of lighting to protect likely graffiti-attracting surfaces. iii. Use of paint with anti-graffiti coating.

	iv. Incorporation of architectural or design elements or features to discourage graffiti defacement in accordance with the principles of Crime Prevention Through Environmental Design (CPTED). v. Other practices approved by the City to deter, protect, or reduce the potential for graffiti defacement. The project applicant shall remove graffiti by appropriate means within seventy-two (72) hours. Appropriate means include the following: i. Removal through scrubbing, washing, sanding, and/or scraping (or similar method) without damaging the surface and without discharging wash water or cleaning detergents into the City storm drain system. ii. Covering with new paint to match the color of the surrounding surface. iii. Replacing with new surfacing (with City permits if required) **Urban Design-2 Landscape Plan:** *Landscape Plan Required* The project applicant shall submit a final Landscape Plan for City review and approval that is consistent with the approved Landscape Plan. The Landscape Plan shall be included with the set of drawings submitted for the construction-related permit and shall comply with the landscape requirements of Chapter 17.124 of the Planning Code. Proposed plants shall be predominantly drought-tolerant. Specification of any street trees shall comply with the Master Street Tree List and Tree Planting Guidelines and with any applicable streetscape plan. *Landscape Installation* The project applicant shall implement the approved Landscape Plan unless a bond, cash deposit, letter of credit, or other equivalent instrument acceptable to the Director of City Planning, is provided. The financial instrument shall equal the greater of $2,500 or the estimated cost of implementing the Landscape Plan based on a licensed contractor's bid.

	Landscape Maintenance All required planting shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements. The property owner shall be responsible for maintaining planting in adjacent public rights-of-way. All required fences, walls, and irrigation systems shall be permanently maintained in good condition and, whenever necessary, repaired or replaced. **Urban Design-3 Lighting:** Proposed new exterior lighting fixtures shall be adequately shielded to a point below the light bulb and reflector to prevent unnecessary glare onto adjacent properties. **Urban Design-4 Trash and Blight Removal:** The project applicant and his/her successors shall maintain the property free of blight, as defined in chapter 8.24 of the Oakland Municipal Code. For nonresidential and multifamily residential projects, the project applicant shall install and maintain trash receptacles near public entryways as needed to provide sufficient capacity for building users.
Soil Suitability /Slope /Erosion /Drainage/Storm Water Runoff	**Erosion-1 Erosion and Sedimentation Control Measures or Construction:** The project applicant shall implement Best Management Practices (BMPs) to reduce erosion, sedimentation, and water quality impacts during construction to the maximum extent practicable. At a minimum, the project applicant shall provide filter materials deemed acceptable to the City at nearby catch basins to prevent any debris and dirt from flowing into the City's storm drain system and creeks. **SW-1 NPDES C.3 Stormwater Requirements to Regulated Projects:** *Post-Construction Stormwater Management Plan Required* The project applicant shall comply with the requirements of Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES). The project applicant shall submit a Post-Construction Stormwater Management Plan to the City for review and approval with the project

	drawings submitted for site improvements, and shall implement the approved Plan during construction. The Post-Construction Stormwater Management Plan shall include and identify the following: i. Location and size of new and replaced impervious surface; ii. Directional surface flow of stormwater runoff; iii. Location of proposed on-site storm drain lines; iv. Site design measures to reduce the amount of impervious surface area; v. Source control measures to limit stormwater pollution; vi. Stormwater treatment measures to remove pollutants from stormwater runoff, including the method used to hydraulically size the treatment measures; and vii. Hydromodification management measures, if required by Provision C.3, so that post-project stormwater runoff flow and duration match pre-project runoff. *Maintenance Agreement Required* The project applicant shall enter into a maintenance agreement with the City, based on the Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement, in accordance with Provision C.3, which provides, in part, for the following: i. The project applicant accepting responsibility for the adequate installation/construction, operation, maintenance, inspection, and reporting of any on-site stormwater treatment measures being incorporated into the project until the responsibility is legally transferred to another entity; and ii. Legal access to the on-site stormwater treatment measures for representatives of the City, the local vector control district, and staff of the Regional Water Quality Control Board, San Francisco Region, for the purpose of verifying the implementation, operation, and maintenance of the on-site stormwater treatment measures and to take corrective action if necessary. The maintenance agreement shall be recorded at the County Recorder's Office at the applicant's expense.

Hazards and Nuisances, including Site Safety and Noise	**GEO-1 Comply with Geotechnical Recommendations:** Follow all recommendations as set forth in the Geotechnical Investigation prepared for the Project by Langan Engineering and Environmental Services, Inc. **GEO- 2 Construction-Related Permits:** The project applicant shall obtain all required construction-related permits/approvals from the City. The project shall comply with all standards, requirements and conditions contained in construction-related codes, including but not limited to the Oakland Building Code and the Oakland Grading Regulations, to ensure structural integrity and safe construction. **GEO-3 Soils Report:** The project applicant shall submit a soils report prepared by a registered geotechnical engineer for City review and approval. The soils report shall contain, at a minimum, field test results and observations regarding the nature, distribution and strength of existing soils, and recommendations for appropriate grading practices and project design. The project applicant shall implement the recommendations contained in the approved report during project design and construction. **GEO-4 Seismic Hazards Zone (Landslide/ Liquefaction):** The project applicant shall submit a site-specific geotechnical report, consistent with California Geological Survey Special Publication 117 (as amended), prepared by a registered geotechnical engineer for City review and approval containing at a minimum a description of the geological and geotechnical conditions at the site, an evaluation of site-specific seismic hazards based on geological and geotechnical conditions, and recommended measures to reduce potential impacts related to liquefaction and/or slope stability hazards. The project applicant shall implement the recommendations contained in the approved report during project design and construction. **Noise-6 Comply with Noise Reduction Recommendations:** Follow all recommendations as set forth in the 285 12th Street Affordable Family Housing NEPA Noise Assessment as prepared by Illingworth & Rodkin, Inc., dated February 6, 2020 (see Appendix J), including required STC ratings for the walls and windows and mechanically ventilated residential units.

	Noise-7 Operations and Maintenance Plan: The Project shall develop and implement an Operations and maintenance Plan that provides for periodic inspection of seals, and repair or replacement of building components at private decks or balconies when their noise attenuation performance diminishes. **Noise-8 Exposure to Community Noise:** The project applicant shall submit a Noise Reduction Plan prepared by a qualified acoustical engineer for City review and approval that contains noise reduction measures (e.g., sound-rated window, wall, and door assemblies) to achieve an acceptable interior noise level in accordance with the land use compatibility guidelines of the Noise Element of the Oakland General Plan. The applicant shall implement the approved Plan during construction. To the maximum extent practicable, interior noise levels shall not exceed the following: a. 45 dBA: Residential activities, civic activities, hotels b. 50 dBA: Administrative offices; group assembly activities c. 55 dBA: Commercial activities d. 65 dBA: Industrial activities
Energy Consumption	**EC-1 Green Building Requirements:** *Compliance with Green Building Requirements During Plan-Check* The project applicant shall comply with the requirements of the California Green Building Standards (CALGreen) mandatory measures and the applicable requirements of the City of Oakland Green Building Ordinance (Chapter 18.02 of the Oakland Municipal Code). i. The following information shall be submitted to the City for review and approval with the application for a building permit: • Documentation showing compliance with Title 24 of the current version of the California Building Energy Efficiency Standards. • Completed copy of the final green building checklist approved during the review of the Planning and Zoning permit. • Copy of the Unreasonable Hardship Exemption, if granted, during the review of the Planning and Zoning permit.

	• Permit plans that show, in general notes, detailed design drawings, and specifications as necessary, compliance with the items listed in subsection (ii) below. • Copy of the signed statement by the Green Building Certifier approved during the review of the Planning and Zoning permit that the project complied with the requirements of the Green Building Ordinance. • Signed statement by the Green Building Certifier that the project still complies with the requirements of the Green Building Ordinance, unless an Unreasonable Hardship Exemption was granted during the review of the Planning and Zoning permit. • Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance. ii. The set of plans in subsection (i) shall demonstrate compliance with the following: • CALGreen mandatory measures. • LEED Silver • All green building points identified on the checklist approved during review of the Planning and Zoning permit, unless a Request for Revision Plan-check application is submitted and approved by the Bureau of Planning that shows the previously approved points that will be eliminated or substituted. • The required green building point minimums in the appropriate credit categories. *Compliance with Green Building Requirements During Construction* The project applicant shall comply with the applicable requirements of CALGreen and the Oakland Green Building Ordinance during construction of the project. The following information shall be submitted to the City for review and approval: i. Completed copies of the green building checklists approved during the review of the Planning and Zoning permit and during the review of the building permit. ii. Signed statement(s) by the Green Building Certifier during all relevant phases of construction

	that the project complies with the requirements of the Green Building Ordinance. iii. Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance. *Compliance with Green Building Requirements After Construction* Prior to the finalization of the Building Permit, the Green Building Certifier shall submit the appropriate documentation to City staff and attain the minimum required point level.
Solid Waste Disposal/Recycling	**Waste-1 Construction and Demolition Waste Reduction and Recycling:** The project applicant shall comply with the City of Oakland Construction and Demolition Waste Reduction and Recycling Ordinance (Chapter 15.34 of the Oakland Municipal Code) by submitting a Construction and Demolition Waste Reduction and Recycling Plan (WRRP) for City review and approval, and shall implement the approved WRRP. Projects subject to these requirements include all new construction, renovations/ alterations/modifications with construction values of $50,000 or more (except R-3 type construction), and all demolition (including soft demolition) except demolition of type R-3 construction. The WRRP must specify the methods by which the project will divert construction and demolition debris waste from landfill disposal in accordance with current City requirements. The WRRP may be submitted electronically at www.greenhalosystems.com or manually at the City's Green Building Resource Center. Current standards, FAQs, and forms are available on the City's website and in the Green Building Resource Center. **Waste-2 Recycling Collection and Storage Space:** The project applicant shall comply with the City of Oakland Recycling Space Allocation Ordinance (chapter 17.118 of the Oakland Planning Code). The project drawings submitted for construction-related permits shall contain recycling collection and storage areas in compliance with the Ordinance. For residential projects, at least two (2) cubic feet of storage and collection space per residential unit is required, with a minimum of ten (10) cubic feet. For nonresidential projects, at least two (2) cubic feet of

	storage and collection space per 1,000 square feet of building floor area is required, with a minimum of ten (10) cubic feet.
Wastewater and Sewers	**Wastewater-1 Sanitary Sewer System:** The project applicant shall prepare and submit a Sanitary Sewer Impact Analysis to the City for review and approval in accordance with the City of Oakland Sanitary Sewer Design Guidelines. The Impact Analysis shall include an estimate of pre-project and post-project wastewater flow from the project site. In the event that the Impact Analysis indicates that the net increase in project wastewater flow exceeds City-projected increases in wastewater flow in the sanitary sewer system, the project applicant shall pay the Sanitary Sewer Impact Fee in accordance with the City's Master Fee Schedule for funding improvements to the sanitary sewer system.
Water Supply	**Water-1 Water Efficient Landscape Ordinance:** The project applicant shall comply with California's Water Efficient Landscape Ordinance (WELO) in order to reduce landscape water usage. For any landscape project with an aggregate (total noncontiguous) landscape area equal to 2,500 sq. ft. or less. The project applicant may implement either the Prescriptive Measures or the Performance Measures, of, and in accordance with the California's Model Water Efficient Landscape Ordinance. For any landscape project with an aggregate (total noncontiguous) landscape area over 2,500 sq. ft., the project applicant shall implement the Performance Measures in accordance with the WELO. *Prescriptive Measures:* Prior to construction, the project applicant shall submit documentation showing compliance with Appendix D of California's Model Water Efficient Landscape Ordinance. *Performance Measures:* Prior to construction, the project applicant shall prepare and submit a Landscape Documentation Package for review and approval, which includes the following: a. Project Information: i. Date, ii. Applicant and property owner name, iii. Project address,

	iv. Total landscape area, v. Project type (new, rehabilitated, cemetery, or home owner installed), vi. Water supply type and water purveyor, vii. Checklist of documents in the package, and viii. Applicant signature and date with the statement: "I agree to comply with the requirements of the water efficient landscape ordinance and submit a complete Landscape Documentation Package." b. Water Efficient Landscape Worksheet i. Hydrozone Information Table ii. Water Budget Calculations with Maximum Applied Water Allowance (MAWA) and iii. Estimated Total Water Use iv. Soil Management Report v. Landscape Design Plan vi. Irrigation Design Plan, and vii. Grading Plan Upon installation of the landscaping and irrigation systems, the Project applicant shall submit a Certificate of Completion and landscape and irrigation maintenance schedule for review and approval by the City. The Certificate of Compliance shall also be submitted to the local water purveyor and property owner or his or her designee.
Transportation and Accessibility	**TRANS-1 Transportation and Parking Demand Management:** *Transportation and Parking Demand Management (TDM) Plan Required* The project applicant shall submit a Transportation and Parking Demand Management (TDM) Plan for review and approval by the City. i. The goals of the TDM Plan shall be the following: • Reduce vehicle traffic and parking demand generated by the project to the maximum extent practicable. • Achieve the following project vehicle trip reductions (VTR): o Projects generating 50-99 net new a.m. or p.m. peak hour vehicle trips: 10 percent VTR

	○ Projects generating 100 or more net new a.m. or p.m. peak hour vehicle trips: 20 percent VTR • Increase pedestrian, bicycle, transit, and carpool/vanpool modes of travel. All four modes of travel shall be considered, as appropriate. • Enhance the City's transportation system, consistent with City policies and programs. ii. The TDM Plan should include the following: • Baseline existing conditions of parking and curbside regulations within the surrounding neighborhood that could affect the effectiveness of TDM strategies, including inventory of parking spaces and occupancy if applicable. • Proposed TDM strategies to achieve VTR goals (see below). iii. For employers with 100 or more employees at the subject site, the TDM Plan shall also comply with the requirements of Oakland Municipal Code Chapter 10.68 Employer-Based Trip Reduction Program. iv. The following TDM strategies must be incorporated into a TDM Plan based on a project location or other characteristics. When required, these mandatory strategies should be identified as a credit toward a project's VTR. • Bus boarding bulbs or islands • Bus shelters • Concrete bus pad • Curb extensions or bulb-outs • Implementation of a corridor-level bikeway improvement • Implementation of a corridor-level capital improvement • Installation of amenities such as lighting; pedestrian-oriented green infrastructure, trees, or other greening landscape; and trash receptables per the Pedestrian Master Plan and any applicable streetscape plan. • Installation of safety improvements identified in the Pedestrian Master Plan (such as crosswalk striping, curb ramps, count down signals, bulb outs, etc.) • In-street bicycle corral • Intersection improvements

	• New sidewalk, curb ramps, curb and gutter meeting current City and ADA standards • No monthly permits and establish minimum price per floor for public parking • Parking garage is designed with retrofit capability • Parking space reserved for car share • Paving, lane striping or restriping (vehicle and bicycle), and signs to midpoint of street sections • Pedestrian crossing improvements • Pedestrian-supportive signal changes • Real-time transit information system • Relocating bus stops to far side • Signal upgrades • Transit queue jumps • Trenching and placement of conduit for providing traffic signal interconnect • Unbundled parking v. Other TDM strategies to consider include, but are not limited to, the following: • Inclusion of additional long-term and short-term bicycle parking that meets the design standards set forth in chapter five of the Bicycle Master Plan and the Bicycle Parking Ordinance (Chapter 17.117 of the Oakland Planning Code), and shower and locker facilities in commercial developments that exceed the requirement. • Construction of and/or access to bikeways per the Bicycle Master Plan; construction of priority bikeways, on-site signage and bike lane striping. • Installation of safety elements per the Pedestrian Master Plan (such as crosswalk striping, curb ramps, count down signals, bulb outs, etc.) to encourage convenient and safe crossing at arterials, in addition to safety elements required to address safety impacts of the project. • Installation of amenities such as lighting, street trees, and trash receptacles per the Pedestrian Master Plan, the Master Street Tree List and Tree Planting Guidelines and any applicable streetscape plan. • Construction and development of transit stops/shelters, pedestrian access, way finding signage, and lighting around transit stops per transit agency plans or negotiated improvements.

	• Direct on-site sales of transit passes purchased and sold at a bulk group rate (through programs such as AC Transit Easy Pass or a similar program through another transit agency). • Provision of a transit subsidy to employees or residents, determined by the project applicant and subject to review by the City, if employees or residents use transit or commute by other alternative modes. • Provision of an ongoing contribution to transit service to the area between the project and nearest mass transit station prioritized as follows: 1) Contribution to AC Transit bus service; 2) Contribution to an existing area shuttle service; and 3) Establishment of new shuttle service. The amount of contribution (for any of the above scenarios) would be based upon the cost of establishing new shuttle service (Scenario 3). • Guaranteed ride home program for employees, either through 511.org or through separate program. • Pre-tax commuter benefits (commuter checks) for employees. • Free designated parking spaces for on-site car-sharing program (such as City Car Share, Zip Car, etc.) and/or car-share membership for employees or tenants. • On-site carpooling and/or vanpool program that includes preferential (discounted or free) parking for carpools and vanpools. • Distribution of information concerning alternative transportation options. • Parking spaces sold/leased separately for residential units. Charge employees for parking, or provide a cash incentive or transit pass alternative to a free parking space in commercial properties. • Parking management strategies including attendant/valet parking and shared parking spaces. • Requiring tenants to provide opportunities and the ability to work off-site. • Allow employees or residents to adjust their work schedule in order to complete the basic work requirement of five eight-hour workdays by

	adjusting their schedule to reduce vehicle trips to the worksite (e.g., working four, ten-hour days; allowing employees to work from home two days per week). • Provide or require tenants to provide employees with staggered work hours involving a shift in the set work hours of all employees at the workplace or flexible work hours involving individually determined work hours. The TDM Plan shall indicate the estimated VTR for each strategy, based on published research or guidelines where feasible. For TDM Plans containing ongoing operational VTR strategies, the Plan shall include an ongoing monitoring and enforcement program to ensure the Plan is implemented on an ongoing basis during project operation. If an annual compliance report is required, as explained below, the TDM Plan shall also specify the topics to be addressed in the annual report. *TDM Implementation – Physical Improvements* For VTR strategies involving physical improvements, the project applicant shall obtain the necessary permits/approvals from the City and install the improvements prior to the completion of the project. *TDM Implementation – Operational Strategies* For projects that generate 100 or more net new a.m. or p.m. peak hour vehicle trips and contain ongoing operational VTR strategies, the project applicant shall submit an annual compliance report for the first five years following completion of the project (or completion of each phase for phased projects) for review and approval by the City. The annual report shall document the status and effectiveness of the TDM program, including the actual VTR achieved by the project during operation. If deemed necessary, the City may elect to have a peer review consultant, paid for by the project applicant, review the annual report. If timely reports are not submitted and/or the annual reports indicate that the project applicant has failed to implement the TDM Plan, the project will be considered in violation of the Conditions of Approval and the City may initiate enforcement action as provided for in these Conditions of Approval. The project shall not be considered in violation

	of this Condition if the TDM Plan is implemented but the VTR goal is not achieved. **TRANS- 2:** The project shall ensure that the project driveway would provide adequate sight distance between motorists exiting the driveway and pedestrians on the adjacent sidewalks. This may require redesigning and/or widening the driveway. If adequate sight distance cannot be provided, provide audio/visual warning devices at the driveway. **TRANS- 3:** As Part of the final design of the project, the project shall evaluate the feasibility of the following: • Explore the feasibility and consider installing Accessible Pedestrian Signals (APS), at the intersections of 12th Street/Harrison Street, 11th Street/Harrison Street, 11th Street/Webster Street and 12th Street/Webster Street to decrease waiting time for the pedestrian and increase pedestrian safety. • Explore the feasibility and consider installing pedestrian bulb outs at the four intersections adjacent to the project site to decrease crossing times and increase pedestrian safety. • Consider installing high visibility crosswalks at the four intersections adjacent to the project site. • Ensure that project entrance doors do not open outward toward the sidewalk. All entrance doors of the proposed project should open inside rather than intruding into the sidewalk area.
Vegetation, Wildlife	**VW-1 Tree Removal During Bird Breeding Season:** To the extent feasible, removal of any tree and/or other vegetation suitable for nesting of birds shall not occur during the bird breeding season of February 1 to August 15 (or during December 15 to August 15 for trees located in or near marsh, wetland, or aquatic habitats). If tree removal must occur during the bird breeding season, all trees to be removed shall be surveyed by a qualified biologist to verify the presence or absence of nesting raptors or other birds. Pre-removal surveys shall be conducted within 15 days prior to the start of work and shall be submitted to the City for review and approval. If the survey indicates the potential presence of nesting raptors or other birds, the biologist shall determine an

	appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged. The size of the nest buffer will be determined by the biologist in consultation with the California Department of Fish and Wildlife, and will be based to a large extent on the nesting species and its sensitivity to disturbance. In general, buffer sizes of 200 feet for raptors and 50 feet for other birds should suffice to prevent disturbance to birds nesting in the urban environment, but these buffers may be increased or decreased, as appropriate, depending on the bird species and the level of disturbance anticipated near the nest. **VW-2 Tree Permit:** a) Tree Permit Required: Pursuant to the City's Tree Protection Ordinance (OMC Chapter 12.36), the project applicant shall obtain a tree permit and abide by the conditions of that permit. b) Tree Protection During Construction: Adequate protection shall be provided during the construction period for any trees which are to remain standing, including the following, plus any recommendations of an arborist: i. Before the start of any clearing, excavation, construction, or other work on the site, every protected tree deemed to be potentially endangered by said site work shall be securely fenced off at a distance from the base of the tree to be determined by the project's consulting arborist. Such fences shall remain in place for duration of all such work. All trees to be removed shall be clearly marked. A scheme shall be established for the removal and disposal of logs, brush, earth and other debris which will avoid injury to any protected tree. ii. Where proposed development or other site work is to encroach upon the protected perimeter of any protected tree, special measures shall be incorporated to allow the roots to breathe and obtain water and nutrients. Any excavation, cutting, filling, or compaction of the existing ground surface within the protected perimeter shall be minimized. No change in existing ground level shall occur within a distance to be determined by the project's consulting arborist from the base of any protected tree at any time. No burning or use of

	equipment with an open flame shall occur near or within the protected perimeter of any protected tree. iii. No storage or dumping of oil, gas, chemicals, or other substances that may be harmful to trees shall occur within the distance to be determined by the project's consulting arborist from the base of any protected trees, or any other location on the site from which such substances might enter the protected perimeter. No heavy construction equipment or construction materials shall be operated or stored within a distance from the base of any protected trees to be determined by the project's consulting arborist. Wires, ropes, or other devices shall not be attached to any protected tree, except as needed for support of the tree. No sign, other than a tag showing the botanical classification, shall be attached to any protected tree. iv. Periodically during construction, the leaves of protected trees shall be thoroughly sprayed with water to prevent buildup of dust and other pollution that would inhibit leaf transpiration. v. If any damage to a protected tree should occur during or as a result of work on the site, the project applicant shall immediately notify the Public Works Department and the project's consulting arborist shall make a recommendation to the City Tree Reviewer as to whether the damaged tree can be preserved. If, in the professional opinion of the Tree Reviewer, such tree cannot be preserved in a healthy state, the Tree Reviewer shall require replacement of any tree removed with another tree or trees on the same site deemed adequate by the Tree Reviewer to compensate for the loss of the tree that is removed. vi. All debris created as a result of any tree removal work shall be removed by the project applicant from the property within two weeks of debris creation, and such debris shall be properly disposed of by the project applicant in accordance with all applicable laws, ordinances, and regulations.

	To further protect the herons, the City also required additional mitigation to supplement Standard Condition of Approval VW-1 Tree Removal During Bird Breeding Season. *Mitigation Measure* **VW-3 Further Protection of Nesting Herons /Rookery:** The project applicant shall take the following additional actions, which will require City review and approval: 1) Prior to tree removal: a. *Field Survey:* The applicant shall submit the results of a field survey conducted by a qualified biologist to determine if the heron rookery shall be deemed active. An historical heron rookery must be assumed to be active unless a qualified biologist visits the rookery three times between March and July, with at least one month between visits, and does not observe any herons engaging in nesting behavior (e.g., territorial displays, courtship, nest building, food deliveries to the nest) at any time. If the rookery is deemed inactive, no further steps are necessary. If the rookery is deemed active, the applicant shall proceed with steps 1(b) through 1(f). b. *Technical Memorandum:* The project applicant shall submit a Technical Memorandum drafted by a qualified biologist that characterizes the rookery by documenting individual tree size (i.e., diameter at breast height, vertical height); canopy width, height and depth (square feet); distance between tree trunks or canopies, as appropriate; number of nests per tree canopy (sq ft), and overall characteristics of the existing rookery site (such as size, number of trees in rookery, noise level, substrate below trees, adjacent habitat/ building types, observations of predators or prey, etc.). Ideally, the survey is conducted during the breeding season, but it can be conducted during the non-breeding season. c. *Identification of Replacement Site:* The project applicant, in coordination with the City of Oakland and a qualified biologist, shall identify a replacement rookery site located as near as possible to the existing rookery (e.g., Lake Merritt, Oakland shoreline, estuary, parks). The applicant must demonstrate how the replacement rookery site meets the following requirements:

	i. Support an equal or greater number of nests as the existing rookery ii. Be composed of trees/ shrubs that are the same or similar (in foliage cover, canopy density, and branching structure) to those which are documented to have supported a successful rookery for BCNH and SNEG; or be a site in which such trees/shrubs (immature or mature) can be planted in order to develop a rookery within the time frame required by the SCA (see item 1(f) below). iii. Be within 3 miles of foraging habitat iv. Be in an area of equal or less human disturbance than the existing rookery. v. Not conflict with other uses in that area (e.g., presence of dogs or other domestic animals, human activity that could either cause heron nest abandonment, scheduled redevelopment projects, or nuisance problems associated with heron activity affecting humans). d. *Implementation Plan:* The applicant, in coordination with the City of Oakland and a qualified biologist, shall submit an Implementation Plan describing any enhancements to the replacement rookery site, including construction plans, landscaping plans or plant lists; detailed methods for using social attractants to attract herons to the site (e.g., number of decoy birds and nests, duration of playback recordings, etc.); and a timeline for implementation. e. *Monitoring Program:* The project applicant, in coordination with a qualified Biologist, shall submit a Monitoring Program for monitoring birds and vegetation in the replacement rookery. The Program shall include a monitoring protocol; performance criteria; and strategies for adaptive management should performance criteria not be met. Colonial nesting birds are known to take several years to reach the point of self-recruitment to a new rookery site (i.e. when social attractants are no longer needed to attract additional birds to the site), so a monitoring period of at least three heron breeding seasons is recommended. The Monitoring Program can include a provision that monitoring may be suspended if performance

	criteria are met within the first or second breeding season. f. *Implementation:* The project applicant, in coordination with the City of Oakland, and/or other entities, shall complete installation of any enhancements, including vegetation, and social attractants at the replacement rookery site. If new vegetation is required for rookery enhancement, it must be fully performing by the third year of monitoring. 2) Tree removal: a. If the rookery is deemed active, tree removal can only occur during the non-nesting season, defined as October 1 through January 31. 3) Following tree removal: a. Following tree removal and prior to the beginning of nesting season (February 1), social attractants will be activated to lure herons to the replacement rookery site. The Monitoring Plan will be implemented during the first nesting season following tree removal and will be implemented for at least three breeding seasons, unless otherwise stated in the approved Monitoring Plan.

285 12th Street Mixed-Use Project
City of Oakland

Determination:

☒ **Finding of No Significant Impact** [24 CFR 58.40(g)(1); 40 CFR 1508.27]
The project will not result in a significant impact on the quality of the human environment.

☐ **Finding of Significant Impact** [24 CFR 58.40(g)(2); 40 CFR 1508.27]
The project may significantly affect the quality of the human environment.

Preparer Signature: _____ Date: 3/16/21

Tyler Rogers, Project Manager, Powers & Associates

Certifying Officer Signature: _____ Date:_____

William Gilchrist, Director of Planning and Building and NEPA Certifying Officer

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).