460 24TH STREET PROJECT

Draft Environmental Impact Report

Prepared for
City of Oakland

April 2022

ESA

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April 2022

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CITY OF OAKLAND
Bureau of Planning
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COMBINED NOTICE OF AVAILABILITY AND RELEASE OF A DRAFT ENVIRONMENTAL IMPACT REPORT (EIR) AND NOTICE OF PUBLIC HEARINGS FOR THE 460 24th STREET PROJECT

PROJECT TITLE:	460 24th Street Project (Case File No. **PLN19096-ER01)**
PROJECT LOCATION:	The project, for the purpose of environmental analysis, is comprised of 2 non-contiguous sites. **Site 1 (24th and 25th Street Site)**: is approximately 0.92-acres located at 460 24th Street and 465 25th Street, northeast of Uptown Oakland and northwest of Lake Merritt. The L-shaped project site consists of three contiguous parcels (Assessor's Parcel Numbers [APNs] 008-0674-033-1, 008-0674-006 and -007). Site 1 is generally bound by 25th Street to the north, retail and light industrial buildings to the east, 24th Street to the south, and a construction site for a future hotel/residential mixed-use development to the west. **Site 2 (Valley Street Site)**: is an approximately 1,324 square foot portion of a 4,520 square foot parcel near the corner of 24th and Valley Streets (APN 008-073-900-008). The site fronts Valley Street, south of 24th Street, and is bound by residential lofts to the north, residential uses and a parking tower to the east, and residential uses to the south and west.
PROJECT SPONSOR:	Signature Development Group
LEAD AGENCY:	City of Oakland
CASE NO.:	PLN 19096; State Clearinghouse No. 2020010246
REVIEW PERIOD:	April 25, 2022 through June 9, 2022

DESCRIPTION OF PROJECT:

Site 1: The Project would demolish one existing building addition and portions of four other existing buildings on the site. The Project would construct a mixed-use office and retail building, integrating portions of existing building frontages of the two buildings fronting 24th Street and the building fronting 25th Street both of which are within the 25th Street Garage District API. An approximately 11.5-foot section of the western portion of the building fronting along 25th Street would be demolished in order to create an open air paseo connecting 24th and 25th Streets. The Project would concentrate the allowable floor area ratio (FAR) on the site above the vacant surface parking lot, which is outside of the boundary of the historic API, seeking a variance to increase height on that portion of the Project site. Approximately 11,980 square feet of retail space would be located on the first floor, and 86,100 square feet of office space would be spread between the second through sixth floors.

Parking for the office and retail uses would be located on the project site in a garage on the first floor, containing single parking stalls, along with structured mechanical 'puzzle' and 'tandem puzzle' parking systems, for a total of 132 parking stalls. A paseo lined with artist and craft stalls as well as public art would extend from 25th Street

along the western edge of the project site, connecting to an approximately 980 square foot dining courtyard adjacent to retail space fronting 24th Street, creating a pedestrian connection between 24th and 25th Streets.

The Project would provide a range of building heights from 20 feet tall along the street frontages integrating existing facades, to 45 feet tall mostly in the interior of the site, and 85 feet within the southwest corner of the project site.

Site 2: The Project would add 580 square feet of proposed artist and craft stalls, including restroom, located mostly in refurbished shipping containers on the lot. A raised wood/Trex platform would be built around the containers.

The three existing parking stalls would be re-located offsite on the commercial parking area for the HIVE. Site 2 provides additional community serving artist and craft retail space intended to activate the pedestrian corridor along Valley Street through the paseo on Site 1.

The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (i.e., the "Cortese List").

DRAFT EIR OVERVIEW: This Draft EIR is a public information document that assesses the potential physical environmental impacts that could result from construction and use of the Project, recommends mitigation measures to lessen or eliminate adverse impacts, examines feasible alternatives to the Project, and is intended to inform City of Oakland decision makers, other responsible agencies, and the general public. The Draft EIR evaluates potential physical environmental impacts that could result from the Project and identifies that the Project would not have any significant and unavoidable impacts.

COMPLETION AND AVAILABILITY OF THE DRAFT EIR: The City of Oakland's Bureau of Planning issued a Notice of Preparation (NOP) for a Draft EIR on January 17, 2020. The City has prepared a Draft EIR for the Project in compliance with the California Environmental Quality Act (CEQA) (California Public Resources Code §§21000 et. seq.) and the State CEQA Guidelines (Guidelines) (California Code of Regulations, Title 14, Division 6, Chapter 3, §§15000 et. seq.). This notice is being sent to Responsible Agencies and other interested parties, including persons who responded to the NOP.

Due to Alameda County's continuing Shelter-in-Place order to prevent the spread of COVID-19, the City of Oakland's administrative offices, including the Bureau of Planning, remains closed to the public. Therefore, hard copies of the document are not available for public review. Therefore, pursuant to the Governor's Executive Order N-80-20, the City of Oakland is following an alternative process for providing access to the Draft EIR. Consistent with the Executive Order, the Draft EIR will be uploaded to the State Clearinghouse CEQAnet portal (https://ceqanet.opr.ca.gov/). And, starting on April 25, 2022, the Draft EIR and its appendices may be viewed or downloaded from the City of Oakland's website: **https://www.oaklandca.gov/resources/current-environmental-review-ceqa-eir-documents-2011-2021**.

PUBLIC HEARINGS ON THE DRAFT EIR:

The **City of Oakland Landmarks Preservation Advisory Board** will conduct a public meeting on the historic and cultural resource aspects of the Project on **May 23, 2022** at **5:00 p.m.** The meeting will be held on-line via Zoom and you may access the meeting information one week prior to the meeting at the following website: https://www.oaklandca.gov/boards-commissions/landmarks-preservation-advisory-board

The **City of Oakland Planning Commission** will conduct a public hearing on the DEIR for the 460 24th Street Project on **June 1, 2022** at **3:00 p.m.** The hearing will be held on-line via Zoom and you may access the meeting information one week prior to the meeting at the following website: https://www.oaklandca.gov/boards-commissions/planning-commission

The City of Oakland is hereby releasing this Draft EIR, finding it to be accurate and complete and ready for public review. Members of the public are invited to comment on the Draft EIR and the Project. There is no fee for commenting, and all comments received will be considered by the City prior to finalizing the EIR and making a decision on the Project. Comments on the Draft EIR should focus on the sufficiency of the EIR in discussing possible impacts on the physical environment, ways in which potential adverse effects might be minimized, and alternatives to the Project in light of the EIR's purpose to provide useful and accurate information about such factors.

SUBMITTING COMMENTS ON THE DRAFT EIR: Comments may be made at the public hearings described above or in writing. Comments may also be directed in writing to: Rebecca Lind, Planner IV, City of Oakland Bureau of Planning, 250 Frank H. Ogawa Plaza, Suite 2214, Oakland, CA 94612, by mail or **rlind@oaklandca.gov**, by email. Comments should be received via the above email address or mailing address by 4:00 p.m. on **Thursday June 9, 2022**. Please reference Case File Number **PLN19096-ER01** in all correspondence.

After all comments are received, a Response to Comments/Final EIR will be prepared and the Planning Commission will consider a recommendation on certification of the Final EIR and the Project at a meeting date to be scheduled. For further information, please contact Rebecca Lind at (510) 238-3472 or **rlind@oaklandca.gov.**

Edward Manasse (Apr 21, 2022 14:24 PDT)

Ed Manasse, Bureau of Planning
Environmental Review Officer

April 25, 2022
Case File Number: **PLN 19096-ER01**

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CHAPTER 1
Introduction

This Draft Environmental Impact Report (EIR), including the Initial Study, has been prepared pursuant to the California Environmental Quality Act (CEQA) and the State CEQA Guidelines to analyze potential physical environmental impacts of the proposed 460 24th Street Project (the Project).[1] A brief overview of the Project and the environmental review process, and a description of the purpose of this Draft EIR, including the Initial Study, and opportunities for public comment, are provided below, along with an explanation of how this Draft EIR is organized.

1.1 Project Overview

The Project is comprised of two non-contiguous sites. Site 1 (24th and 25th Street site) is approximately 0.92 acres, located at 460 24th Street and 465 25th Street, northeast of Uptown Oakland and northwest of Lake Merritt. Site 2 (Valley Street site) is an approximately 0.03-acre (1,324 square feet) portion of a 0.10-acre parcel near the corner of 24th and Valley Streets, approximately 115 feet south of the 24th and 25th Street site. The 24th and 25th Street site and the Valley Street site are collectively referred to as the "project site" in this document.

The Project would construct an approximately 99,800 square foot mixed use office and retail building, integrating portions of existing building frontages on the 24th and 25th Street site. Approximately 11,980 square feet of retail space would be located on the first floor, and 86,100 square feet of office space would be spread between the second through sixth floors. The Project would provide a range of building heights from 20 feet tall along the street frontages integrating existing facades, to 45 feet tall mostly in the interior of the site, and 85 feet within the southwest corner of the project site. The Project would concentrate the allowable Floor Area Ratio (FAR) on the southwestern portion of the 24th and 25th Street site, which is outside of the boundary of the 25th Street Garage District Area of Primary Importance, seeking a variance to increase height on that portion of the site. The 20-foot height portions of the building would be one-story, the 45-foot portions would contain three stories, and the 85-foot portion would contain six stories.

The Project would also make improvements to the Valley Street site for use by approximately 580 square feet of proposed craft stalls and restroom space, located mostly in shipping containers

[1] The *California Environmental Quality Act* can be found in the California Public Resources Code, Section 21000 et seq. The State CEQA Guidelines, formally known as the *Guidelines for California Environmental Quality Act*, can be found in the California Code of Regulations Title 14, Division 6, Chapter 3, Section 15000 et seq.

on the site. A raised wood/Trex platform would be built around the containers and restroom, which would be arranged on the lot around a courtyard area.

1.2 Environmental Review Process

1.2.1 Use of this EIR and Type of EIR

Consistent with CEQA, this Draft EIR, including the Initial Study, is a public information document that assesses the potential physical environmental impacts that could result from construction and use of the 460 24th Street Project, recommends mitigation measures to lessen or eliminate adverse impacts, and examines feasible alternatives to the Project. The Draft EIR's key purpose is to inform decision makers at the City of Oakland (City) and other responsible agencies, as well as the public. The City is the Lead Agency for purposes of CEQA, and will review and consider the information contained in this Draft EIR prior to taking action on the Project. CEQA requires that all State and local government agencies consider the environmental consequences of projects over which they have discretionary authority. This EIR provides information to be used in the planning and decision-making process. It is not the purpose of an EIR to recommend approval or denial of a project. The City has made this Draft EIR available for review and comment, as indicated in the Notice of Availability issued with this document and explained in Section 1.2.5, *Public Review of this Draft EIR*, below.

Furthermore, this Draft EIR is a focused EIR, in accordance with CEQA Guidelines section 15063(c). In accordance with section 15128, an Initial Study on the Project was prepared as part of this Draft EIR (see Draft EIR Appendix B, Initial Study) to identify which topics warrant more detailed environmental analysis. The Initial Study is being published concurrently with this Draft EIR, and comments will be accepted on the Initial Study during the public review period for the Draft EIR.[2] Thus, this Draft EIR concentrates the environmental analysis on those topics (i.e., historic architectural resources, and aesthetics, shadow, and wind) identified in the Initial Study with the potential to have significant impacts. The remaining environmental topics, as documented in the Initial Study, were determined not to have a significant impact on the environment, and these topics are not analyzed further in this Draft EIR.

1.2.2 Scope of the EIR

This Draft EIR describes the Project and the existing environmental setting and analyzes and discloses the direct and indirect potentially significant impacts that could result from construction and operation of the Project. The existing environmental setting (baseline) for the purpose of environmental review consists of conditions present on the project site, its surroundings, and the region in January 2020, when the City published the Notice of Preparation (NOP) and began preparation of this Draft EIR. The NOP is included as Appendix A.

[2] Under CEQA Guidelines section 15128, the EIR must contain a brief statement indicating the reasons why certain effects were determined not to be significant and, thus, are not studied in detail in this Draft EIR.

Pursuant to CEQA *Guidelines* Section 15063(c)(3), through preparation of the Initial Study, the City concluded that additional environmental review in an EIR shall be conducted for the following topics:

- Aesthetics, Shadow, and Wind
- Historic Architectural Resources

Pursuant to CEQA Section 21099 (d), aesthetics impacts are provided for informational purposes only.[3] However, in order to disclose aesthetic considerations of the Project and requested height variance to the public and decision makers, this topic is addressed in Section 4.1, *Aesthetics, Shadow, and Wind*, of the EIR for informational purposes only. The environmental analysis for these topics is presented in Chapter 4, *Environmental Setting, Impacts, Mitigation Measures, and Standard Conditions of Approval*.

The information and analysis presented in the Initial Study provides substantial evidence for the conclusion, for all the issues listed below (i.e., those not addressed in further detail in this Draft EIR), that: (1) CEQA standards triggering preparation of further environmental review do not exist for those issues; and (2) impacts under these topics would be less than significant with incorporation of appropriate mitigation measures. Topics not addressed in this Draft EIR in further detail are listed below by impact determination category. These topics are, however, analyzed for full disclosure of the environmental determination, in the Initial Study, included within Appendix B of this Draft EIR.

- Agricultural and Forestry Resources
- Air Quality
- Biological Resources
- Cultural and Tribal Cultural Resources
- Energy
- Geology, Soils, and Paleontological Resources
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use, Plans and Policies
- Mineral Resources
- Noise and Vibration
- Population and Housing
- Public Services
- Recreation
- Transportation and Circulation
- Utilities and Service Systems
- Wildfire

1.2.3 Notice of Preparation and EIR Scoping

The City of Oakland published a Notice of Preparation (NOP) on January 17, 2020, pursuant to State CEQA Guidelines section 15082, indicating that an EIR would be prepared for the 460 24th Street Project and inviting comments on the scope of the Draft EIR's analysis. The public comment period regarding the scope of the Draft EIR began on January 17, 2020, ending

[3] CEQA Section 21099(d) states, "Aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site located within a transit priority area shall not be considered significant impacts on the environment."

on March 9, 2020, resulting in a 52-day comment period. The NOP was sent to property owners within 300 feet of the project site, responsible and trustee agencies, organizations and other interested parties. A notice was published in the newspaper, and a copy of the NOP was sent to the State Clearinghouse, to solicit statewide agency participation in determining the scope of the EIR, and to the County Clerk, who posted the NOP for 30 days.

During the comment period, a public scoping session was conducted by the Oakland Landmarks Preservation Advisory Board on February 10, 2020, and by the Oakland Planning Commission on March 4, 2020 to provide a forum for public agencies and interested persons or groups to offer comments regarding the scope of the EIR, including topics to be analyzed in the EIR. Oral and written comments received during the comment period addressed a range of topics including historic architectural resources, cumulative historic architectural resources, aesthetics, tribal cultural resources, parking, utilities, and alternatives.

The NOP and copies of all written scoping comments submitted are included in **Appendix A**. All of the comments have been taken into consideration in preparation of this Draft EIR.

1.2.4 Public Review of this Draft EIR

This Draft EIR is available for public review and comment during the period identified in the Notice of Availability/Notice of Completion (NOA/NOC) accompanying this document from Monday April 25, 2022, through Thursday June 9, 2022.

This Draft EIR and all supporting technical documents can be found at **https://www.oaklandca.gov/resources/current-environmental-review-ceqa-eir-documents-2011-2021**.

As indicated above, during the public review period, the City will hold public hearings where oral comments on the Draft EIR may be stated in the record. As detailed in the NOA/NOC, during the public review period, the City will conduct a public meeting of **the Oakland Landmarks Preservation Advisory Board on Monday, May 23, 2022**; and a public hearing at the **Oakland City Planning Commission on Wednesday, June 1, 2022**.

Written comments may also be submitted to the City of Oakland Planning and Building Department at the address indicated on the notice or by email to RLind@oaklandca.gov or by fax to (510) 238-4730. Comments should be received via the above email address or mailing address **by 4:00 p.m. on June 9, 2022**. Please reference Case File Number **PLN19096-ER01** in all correspondence.

As indicated in the notice accompanying this Draft EIR, the City need not consider certain comments filed after the close of the public comment period.

1.2.5 Final EIR

Following the public review and comment period on this Draft EIR, the City will prepare responses to comments received on the environmental analysis. The comments, responses, and

any necessary revisions to the text of this Draft EIR will be prepared as a Responses to Comments document and provided to all those who provided comments. The Draft EIR and its appendices, together with the Responses to Comments document will constitute the Final EIR, which shall be considered for certification by the City of Oakland Planning Commission. Before approval of the Project, the City, as lead agency and the decision-making entity, is required to certify that this EIR has been completed in compliance with CEQA, that the information in the EIR has been considered, and that the EIR reflects the independent judgment of the City. CEQA requires decision makers to balance the benefits of a project against its unavoidable environmental consequences. If environmental impacts are identified as significant and unavoidable, the City may still approve the project if it finds that social, economic, or other benefits outweigh the unavoidable impacts. The City would then be required to state in writing the specific reasons for approving the project, based on information in the EIR and other information sources in the administrative record. This reasoning is called a "statement of overriding considerations" (PRC Section 21081; State CEQA Guidelines Section 15093).

In addition, the City as lead agency must adopt a mitigation monitoring and reporting program (MMRP) describing the measures that were made a condition of project approval to avoid or mitigate significant effects on the environment (PRC Section 21081.6; State CEQA Guidelines Section 15097). The MMRP is adopted at the time of project approval and is designed to ensure compliance with the project description and EIR mitigation measures during and after project implementation. If the City decides to approve the project, it would be responsible for verifying that the MMRP for this project is implemented.

The EIR will be used primarily by the City and other responsible agencies during approval of future discretionary actions and permits.

1.3 Organization of this Draft EIR

This Draft EIR document is organized as follows:

- **Chapter 1, Introduction** – This chapter describes a brief overview of the Project and the environmental review process, and a description of the purpose of this Draft EIR and opportunities for public comment, along with an explanation of how the Draft EIR is organized.

- **Chapter 2, Summary** – This chapter summarizes the Draft EIR, including a brief description of the proposed Project based on the detailed description in Chapter 3 and summaries of the environmental impact findings from the Project analyses presented in Chapter 4 and the Initial Study (Appendix B). Pursuant to CEQA Section 15123, the Summary presents: (1) each significant effect with proposed mitigation measures and alternatives that would reduce or avoid that effect; (2) areas of controversy known to the City including issues raised by agencies and the public; and (3) issues to be resolved including the choice among alternatives and whether or how to mitigate the significant effects.

- **Chapter 3, Project Description** – This chapter describes the whole of the Project, including off-site improvements, and infrastructure proposed to support the Project. The chapter describes the physical location of the site, the site's boundaries, and the Project Applicant's

objectives, as well as the proposed uses and the physical design of the Project, its operational characteristics, and its phasing and construction processes. Consistent with State CEQA Guidelines Section 15124, this chapter also describes: (1) a list of the agencies that are expected to use the EIR in their decision making; (2) a list of permits and other approvals required to implement the Project; and (3) a list of related environmental review and consultation requirements required by federal, state, or local laws, regulations, or policies.

- **Chapter 4, Environmental Setting, Impacts, Mitigation Measures, and Standard Conditions of Approval** – This chapter starts with an introduction that describes key environmental analysis terms used in this document and the analysis, including the impact classifications; applicability of significance criteria; the organization of each technical section of Chapter 4; and the cumulative analysis approach and setting.

  Following the introduction of the chapter, the analysis of each environmental topic is presented in a separate subsection. Each topical subsection describes the existing environmental setting of the proposed Project site area, as well as the regulatory framework, and the significance criteria and methodology used to analyze each environmental topic. The chapter then presents results of the environmental analysis, including potential environmental impacts of the Project and the level of significance associated with each impact. Standard Conditions of Approval that would reduce the significance of potentially significant impacts to the extent feasible are described. The chapter then identifies the level of significance of each impact following incorporation of Mitigation Measures and Standard Conditions of Approval. This chapter also includes a cumulative analysis to evaluate whether the Project's incremental effect is cumulatively considerable when combined with other projects causing related impacts. A similar approach is applied in the Initial Study in Appendix B for the applicable topics listed in Section 1.2.2, above.

- **Chapter 5, Alternatives** – This chapter describes and evaluates alternatives that would feasibly attain most of the Project objectives as well as reduce or avoid significant environmental impacts associated with the proposed Project. This chapter also describes alternatives that were considered but were rejected as infeasible and briefly explains the reasons underlying this determination.

- **Chapter 6, Impact Overview and Growth Inducement** – This chapter lists all Significant and Unavoidable Impacts and discusses Significant Irreversible Environmental Changes, Effects Found Not to be Significant, and Growth-Inducing Impacts.

- **Chapter 7, Report Preparers** – This chapter identifies the preparers of this Draft EIR. Persons and documents consulted during preparation of the analysis are listed at the end of each section in Chapter 4 and the Appendices.

- **Appendices** – A series of appendices includes supporting background information relevant to the impact analyses contained in this Draft EIR, including the Initial Study (Appendix B).

CHAPTER 2
Summary

2.1 Introduction

As provided by Section 15123 of the California Environmental Quality Act (CEQA) Guidelines (CEQA *Guidelines*), this chapter provides a brief summary of the 460 24th Street Project (Project) and its consequences. This chapter is intended to summarize in a stand-alone section the Project described in Chapter 3, *Project Description*, the impacts and Standard Conditions of Approval (SCAs) discussed in Chapter 4, *Environmental Setting, Impacts, Mitigation Measures, and Standard Conditions of Approval*, and the Initial Study (**Appendix B**), and the alternatives analysis presented in Chapter 5, *Alternatives to the Project*.

This Draft Environmental Impact Report (Draft EIR) has been prepared to evaluate the anticipated environmental effects of the Project in conformance with the provisions of CEQA and the CEQA *Guidelines*. The lead agency, the City of Oakland (City), is the public agency that has the principal responsibility for implementing the Project, which includes design review, granting of a variance, approval of a tentative parcel map, and other approvals (referred to collectively hereafter as the Project).

2.2 Project Location

The project site is located in the Garage District, also known as Koreatown-Northgate (KONO) neighborhood and near the border of the Uptown neighborhood in the City of Oakland. The Project is comprised of two non-contiguous sites (see **Figures 3-1** and **3-2**). Site 1 (24th and 25th Street site) is approximately 0.92 acres, located at 460 24th Street and 465 25th Street, northeast of Uptown Oakland and northwest of Lake Merritt. Site 2 (Valley Street site) is an approximately 0.03-acre (1,324 square feet) portion of a 0.10-acre parcel near the corner of 24th and Valley Streets, approximately 115 feet south of the 24th and 25th Street site. The 24th and 25th Street site and the Valley Street site are collectively referred to as the "project site" in this document.

The 24th and 25th Street site is predominantly flat and currently occupied by a surface parking lot and five vacant garage buildings. The site is paved, with no existing vegetation with frontages on 24th and 25th Streets. A portion of the 24th and 25th Street site is located within the 25th Street Garage District, which is identified as a historic district (Areas of Primary Importance [API]), as shown in **Figure 3-3**. The Valley Street site is occupied by a surface parking lot for a loft building with three spaces and landscaping.

Existing uses in the project vicinity are primarily commercial (e.g., auto dealerships/service centers, retail, restaurants, and entertainment) and multi-family residential. Existing uses to the north include auto repair services and commercial uses. Existing uses to the east include the 2401 Broadway project to the west, which is currently under construction, that will include residential, retail, and hotel uses. Existing uses to the south include multifamily residences and the Hive mixed-use development. Existing uses to the west include a three-story multifamily residential building, the New Parkway Theater, auto services, and art galleries located in a single story warehouse.

The project site is accessible from Interstate 580, approximately 0.7-mile to the north, and Interstate 980/State Route 24, approximately 0.25 mile to the west. Multiple transit routes serve the project site, including Alameda-Contra Costa County Transit District (AC Transit) Routes 6, 51A, 800, 851, and the Broadway Shuttle. The 19th Street Bay Area Rapid Transit District (BART) station is approximately 0.4-mile south of the site, and the MacArthur BART station is approximately 1 mile northwest of the site.

2.3 Project Description

The Project would construct an approximately 99,800 square foot mixed use office and retail building, integrating portions of existing building frontages on the 24th and 25th Street site. Approximately 11,980 square feet of retail space would be located on the first floor, and 86,100 square feet of office space would be spread between the second through sixth floors. The Project would provide a range of building heights from 20 feet tall along the street frontages integrating existing facades, to 45 feet tall mostly in the interior of the site, and 85 feet within the southwest corner of the project site. The Project would concentrate the allowable Floor Area Ratio (FAR) on the southwestern portion of the 24th and 25th Street site, which is outside of the boundary of the 25th Street Garage District API, seeking a variance to increase height on that portion of the site. The 20-foot height portions of the building would be one-story, the 45-foot portions would contain three stories, and the 85-foot portion would contain six stories. Parking for the office and retail uses would be located on the 24th and 25th Street site in a garage on the first floor with approximately 132 parking stalls.

The Project would include an approximately 2,840 square foot artisan paseo,[1] including a dining courtyard, extending from 25th Street along the western edge of the project site to 24th Street. The Project would also create three permanent bulb-outs, or curb extensions, along the 24th and 25th Street site frontage extending into 24th Street that would include seating, planters, and a bike corral.

The Project would also make improvements to the Valley Street site for use by approximately 580 square feet of proposed craft stalls and restroom space, located mostly in shipping containers on the site. A raised wood/Trex platform would be built around the containers and restroom, which would be arranged on the lot around a courtyard area.

[1] The proposed “paseo” would be comprised of an open-air walkway adjacent to proposed craft stalls.

Project construction is expected to occur over approximately 27 months.

2.4 Project Objectives

The following objectives have been identified for the Project:

1. Aggregate multiple underutilized parcels to create economies of scale for adaptive reuse.
2. Re-purpose existing underutilized parcels into high quality office and retail space that will generate economic activity for the City and the District.
3. Increase the tax base and sales tax as well as provide opportunities for employment to meet the City's target net positive fiscal impact goals for commercial development.
4. Emphasize resources and space for locally owned businesses that support the existing community (similar to the adjacent developments at Hive and Broadway Grand).
5. Generate Impact Fee revenue to support City services, improvements, the School District and affordable housing.
6. Contribute to the City's connected pedestrian network goals by activating curb space, widening sidewalks and providing protected pedestrian crossings, and new lighting, landscaping and street furniture to improve accessibility.
7. Activate the pedestrian transition between the Garage District/KONO and Uptown and create a new paseo that encourages walkability by providing connectivity between 24th and 25th streets in the Neighborhood.
8. Encourage engagement with the neighborhood and provide retail spaces that create opportunities for local, smaller scale businesses.
9. Activate underutilized land for productive commercial uses and provide additional retail space in the neighborhood.
10. Create additional neighborhood destinations that invite foot traffic and support local businesses.
11. Bring new office space to the area that attracts additional office users, adds foot traffic in the neighborhood and will bring additional day time population to deliver new customer base for local businesses.
12. Provide a range of building heights to preserve existing low-rise buildings along the street fronts while adding new taller buildings to create architectural variation.

2.5 Impacts of the Project

As provided by CEQA *Guidelines* Section 15123(b)(1), an EIR must provide a summary of the impacts, mitigation measures, and significant impacts after mitigation for a proposed project. This information is presented in Chapter 4, *Environmental Setting, Impacts, Mitigation Measures, and Standard Conditions of Approval*, of this EIR and the Initial Study (Appendix B), and summarized in **Table 2-1** at the end of this chapter. The Project would not result in any significant and unavoidable impacts. The Project would also result in impacts that would not require measures to mitigate the impact – i.e., that would be "less than significant" – for several resources, including

shadow; land use and planning; and population and housing. In addition, Standard Conditions of Approval that would reduce the significance of potentially significant impacts to the extent feasible are described in this EIR and Initial Study, and impacts from the Project on air quality; biological resources; cultural and tribal cultural resources (except for historic architectural resources); energy; geology, soils, and paleontological resources; greenhouse gas (GHG) emissions; hydrology and water quality; hazards and hazardous materials; noise; public services; recreation; transportation; and utilities and service systems would be less than significant with incorporation of SCAs. For the Project, no mitigation measures, besides Mitigation Measure CUL-1, Construction Best Practices for Retained Historic Building Elements, have been needed to reduce potentially significant environmental impacts to less-than-significant levels with the application of all applicable City SCAs. The Project would result in less than significant impacts related to historic architectural impacts with implementation of Mitigation Measure CUL-1 and application of all applicable City SCAs. No Project impacts were identified for several topics including aesthetics[2] and wind; agricultural and forestry resources; mineral resources; and wildfire.

2.6 Alternatives to the Project

Chapter 5, *Alternatives to the Project*, analyzes a range of reasonable alternatives to the Project, including the No Project Alternative (Alternative 1), the Reduced Height Alternative (Alternative 2), and the Preservation Alternative (Alternative 3). Project impacts that would be significant and unavoidable have not been identified; accordingly, the focus of the alternatives analysis is on assessing: 1) the extent to which the alternative would avoid or lessen the identified less-than-significant (with or without SCAs and mitigation) environmental effects of the Project identified in Chapter 4, *Environmental Setting, Impacts, Mitigation Measures, and Standard Conditions of Approval* and the Initial Study (Appendix B); and 2) whether the alternatives meet the basic objectives of the Project.

The analysis of the alternatives, including a comparison of alternatives to the Project, is presented in Chapter 5, which provides a summary of impact levels within all environmental topic areas. Overall, the analysis shows that the No Project Alternative would reduce all of the Project's impacts, and that the Reduced Height Alternative and Preservation Alternative would lessen some of the Project's impacts, or would result in comparable impacts.

The No Project Alternative would not have the ability to meet the basic objectives of the Project. The Reduced Height Alternative and Preservation Alternative would have the ability to meet most of the basic objectives of the Project (though would do so to a lesser degree for objectives pertaining to economic and employment considerations).

Based on the evaluation described in Chapter 5, the No Project Alternative would be environmentally superior to the Project. However, the No Project Alternative would not meet any of the basic objectives of the Project. CEQA requires that a second alternative be identified when

[2] Pursuant to CEQA Section 21099 (d), this Initial Study and EIR need not consider aesthetics in determining the significance of the Project impacts under CEQA. However, in order to disclose aesthetic considerations of the Project and requested height variance to the public and decision makers, this topic is addressed in Section 4.1, Aesthetics, of the EIR for informational purposes only.

the "No Project" alternative is the environmentally superior alternative (CEQA *Guidelines*, Section 15126.6(e)). Therefore, based on its combined reduction in impacts to the setting of the 25th Street Garage District API and trip reduction, leading to lower operational air quality emissions and lower traffic-related noise over the long-term, the Reduced Height Alternative would be the Environmentally Superior Alternative for the purpose of this analysis. However, note that although the alternatives identified reduce impacts, they would not substantially lessen or avoid significant environmental effects of the Project because the Project itself would not result in significant impacts.

2.7 Comments on Notice of Preparation

In accordance with the CEQA *Guidelines*, the City distributed a Notice of Preparation of an EIR (NOP) for the EIR to affected agencies and the public for the required 30-day period. The public comment period regarding the scope of the Draft EIR began on January 17, 2020, ending on March 9, 2020, resulting in a 52-day comment period. The NOP and comments submitted during the EIR scoping comment period are included in **Appendix A** of this Draft EIR.

2.8 Areas of Controversy

Section 15123(b)(2) of the CEQA *Guidelines* requires that an EIR summary identify areas of controversy known to the lead agency, including those issues raised by other agencies and the public. Issues raised by the public have included concerns regarding historic architectural resources, aesthetics, tribal cultural resources, parking, utilities, and alternatives to the Project. Specifically, comments received on the NOP for this Draft EIR pertaining to historic architectural resources included requests to closely study cumulative impacts on the 25th Street Garage District API taking into account past, present, and future development proposals; to consider that the depth of the garage buildings in the district is a character-defining feature of the API, and this should be considered in analysis of impacts; and to look at potential impacts with regard to compatibility of proposed exterior materials of the Project to that of the existing buildings in the API. As a result, these issues are potential areas of controversy.

2.9 Issues to be Resolved

Section 15123(b)(3) of the CEQA *Guidelines* requires that an EIR present the issues to be resolved including the choice among alternatives and whether or how to mitigate identified significant effects. The major issues to be resolved for the Project include decisions by the City of Oakland, as the Lead Agency, as to whether:

- This EIR adequately describes the environmental impacts of the Project;
- Recommended SCAs should be incorporated or modified;
- Additional mitigation measures need to be applied to the Project;
- Feasible alternatives exist that would achieve the objectives of the Project and reduce significant environmental impacts;

- Significant and unavoidable impacts would occur if the Project is implemented; and
- The Project should or should not be approved.

TABLE 2-1
SUMMARY OF IMPACTS AND STANDARD CONDITIONS OF APPROVAL FOR THE PROJECT

Impacts	Standard Conditions of Approval	Significance After Incorporation of SCAs
EIR Section 4.1, Aesthetics, Shadow, and Wind		
Impact AES-1: The Project would not cast shadow that substantially impairs a nearby use reliant on sunlight, including the following functions: a building using passive solar heat collection, solar collectors for hot water heating, or photovoltaic solar collectors; the beneficial use of any public or quasi-public open space; a historic resource; or result in an exception to the policies in the General Plan, Planning Code, or Uniform Building Code, and the exception causes there to be a fundamental conflict with policies and regulations addressing the provision of adequate light related to appropriate uses. (Criteria 5, 6, 7, 8, and 9) (*Less than Significant)*	None required	Less Than Significant
Impact AES-1.CU: The Project, combined with cumulative development in the Project vicinity and citywide, would not result in significant cumulative shadow impacts. (*Less than Significant*)	None required	Less Than Significant
EIR Section 4.2, Historic Architectural Resources		
Impact CUL-1: Project-related demolition would not result in significant impacts to the historic setting of the 25th Street Garage District API. (Criterion 1) (*Less than Significant with SCAs*)	**SCA NOI-6: Vibration Impacts on Adjacent Structures or Vibration-Sensitive Activities.** *(Standard Condition of Approval 70)* Requirement: The project applicant shall submit a Vibration Analysis prepared by an acoustical and/or structural engineer or other appropriate qualified professional for City review and approval that establishes pre-construction baseline conditions and threshold levels of vibration that could damage the structure and/or substantially interfere with activities at the Thompson Building at 330-336 15th Street and 1515 Webster Street. The Vibration Analysis shall identify design means and methods of construction that shall be utilized in order to not exceed the thresholds. The applicant shall implement the recommendations during construction.	Less Than Significant
Impact CUL-2: Project-related new construction would not result in significant impacts to the historic setting of the 25th Street Garage District API. (Criterion 1) (*Less than Significant with Mitigation*)	**SCA NOI-6: Vibration Impacts on Adjacent Structures or Vibration-Sensitive Activities.** See above. **Mitigation Measure CUL-1: Construction Best Practices for Retained Historic Building Elements.** Prior to the issuance of a demolition permit, the Project Applicant shall incorporate best practices into the construction documents to ensure that the retained façade and garage building elements are structurally sound prior to and after demolition. Best practices shall include all feasible means to avoid damage to these elements and may include but are not limited to staging of equipment and materials as far as possible to avoid direct damage to historic elements, using techniques in construction that create the minimum feasible vibration, adequate shoring of façade elements, and ensuring appropriate security to minimize the risks of vandalism and fire. These measures shall be noted on the construction documents, subject to review and approval by the City.	Less Than Significant

TABLE 2-1 (CONTINUED)
SUMMARY OF IMPACTS AND STANDARD CONDITIONS OF APPROVAL FOR THE PROJECT

Impacts	Standard Conditions of Approval	Significance After Incorporation of SCAs
Impact CUL-3: The Project would not result in significant impacts to individually eligible historical resources. (Criterion 1) (*Less than Significant*)	None required	Less Than Significant
Impact CUL-1.CU: The Project, combined with cumulative development in the Project vicinity and citywide, would not contribute to cumulative adverse impacts on historical resources. (*Less than Significant with SCAs*)	**SCA NOI-6: Vibration Impacts on Adjacent Structures or Vibration-Sensitive Activities.** See above.	Less Than Significant
Impact CUL-2.CU: The Project, combined with cumulative development within the 25th Street Garage District API, would contribute to cumulative adverse impacts on historical resources. (*Less than Significant*)	None required	Less Than Significant
Initial Study Section 2.3, Air Quality		
Impact AIR-1: Construction of the Project would not result in criteria air pollutant emissions that exceed the City of Oakland's significance thresholds. (Criterion 1) (*Less than Significant with SCAs*)	**SCA AIR-1: Dust Controls – Construction Related.** *(Standard Condition of Approval 20)* Requirement: 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. 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. **SCA AIR-2: Criteria Air Pollutant Controls – Construction Related.** *(Standard Condition of Approval 21)*	Less Than Significant

TABLE 2-1 (CONTINUED)
SUMMARY OF IMPACTS AND STANDARD CONDITIONS OF APPROVAL FOR THE PROJECT

Impacts	Standard Conditions of Approval	Significance After Incorporation of SCAs
Initial Study Section 2.3, Air Quality (cont.)		
Impact AIR-1 (cont.)	Requirement: 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. **SCA AIR-3: Diesel Particulate Matter Controls – Construction Related.** *(Standard Condition of Approval 22)* ***a. Diesel Particulate Matter Reduction Measures*** Requirement: The project applicant shall implement appropriate measures during construction to reduce potential health risks to sensitive receptors due to exposure to diesel particulate matter (DPM) from construction emissions. The project applicant shall choose **one** of the following methods:	

TABLE 2-1 (CONTINUED)
SUMMARY OF IMPACTS AND STANDARD CONDITIONS OF APPROVAL FOR THE PROJECT

Impacts	Standard Conditions of Approval	Significance After Incorporation of SCAs
Initial Study Section 2.3, Air Quality (cont.)		
Impact AIR-1 (cont.)	i. The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with current guidance from the California Air Resources Board (CARB) and Office of Environmental Health and Hazard Assessment to determine the health risk to sensitive receptors exposed to DPM from project construction emissions. The HRA shall be submitted to the City (and the Air District if specifically requested) for review and approval. If the HRA concludes that the health risk is at or below acceptable levels, then DPM reduction measures are not required. If the HRA concludes that the health risk exceeds acceptable levels, DPM reduction measures shall be identified to reduce the health risk to acceptable levels as set forth under subsection b below. Identified DPM reduction measures shall be submitted to the City for review and approval prior to the issuance of building permits and the approved DPM reduction measures shall be implemented during construction. - or - ii All off-road diesel equipment shall be equipped with the most effective Verified Diesel Emission Control Strategies (VDECS) available for the engine type (Tier 4 engines automatically meet this requirement) as certified by CARB. The equipment shall be properly maintained and tuned in accordance with manufacturer specifications. This shall be verified through an equipment inventory submittal and Certification Statement that the Contractor agrees to compliance and acknowledges that a significant violation of this requirement shall constitute a material breach of contract. ***b. Construction Emissions Minimization Plan (if required by a above)*** Requirement: The project applicant shall prepare a Construction Emissions Minimization Plan (Emissions Plan) for all identified DPM reduction measures (if any). The Emissions Plan shall be submitted to the City (and the Bay Area Air Quality [Management] District if specifically requested) for review and approval prior to the issuance of building permits. The Emissions Plan shall include the following: i. An equipment inventory summarizing the type of off-road equipment required for each phase of construction, including the equipment manufacturer, equipment identification number, engine model year, engine certification (tier rating), horsepower, and engine serial number. For all VDECS, the equipment inventory shall also include the technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date. ii. A Certification Statement that the Contractor agrees to comply fully with the Emissions Plan and acknowledges that a significant violation of the Emissions Plan shall constitute a material breach of contract. The HRA prepared for the Project identifies the use of all off-road diesel equipment equipped with Tier 4 Final engines as the proposed DPM reduction measure to reduce risks below the thresholds.	

TABLE 2-1 (CONTINUED)
SUMMARY OF IMPACTS AND STANDARD CONDITIONS OF APPROVAL FOR THE PROJECT

Impacts	Standard Conditions of Approval	Significance After Incorporation of SCAs
Initial Study Section 2.3, Air Quality (cont.)		
Impact AIR-2: Operation of the Project would not result in criteria air pollutant emissions that exceeds the City of Oakland's significance thresholds for construction. (Criterion 2) *(Less than Significant)*	None required	Less Than Significant
Impact AIR-3: Carbon monoxide emissions generated by the Project would not significantly contribute to exceedances of the California Ambient Air Quality Standards. (Criterion 3) (*Less than Significant*)	None required	Less Than Significant
Impact AIR-4: Construction and operation of the Project would not expose sensitive receptors to substantial levels of TAC emissions. (Criterion 4) *(Less than Significant with SCAs)*	**SCA AIR-3: Diesel Particulate Matter Controls – Construction Related.** See above. **SCA AIR-4: Stationary Source of Air Pollution (Toxic Air Contaminants).** *(Standard Condition of Approval 24)* Requirement: 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. The approved risk reduction measures shall be implemented during construction and/or operations as applicable. - 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.	Less Than Significant

TABLE 2-1 (CONTINUED)
SUMMARY OF IMPACTS AND STANDARD CONDITIONS OF APPROVAL FOR THE PROJECT

Impacts	Standard Conditions of Approval	Significance After Incorporation of SCAs
Initial Study Section 2.3, Air Quality (cont.)		
Impact AIR-4 (cont.)	**SCA AIR-5: Asbestos in Structures.** *(Standard Condition of Approval 26)* Requirement: The project applicant shall comply with all applicable laws and regulations regarding demolition and renovation of Asbestos Containing Materials (ACM), including but not limited to California Code of Regulations, Title 8; California Business and Professions Code, Division 3; California Health and Safety Code sections 25915-25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, as may be amended. Evidence of compliance shall be submitted to the City upon request.	
Impact AIR-1.CU: Construction and operation of the Project, combined with cumulative development in the Project area, would not lead to significant cumulative air quality impacts. (*Less than Significant with SCAs*)	**SCA AIR-1: Dust Controls – Construction Related.** See above. **SCA AIR-2: Criteria Air Pollutant Controls – Construction Related.** See above. **SCA AIR-3: Diesel Particulate Matter Controls – Construction Related.** See above. **SCA AIR-4: Stationary Source of Air Pollution (Toxic Air Contaminants).** See above. **SCA AIR-5: Asbestos in Structures.** See above.	Less Than Significant
Initial Study Section 2.4, Biological Resources		
Impact BIO-1: The Project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. (Criterion 1) (*Less than Significant*)	None required	Less Than Significant
4.3 Biological Resources		
Impact BIO-2: The Project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service or fundamentally conflict with the City of Oakland Creek Protection Ordinance (OMC Chapter 13.16) intended to protect biological resources. (Criteria 2 and 7) (*Less than Significant with SCAs*)	**SCA HYD-1: Erosion and Sedimentation Control Plan for Construction.** See Section 2.10 below. **SCA HYD-2: State Construction General Permit.** See Section 2.10 below. **SCA HYD-3: NPDES C.3 Stormwater Requirements for Regulated Projects.** See Section 2.10 below. **SCA UTIL-6: Storm Drain System.** See Section 2.18 below.	Less Than Significant
4.3 Biological Resources (cont.)		
Impact BIO-3: The Project would not fundamentally conflict with the City of Oakland Tree Protection Ordinance (Oakland Municipal Code (OMC) Chapter 12.36) by removal of protected trees under certain circumstances. (Criterion 6) (*Less than Significant with SCAs*)	**SCA BIO-1: Tree Permit.** *(Standard Condition of Approval 30)* 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.	Less Than Significant

TABLE 2-1 (CONTINUED)
SUMMARY OF IMPACTS AND STANDARD CONDITIONS OF APPROVAL FOR THE PROJECT

Impacts	Standard Conditions of Approval	Significance After Incorporation of SCAs
4.3 Biological Resources (cont.)		
Impact BIO-3 (cont.)	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, filing, 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.	

TABLE 2-1 (CONTINUED)
SUMMARY OF IMPACTS AND STANDARD CONDITIONS OF APPROVAL FOR THE PROJECT

Impacts	Standard Conditions of Approval	Significance After Incorporation of SCAs
4.3 Biological Resources (cont.)		
Impact BIO-3 (cont.)	c. ***Tree Replacement Plantings.*** Replacement plantings shall be required for tree removals for the purposes of erosion control, groundwater replenishment, visual screening, wildlife habitat, and preventing excessive loss of shade, in accordance with the following criteria: i. No tree replacement shall be required for the removal of nonnative species, for the removal of trees which is required for the benefit of remaining trees, or where insufficient planting area exists for a mature tree of the species being considered. ii. Replacement tree species shall consist of *Sequoia sempervirens* (Coast Redwood), *Quercus agrifolia* (Coast Live Oak), *Arbutus menziesii* (Madrone), *Aesculus californica* (California Buckeye), *Umbellularia californica* (California Bay Laurel), or other tree species acceptable to the Tree Division. iii. Replacement trees shall be at least twenty-four (24) inch box size, unless a smaller size is recommended by the arborist, except that three fifteen (15) gallon size trees may be substituted for each twenty-four (24) inch box size tree where appropriate. iv. Minimum planting areas must be available on site as follows: • For *Sequoia sempervirens*, three hundred fifteen (315) square feet per tree; • For other species listed, seven hundred (700) square feet per tree. v. In the event that replacement trees are required but cannot be planted due to site constraints, an in lieu fee in accordance with the City's Master Fee Schedule may be substituted for required replacement plantings, with all such revenues applied toward tree planting in city parks, streets and medians. vi. The project applicant shall install the plantings and maintain the plantings until established. The Tree Reviewer of the Tree Division of the Public Works Department may require a landscape plan showing the replacement plantings and the method of irrigation. Any replacement plantings which fail to become established within one year of planting shall be replanted at the project applicant's expense.	
Impact BIO-1.CU: The Project, combined with cumulative development in the Project vicinity and citywide, would not result in significant cumulative impacts on biological resources. (*Less than Significant with SCAs*)	**SCA BIO-1: Tree Permit.** See above. **SCA HYD-1: Erosion and Sedimentation Control Plan for Construction.** See Section 2.10 below. **SCA HYD-2: State Construction General Permit.** See Section 2.10 below. **SCA HYD-3: NPDES C.3 Stormwater Requirements for Regulated Projects.** See Section 2.10 below. **SCA UTIL-6: Storm Drain System.** See Section 2.18 below.	

TABLE 2-1 (CONTINUED)
SUMMARY OF IMPACTS AND STANDARD CONDITIONS OF APPROVAL FOR THE PROJECT

Impacts	Standard Conditions of Approval	Significance After Incorporation of SCAs
Initial Study Section 2.5, Cultural and Tribal Cultural Resources		
Impact CUL-4: Activities undertaken during construction of the Project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5. (Criterion 2) (*Less than Significant with SCAs*)	**SCA CUL-1: Archaeological and Paleontological Resources – Discovery During Construction.** (*Standard Condition of Approval 32*) Requirement: 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 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.	Less Than Significant

TABLE 2-1 (CONTINUED)
SUMMARY OF IMPACTS AND STANDARD CONDITIONS OF APPROVAL FOR THE PROJECT

Impacts	Standard Conditions of Approval	Significance After Incorporation of SCAs
Initial Study Section 2.5, Cultural and Tribal Cultural Resources (cont.)		
Impact CUL-5: Activities undertaken during construction of the Project would not disturb any human remains, including those interred outside of formal cemeteries. (Criterion 3) (*Less than Significant with SCAs*)	**SCA CUL-2: Human Remains – Discovery During Construction.** (*Standard Condition of Approval 34*) Requirement: 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.	Less Than Significant
Impact CUL-6: The Project would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074. (Criterion 4) (*Less than Significant with SCAs*)	**SCA CUL-1: Archaeological and Paleontological Resources – Discovery During Construction.** See above. **SCA CUL-2: Human Remains – Discovery During Construction.** See above.	Less Than Significant
Impact CUL-2.CU: The Project, combined with cumulative development in the Project vicinity and citywide, would not contribute to cumulative adverse impacts on archaeological resources, human remains, and tribal cultural resources. (*Less than Significant with SCAs*)	**SCA CUL-1: Archaeological and Paleontological Resources – Discovery During Construction.** See above. **SCA CUL-2: Human Remains – Discovery During Construction.** See above.	Less Than Significant
Initial Study Section 2.6, Energy		
Impact ENE-1: Construction and operation of the Project would not result in potentially significant environmental impact due to the wasteful, inefficient, and/ or unnecessary use of energy, and adequate capacity would be available to serve the Project's demand. (Criteria 1 and 4) *(Less than Significant with SCAs)*	**SCA AIR-2: Criteria Air Pollutant Controls - Construction Related.** See Section 2.3 above. **SCA TRA-2: Bicycle Parking.** See Section 2.17 below. **SCA TRA-4: Transportation and Parking Demand Management.** See Section 2.17 below. **SCA TRA-6: Plug-In Electric Vehicle (PEV) Charging Infrastructure.** See Section 2.17 below. **SCA UTIL-4: Green Building Requirements.** See Section 2.18 below.	Less Than Significant
Impact ENE-2: The Project would not conflict with or obstruct adopted energy conservation plans or violate energy efficiency standards. (Criteria 2 and 3) (*Less than Significant with SCAs*)	**SCA UTIL-4: Green Building Requirements.** See Section 2.18 below.	Less Than Significant

TABLE 2-1 (CONTINUED)
SUMMARY OF IMPACTS AND STANDARD CONDITIONS OF APPROVAL FOR THE PROJECT

Impacts	Standard Conditions of Approval	Significance After Incorporation of SCAs
Initial Study Section 2.6, Energy (cont.)		
Impact ENE-1.CU: The Project, combined with cumulative development in the Project vicinity and citywide, would not result in significant cumulative energy impacts. *(Less than Significant with SCAs)*	**SCA AIR-2: Criteria Air Pollutant Controls - Construction Related.** See Section 2.3 above. **SCA TRA-2: Bicycle Parking.** See Section 2.17 below. **SCA TRA-4: Transportation and Parking Demand Management.** See Section 2.17 below. **SCA TRA-6: Plug-In Electric Vehicle (PEV) Charging Infrastructure.** See Section 2.17 below. **SCA UTIL-4: Green Building Requirements.** See Section 2.18 below.	Less Than Significant
Initial Study Section 2.7, Geology, Soils, and Paleontological Resources		
Impact GEO-1: The Project would not expose people or structures to substantial risk of loss, injury, or death involving seismic hazards such as ground shaking and seismic-related ground failure such as liquefaction, differential settlement, collapse, or lateral spreading. (Criteria 1.b and 1.c) (*Less than Significant with SCAs*)	**SCA GEO-1: Construction-Related Permit(s).** *(Standard Condition of Approval 36)* Requirement: 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. **SCA GEO-2: Seismic Hazards Zone (Landslide/Liquefaction).** *(Standard Condition of Approval 39)* Requirement: The project applicant shall submit a site-specific geotechnical report, consistent with California Geological Survey Special Publication 177 (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.	Less Than Significant
Impact GEO-2: The Project would not result in substantial soil erosion or loss of topsoil, creating substantial risks to life, property, or creeks/waterways. (Criterion 2) (*Less than Significant with SCAs*)	**SCA HYD-1: Erosion and Sedimentation Control Plan for Construction.** See Section 2.10. below. **SCA HYD-2: State Construction General Permit.** See Section 2.10 below. **SCA HYD-3: NPDES C.3 Stormwater Requirements for Regulated Projects.** See Section 2.10 below. **SCA UTIL-6: Storm Drain System.** See Section 2.18 below.	Less Than Significant
Impact GEO-3: The Project would not be located on expansive soil, as defined in Section 1803.5.3 of the California Building Code or corrosive soil, creating substantial risks to life or property. (Criterion 3) (*Less than Significant with SCAs*)	**SCA GEO-1: Construction-Related Permit(s).** See above. **SCA GEO-2: Seismic Hazards Zone (Landslide/Liquefaction).** See above.	Less Than Significant

TABLE 2-1 (CONTINUED)
SUMMARY OF IMPACTS AND STANDARD CONDITIONS OF APPROVAL FOR THE PROJECT

Impacts	Standard Conditions of Approval	Significance After Incorporation of SCAs
Initial Study Section 2.7, Geology, Soils, and Paleontological Resources (cont.)		
Impact GEO-4: The Project would not create substantial risks to life or property due to being located above a well, pit, swamp, mound, tank vault, or unmarked sewer line. (Criterion 4) (*Less than Significant with SCAs*)	**SCA GEO-1: Construction-Related Permit(s).** See above. **SCA GEO-2: Seismic Hazards Zone (Landslide/Liquefaction).** See above. **SCA HAZ-2: Hazardous Building Materials and Site Contamination.** See Section 2.9 below.	Less Than Significant
Impact GEO-5: The Project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. (Criterion 7) (*Less than Significant with SCAs*)	**SCA CUL-1: Archeological and Paleontological Resources – Discovery During Construction.** See Section 2.5 above.	Less Than Significant
Impact GEO-1.CU: The Project, combined with cumulative development in the Project vicinity and citywide, would not result in significant cumulative impacts to geology, soils, seismicity, or paleontology. *(Less than Significant with SCAs)*	**SCA GEO-1: Construction-Related Permit(s).** See above. **SCA GEO-2: Seismic Hazards Zone (Landslide/Liquefaction).** See above. **SCA HAZ-2: Hazardous Building Materials and Site Contamination.** See Section 2.9 below. **SCA HYD-1: Erosion and Sedimentation Control Plan for Construction.** See Section 2.10. below. **SCA HYD-2: State Construction General Permit.** See Section 2.10 below. **SCA HYD-3: NPDES C.3 Stormwater Requirements for Regulated Projects.** See Section 2.10 below. **SCA UTIL-6: Storm Drain System.** See Section 2.18 below. **SCA CUL-1: Archeological and Paleontological Resources – Discovery During Construction.** See Section 2.5 above.	Less Than Significant
Initial Study Section 2.8, Greenhouse Gas Emissions		
Impact GHG-1: The Project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. (Criterion 1) (*Less than Significant with SCAs*)	**SCA GHG-1: Greenhouse Gas (GHG) Reduction Plan.** *(Standard Condition of Approval 42)* *a. Greenhouse Gas (GHG) Reduction Plan Required* Requirement: The project applicant shall retain a qualified air quality consultant to develop a Greenhouse Gas (GHG) Reduction Plan for City review and approval and shall implement the approved GHG Reduction Plan. The goal of the GHG Reduction Plan shall be to increase energy efficiency and to reduce GHG emissions to at least the amount that would be achieved by committing to all of the emissions reductions strategies identified on the ECAP Consistency Checklist as the City's project-level implementation of its Equitable Climate Action Plan (adopted in 2020), which calls for reducing city-wide GHG emissions by 56 percent below 2005 levels by 2030 and 83 percent by 2050. The GHG Reduction Plan shall include, at a minimum, (a) a detailed quantified GHG emissions inventory for the project taking into consideration energy efficiencies included as part of the project (including proposed mitigation measures, project design features, those strategies being implemented and other City requirements), (b) for each ECAP Consistency Checklist strategy that the project will not meet, a quantified calculation of the additional GHG emission reductions that	Less Than Significant

TABLE 2-1 (CONTINUED)
SUMMARY OF IMPACTS AND STANDARD CONDITIONS OF APPROVAL FOR THE PROJECT

Impacts	Standard Conditions of Approval	Significance After Incorporation of SCAs
Initial Study Section 2.8, Greenhouse Gas Emissions (cont.)		
Impact GHG-1 (cont.)	would have occurred had it implemented the GHG emissions reduction measure consistent with the ECAP Consistency Checklist, (c) a quantified strategy for achieving an GHG emission reduction equivalent to the reduction that would have resulted from complying with the ECAP Consistency Checklist strategy, and (d) requirements for ongoing monitoring and reporting to demonstrate that the additional GHG reduction measures are being implemented. If the project is to be constructed in phases, the GHG Reduction Plan shall provide GHG emission scenarios by phase. Potential additional GHG reduction measures to be considered include, but are not be limited to, measures recommended in BAAQMD's latest CEQA Air Quality Guidelines, the California Air Resources Board Scoping Plan (December 2008, as may be revised), the California Air Pollution Control Officers Association (CAPCOA) Quantifying Greenhouse Gas Mitigation Measures (August 2010, as may be revised), the California Attorney General's website, and Reference Guides on Leadership in Energy and Environmental Design (LEED) published by the U.S. Green Building Council. The types of allowable GHG reduction measures include the following (listed in order of City preference): (1) physical design features; (2) operational features; and (3) the payment of fees to fund GHG-reducing programs (i.e., the purchase of "carbon credits") as explained below. The allowable locations of the GHG reduction measures include the following (listed in order of City preference): (1) the project site; (2) off-site within the City of Oakland; (3) off-site within the San Francisco Bay Area Air Basin; then (4) off-site within the State of California;. As with preferred locations for the implementation of all GHG reductions measures, the preference for carbon credit purchases include those that can be achieved as follows (listed in order of City preference): (1) within the City of Oakland; (2) within the San Francisco Bay Area Air Basin; then (3) within the State of California. The cost of carbon credit purchases shall be based on current market value at the time purchased and shall be based on the project's net difference operational emissions estimated in the GHG Reduction Plan for the project as compared to the Checklist baseline. For physical GHG reduction measures to be incorporated into the design of the project, the measures shall be included on the drawings submitted for construction-related permits. *b. GHG Reduction Plan Implementation During Construction* Requirement: The project applicant shall implement the GHG Reduction Plan during construction of the project. For physical GHG reduction measures to be incorporated into the design of the project, the measures shall be implemented during construction. For physical GHG reduction measures to be incorporated into off-site projects, the project applicant shall obtain all necessary permits/approvals and the measures shall be included on drawings and submitted to the City Planning Director or his/her designee for review and approval. These off-site improvements shall be installed prior to completion of the subject project (or prior to completion of the project phase	

TABLE 2-1 (CONTINUED)
SUMMARY OF IMPACTS AND STANDARD CONDITIONS OF APPROVAL FOR THE PROJECT

Impacts	Standard Conditions of Approval	Significance After Incorporation of SCAs
Initial Study Section 2.8, Greenhouse Gas Emissions (cont.)		
Impact GHG-1 (cont.)	for phased projects). For GHG reduction measures involving the purchase of carbon credits, evidence of the payment/purchase shall be submitted to the City for review and approval prior to completion of the project (or prior to completion of the project phase, for phased projects). *c. GHG Reduction Plan Implementation After Construction* Requirement: The project applicant shall implement the GHG Reduction Plan after construction of the project (or at the completion of the project phase for phased projects). For operational GHG reduction measures to be incorporated into the project or off-site projects, the measures shall be implemented on an indefinite and ongoing basis. The project applicant shall satisfy the following requirements for ongoing monitoring and reporting to demonstrate that the additional GHG reduction measures are being implemented. The GHG Reduction Plan requires regular periodic evaluation over the life of the project (generally estimated to be at least 40 years) to determine how the Plan is achieving required GHG emissions reductions over time, as well as the efficacy of the specific additional GHG reduction measures identified in the Plan. Annual Report. Implementation of the GHG reduction measures and related requirements shall be ensured through compliance with Conditions of Approval adopted for the project. Generally, starting two years after the City issues the first Certificate of Occupancy for the project, the project applicant shall prepare each year of the useful life of the project an Annual GHG Emissions Reduction Report ("Annual Report"), for review and approval by the City Planning Director or his/her designee. The Annual Report shall be submitted to an independent reviewer of the City's choosing, to be paid for by the project applicant. The Annual Report shall summarize the project's implementation of GHG reduction measures over the preceding year, intended upcoming changes, compliance with the conditions of the Plan, and include a brief summary of the previous year's Annual Report results (starting the second year). The Annual Report shall include a comparison of annual project emissions to the Checklist baseline emissions reported in the GHG Plan. The GHG Reduction Plan shall be considered fully attained when project emissions are less than the Checklist baseline, as confirmed by the City through an established monitoring program. Monitoring and reporting activities will continue at the City's discretion, as discussed below. Corrective Procedure. If the third Annual Report, or any report thereafter, indicates that, in spite of the implementation of the GHG Reduction Plan, the project is not achieving the GHG reduction goal, the project applicant shall prepare a report for City review and approval, which proposes additional or revised GHG measures to better achieve the GHG emissions reduction goals, including without limitation, a discussion on the feasibility and effectiveness of the menu of other additional measures ("Corrective GHG Action Plan"). The project applicant shall then implement the approved Corrective GHG Action Plan. If, one year after the Corrective GHG Action Plan is implemented, the required GHG emissions reduction target is still not being achieved, or if the project applicant fails to submit a report at the	

TABLE 2-1 (CONTINUED)
SUMMARY OF IMPACTS AND STANDARD CONDITIONS OF APPROVAL FOR THE PROJECT

Impacts	Standard Conditions of Approval	Significance After Incorporation of SCAs
Initial Study Section 2.8, Greenhouse Gas Emissions (cont.)		
Impact GHG-1 (cont.)	times described above, or if the reports do not meet City requirements outlined above, the City may, in addition to its other remedies, (a) assess the project applicant a financial penalty based upon actual percentage reduction in GHG emissions as compared to the percent reduction in GHG emissions established in the GHG Reduction Plan; or (b) refer the matter to the City Planning Commission for scheduling of a compliance hearing to determine whether the project's approvals should be revoked, altered or additional conditions of approval imposed. The penalty as described in (a) above shall be determined by the City Planning Director or his/her designee and be commensurate with the percentage GHG emissions reduction not achieved compared to the applicable numeric significance thresholds described in the GHG Reduction Plan. In determining whether a financial penalty or other remedy is appropriate, the City shall not impose a penalty if the project applicant has made a good faith effort to comply with the GHG Reduction Plan. The City would only have the ability to impose a monetary penalty after a reasonable cure period and in accordance with the enforcement process outlined in Planning Code Chapter 17.152. If a financial penalty is imposed, such penalty sums shall be used by the City solely toward the implementation of the Equitable Climate Action Plan. Timeline Discretion and Summary. The City shall have the discretion to reasonably modify the timing of reporting, with reasonable notice and opportunity to comment by the applicant, to coincide with other related monitoring and reporting required for the project. **SCA AES-3: Landscape Plan.** (*Standard Condition of Approval 18*) ***a. Landscape Plan Required*** Requirement: 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 (which can be viewed at http://www2.oaklandnet.com/oakca1/groups/pwa/documents/report/oak042662.pdf and http://www2.oaklandnet.com/oakca1/groups/pwa/documents/form/oak025595.pdf, respectively), and with any applicable streetscape plan. ***b. Landscape Installation*** Requirement: 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.	

TABLE 2-1 (CONTINUED)
SUMMARY OF IMPACTS AND STANDARD CONDITIONS OF APPROVAL FOR THE PROJECT

Impacts	Standard Conditions of Approval	Significance After Incorporation of SCAs
Initial Study Section 2.8, Greenhouse Gas Emissions (cont.)		
Impact GHG-1 (cont.)	***c. Landscape Maintenance*** Requirement: 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. **SCA AIR-2: Criteria Air Pollutant Controls - Construction Related.** See Section 2.3 above. **SCA AIR-3: Diesel Particulate Matter Controls - Construction Related.** See Section 2.3 above. **SCA TRA-2: Bicycle Parking.** See Section 2.17 below. **SCA TRA-4: Transportation and Parking Demand Management Plan.** See Section 2.17 below. **SCA TRA-6: PEV Charging Infrastructure.** See Section 2.17 below. **SCA UTIL-1: Construction and Demolition Waste Reduction and Recycling.** See Section 2.18 below. **SCA UTIL-4: Green Building Requirements.** See Section 2.18 below.	
Initial Study Section 2.9, Hazards and Hazardous Materials		
Impact HAZ-1: The Project would not create a significant hazard to the public or the environment through the routine transport, use, disposal, or accidental release of hazardous materials. (Criteria 1 and 2) (*Less than Significant with SCAs*)	**SCA HAZ-1: Hazardous Materials Related to Construction.** *(Standard Condition of Approval 43)* Requirement: 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	Less Than Significant

TABLE 2-1 (CONTINUED)
SUMMARY OF IMPACTS AND STANDARD CONDITIONS OF APPROVAL FOR THE PROJECT

Impacts	Standard Conditions of Approval	Significance After Incorporation of SCAs
Initial Study Section 2.9, Hazards and Hazardous Materials (cont.)		
Impact HAZ-1 (cont.)	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. **SCA HAZ-2: Hazardous Building Materials and Site Contamination.** *(Standard Condition of Approval 44)* ***a. Hazardous Building Materials Assessment*** Requirement: 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. ***b. Environmental Site Assessment Required*** Requirement: The project applicant hall 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. ***c. Health and Safety Plan Required*** Requirement: 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.	

TABLE 2-1 (CONTINUED)
SUMMARY OF IMPACTS AND STANDARD CONDITIONS OF APPROVAL FOR THE PROJECT

Impacts	Standard Conditions of Approval	Significance After Incorporation of SCAs
Initial Study Section 2.9, Hazards and Hazardous Materials (cont.)		
Impact HAZ-1 (cont.)	***d. Best Management Practices (BMPs) Required for Contaminated Site*** Requirement: 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. **SCA AIR-5: Asbestos in Structures.** See Section 2.3 above. **SCA HYD-2: State Construction General Permit.** See Section 2.10 below.	
Impact HAZ-2: The Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school resulting in a significant impact (Criterion 3 and 4) (*Less than Significant with SCAs*)	**SCA HAZ-3: Hazardous Materials Business Plan.** *(Standard Condition of Approval 45)* Requirement: The project applicant shall submit a Hazardous Materials Business Plan for review and approval by the City, and shall implement the approved Plan. The approved Plan shall be kept on file with the City and the project applicant shall update the Plan as applicable. The purpose of the Hazardous Materials Business Plan is to ensure that employees are adequately trained to handle hazardous materials and provides information to the Fire Department should emergency response be required. Hazardous materials shall be handled in accordance with all applicable local, state, and federal requirements. The Hazardous Materials Business Plan shall include the following: a. The types of hazardous materials or chemicals stored and/or used on-site, such as petroleum fuel products, lubricants, solvents, and cleaning fluids. b. The location of such hazardous materials. c. An emergency response plan including employee training information. d. A plan that describes the manner in which these materials are handled, transported, and disposed. **SCA HAZ-1: Hazardous Materials Related to Construction.** See above. **SCA HAZ-2: Hazardous Building Materials and Site Contamination.** See above. **SCA AIR-5: Asbestos in Structures.** See Section 2.3 above.	Less Than Significant

TABLE 2-1 (CONTINUED)
SUMMARY OF IMPACTS AND STANDARD CONDITIONS OF APPROVAL FOR THE PROJECT

Impacts	Standard Conditions of Approval	Significance After Incorporation of SCAs
Initial Study Section 2.9, Hazards and Hazardous Materials (cont.)		
Impact HAZ-3: The Project would provide adequate emergency access and would not fundamentally impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. (Criteria 6 and 9) (*Less than Significant with SCAs*)	**SCA TRA-1: Construction Activity in the Public Right-of-Way.** See Section 2.17 below.	Less Than Significant
Impact HAZ-1.CU: The Project, combined with cumulative development in the Project vicinity, would not result in significant cumulative impacts relative to hazards and hazardous materials. (*Less than Significant with SCAs)*	**SCA HAZ-1: Hazardous Materials Related to Construction.** See above. **SCA HAZ-2: Hazardous Building Materials and Site Contamination.** See above. **SCA HAZ-3: Hazardous Materials Business Plan.** See above. **SCA AIR-5: Asbestos in Structures.** See Section 2.3 above. **SCA HYD-2: State Construction General Permit.** See Section 2.10 below. **SCA TRA-1: Construction Activity in the Public Right-of-Way.** See Section 2.17 below.	Less Than Significant
Initial Study Section 2.10, Hydrology and Water Quality		
Impact HYD-1: The Project would not violate water quality standards; substantially alter the existing drainage pattern of the site that would result in erosion, siltation, or flooding on- or offsite that could affect receiving water quality; otherwise substantially degrade water quality; or fundamentally conflict with the City of Oakland Creek Protection Ordinance (OMC Chapter 13.16). (Criteria 1, 3, 7, 12, and 13) (*Less than Significant with SCAs*)	**SCA HYD-1: Erosion and Sedimentation Control Plan for Construction.** *(Standard Condition of Approval 49)* ***a. Erosion and Sedimentation Control Plan Required*** Requirement: The project applicant shall submit an Erosion and Sedimentation Control Plan to the City for review and approval. The Erosion and Sedimentation Control Plan shall include all necessary measures to be taken to prevent excessive stormwater runoff or carrying by stormwater runoff of solid materials on to lands of adjacent property owners, public streets, or to creeks as a result of conditions created by grading and/or construction operations. The Plan shall include, but not be limited to, such measures as short-term erosion control planting, waterproof slope covering, check dams, interceptor ditches, benches, storm drains, dissipation structures, diversion dikes, retarding berms and barriers, devices to trap, store and filter out sediment, and stormwater retention basins. Off-site work by the project applicant may be necessary. The project applicant shall obtain permission or easements necessary for off-site work. There shall be a clear notation that the plan is subject to changes as changing conditions occur. Calculations of anticipated stormwater runoff and sediment volumes shall be included, if required by the City. The Plan shall specify that, after construction is complete, the project applicant shall ensure that the storm drain system shall be inspected and that the project applicant shall clear the system of any debris or sediment. ***b. Erosion and Sedimentation Control During Construction*** Requirement: The project applicant shall implement the approved Erosion and Sedimentation Control Plan. No grading shall occur during the wet weather season (October 15 through April 15) unless specifically authorized in writing by the Bureau of Building.	Less Than Significant

TABLE 2-1 (CONTINUED)
SUMMARY OF IMPACTS AND STANDARD CONDITIONS OF APPROVAL FOR THE PROJECT

Impacts	Standard Conditions of Approval	Significance After Incorporation of SCAs
Initial Study Section 2.10, Hydrology and Water Quality (cont.)		
Impact HYD-1 (cont.)	**SCA HYD-2: State Construction General Permit.** *(Standard Condition of Approval 50)* Requirement: The project applicant shall comply with the requirements of the Construction General Permit issued by the State Water Resources Control Board (SWRCB). The project applicant shall submit a Notice of Intent (NOI), Stormwater Pollution Prevention Plan (SWPPP), and other required Permit Registration Documents to SWRCB. The project applicant shall submit evidence of compliance with Permit requirements to the City. **SCA HYD-3: NPDES C.3 Stormwater Requirements for Regulated Projects.** *(Standard Condition of Approval 54)* ***a. Post-Construction Stormwater Management Plan Required*** Requirement: 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. ***b. Maintenance Agreement Required*** Requirement: 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	

TABLE 2-1 (CONTINUED)
SUMMARY OF IMPACTS AND STANDARD CONDITIONS OF APPROVAL FOR THE PROJECT

Impacts	Standard Conditions of Approval	Significance After Incorporation of SCAs
Initial Study Section 2.10, Hydrology and Water Quality (cont.)		
Impact HYD-1 (cont.)	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. **SCA UTIL-6: Storm Drain System.** See Section 2.18 below.	
Impact HYD-2: The Project would not result in substantially depleting groundwater supplies or interfere substantially with groundwater recharge that would result in a net deficit in aquifer volume or lowering the local groundwater table. (Criterion 2) (*Less than Significant*)	None required	Less Than Significant
Impact HYD-3: The Project would not result in substantial flooding on- or off-site, create or contribute substantial runoff which would exceed the capacity of existing or planned stormwater drainage systems, or create or contribute substantial runoff which would be an additional source of polluted runoff. (Criteria 4, 5, and 6) (*Less than Significant with SCAs*)	**SCA HYD-1: Erosion and Sedimentation Control Plan for Construction.** See above. **SCA HYD-2: State Construction General Permit.** See above. **SCA HYD-3: NPDES C.3 Stormwater Requirements for Regulated Projects.** See above. **SCA UTIL-6: Storm Drain System.** See Section 2.18 below.	Less Than Significant
Impact HYD-1.CU: The Project, combined with cumulative development in the Project vicinity and citywide, would not result in significant cumulative impacts on surface water or groundwater quality. (*Less than Significant with SCAs*)	**SCA HYD-1: Erosion and Sedimentation Control Plan for Construction.** See above. **SCA HYD-2: State Construction General Permit.** See above. **SCA HYD-3: NPDES C.3 Stormwater Requirements for Regulated Projects.** See above. **SCA UTIL-6: Storm Drain System.** See Section 2.18 below.	Less Than Significant
Initial Study Section 2.11, Land Use and Planning		
Impact LUP-1: The Project would not physically divide an established community. (Criterion 1) (*Less than Significant*)	None required	Less Than Significant
Impact LUP-2: The Project would not result in a fundamental conflict between adjacent or nearby land uses. (Criterion 2) (*Less than Significant*)	None required	Less Than Significant
Impact LUP-3: The Project would not fundamentally conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect and result in a physical change in the environment. (Criterion 3) (*Less than Significant*)	None required	Less Than Significant

TABLE 2-1 (CONTINUED)
SUMMARY OF IMPACTS AND STANDARD CONDITIONS OF APPROVAL FOR THE PROJECT

Impacts	Standard Conditions of Approval	Significance After Incorporation of SCAs
Initial Study Section 2.11, Land Use and Planning (cont.)		
Impact LUP-1.CU: The Project, combined with cumulative development in the Project vicinity and citywide, would not result in or contribute to a significant cumulative impact to land use and planning. (*Less than Significant*)	None required	Less Than Significant
Initial Study Section 2.13, Noise		
Impact NOI-1: Construction of the Project would not generate noise in violation of the City of Oakland Noise Ordinance. (Criteria 1 and 2) (*Less than Significant with SCAs*)	**SCA NOI-1: Construction Days/Hours.** *(Standard Condition of Approval 62)* Requirement: 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. **SCA NOI-2: Construction Noise.** *(Standard Condition of Approval 63)* Requirement: 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.	Less Than Significant

TABLE 2-1 (CONTINUED)
SUMMARY OF IMPACTS AND STANDARD CONDITIONS OF APPROVAL FOR THE PROJECT

Impacts	Standard Conditions of Approval	Significance After Incorporation of SCAs
Initial Study Section 2.13, Noise (cont.)		
Impact NO1-1 (cont.)	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. **SCA NOI-3: Extreme Construction Noise.** *(Standard Condition of Approval 64)* ***a. Construction Noise Management Plan Required*** <u>Requirement:</u> Prior to any extreme noise generating construction activities (e.g., pier drilling, pile driving and other activities generating greater than 90 dBA), 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	

TABLE 2-1 (CONTINUED)
SUMMARY OF IMPACTS AND STANDARD CONDITIONS OF APPROVAL FOR THE PROJECT

Impacts	Standard Conditions of Approval	Significance After Incorporation of SCAs
Initial Study Section 2.13, Noise (cont.)		
Impact NO1-1 (cont.)	v. Monitor the effectiveness of noise attenuation measures by taking noise measurements. ***b. Public Notification Required*** Requirement: 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. **SCA NOI-4: Construction Noise Complaints.** *(Standard Condition of Approval 66)* Requirement: 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.	
Impact NOI-2: Stationary sources associated with the operation of the Project would not generate noise in violation of the City of Oakland Noise Ordinance. (Criterion 3) (*Less than Significant with SCAs*)	**SCA NOI-5: Operational Noise.** *(Standard Condition of Approval 68)* Requirement: 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.	Less Than Significant
Impact NOI-3: The Project would not generate noise that would result in a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project. (Criterion 4) (*Less than Significant*)	None required	Less Than Significant
Impact NOI-4: The Project would not be inconsistent with the land use compatibility guidelines of the Oakland General Plan for the proposed land uses. (Criterion 6) (*Less than Significant*)	None required	Less Than Significant

TABLE 2-1 (CONTINUED)
SUMMARY OF IMPACTS AND STANDARD CONDITIONS OF APPROVAL FOR THE PROJECT

Impacts	Standard Conditions of Approval	Significance After Incorporation of SCAs
Initial Study Section 2.13, Noise (cont.)		
Impact NOI-5: Project construction would not expose persons to or generate groundborne vibration that exceeds the criteria established by the Federal Transit Administration (FTA). (Criterion 8) (*Less than Significant with SCAs*)	**SCA NOI-6: Vibration Impacts on Adjacent Structures or Vibration-Sensitive Activities.** *(Standard Condition of Approval 70)* Requirement: The project applicant shall submit a Vibration Analysis prepared by an acoustical and/or structural engineer or other appropriate qualified professional for City review and approval that establishes pre-construction baseline conditions and threshold levels of vibration that could damage the structure and/or substantially interfere with activities located at 466 24th Street. The Vibration Analysis shall identify design means and methods of construction that shall be utilized in order to not exceed the thresholds. The applicant shall implement the recommendations during construction.	
Impact NOI-1.CU: Construction and operation of the Project, combined with cumulative development in the Project area, would not lead to significant cumulative noise and vibration impacts. (*Less than Significant with SCAs*)	**SCA NOI-1: Construction Days/Hours.** See above. **SCA NOI-2: Construction Noise.** See above. **SCA NOI-3: Extreme Construction Noise.** See above. **SCA NOI-4: Construction Noise Complaints.** See above. **SCA NOI-5: Operational Noise.** See above. **SCA NOI-6: Vibration Impacts on Adjacent Structures or Vibration-Sensitive Activities.** See above.	Less Than Significant
Initial Study Section 2.14, Population and Housing		
Impact POP-1: The Project would not induce substantial population growth in a manner not contemplated in the General Plan, either directly or indirectly, such that additional infrastructure is required. (Criterion 1) (*Less than Significant*)	None required **SCA POP-1: Jobs/Housing Impact Fee** *(Standard Condition of Approval 71)* Requirement: The project applicant shall comply with the requirements of the City of Oakland Jobs/Housing Impact Fee Ordinance (chapter 15.68 of the Oakland Municipal Code).	Less Than Significant
Impact POP-1.CU: The Project, combined with cumulative development in the Project vicinity and citywide, would not result in or contribute to a significant cumulative impact to population and housing. (*Less than Significant*)	None required	Less Than Significant
Initial Study Section 2.15, Public Services		
Impact PUB-1: The Project would not result in an increase in demand for fire protection and emergency medical response services that would require new or physically altered fire protection facilities in order to maintain acceptable service ratios, response times, or other performance objectives, construction of which could have significant physical environmental impacts. (Criterion 1.a) (*Less than Significant with SCAs*)	**SCA PUB-1: Capital Improvements Impact Fee.** *(Standard Condition of Approval 73)* Requirement: The project applicant shall comply with the requirements of the City of Oakland Capital Improvements Fee Ordinance (chapter 15.74 of the Oakland Municipal Code).	Less Than Significant

TABLE 2-1 (CONTINUED)
SUMMARY OF IMPACTS AND STANDARD CONDITIONS OF APPROVAL FOR THE PROJECT

Impacts	Standard Conditions of Approval	Significance After Incorporation of SCAs
Initial Study Section 2.15, Public Services (cont.)		
Impact PUB-2: The Project would not result in an increase in demand for police services that would require new or physically altered police facilities in order to maintain acceptable service ratios, response times, or other performance objectives, construction of which could have significant physical environmental impacts. (Criterion 1.b) (*Less than Significant with SCAs*)	**SCA PUB-1: Capital Improvements Impact Fee.** See above.	Less Than Significant
Impact PUB-3: The Project would not result in an increase in new students for public schools at a level that would require new or physically altered school facilities in order to maintain acceptable service ratios or other performance objectives, construction of which would have significant physical environmental impacts. (Criterion 1.c) (*Less than Significant*)	None required	Less Than Significant
Impact PUB-4: The Project would not result in an increase in demand for other public facilities, including libraries, at a level that would require new or physically altered library facilities in order to maintain acceptable service ratios or other performance objectives, construction of which would have significant physical environmental impacts. (Criterion 1.d) (*Less than Significant with SCAs*)	**SCA PUB-1: Capital Improvements Impact Fee.** See above.	Less Than Significant
Impact PUB-1.CU: The Project, combined with cumulative development in the Project vicinity and citywide, would not result in an adverse cumulative increase in demand for public services that would require new or physically altered governmental facilities, construction of which could have significant physical environmental impacts. (*Less than Significant with SCAs*)	**SCA PUB-1: Capital Improvements Impact Fee.** See above.	Less Than Significant
Initial Study Section 2.16, Recreation		
Impact REC-1: The Project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. (Criterion 1) (*Less than Significant*)	None required	Less Than Significant
Impact REC-2: The Project would not require the construction or expansion of recreational facilities which could have a substantial adverse physical effect on the environment. (Criterion 2) (*Less than Significant with SCAs*)	**SCA PUB-1: Capital Improvements Impact Fee.** See Section 2.15 above.	Less Than Significant
Impact REC-1.CU: The Project, combined with cumulative development in the Project vicinity and citywide, would not result in significant cumulative impacts to recreation. (*Less than Significant with SCAs)*	**SCA PUB-1: Capital Improvements Impact Fee.** See Section 2.15 above.	Less Than Significant

TABLE 2-1 (CONTINUED)
SUMMARY OF IMPACTS AND STANDARD CONDITIONS OF APPROVAL FOR THE PROJECT

Impacts	Standard Conditions of Approval	Significance After Incorporation of SCAs
Initial Study Section 2.17, Transportation		
Impact TRA-1: The Project would not conflict with a plan, ordinance, or policy addressing the safety or performance of the circulation system, including transit, roadways, bicycle and pedestrian facilities. (Criterion 1) (*Less than Significant with SCAs*)	**SCA TRA-1: Construction Activity in the Public Right-of-Way.** *(Standard Condition of Approval 75)* ***a. Obstruction Permit Required*** Requirement: The project applicant shall obtain an obstruction permit from the City prior to placing any temporary construction-related obstruction in the public right-of-way, including City streets, sidewalks, bicycle facilities, and bus stops. ***b. Traffic Control Plan Required*** Requirement: In the event of obstructions to vehicle or bicycle travel lanes, bus stops, or sidewalks, the project applicant shall submit a Traffic Control Plan to the City for review and approval prior to obtaining an obstruction permit. The project applicant shall submit evidence of City approval of the Traffic Control Plan with the application for an obstruction permit. The Traffic Control Plan shall contain a set of comprehensive traffic control measures for auto, transit, bicycle, and pedestrian accommodations (or Detours, if accommodations are not feasible), including detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. The Traffic Control Plan shall be in conformance with the City's Supplemental Design Guidance for Accommodating Pedestrians, Bicyclists, and Bus Facilities in Construction Zones. The project applicant shall implement the approved Plan during construction. ***c. Repair of City Streets*** Requirement: The project applicant shall repair any damage to the public right-of way, including streets and sidewalks caused by project construction at his/her expense within one week of the occurrence of the damage (or excessive wear), unless further damage/excessive wear may continue; in such case, repair shall occur prior to approval of the final inspection of the construction-related permit. All damage that is a threat to public health or safety shall be repaired immediately. **SCA TRA-2: Bicycle Parking.** *(Standard Condition of Approval 76)* Requirement: The project applicant shall comply with the City of Oakland Bicycle Parking Requirements (chapter 17.118 of the Oakland Planning Code). The project drawings submitted for construction-related permits shall demonstrate compliance with the requirements. **SCA TRA-3: Transportation Improvements.** *(Standard Condition of Approval 77)* Requirement: The project applicant shall implement the recommended on- and off-site transportation-related improvements contained within the Transportation Impact Review for the project (e.g., signal timing adjustments, restriping, signalization, traffic control devices, roadway reconfigurations, transportation demand management measures, and transit, pedestrian, and bicyclist amenities). The project applicant is responsible for funding and installing the improvements, and shall obtain all necessary permits and approvals from the City and/or other applicable regulatory agencies such as, but not limited to, Caltrans (for improvements related to Caltrans facilities) and the	Less Than Significant

TABLE 2-1 (CONTINUED)
SUMMARY OF IMPACTS AND STANDARD CONDITIONS OF APPROVAL FOR THE PROJECT

Impacts	Standard Conditions of Approval	Significance After Incorporation of SCAs
Initial Study Section 2.17, Transportation (cont.)		
Impact TRA-3 (cont.)	California Public Utilities Commission (for improvements related to railroad crossings), prior to installing the improvements. To implement this measure for intersection modifications, the project applicant shall submit Plans, Specifications, and Estimates (PS&E) to the City for review and approval. All elements shall be designed to applicable City standards in effect at the time of construction and all new or upgraded signals shall include these enhancements as required by the City. All other facilities supporting vehicle travel and alternative modes through the intersection shall be brought up to both City standards and ADA standards (according to Federal and State Access Board guidelines) at the time of construction. Current City Standards call for, among other items, the elements listed below: a. 2070L Type Controller with cabinet accessory b. GPS communication (clock) c. Accessible pedestrian crosswalks according to Federal and State Access Board guidelines with signals (audible and tactile) d. Countdown pedestrian head module switch out e. City Standard ADA wheelchair ramps f. Video detection on existing (or new, if required) g. Mast arm poles, full activation (where applicable) h. Polara Push buttons (full activation) i. Bicycle detection (full activation) j. Pull boxes k. Signal interconnect and communication with trenching (where applicable), or through existing conduit (where applicable), 600 feet maximum l. Conduit replacement contingency m. Fiber switch n. PTZ camera (where applicable) o. Transit Signal Priority (TSP) equipment consistent with other signals along corridor p. Signal timing plans for the signals in the coordination group q. Bi-directional curb ramps (where feasible, and if project is on a street corner) r. Upgrade ramps on receiving curb (where feasible, and if project is on a street corner)	

TABLE 2-1 (CONTINUED)
SUMMARY OF IMPACTS AND STANDARD CONDITIONS OF APPROVAL FOR THE PROJECT

Impacts	Standard Conditions of Approval	Significance After Incorporation of SCAs
Initial Study Section 2.17, Transportation (cont.)		
Impact TRA-4	**SCA TRA-4: Transportation and Parking Demand Management.** *(Standard Condition of Approval 78)* Requirement: 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): – 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. 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. **Improvement** — **Required by code or when…** **Bus boarding bulbs or islands** — • A bus boarding bulb or island does not already exist and a bus stop is located along the project frontage; and/or • A bus stop along the project frontage serves a route with 15 minutes or better peak hour service and has a shared bus-bike lane curb	

TABLE 2-1 (CONTINUED)
SUMMARY OF IMPACTS AND STANDARD CONDITIONS OF APPROVAL FOR THE PROJECT

<table>
<tr><th>Impacts</th><th colspan="2">Standard Conditions of Approval</th><th>Significance After Incorporation of SCAs</th></tr>
<tr><td colspan="4">Initial Study Section 2.17, Transportation (cont.)</td></tr>
<tr><td>Impact TRA-4 (cont.)</td><td colspan="2"><table>
<tr><th>Improvement</th><th>Required by code or when…</th></tr>
<tr><td>Bus shelter</td><td>• A stop with no shelter is located within the project frontage, or
• The project is located within 0.10 miles of a flag stop with 25 or more boardings per day</td></tr>
<tr><td>Concrete bus pad</td><td>• A bus stop is located along the project frontage and a concrete bus pad does not already exist</td></tr>
<tr><td>Curb extensions or bulb-outs</td><td>• Identified as an improvement within site analysis</td></tr>
<tr><td>Implementation of a corridor-level bikeway improvement</td><td>• A buffered Class II or Class IV bikeway facility is in a local or county adopted plan within 0.10 miles of the project location; and
• The project would generate 500 or more daily bicycle trips</td></tr>
<tr><td>Implementation of a corridor-level transit capital improvement</td><td>• A high-quality transit facility is in a local or county adopted plan within 0.25 miles of the project location; and
• The project would generate 400 or more peak period transit trips</td></tr>
<tr><td>Installation of amenities such as lighting; pedestrian-oriented green infrastructure, trees, or other greening landscape; and trash receptacles per the Pedestrian Master Plan and any applicable streetscape plan.</td><td>• Always required</td></tr>
<tr><td>In-street bicycle corral</td><td>• A project includes more than 10,000 square feet of ground floor retail, is located along a Tier 1 bikeway, and on-street vehicle parking is provided along the project frontages.</td></tr>
<tr><td>Intersection improvements[3]</td><td>• Identified as an improvement within site analysis</td></tr>
<tr><td>New sidewalk, curb ramps, curb and gutter meeting current City and ADA standards</td><td>• Always required</td></tr>
</table></td><td></td></tr>
</table>

[3] Including but not limited to visibility improvements, shortening corner radii, pedestrian safety islands, accounting for pedestrian desire lines.

TABLE 2-1 (CONTINUED)
SUMMARY OF IMPACTS AND STANDARD CONDITIONS OF APPROVAL FOR THE PROJECT

Impacts	Standard Conditions of Approval	Significance After Incorporation of SCAs
Initial Study Section 2.17, Transportation (cont.)		
Impact TRA-4 (cont.)	See nested table below	

Improvement	Required by code or when…
No monthly permits and establish minimum price floor for public parking[4]	• If proposed parking ratio exceeds 1:1000 sf. (commercial)
Parking garage is designed with retrofit capability	• Optional if proposed parking ratio exceeds 1:1.25 (residential) or 1:1000 sf. (commercial)
Parking space reserved for car share	• If a project is providing parking and a project is located within downtown. One car share space reserved for buildings between 50 – 200 units, then one car share space per 200 units.
Paving, lane striping or restriping (vehicle and bicycle), and signs to midpoint of street section	• Typically required
Pedestrian crossing improvements	• Identified as an improvement within site analysis
Pedestrian-supportive signal changes[5]	• Identified as an improvement within operations analysis
Real-time transit information system	• A project frontage block includes a bus stop or BART station and is along a Tier 1 transit route with 2 or more routes or peak period frequency of 15 minutes or better
Relocating bus stops to far side	• A project is located within 0.10 mile of any active bus stop that is currently near-side
Signal upgrades[6]	• Project size exceeds 100 residential units, 80,000 sf. of retail, or 100,000 sf. of commercial; and • Project frontage abuts an intersection with signal infrastructure older than 15 years

4 May also provide a cash incentive or transit pass alternative to a free parking space in commercial properties.

5 Including but not limited to reducing signal cycle lengths to less than 90 seconds to avoid pedestrian crossings against the signal, providing a leading pedestrian interval, provide a "scramble" signal phase where appropriate.

6 Including typical traffic lights, pedestrian signals, bike actuated signals, transit-only signals

TABLE 2-1 (CONTINUED)
SUMMARY OF IMPACTS AND STANDARD CONDITIONS OF APPROVAL FOR THE PROJECT

<table>
<tr><th>Impacts</th><th>Standard Conditions of Approval</th><th>Significance After Incorporation of SCAs</th></tr>
<tr><td colspan="3">Initial Study Section 2.17, Transportation (cont.)</td></tr>
<tr><td>Impact TRA-4 (cont.)</td><td>
<table>
<tr><th>Improvement</th><th>Required by code or when…</th></tr>
<tr><td>Transit queue jumps</td><td>• Identified as a needed improvement within operations analysis of a project with frontage along a Tier 1 transit route with 2 or more routes or peak period frequency of 15 minutes or better</td></tr>
<tr><td>Trenching and placement of conduit for providing traffic signal interconnect</td><td>• Project size exceeds 100 units, 80,000 sf. of retail, or 100,000 sf. of commercial; and
• Project frontage block is identified for signal interconnect improvements as part of a planned ITS improvement; and
• A major transit improvement is identified within operations analysis requiring traffic signal interconnect</td></tr>
<tr><td>Unbundled parking</td><td>• If proposed parking ratio exceeds 1:1.25 (residential)</td></tr>
</table>
iv. 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, Tree Planting Guidelines (which can be viewed at http://www2.oaklandnet.com/oakca1/groups/pwa/documents/report/oak042662.pdf and http://www2.oaklandnet.com/oakca1/groups/pwa/documents/form/oak025595.pdf, respectively), 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).
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TABLE 2-1 (CONTINUED)
SUMMARY OF IMPACTS AND STANDARD CONDITIONS OF APPROVAL FOR THE PROJECT

Impacts	Standard Conditions of Approval	Significance After Incorporation of SCAs
Initial Study Section 2.17, Transportation (cont.)		
Impact TRA-4 (cont.)	• 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.	

TABLE 2-1 (CONTINUED)
SUMMARY OF IMPACTS AND STANDARD CONDITIONS OF APPROVAL FOR THE PROJECT

Impacts	Standard Conditions of Approval	Significance After Incorporation of SCAs
Initial Study Section 2.17, Transportation (cont.)		
Impact TRA-4 (cont.)	***b. TDM Implementation – Physical Improvements*** Requirement: 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. ***c. TDM Implementation – Operational Strategies*** Requirement: 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. **SCA TRA-5: Transportation Impact Fee.** *(Standard Condition of Approval 79)* Requirement: The project applicant shall comply with the requirements of the City of Oakland Transportation Impact Fee Ordinance (chapter 15.74 of the Oakland Municipal Code). **SCA TRA-6: PEV Charging Infrastructure.** *(Standard Condition of Approval 81)* ***b. PEV-Capable Parking Spaces*** Requirement: The applicant shall submit, for review and approval of the Building Official, plans that show the location of inaccessible conduit to supply PEV-capable parking spaces per the requirements of Chapter 15.04 of the Oakland Municipal Code. Building electrical plans shall indicate sufficient electrical capacity to supply the required PEV-capable parking spaces. ***c. ADA-Accessible Spaces*** Requirement: The applicant shall submit, for review and approval of the Building Official, plans that show the location of future accessible EV parking spaces as required under Title 24 Chapter 11B Table 11B-228.3.2.1, and specify plans to construct all future accessible EV parking spaces with appropriate grade, vertical clearance, and accessible path of travel to allow installation of accessible EV charging station(s).	

TABLE 2-1 (CONTINUED)
SUMMARY OF IMPACTS AND STANDARD CONDITIONS OF APPROVAL FOR THE PROJECT

Impacts	Standard Conditions of Approval	Significance After Incorporation of SCAs
Initial Study Section 2.17, Transportation (cont.)		
Impact TRA-2: The Project would not cause substantial additional vehicle miles traveled. (Criterion 2) (*Less than Significant with SCAs*)	**SCA TRA-4: Transportation and Parking Demand Management.** See above.	Less Than Significant
Impact TRA-1.CU: Development of the Project, in combination with past, present, existing, approved, pending and reasonably foreseeable future projects within and in the vicinity of the project site, would not result in significant cumulative impacts to transportation and circulation. (*Less than Significant with SCAs*)	**SCA TRA-1: Construction Activity in the Public Right-of-Way.** See above. **SCA TRA-2: Bicycle Parking.** See above. **SCA TRA-3: Transportation Improvements.** See above. **SCA TRA-4: Transportation and Parking Demand Management.** See above. **SCA TRA-5: Transportation Impact Fee.** See above. **SCA TRA-6: PEV Charging Infrastructure.** See above.	Less Than Significant
Initial Study Section 2.18, Utilities and Service Systems		
Impact UTIL-1: The Project would not result in exceedance of EBMUD's wastewater discharge limitations or exceed the capacity of the existing wastewater treatment system, and would not result in a significant environmental effect related to the construction of new wastewater treatment facilities or expansion of existing facilities. (Criteria 1 and 4) (*Less than Significant with SCAs*)	**SCA UTIL-2: Underground Utilities.** *(Standard Condition of Approval 83)* Requirement: The project applicant shall place underground all new utilities serving the project and under the control of the project applicant and the City, including all new gas, electric, cable, and telephone facilities, fire alarm conduits, street light wiring, and other wiring, conduits, and similar facilities. The new facilities shall be placed underground along the project's street frontage and from the project structures to the point of service. Utilities under the control of other agencies, such as PG&E, shall be placed underground if feasible. All utilities shall be installed in accordance with standard specifications of the serving utilities. **SCA UTIL-4: Green Building Requirements.** *(Standard Condition of Approval 85)* ***a. Compliance with Green Building Requirements During Plan-Check*** Requirement: 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.	Less Than Significant

TABLE 2-1 (CONTINUED)
SUMMARY OF IMPACTS AND STANDARD CONDITIONS OF APPROVAL FOR THE PROJECT

Impacts	Standard Conditions of Approval	Significance After Incorporation of SCAs
Initial Study Section 2.18, Utilities and Service Systems (cont.)		
Impact UTIL-1 (cont.)	• 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. • At least LEED Silver per the appropriate checklist approved during the Planning entitlement process. • 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. ***b. Compliance with Green Building Requirements During Construction*** Requirement: 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. ***c. Compliance with Green Building Requirements After Construction*** Requirement: Prior to the finalizing the Building Permit, the Green Building Certifier shall submit the appropriate documentation to City staff and attain the minimum required point level.	

TABLE 2-1 (CONTINUED)
SUMMARY OF IMPACTS AND STANDARD CONDITIONS OF APPROVAL FOR THE PROJECT

Impacts	Standard Conditions of Approval	Significance After Incorporation of SCAs
Initial Study Section 2.18, Utilities and Service Systems (cont.)		
Impact UTIL-1 (cont.)	**SCA UTIL-5: Sanitary Sewer System.** *(Standard Condition of Approval 87)* Requirement: 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.	
Impact UTIL-2: The Project would not require or result in construction of new storm water drainage facilities or expansion of existing facilities, construction of which could cause significant environmental effects. (Criterion 2) (*Less than Significant with SCAs*)	**SCA UTIL-2: Underground Utilities**. See above. **SCA UTIL-6: Storm Drain System.** *(Standard Condition of Approval 88)* Requirement: The project storm drainage system shall be designed in accordance with the City of Oakland's Storm Drainage Design Guidelines. To the maximum extent practicable, peak stormwater runoff from the project site shall be reduced by at least 25 percent compared to the pre-project condition. **SCA HYD-1: Erosion and Sedimentation Control Plan for Construction.** See Section 2.10 above. **SCA HYD-2: Construction General Permit.** See Section 2.10 above. **SCA HYD-3: NPDES C.3 Stormwater Requirements for Regulated Projects.** See Section 2.10 above.	Less Than Significant
Impact UTIL-3: The Project would not exceed water supplies available to serve the Project from existing entitlements and resources, and require or result in construction of water facilities or expansion of existing facilities, construction of which could cause significant environmental effects. (Criterion 3) (*Less than Significant with SCAs*)	**SCA UTIL-2: Underground Utilities**. See above. **SCA UTIL-4: Green Building Requirements.** See above.	Less Than Significant
Impact UTIL-4: The Project would be served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs and would not require or result in construction of landfill facilities or expansion of existing facilities, and would not violate applicable federal, State, and local statutes or regulations related to solid waste. (Criteria 5 and 6) (*Less than Significant with SCAs*)	**SCA UTIL-1: Construction and Demolition Waste Reduction and Recycling.** *(Standard Condition of Approval 82)* Requirement: 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.	Less Than Significant

TABLE 2-1 (CONTINUED)
SUMMARY OF IMPACTS AND STANDARD CONDITIONS OF APPROVAL FOR THE PROJECT

Impacts	Standard Conditions of Approval	Significance After Incorporation of SCAs
Initial Study Section 2.18, Utilities and Service Systems (cont.)		
Impact UTIL-4 (cont.)	Current standards, FAQs, and forms are available on the City's website and in the Green Building Resource Center. **SCA UTIL-3: Recycling Collection and Storage Space.** *(Standard Condition of Approval 84)* Requirement: 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. **SCA UTIL-4: Green Building Requirements.** See above.	
Impact UTIL-1.CU: The Project, combined with cumulative development in the Project vicinity and citywide, would not result in or contribute to a significant cumulative impact on the capacity of EBMUD's wastewater systems or the City's stormwater drainage system; water supplies; or generation of solid waste. (*Less than Significant with SCAs*)	**SCA UTIL-1: Construction and Demolition Waste Reduction and Recycling.** See above. **SCA UTIL-2: Underground Utilities**. See above. **SCA UTIL-3: Recycling Collection and Storage Space.** See above. **SCA UTIL-4: Green Building Requirements.** See above. **SCA UTIL-5: Sanitary Sewer System.** See above. **SCA UTIL-6: Storm Drain System.** See above. **SCA HYD-1: Erosion and Sedimentation Control Plan for Construction.** See Section 2.10 above. **SCA HYD-2: Construction General Permit.** See Section 2.10 above. **SCA HYD-3: NPDES C.3 Stormwater Requirements for Regulated Projects.** See Section 2.10 above.	Less Than Significant

CHAPTER 3
Project Description

This chapter describes all components and characteristics of the proposed 460 24th Street Project (Project) proposed by Signature Development Group (Project Applicant), and serves as a basis for the analysis that follows in subsequent chapters of this Draft EIR. This chapter provides an overview of existing conditions on and around the project site, although existing conditions are described in greater detail in each environmental analysis section in Chapter 4 of this document and in the Initial Study (**Appendix B)**. In addition to describing the Project and providing an overview of existing conditions, this chapter lists the Project Applicant's Project Objectives and the discretionary approvals required by the City of Oakland and various other agencies.

3.1 Project Location

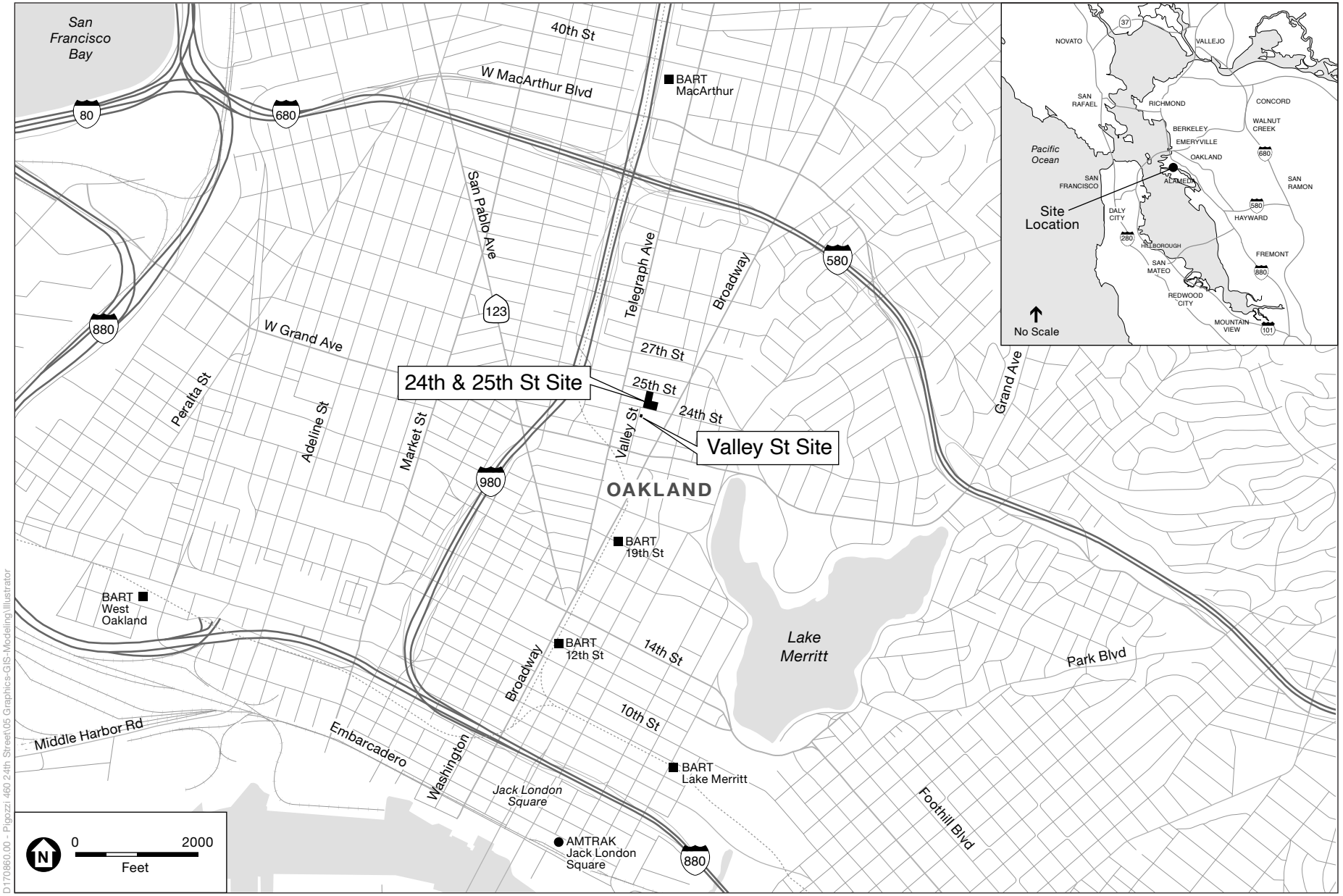
The Project is comprised of two non-contiguous sites (see **Figures 3-1** and **3-2**):

- Site 1 (24th and 25th Street Site) is approximately 0.92 acres, located at 460 24th Street and 465 25th Street, northeast of Uptown Oakland and northwest of Lake Merritt. The L-shaped project site consists of three contiguous parcels (Assessor's Parcel Numbers [APNs] 008-0674-033-1, 008-0674-006 and -007). Site 1 is generally bound by 25th Street to the north, retail and vacant light industrial buildings to the east, 24th Street to the south, and a construction site for a future hotel/residential mixed-use development to the west.

- Site 2 (Valley Street Site) is an approximately 0.03-acre (1,324 square feet) portion of a 0.10-acre parcel near the corner of 24th and Valley Streets (APN 008-0739-008). Site 2 fronts Valley Street, south of 24th Street, and is bound by residential lofts to the north, residential uses and a parking tower to the east, and residential uses to the south and west.

The 24th and 25th Street site and the Valley Street site are collectively referred to as the "project site" in this document.

The project site is accessible from Interstate 580, approximately 0.7-mile to the north, and Interstate 980/State Route 24, approximately 0.25 mile to the west. Multiple transit routes serve the project site, including Alameda-Contra Costa County Transit District (AC Transit) Routes 6, 51A, 800, 851, and the Broadway Shuttle. The 19th Street Bay Area Rapid Transit District (BART) station is approximately 0.4-mile south of the site, and the MacArthur BART station is approximately 1 mile northwest of the site.

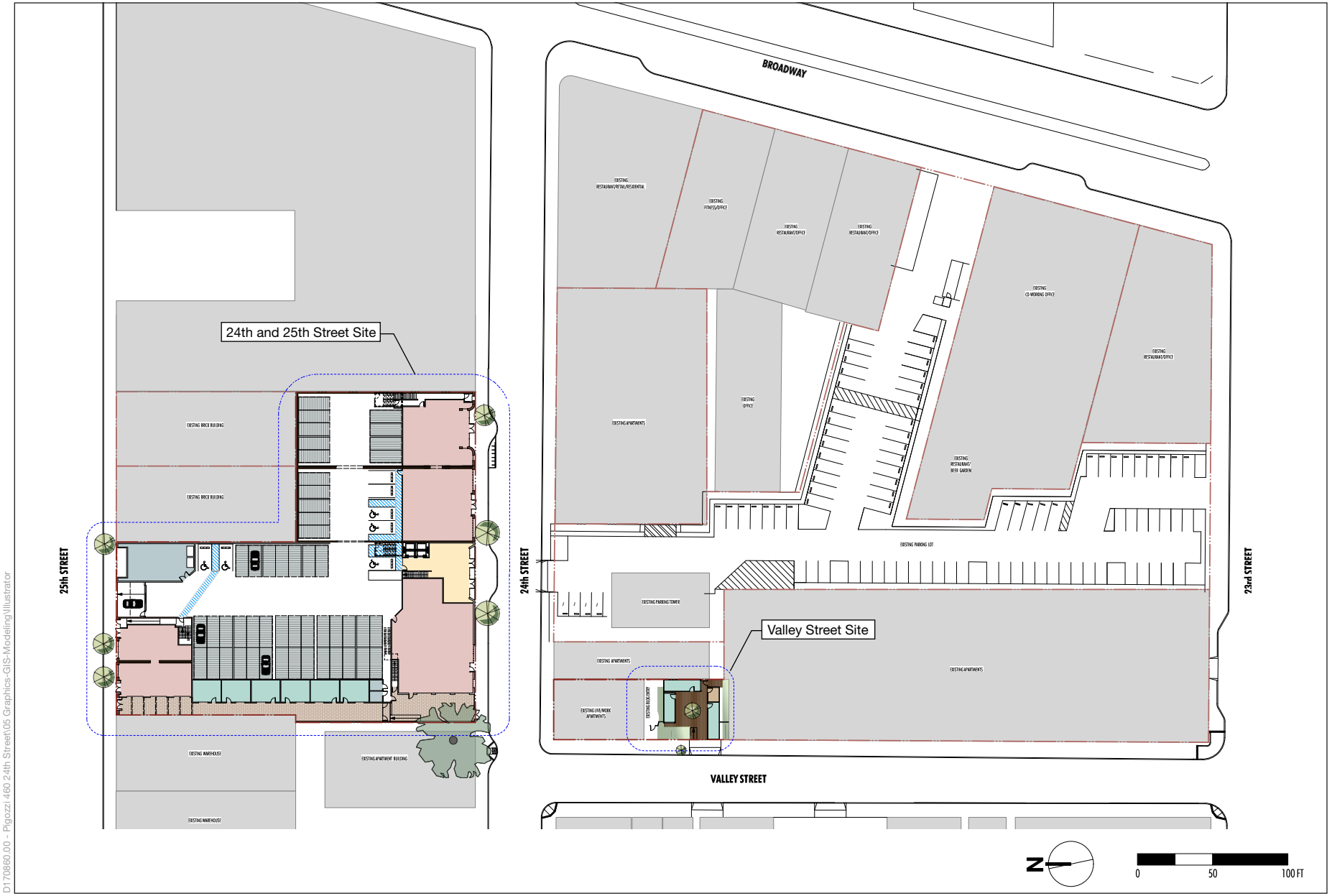


SOURCE: ESA, 2018

Pigozzi 460 24th Street

Figure 3-1
Project Location Map

ESA



SOURCE: Flynn Architecture, 2019

Pigozzi 460 24th Street

Figure 3-2
Project Location and Context

ESA

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3.2 Existing Site Conditions

3.2.1 Existing Project Site Uses

The 24th and 25th Street site is predominantly flat and currently occupied by a surface parking lot and five vacant garage buildings. The site is paved, with no existing vegetation. The 24th and 25th Street site has frontages on 24th and 25th Streets, as shown in Figure 3-1, and a total of seven existing curb cuts: four along 24th Street, and three along 25th Street.

A portion of the 24th and 25th Street site is located within the 25th Street Garage District, which is identified as a historic district (Areas of Primary Importance [API]), as shown in **Figure 3-3**. The three buildings at 465 25th Street have an Oakland Cultural Heritage Survey (OCHS) rating of C1+, the 444 24th Street building has an OCHS rating of Cb+1+, and 450 24th Street building has an OCHS rating of C1+. The historic context of the site is further explained in Section 4.2, Historic Architectural Resources, below.

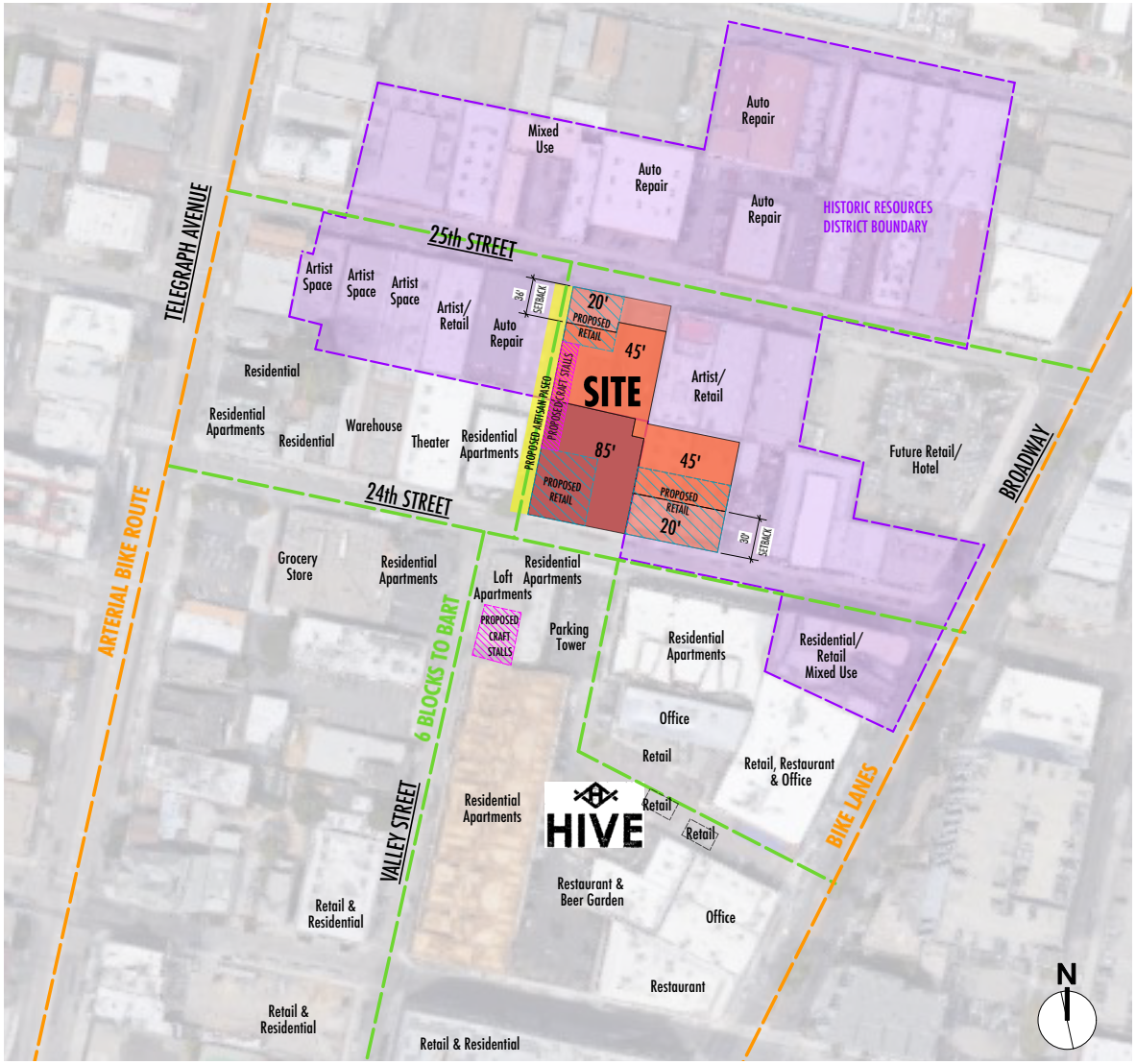
The Valley Street site is occupied by a surface parking lot for a loft building with three spaces and landscaping. One curb cut for the site is located on Valley Street.

3.2.2 Existing Surrounding Uses

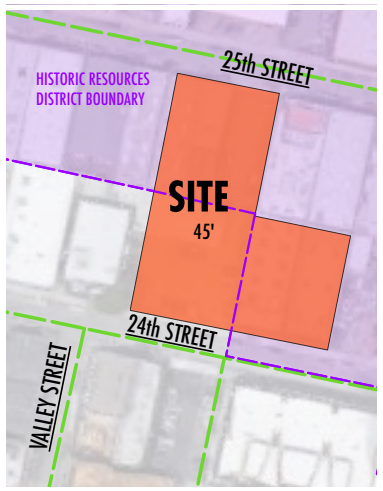
Existing uses in the project vicinity are primarily commercial (e.g., auto dealerships/service centers, retail, restaurants, and entertainment) and multi-family residential. Existing uses to the north include auto repair services and commercial uses. Existing uses to the east include the 2401 Broadway project to the west, which is currently under construction, that will include residential, retail, and hotel uses. Existing uses to the south include multifamily residences and the Hive mixed-use development. Existing uses to the west include a three-story multifamily residential building, the New Parkway Theater, auto services, and art galleries located in a single story warehouse. As evidenced by the surrounding land uses, the area is transitioning from its auto-oriented service centers to a mixed-use community consisting of residential, office, and commercial uses.

3.2.3 Existing General Plan Designations and Zoning

The General Plan land use designation for the 24th and 25th Street site is Community Commercial (CC) and the Valley Street site has a General Plan land use designation of Central Business District (CBD). The intent of the CC designation is to create, maintain and enhance areas suitable for a wide variety of commercial and institutional operations along the City's major corridors and in shopping districts or centers. The CBD designation is intended to encourage, support, and enhance the downtown area as a high-density, mixed-use urban center of regional importance, and a primary hub for business, communications, office, government, high technology, retail, entertainment, and transportation.



PROPOSED HEIGHT



ALLOWED HEIGHT

LEGEND

- HISTORIC RESOURCES DISTRICT BOUNDARY
- PROPOSED 20' HEIGHT
- PROPOSED 45' HEIGHT
- PROPOSED 85' HEIGHT
- PROPOSED ARTISAN PASEO (OPEN TO ABOVE)
- ARTIST/CRAFT PRODUCTION & RETAIL
- PROPOSED GROUND FLOOR RETAIL
- PEDESTRIAN-ORIENTED CIRCULATION
- BIKE LANES

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SOURCE: Flynn Architecture, 2019

Pigozzi 460 24th Street

Figure 3-3
25th Street Garage District API and Proposed Height Map

ESA

The 24th and 25th Street site is located in the Community Commercial (CC-3) zone, and is also included in the yet to be adopted Downtown Oakland Specific Plan (DOSP). The Valley Street site is located in the Broadway Valdez District Specific Plan (BVDSP) Area, and specifically Subdistrict 1 of the Valdez Triangle Subarea, within the Broadway Valdez District Mixed Use – 4 Commercial Zone (D-BV-4) zone. The CC-3 zoning designation is intended to create, maintain and enhance areas with a wide range of commercial and service activities. The D-BV-4 Zone is intended to create, maintain, and enhance areas that do not front Broadway, 27th Street, Piedmont Avenue, or Harrison Street, and allows the widest range of uses on the ground floor including both residential and commercial businesses.

3.3 Project Characteristics

3.3.1 Project Program

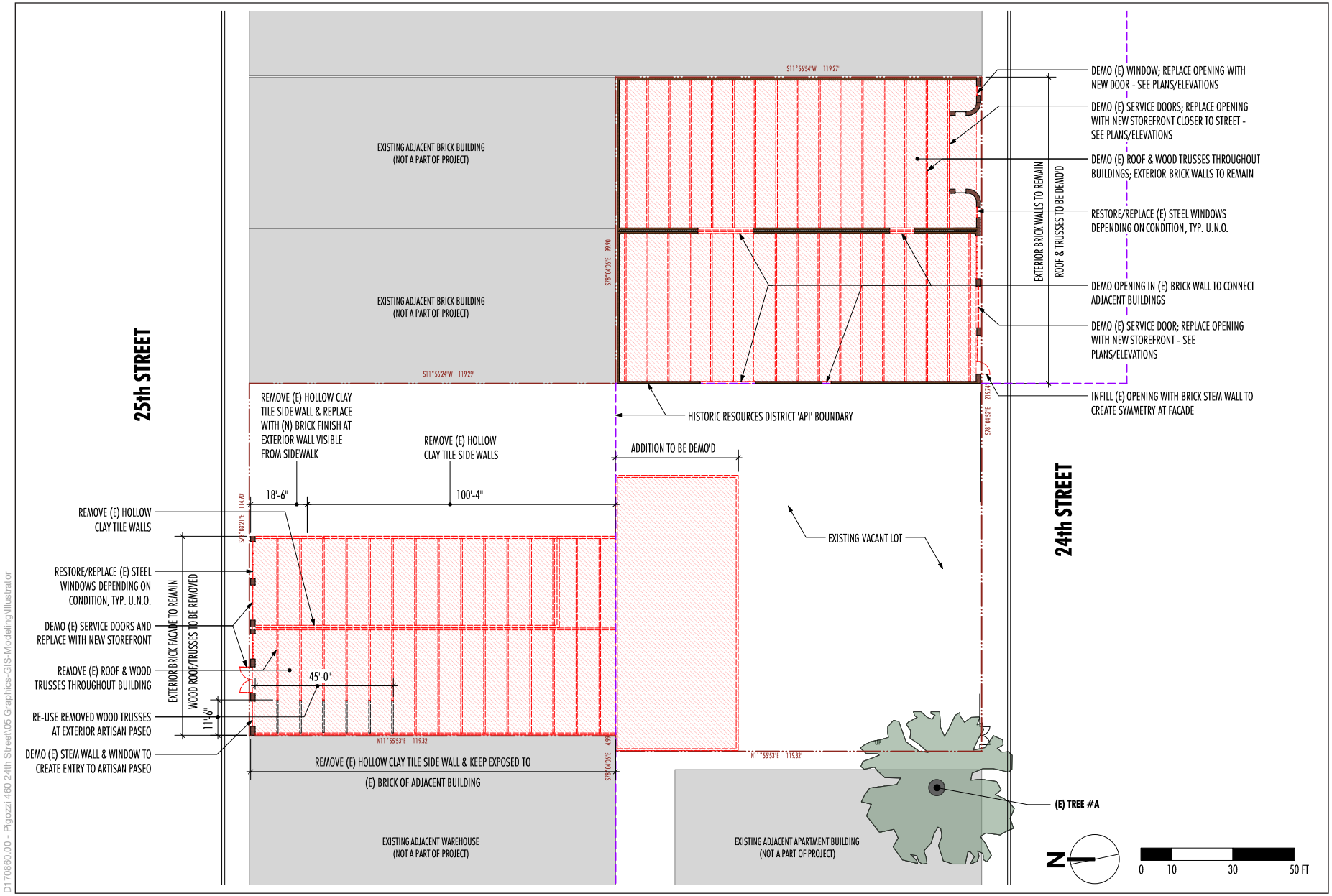
The 460 24th Street Project (Project) would demolish one existing building addition and portions of four other existing buildings on the 24th and 25th Street site, as shown in **Figure 3-4**.[1] The Project would preserve the existing façades and front portions of the two buildings fronting 24th Street for 30 feet behind the property line, as well as the exterior brick wall along on the eastern site boundary. The interior and western brick walls of the buildings would be partially demolished to create openings to connect to the adjacent existing and proposed building on the site. The Project also would preserve the existing façade and front portion of the building fronting 25th Street for 30 feet behind the property line, except for a western portion of the building, which would be demolished in order to create an open air walkway, and any portion of the structure comprised of unsalvageable existing hollow clay tile. The existing roof and trusses of existing buildings would be demolished, with the exception of those located within the 30-foot portions of the 24th Street buildings that would be preserved. Existing service doors and windows would be replaced to create new storefronts.

The Project would construct an approximately 99,800 square foot[2] mixed use office and retail building, integrating portions of existing building frontages as described above. Approximately 11,980 square feet of retail space would be located on the first floor, and 86,100 square feet of office space would be spread between the second through sixth floors. The Project would also make improvements to an existing private surface parking lot on Valley Street, south of 24th Street, for use by approximately 580 square feet of proposed craft stalls, located mostly in shipping containers on the site.[3] The Project's land use program is included in **Table 3.1**.

1 Note that the offsite existing tree depicted in Figure 3-4 has been removed by the adjacent property owner.

2 This calculation excludes car/bike parking, elevator, stair, and balcony square footage.

3 The analysis in this Draft EIR assumed 640 square feet of proposed craft stalls resulting in a more conservative analysis.



SOURCE: Flynn Architecture, 2019

Pigozzi 460 24th Street

Figure 3-4
24th and 25th Street Site Demolition Plan

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ESA

TABLE 3-1
PROJECT LAND USE PROGRAM

Land Use	Size	Height
24th and 25th Street Site Building		
Office	86,100 sf	45-85 feet
Retail	11,980 sf	20 feet
Dining Courtyard/Artisan Paseo	2,840 sf	
Parking	132 stalls	
Bicycle Parking		
Long-Term	11 spaces	
Short-Term	12 spaces	
Valley Street Site		
Craft Stalls	580 sf	8.5 feet

SOURCE: Flynn Architecture, 2019.

Parking for the office and retail uses would be located on the project site in a garage on the first floor, containing single surface parking stalls, along with structured mechanical 'puzzle' and 'tandem puzzle' parking systems, for a total of 132 parking stalls. An approximately 2,840 square foot artisan paseo[4] would extend from 25th Street along the western edge of the project site, including an approximately 980 square foot dining courtyard adjacent to retail space fronting 24th Street, creating a pedestrian connection between 24th and 25th Streets. Approximately six proposed craft stalls would also occupy approximately 1,765 square feet on the ground floor fronting the artisan paseo. A lobby for the office uses, trash/recycling, and utility space would also be located on the ground floor. The ground floor plan is presented in **Figure 3-5**.

The second floor would contain approximately 26,100 square feet of office space and a roof deck containing stormwater planters. The third floor would contain approximately 26,100 square feet of office space in an L-shaped portion of the building. Approximately 11,300 square feet of office space and two outdoor courtyards would be located on the fourth floor in the southwest portion of the building. Approximately 11,300 square feet of office space would be located on both the fifth and sixth floors. The second through sixth floor plans are included as **Figures 3-6** through **3-9**. A 500 kW backup diesel emergency generator would also be included.

The Project would provide a range of building heights from 20 feet tall along the street frontages integrating existing facades, to 45 feet tall mostly in the interior of the site, and 85 feet within the southwest corner of the project site, as depicted in Figure 3-3. The Project would concentrate the allowable FAR on the 24th and 25th Street site above the vacant surface parking lot, which is outside of the boundary of the 25th Street Garage District API, seeking a variance to increase height on that portion of the project site. The 20-foot height portions of the building would be one-story, the 45-foot portions would contain three stories, and the 85-foot portion would contain six stories. Project elevations are presented in **Figures 3-11** and **3-12**.

4 The proposed "paseo" would be comprised of an open-air walkway adjacent to proposed craft stalls.

SOURCE: Flynn Architecture, 2019

Pigozzi 460 24th Street

Figure 3-5
24th and 25th Street Site Ground Floor Plan

ESA

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SOURCE: Flynn Architecture, 2019

Pigozzi 460 24th Street

Figure 3-6
24th and 25th Street Site Second Floor Plan

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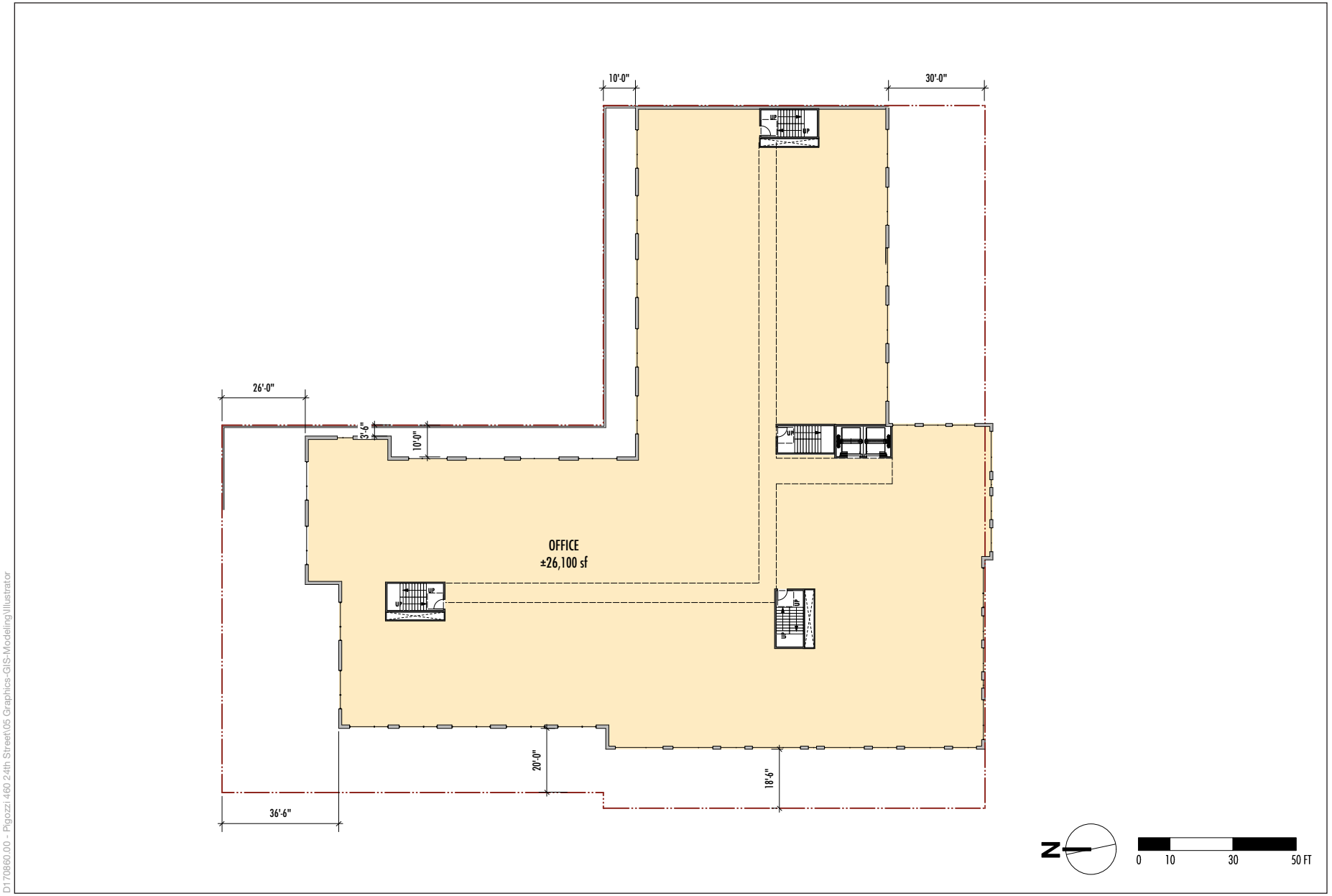

SOURCE: Flynn Architecture, 2019

Pigozzi 460 24th Street

Figure 3-7
24th and 25th Street Site Third Floor Plan

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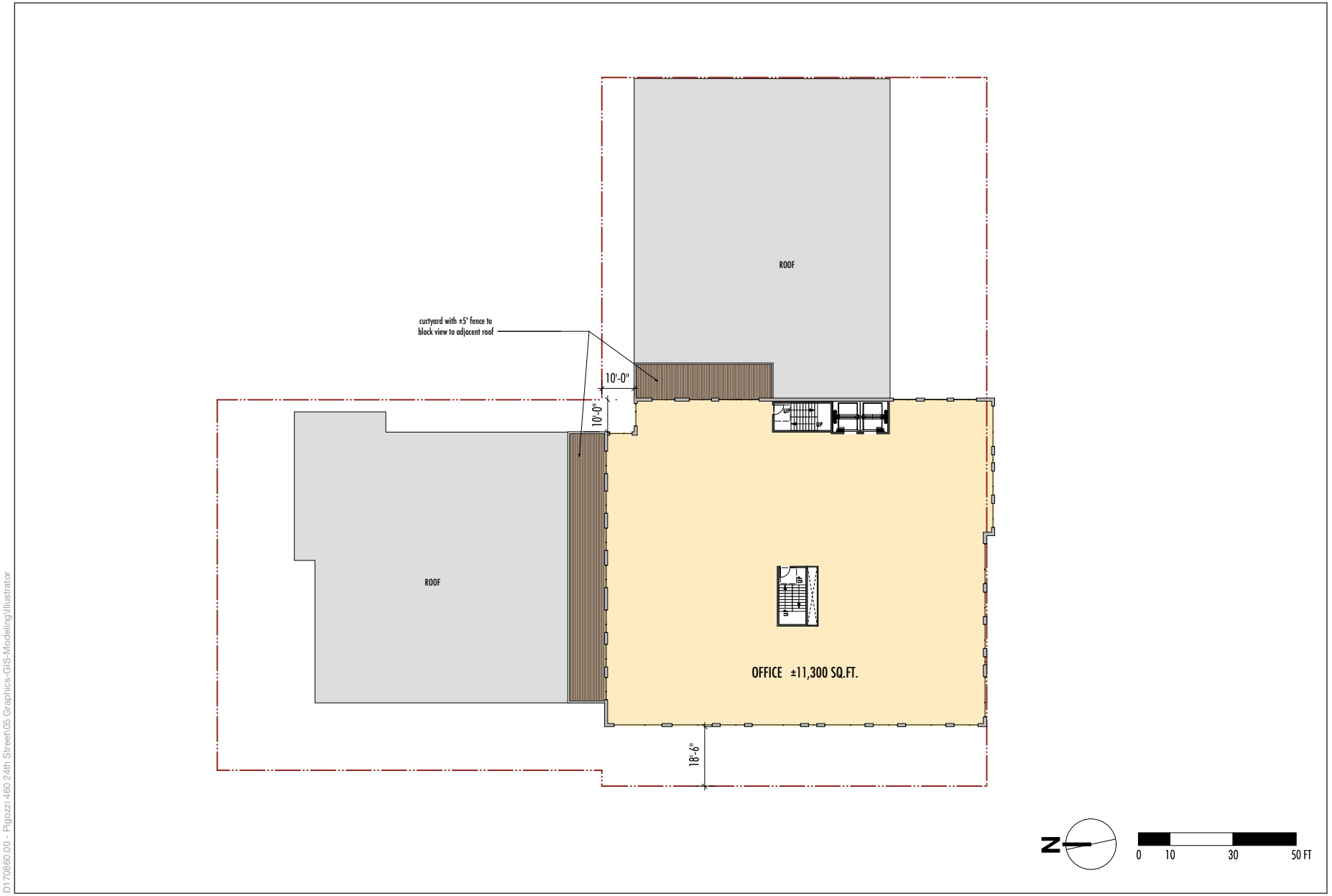

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SOURCE: Flynn Architecture, 2019

Pigozzi 460 24th Street

Figure 3-8
24th and 25th Street Site Fourth Floor Plan

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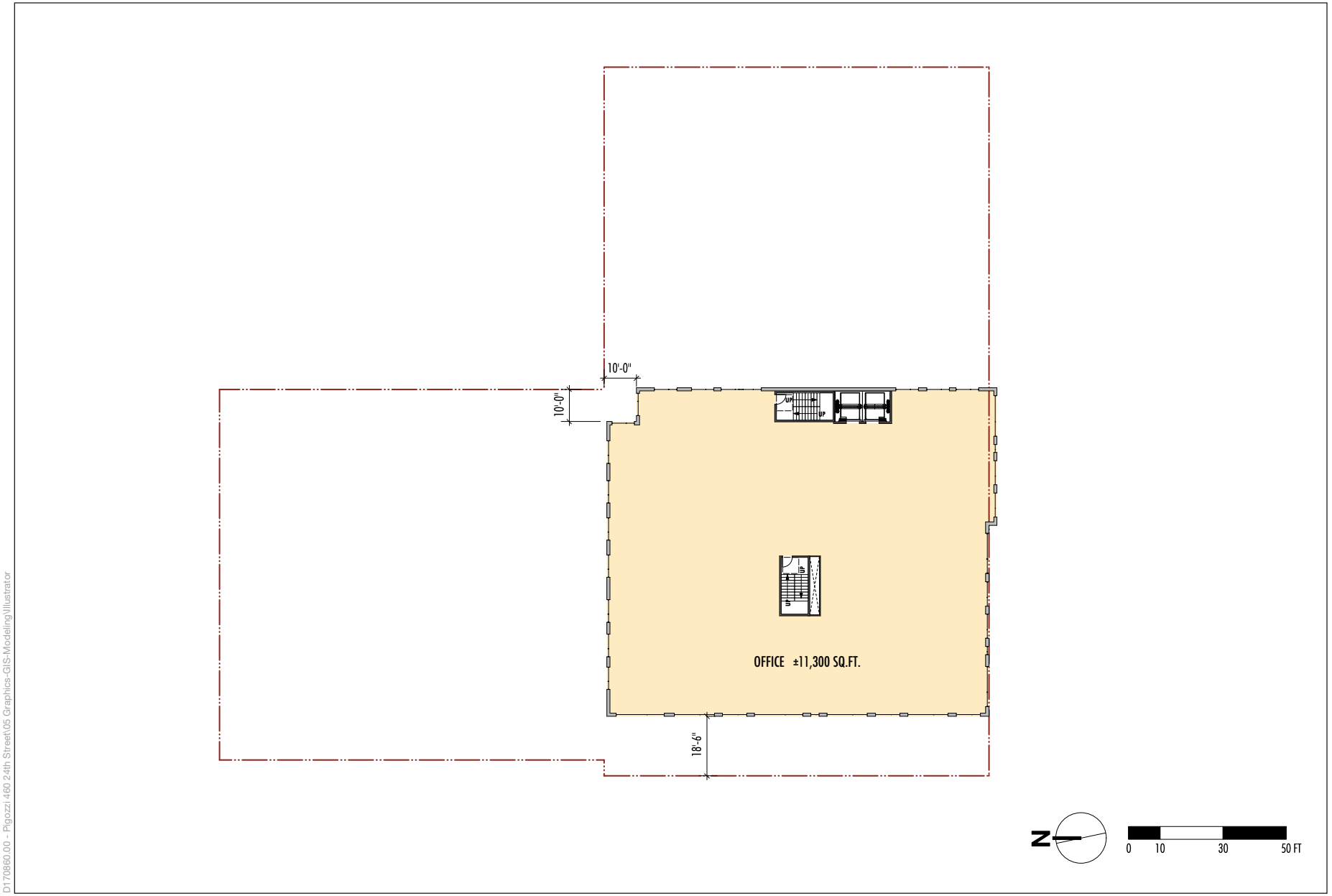

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SOURCE: Flynn Architecture, 2019

Pigozzi 460 24th Street

Figure 3-9
24th and 25th Street Site Fifth and Sixth Floor Plan

ESA

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SOURCE: Flynn Architecture, 2019

Pigozzi 460 24th Street

Figure 3-10
24th and 25th Street Site North-South Elevations

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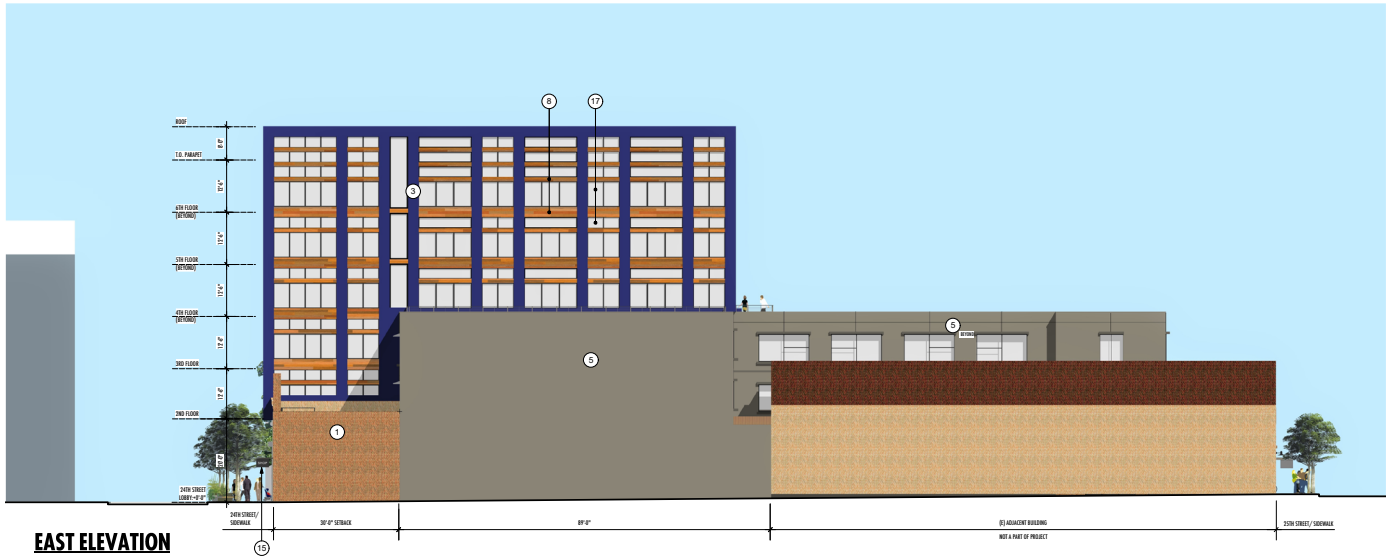

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SOURCE: Flynn Architecture, 2019

Pigozzi 460 24th Street

Figure 3-11
24th and 25th Street Site East-West Elevations

ESA

3.3.2 Valley Street Site

As discussed in Section 3.3.1, the Project would make improvements to an approximately 1,324 square foot portion of a 4,520 square foot parcel (the Valley Street site) located across 24th Street to the south of the 24th and 25th Street site. The Valley Street site improvements would provide additional community serving artist and craft retail space intended to activate the pedestrian corridor along Valley Street through the paseo on the 24th and 25th Street site. The Project would remove three existing parking spaces and a small portion of existing landscaping to facilitate approximately 580 square feet of craft stall space, including restroom space, located mostly in refurbished shipping containers on the site. A raised wood/Trex platform would be built around the containers and restroom. The craft stalls would be located in approximately three, approximately 8.5-foot tall shipping containers arranged on the lot around a courtyard area with seating, a tree, and potted planters. The three existing parking stalls would be re-located offsite on the commercial parking area for the Hive. A site plan for the Valley Street site is shown in **Figure 3-12**.

3.3.3 Open Space and Landscaping

The Project would include an approximately 2,840 square foot artisan paseo extending from 25th Street along the western edge of the project site to 24th Street. The paseo would include an approximately 980 square foot dining courtyard adjacent to retail space fronting 24th Street. The artisan paseo would range from 8- to 18.5-feet-wide and would create a pedestrian connection between 24th and 25th Streets, as described in Section 3.3.1 above. The artisan paseo would include multiple gates, steps, a ramp up to the area of the building with proposed craft stalls, and permeable paving throughout. The Project would also include a second floor roof deck and outdoor courtyards on the fourth floor, as described in Section 3.3.1 above.

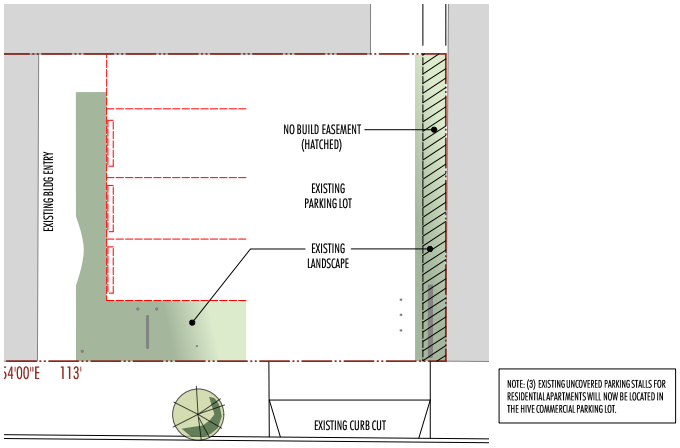
The Project would plant a total of six street trees along the Project building frontages, with three trees located along 24th Street and three trees located along 25th Street. The Project would also create three permanent bulb-outs, or curb extensions, along the 24th and 25th Street site frontage extending into 24th Street that would include seating, planters, and a bike corral. The proposed landscape plan is shown in **Figure 3-13**.[5]

3.3.4 Access, Parking, and Circulation

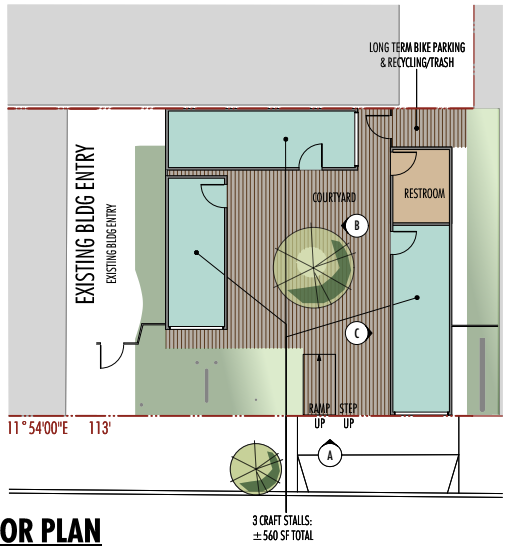
Site access would primarily be provided from 24th and 25th Streets. As described in Section 3.3.1, parking for the office and retail uses would be located on the 24th and 25th Street site in a garage on the first floor. The parking garage would contain approximately 7 single parking stalls, 55 puzzle parking stalls, and 70 tandem puzzle parking stalls, for a total of 132 parking stalls. The entrance/exit to the parking garage would be located on 25th Street.

The Project would also provide approximately 11 long-term bicycle parking stalls in the parking garage and 12 short-term bicycles parking stalls along building frontages for 23 total bicycle parking stalls.

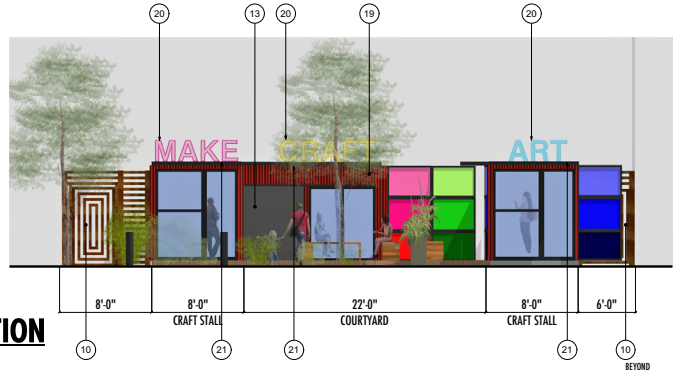
5 Note that the offsite existing tree depicted in Figure 3-13 has been removed by the adjacent property owner.



EXISTING/DEMO FLOOR PLAN

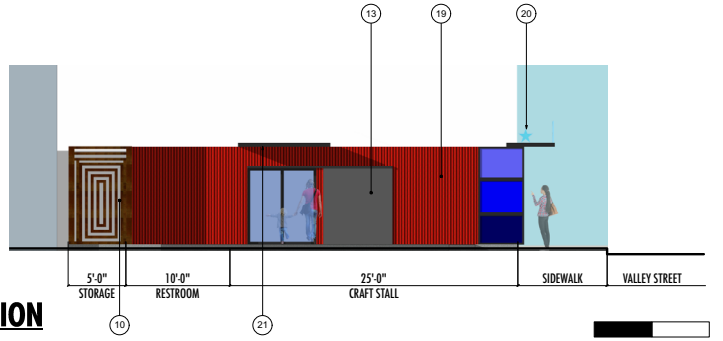


FLOOR PLAN



Ⓐ **WEST ELEVATION**
VALLEY STREET

Ⓑ **SOUTH ELEVATION**
INTERIOR COURTYARD



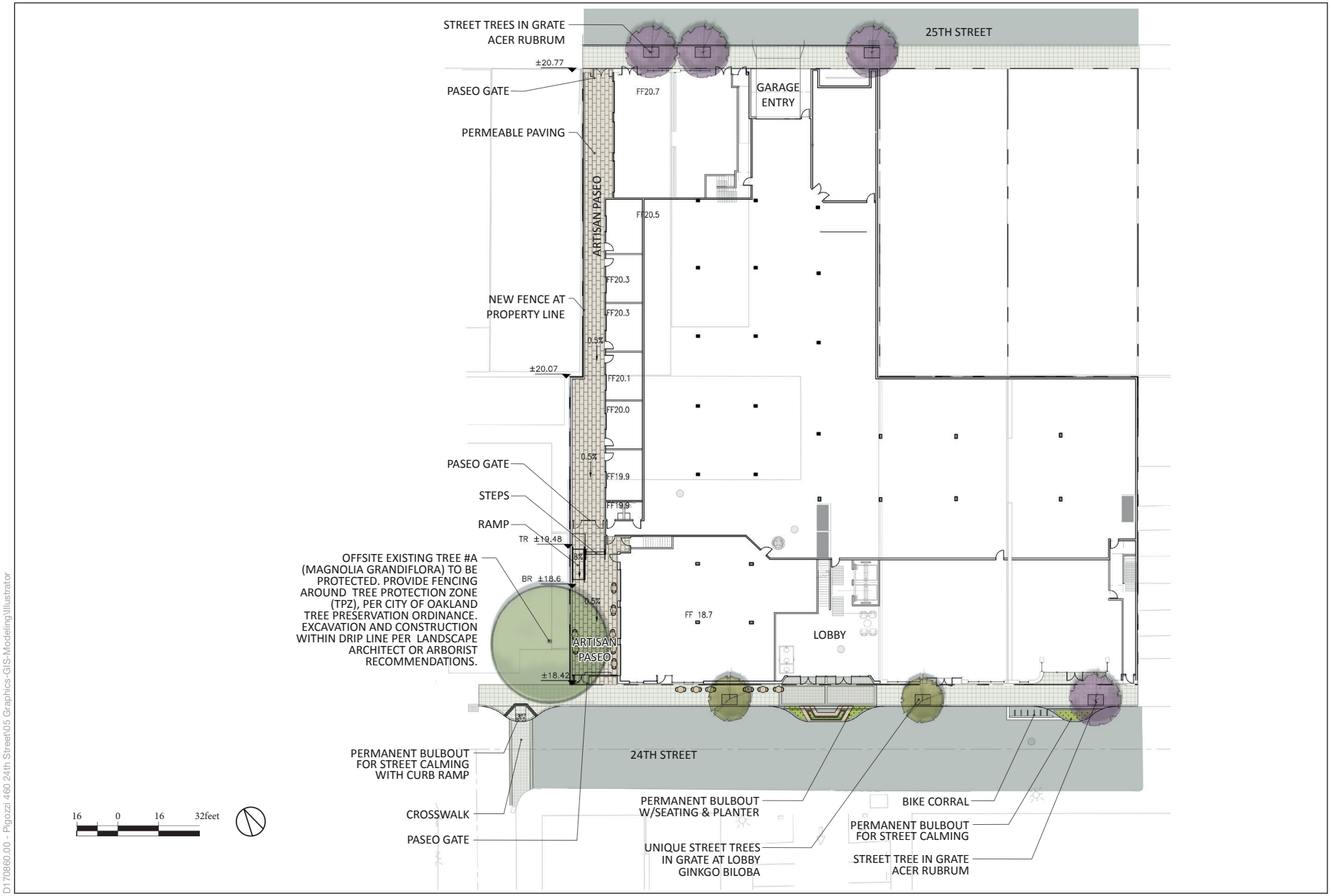
Ⓒ **NORTH ELEVATION**
INTERIOR COURTYARD

D170860.00 - Pigozzi 460 24th Street\05 Graphics-GIS-Modeling\Illustrator

SOURCE: Flynn Architecture, 2019

Pigozzi 460 24th Street

Figure 3-12
Valley Street Site Demolition Plan, Site Plan, and Elevations



D170860.00 - Pigozzi 460 24th Street\05 Graphics-GIS-Modeling\Illustrator

SOURCE: JETT Landscape Architecture, 2019

Pigozzi 460 24th Street

Figure 3-13
24th and 25th Street Site Preliminary Landscape Plan

ESA

Entrances to the artisan paseo would be located on 24th and 25th Streets as well as from the parking garage. The office lobby would have entrances on 24th Street and from the interior parking garage. Retail spaces would be accessible via respective street frontages on 24th and 25th Streets as well.

The three existing parking stalls on the Valley Street site would be re-located offsite on the commercial parking area for the Hive.

3.3.5 Utilities and Other Improvements

For the proposed building at the 24th and 25th Street site, the Project would construct new water and sewer laterals that would connect to existing water and sewer lines in 24th Street. Stormwater would be collected and treated on-site, and routed to an existing storm drain line in Valley Street that crosses 24th Street. The Project would result in a reduction of impervious area on the 24th and 25th Street site from 0.92 acres to 0.86 acres. The Project would replace approximately 37,477 square feet of existing impervious area and would create approximately 2,446 square feet of new pervious area on the 24th and 25th Street site. The Project would include pervious pavers within the proposed paseo, flow through planters, and a stormfilter manhole to reduce stormwater runoff and treat stormwater before it is discharged into the City's storm drain system. The Project would also tie in to existing electricity lines located in 24th Street.

For the Valley Street site, the Project would also tie in to existing utility systems for water, sewer, and electrical connection located in Valley Street.

3.3.6 Sustainability

The Project would incorporate sustainable features with the intent of obtaining LEED Silver Certification for the proposed building. Preliminary options to achieve this certification include rainwater management, indoor water use reduction, building life-cycle impact reduction, and use of low-emitting building materials.

3.3.7 Project Construction

Construction activities would consist of demolition of the existing buildings (as shown in Figure 3-4) and surface parking lots, excavation and shoring, foundation and below-grade construction, and building construction including finishing interiors. Project construction is expected to occur over approximately 27 months.[6]

The Project would include demolition of approximately 34,254 square feet of existing structures on the project site and off-haul of approximately 3,389 cubic yards of soil. Groundwater on the site has been encountered approximately 25 feet below ground surface, with historical high

[6] As presented in Appendix E, construction was assumed to begin in February 2022, rather than in 2023 as currently anticipated. Build-out was also expected to be completed earlier than now anticipated. These assumptions are conservative because they do not account for new emissions-reducing technologies or regulations that may become applicable over time.

groundwater levels at a depth of approximately 10 feet.[7] In the event that groundwater is encountered during construction, dewatering would be required. The Project anticipates foundations being mat slab approximately 24 inches deep.[8]

3.4 Project Objectives

The following objectives have been identified for the Project:

1. Aggregate multiple underutilized parcels to create economies of scale for adaptive reuse.
2. Re-purpose existing underutilized parcels into high quality office and retail space that will generate economic activity for the City and the District.
3. Increase the tax base and sales tax as well as provide opportunities for employment to meet the City's target net positive fiscal impact goals for commercial development.
4. Emphasize resources and space for locally owned businesses that support the existing community (similar to the adjacent developments at Hive and Broadway Grand).
5. Generate Impact Fee revenue to support City services, improvements, the School District and affordable housing.
6. Contribute to the City's connected pedestrian network goals by activating curb space, widening sidewalks and providing protected pedestrian crossings, and new lighting, landscaping and street furniture to improve accessibility.
7. Activate the pedestrian transition between the Garage District/KONO and Uptown and create a new paseo that encourages walkability by providing connectivity between 24th and 25th streets in the Neighborhood.
8. Encourage engagement with the neighborhood and provide retail spaces that create opportunities for local, smaller scale businesses.
9. Activate underutilized land for productive commercial uses and provide additional retail space in the neighborhood.
10. Create additional neighborhood destinations that invite foot traffic and support local businesses.
11. Bring new office space to the area that attracts additional office users, adds foot traffic in the neighborhood and will bring additional day time population to deliver new customer base for local businesses.\
12. Provide a range of building heights to preserve existing low-rise buildings along the street fronts while adding new taller buildings to create architectural variation.

[7] ENGEO, 2015. *Preliminary Geotechnical Report 24th Street and Broadway*, Oakland, CA, July 28, 2015.
[8] ENGEO, 2015. *Preliminary Geotechnical Report 24th Street and Broadway*, Oakland, CA, July 28, 2015.

3.5 Discretionary Actions and Other Planning Considerations

A number of discretionary permits and approvals would be required before development of the Project could proceed. As Lead Agency for the Project, the City of Oakland is responsible for the majority of approvals required for development, and for preparation of this Draft EIR. The currently anticipated City and other agency permits and approvals that may be required include the following:

3.5.1 Actions by the City of Oakland

A number of permits and approvals would be required before development of the Project could proceed. As Lead Agency for the Project, the City of Oakland is responsible for the majority of approvals required for development, and for preparation of this Draft EIR. The approvals needed for the Project may include the following, without limitation:

- EIR Certification
- Design review, demolition permit, grading permit, variance, and tentative parcel map for the 24th and 25th Street site
- Design Review for the Valley Street site
- All other necessary development permits and entitlements from the City

3.5.2 Actions by Other Agencies

In addition, the Project may rely on or require review and approval by a number of public agencies and jurisdictions that have authority over specific aspects of the Project. The approvals needed for the Project may include the following, without limitation:

- **California Regional Water Quality Control Board (RWQCB):** National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharge.
- **East Bay Municipal Utility District (EBMUD):** Approval of water line, water hookups and review of water needs.
- **Bay Area Air Quality Management District (BAAQMD):** Permit proposed emergency generator.

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CHAPTER 4
Environmental Setting, Impacts, Mitigation Measures, and Standard Conditions of Approval

4.0 Introduction to the Environmental Analysis

This chapter presents the environmental analysis of the Project, prepared in accordance with CEQA, as described in Chapter 1, *Introduction*, of this Draft EIR. This chapter consists of Sections 4.1 and 4.2 that present the technical analysis of each environmental topic or factor (e.g., 4.2, *Historic Architectural Resources*) addressed in this document. This Section 4.0, *Introduction to the Environmental Analysis*, describes key environmental analysis terms used in this document and analysis, including the impact classifications; the organization of each technical section of this chapter; and the cumulative analysis approach and setting.

4.0.1 Scope of Analysis

Initial Study

As described in Chapter 1, *Introduction*, the City determined that an EIR is required for the Project in compliance with CEQA and published a Notice of Preparation (NOP) (see **Appendix A**). As part of the preparation for the EIR, the City identified resource topics that could be adequately addressed in an initial study. The Initial Study prepared for this EIR (**Appendix B**) concludes that many of the physical environmental impacts of the Project would result in no impact or less-than-significant impacts, and that required City Standard Conditions of Approval (SCAs) would reduce significant impacts to a less-than-significant level. CEQA does not require further assessment of a project's less-than-significant impacts; thus, those issues are not included in this chapter. The issues addressed in the Initial Study are listed below:

- Section 2.1, Aesthetics, Shadow, and Wind
- Section 2.2, Agriculture and Forestry Resources
- Section 2.3, Air Quality
- Section 2.4, Biological Resources
- Section 2.5, Cultural and Tribal Cultural Resources (except Historic Architectural Resources)
- Section 2.6, Energy
- Section 2.7, Geology, Soils, and Paleontological Resources

- Section 2.8, Greenhouse Gas Emissions
- Section 2.9, Hazards and Hazardous Materials
- Section 2.10, Hydrology and Water Quality
- Section 2.11, Land Use and Planning
- Section 2.12, Mineral Resources
- Section 2.13, Noise
- Section 2.14, Population and Housing
- Section 2.15, Public Services
- Section 2.16, Recreation
- Section 2.17, Transportation
- Section 2.18, Utilities and Service Systems
- Section 2.19, Wildfire

Refer to the Initial study in Appendix B for a discussion and the impact analysis of the Project with respect to these resource topics.

EIR Topics

The resource topic areas addressed in this chapter of the EIR is listed below:

- Section 4.1, Aesthetics, Shadow, and Wind
- Section 4.2, Historic Architectural Resources

The Initial Study determined that the Project could result in potentially significant impacts related to historical architectural resources, which is addressed in this EIR as Section 4.2. As discussed in Section 2.1, *Aesthetics, Shadow, and Wind*, of the Initial Study, the Project meets all three criteria under CEQA Section 21099(d), and therefore this Initial Study and EIR need not consider aesthetics in determining the significance of the Project impacts under CEQA. However, in order to disclose aesthetic considerations of the Project and requested height variance to the public and decision makers, this topic is addressed in Section 4.1, *Aesthetics, Shadow, and Wind*, of the EIR for informational purposes only.

4.0.2 Environmental Setting and Baseline

An environmental setting establishes the baseline physical conditions or point of reference from which the environmental impacts of the Project and the alternatives to the Project are measured to determine if an impact is significant. Each section describes an *environmental setting* and a *regulatory setting*. The environmental setting addresses the conditions that exist prior to implementation of the Project and defines relevant scientific terms associated with the environmental topic addressed in the section. The regulatory setting presents relevant information about federal, state, regional, and/or local laws, regulations, and plans or policies that pertain to the environmental topic addressed in the section.

The environmental baseline identifies the existing physical conditions on, around, and affecting the project site. The baseline is established to provide a point of comparison between pre-Project conditions (the baseline) and post-Project conditions to determine whether the change to the existing environment caused by the Project is significant under CEQA. While stable regarding its point in time, the baseline condition is tailored to each environmental topic area and is established by the significance criteria (discussed below). Generally, the baseline is the same as the "environmental setting," *i.e.*, the physical environmental conditions in the vicinity of the Project as they existed in early 2020[1] when the City published the NOP for the Project (CEQA *Guidelines* Sections 15125[a], 15126.2[a]).

4.0.3 Oakland Thresholds of Significance

The City of Oakland has established local *CEQA Thresholds of Significance Guidelines* (commonly referred to as "thresholds"), which have been in general use by the City since at least 2002, parts of which were most recently updated in December 2020. The thresholds are intended to help clarify and standardize analysis and decision-making in the environmental review process in the City of Oakland. The thresholds are offered as guidance in preparing all environmental review documents and are intended to implement and supplement provisions in the CEQA Guidelines for determining the significance of environmental effects, including sections 15064, 15064.4, 15064.5, 15065, 15382 and Appendix G. (The classifications of environmental impact or significance in this Draft EIR are described in 4.0.5 below.) The thresholds are used to evaluate the potential primary and secondary environmental effects of the Project, including potential effects of mitigation measures.

4.0.4 Environmental Impacts

CEQA requires the analysis of the project on the environment. The levels of impact classifications that the Project may have on the environment in this Draft EIR are described in 4.0.4 below (following the description below of key factors related to the level of impact classifications).

As required by section 15126.2(a) of the State CEQA Guidelines, the impact analysis addresses direct, indirect, short-term, long-term, onsite and, if applicable, off-site impacts. Under CEQA, economic or social changes by themselves are not considered to be significant impacts, but may be considered in linking a project to a physical environmental change, or in determining whether an impact is significant.

This EIR addresses potential adverse effects of the Project on the environment pursuant to CEQA. Potential effects of the environment on a project are legally not required to be analyzed or mitigated under CEQA. However, this document analyzes potential effects of the environment on the Project in order to provide information to the public and decision-makers. Where a potential significant effect of the environment on the Project is identified, City SCAs (discussed below) are identified to address these issues.

[1] The City issued the NOP for the EIR on January 17, 2020.

Impact statements have an alpha designation that corresponds to the environmental topic, such as Impact "NOI" for noise. A number follows the alpha designation to designate the sequence of the impact. For example, "Impact NOI-1" is the first noise impact identified. All impact statements are in bold text; the impact statements also indicate the number of the significance threshold/criterion number that the impact statement pertains to, and then states the level of impact classification prior to the incorporation of any mitigation measures.

Oakland Standard Conditions of Approval

The City adopted Standards and Conditions of Approval (SCAs) in November 3, 2008 (Ordinance No. 12899 C.M.S) and revised through December 16, 2020, pursuant to Public Resources Code section 21083.3 and CEQA Guidelines section 15183 (and now section 15183.3). SCAs are identified during the CEQA analysis of a project, and incorporated into projects when they receive discretionary planning-related approval. They address three aspects of the project: (1) general administrative aspects of the project approval; (2) environmental protection measures that are incorporated into a project and designed to, and will, substantially mitigate environmental effects; and (3) other SCAs containing requirements to substantially reduce non-environmental effects of a project.

In a CEQA document, such as this EIR, the SCAs applicable to a project are considered requirements of the project and not mitigation. As specified in the City's SCA document, in this Draft EIR and Initial Study the SCAs are included in the discussion concerning the regulatory setting (discussed above) of the applicable environmental topic; SCAs are not repeated in the impacts discussion in their entirety, but each SCA has a sequential alpha-numeric reference unique to this Draft EIR.

Many SCAs require the preparation of project-specific technical studies, such as a Construction Noise Reduction Plan or Transportation Demand Management (TDM) Plan, for example. The technical studies are required to be prepared during the course of the CEQA review (and the results of the studies incorporated into the CEQA document) rather than after project approval. Technical studies prepared for the Project are incorporated into the environmental analysis and included in the appendices to this Draft EIR. Technical studies required by SCAs and conducted prior to project approval may include project-specific recommendations for mitigating an environmental effect. These recommendations are considered *SCA Implementation Measures* for the SCA rather than separate mitigation measures.

Mitigation Measures

Mitigation measures are identified throughout the environmental analysis and are actions to be taken to avoid or reduce the magnitude of a significant impact. All mitigation measures will be (1) included as part of the design, construction, and/or operation of the Project; (2) adopted as conditions of approval for the Project; and (3) subject to monitoring and reporting requirements of CEQA and the terms of the discretionary approvals for the Project. The level of Project impact after the incorporation of identified mitigation measures is stated following all mitigation measures.

4.0.5 Impact Classifications

The following classifications of level of significance or impacts are used throughout this EIR and Initial Study:

- **Less than Significant –** The impact of the Project does not reach or exceed the defined threshold of significance. No mitigation measures or SCAs are required.
- **Less than Significant with SCAs –** The impact of the Project, after the implementation of SCAs, does not reach or exceed the defined threshold of significance. No mitigation measure is required.
- **Less than Significant with Mitigation –** The impact of the Project before implementation of feasible mitigation measures is expected to reach or exceed the defined threshold of significance. Feasible mitigation measures are available to reduce the significant impact to a less-than-significant level.
- **Potentially Significant** – The impact of the Project, after the implementation of mitigation measures and/or SCAs, may reach or exceed the defined threshold of significance. However, it is not certain that, even in the theoretical worst-case conditions, a significant impact would occur. Feasible mitigation measures may or may not be identified to reduce the potentially significant impact to a less-than-significant level.
- **No Impact** – The Project would not cause a noticeable effect on the environment, as measured by the defined threshold of significance. No mitigation would be required.

4.0.6 Organization of Each Technical Analysis Section in this Chapter

This chapter consists of Sections 4.1 and 4.2 that present the technical analysis of each environmental topic or factor under CEQA. Each of the components below are previously described in detailed in 4.0.2 through 4.0.5. Generally, each section in this chapter is organized in the following sequence:

- **Environmental Setting –** The initial discussion in each section is this overview of the conditions that exist prior to implementation of the Project and defines relevant scientific terms associated with the environmental topic addressed in the section.
- **Regulatory Setting** – Following the *environmental setting* in each section, this discusses the regulatory setting presents relevant information about federal, state, regional, and/or local laws, regulations, plans or policies and SCAs associated with the environmental topic addressed in the section.
- **Significance Criteria –** This part of each section lists the Oakland significance criteria associated with the environmental topic addressed in the section and as specified in the *Oakland Thresholds of Significance* document. This section also discusses the *Approach to Analysis*, which presents the analytical methods and key assumptions used in the evaluation of effects of the Project. Where applicable, this section also summarizes *Topics Considered and No Impact Determined* because a particular issue (significance criterion) would not be affected by the Project or does not pertain to the Project or its setting.

- **Impacts of the Project** – This part of each section presents and discusses in detail the environmental impact analysis for all aspects of the Project. Where applicable, impacts associated with mitigation measures are also identified and discussed. For each significance criterion (or groups of related criteria within an environmental topic), the impact statement precedes the discussion of each impact analysis and summarizes the potential for the Project to have an impact. SCAs are identified. The impact determination is stated at the close of the impact analysis discussion.
- **Cumulative Analysis** – The cumulative analysis for each environmental topic generally is included at the end of each section. Each analysis starts with the geographic context of each cumulative analysis, and summarizes the cumulative context (described in detail in section 4.0.7 below). Each significance criterion on the environmental topic addressed in each section is typically addressed under a single bold impact statement if the cumulative impact is less than significant. However, more than one cumulative impact statement may be warranted if certain criteria result in a significant impact.
- **References** – Following the cumulative analysis at the end of each section includes a list of all persons and documents consulted or relied on for that analysis. All references cited in this Draft EIR and Initial Study are compiled as an *Administrative References Record* for public reference.

4.0.7 Cumulative Analysis

Definitions

In accordance with CEQA and the Oakland Thresholds, this EIR and Initial Study includes a cumulative analysis to evaluate whether the Project's incremental effect is cumulatively considerable when combined with other projects causing related impacts.

CEQA defines cumulative as "two or more individual effects which, when considered together, are considerable, or which can compound or increase other environmental impacts." The cumulative impact from several projects is the change in the environment, which results from the incremental impact of the project when added to other *closely related past, present, and reasonable foreseeable probable future projects* (referred to collectively in this Draft EIR as "cumulative development").

Pursuant to CEQA *Guidelines* section 15130, this EIR analyzes the potential cumulative effects of the Project combined with cumulative development. If a cumulative effect is identified, the analysis then evaluates whether the Project's contribution to the cumulative effect is *cumulatively considerable*, which is a significant impact. Specifically, a cumulatively considerable contribution means that the incremental effects of an individual project are significant when viewed in connection with the effects of cumulative development.

Geographic Scope

The geographic scope used to assess cumulative impacts may vary depending on the specific environmental topic being analyzed. For example, considerations for cumulative public services effects are different from those used to assess cumulative air quality. Only development within the public service areas and providers of the project site could contribute to a cumulative public

services effect; on the other hand, all development within the air basin contributes to regional emissions of criteria pollutants. Accordingly, the geographic scope of each cumulative analysis discussion can vary and is described at the start of the cumulative impact analysis.

Cumulative Development and Assumptions

CEQA Guidelines section 15130(b)(1) identifies two approaches to cumulative impacts analyses to account for the cumulative development. Consistent with CEQA, the City's adopted thresholds describes a combination of both the *forecast method* (i.e., a projection or model) and/or *list method* (i.e., a list containing past, present, and reasonably foreseeable future projects).

The analyses in this EIR and Initial Study employ a list-based approach and projections-based approach, depending on the environmental topic analyzed. For instance, the cumulative analysis of impacts to historical architectural resources considers individual projects that are anticipated in the project site vicinity that may affect historical architectural resources also affected by the Project. By comparison, the cumulative population and housing analysis relies on a projection of overall Citywide growth and other reasonably foreseeable projects, which is the typical methodology the City applies to analysis of population and housing impacts.

Cumulative development in this EIR and Initial Study is generally established using the City of Oakland's Major Projects list dated March 2020 (see **Appendix C**), together with past, present, existing, approved, pending and reasonably foreseeable future projects (summarized consistently in the cumulative analyses in this EIR as "past, present, and reasonably foreseeable") beyond the project site.

As discussed above, cumulative projects considered in the cumulative context can vary by environmental topic; therefore, some of the Major Projects listed, or other cumulative development, may not be directly relevant to the cumulative context, depending on the environmental topic. In some cases, the cumulative context may include more development than listed in the Major Projects list. A primary example is the transportation analyses (and transportation-related traffic and air quality), which use the Alameda County Congestion Management Program travel demand model (the Countywide Travel Demand Model), which reflects traffic from projects citywide and the broader regional context (refer to Appendix C). Alternatively, geology and soils cumulative impact analysis would primarily consider projects that are more localized or even site-specific, which may not, for example, include all projects on the list that are located in distant Oakland areas. The cumulative discussions in each topical section throughout this chapter and the Initial Study describe the cumulative context considered for each topic.

Cumulative Projects in the Vicinity of the Project Site

Cumulative projects that are located closest to the project site - within approximately 1,000 feet – are listed in **Table 4.0-1**, below. These projects are either on the cumulative projects list in Appendix C or were under review or construction as of January 2020. These particular nearby cumulative projects are also factored into the cumulative air quality and human health risk analyses given their proximity to the project site and because they involve sensitive receptors

(residents) or construction could overlap with Project construction. Certain cumulative projects are also factored into the cumulative aesthetics baseline in this Draft EIR (for informational purposes only) given their visibility within existing public viewsheds with the Project development; these include the 2401 Broadway Project, 2424 Webster Street, 2305 Webster Street Project, and the Draft Downtown Oakland Specific Plan.

TABLE 4.0-1
CUMULATIVE PROJECTS WITHIN 1,000-FOOT RADIUS OF THE PROJECT SITE

Map Number	Project Name/Address	Description and Status
1	2401 Broadway	Construction of hotel, residential, and retail uses in a 7-story building. Under construction; built up to maximum roof height as of November 2020.
2	2424 Webster Street	Construction of office and retail uses in an 11-story building. Under review.
3	2600 Telegraph Avenue	Construction of residential and retail uses in an 8-story building. Under review.
4	88 Grand Avenue	Construction of residential and office uses in a 35-story building. Approved.
5	2201 Valley Street	Construction of retail uses in a 28-story building. Approved.
6	2500 Webster Street	Construction of residential and retail uses in a 6-story building. Under construction.
7	2305 Webster Street	Construction of residential and retail uses in a 24-story building. Approved.
8	2100 Telegraph Avenue	Construction of office and retail uses, and potential residential uses in a 28- to 38-story building. Under review.
9	24th Street and Harrison	Construction of residential and retail uses in an 18-story building. Under construction.
10	2270 Broadway	Construction of residential and retail uses in a 24-story building. Approved.
11	459 23rd Street	Construction of residential and retail uses in a 6-story building. Under construction.
12	2225 Telegraph	Construction of hotel uses in a 7-story building. Under construction.
13	2323-2325 Valley Street	Construction of residential and retail uses in 3- and 4-story buildings. Under construction.

SOURCE: Alameda County, 2021

Pigozzi 460 24th Street

Figure 4.0-1
Cumulative Projects within 1,000-foot Radius of the Project Site

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4.1 Aesthetics, Shadow, and Wind

This section assesses the potential for the Project to result in significant adverse impacts on aesthetics, shadow, and wind. This section addresses potential Project effects on public scenic vistas and scenic resources, visual character and quality, light and glare, shadow, and wind. The section first includes a description of the existing environmental setting as it relates to these types of resources, and provides a regulatory framework that discusses applicable state and local regulations. The section then includes an evaluation of potential impacts of the Project on aesthetics, shadow, and wind.

The information and analysis in this section is based on a review of the Project; applicable local policies and regulations; a visual and photographic survey of the project site and vicinity conducted by Environmental Vision in November and December 2020; and digital renderings of the Project prepared by Environmental Vision in January 2021.

Under CEQA Section 21099(d), "Aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an in-fill site located within a transit priority area shall not be considered significant impacts on the environment." Accordingly, aesthetics is no longer considered in determining if a project has the potential to result in significant environmental effects for projects that meet all three of the following criteria:

1. The project is in a Transit Priority Area (TPA).
2. The project is on an in-fill site.
3. The project is residential, mixed-use residential, or an employment center.

The Project meets all three of the above criteria because it is (1) a Transit Priority Area (TPA) according to *Plan Bay Area 2040*; (2) on a site that was previously developed and is within an urban area of Oakland that includes commercial, office, and residential uses; and (3) meets the definition of an employment center as the project site is zoned for commercial use and the Project has a floor area ratio (FAR) greater than 0.75. For this reason, this Initial Study and EIR need not consider aesthetics in determining the significance of the Project impacts under CEQA. For this reason, this section does not make conclusions regarding the Project's impacts with respect to aesthetics, including the aesthetic impacts of light and glare.[1]

Nevertheless, the City of Oakland (City) recognizes that the public and decision makers may be interested in information about the aesthetic effects of a proposed project. Therefore, a description of the existing environmental setting relevant to aesthetics considerations and an assessment of the Project in the environmental setting is provided to the public and decision makers in this section. The information contained in this section related to aesthetics, light, and glare is provided solely for informational purposes and is not used to determine the significance of environmental impacts pursuant to CEQA. The topics of shadow and wind *are*, however, used to determine the significance of environmental impacts under CEQA.

[1] CEQA Appendix G includes light and glare under the topic of aesthetics. Therefore, light and glare, in addition to aesthetics, is not a CEQA consideration.

4.1.1 Environmental Setting

Visual Resources

Visual resources typically involve prominent, unique, and identifiable natural features in the environment (e.g., trees, rock outcroppings, islands, ridgelines, and aesthetically appealing open spaces) and cultural features or resources (e.g., regional or architecturally distinctive buildings or structures that serve as focal points of interest).

Scenic Vistas

Scenic vistas may be generally described as panoramic views of a large geographic area for which the field of view can be wide and extend into the distance. Under CEQA, scenic vistas are those that are experienced from publicly accessible locations and include urban skylines, valleys, mountain ranges, or large bodies of water.

The City of Oakland General Plan's Open Space, Conservation and Recreation (OSCAR) Element strives to protect long-range views of San Francisco, Mount Tamalpais, and Lake Merritt. In addition, the OSCAR Element includes objectives to enhance underutilized visual resources, including the waterfront, creeks, San Leandro Bay, and architecturally significant buildings or landmarks, and major thoroughfares (City of Oakland, 1996).

Views from the Project Site

The 24th and 25th Street site is predominantly flat and currently occupied by a surface parking lot and five vacant garage buildings, with frontages on 24th and 25th Streets. The site is paved, with no existing vegetation. A portion of the 24th and 25th Street site is located within the 25th Street Garage District, which is identified as a historic district (Areas of Primary Importance [API]). For reference, Figure 3-3 shows the API boundary. The Valley Street site is occupied by a surface parking lot with three spaces and landscaping, and is surrounded by multi-story development.

As stated above on pp. 4.1-1 to 4.1-2, the Project is not required to complete an aesthetics analysis pursuant to CEQA Section 21099(d). However, the City recognizes that the public and decision makers may be interested in information about the aesthetic effects of a proposed project. Therefore, the information in this section is presented in a similar format to other aesthetics sections under CEQA, but is for informational purposes only. Under CEQA, private views are not required to be analyzed.

Given the urban nature of the Project setting, views from publicly accessible vantage points around the Project site are primarily limited to the immediate developments adjacent to the site because existing buildings generally obscure longer-range views other than those of small portions of high-rises in Downtown Oakland.

Areas Surrounding the Project Site

Existing uses in the project vicinity are primarily commercial (e.g., auto dealerships/service centers, retail, restaurants, and entertainment) and multi-family residential. Existing uses to the north include

auto repair services and commercial uses. Existing uses to the east include the 2401 Broadway project to the west, which is currently under construction, that will include residential, retail, and hotel uses. Existing uses to the south include multifamily residences and the Hive mixed-use development. Existing uses to the west include a three-story multifamily residential building, the New Parkway Theater, auto services, and art galleries located in a single story warehouse. As evidenced by the surrounding land uses, the area is transitioning from its auto-oriented service centers to a mixed-use community consisting of residential, office, and commercial uses. In particular, while originally an industrial and auto repair area, many of the buildings in the 25th Street Garage District API (API) today have been converted into art galleries, art studios, Production, Distribution and Repair (PDR, also known as "maker") arts and culture spaces, generally producing material goods as opposed to digital content.

Existing Views Toward the Project Site

Potential views of the project site are generally limited due to distance from typical viewpoints, topography, and existing intervening development. **Figure 4.1-1** presents a location key to several photographs of the existing views and visual conditions of the project site and its surroundings.

The following describes views toward the project site from select locations shown in the photo location key (Figure 4.1-1). Each view is described below and reflected in a series of photographs in **Figures 4.1-2** through **4.1-9**.

1. **Figure 4.1-2, Viewpoint 1 – Telegraph Avenue at 24th Street looking east**. This viewpoint is from the sidewalk at Telegraph Avenue and 24th Street looking east toward the project site. The buildings in the foreground on the left side of the photograph and the large tree and three-story building behind the tree largely block view of the 24th and 25th Street site. Views of the 25th Street Garage District API are blocked by the same buildings.[2] Views of the Valley Street site are completely blocked by the vegetation and development on the right side of the photograph. Long-range views are largely blocked by the 2401 Broadway project under construction in the photograph. Buildings in the Adams Point neighborhood can be seen in the very background.

2. **Figure 4.1-3, Viewpoint 2 – Broadway at 24th Street looking west.** This view is from the sidewalk on Broadway and 24th Street looking west toward the project site. The 24th and 25th Street site is blocked by the 2401 Broadway project that is under construction in the photograph. The Valley Street site is completely blocked by the building to the left in the foreground of the photograph. Views of the larger 25th Street Garage District API are blocked by the 2401 Broadway project and the large tree and three-story building behind the tree adjacent to the west of the 24th and 25th Street site (although both sites in the foreground are also included in the API).[3] Long-range views are obstructed by power lines, vegetation and development on Telegraph Avenue.

[2] Since the visual simulations were prepared, the tree has been removed by the adjacent property owner.

[3] Since the visual simulations were prepared, the tree has been removed by the adjacent property owner.

SOURCE: ENVIRONMENTAL VISION, ESRI, 2020

① Photograph Viewpoint Location and Direction

460 24th Street Project

Figure 4.1-1
Photograph Viewpoint Location Map

ESA

SOURCE: Environmental Vision, 2020

Figure 4.1-2
Viewpoint 1 – Telegraph Avenue at 24th Street looking east

SOURCE: Environmental Vision, 2020

Figure 4.1-3
Viewpoint 2 – Broadway at 24th Street looking west

3. **Figure 4.1-4, Viewpoint 3 – Broadway at Webster Street looking west**. This view is from Webster Street and 24th Street looking west towards the project site. Similar to Figure 4.1-3, the 24th and 25th Street site is largely blocked by the 2401 Broadway project that is under construction in the photograph. From this viewpoint, the Valley Street site would be visible, but is obstructed by the two building on the left side of the photograph. Similar to Figure 4.1-3, views of the larger 25th Street Garage District API are blocked by the 2401 Broadway project and the large tree and three-story building behind the tree adjacent to the west of the 24th and 25th Street site.[4] Long-range views are obstructed by vegetation and development on Telegraph Avenue.

4. **Figure 4.1-5, Viewpoint 4 – The Hive parking area looking north**. This view location is approximately 260 feet south of the 24th and 25th Street site from the Hive parking area. The 24th and 25th Street site is partially visible, but is largely blocked by buildings and the parking tower on the Hive site. Long-range views are obscured by the existing structures on the project site, as well as those across 25th Street.

5. **Figure 4.1-6, Viewpoint 5 – 23rd Street looking north.** This view is from the sidewalk on 23rd Street looking north toward the project site, approximately 480 feet south of the 24th and 25th Street site. Similar to Figure 4.1-5, the 24th and 25th Street site is partially visible, but is largely blocked by buildings and the parking tower on the Hive site. In this viewpoint, the Valley Street site would also be visible, but is obscured by the multifamily residential building on the left side of the photograph. Long-range views are obscured by the existing structures on the project site, as well as those across 25th Street.

6. **Figure 4.1-7, Viewpoint 6 – 25th Street at Telegraph Avenue looking southeast**. This view is from the sidewalk on Telegraph Avenue and 25th Street looking southeast toward the 24th and 25th Street site. The 24th and 25th Street site is largely blocked by the buildings in the foreground of the photograph. This viewpoint illustrates the view through the 25th Street Garage District API on 25th Street. Long-range views are obstructed by the 2401 Broadway project.

7. **Figure 4.1-8, Viewpoint 7 – 26th Street looking south.** This view is from the sidewalk on 26th Street looking south. The project site is completely blocked by the existing buildings. Long-range views are largely blocked by the fence and existing buildings, but portions of high-rises in Downtown Oakland can be seen in the background.

8. **Figure 4.1-9, Viewpoint 8 – 27th Street looking south.** This view is from the sidewalk on 27th Street looking south. The project site is completely blocked by the building in the right-hand foreground of the photograph. Buildings that are within the 25th Street Garage District API are located in the mid-ground of the photograph. Long-range views are blocked by development including the 2401 Broadway project, but high-rises in Downtown Oakland can be seen in the background.

[4] Since the visual simulations were prepared, the tree has been removed by the adjacent property owner.

SOURCE: Environmental Vision, 2020

Figure 4.1-4
Viewpoint 3 – Webster Street at 24th Street looking west

SOURCE: Environmental Vision, 2020

Figure 4.1-5
Viewpoint 4 – The Hive parking area looking north

SOURCE: Environmental Vision, 2020

Figure 4.1-6
Viewpoint 5 – 23rd Street looking north

SOURCE: Environmental Vision, 2020

Figure 4.1-7
Viewpoint 6 – 25th Street at Telegraph Avenue looking southeast

SOURCE: Environmental Vision, 2020

Figure 4.1-8
Viewpoint 7 – 26th Street looking south

SOURCE: Environmental Vision, 2020

Figure 4.1-9
Viewpoint 8 – 27th Street looking south

Visual Character of the Project Site and Surrounding area

"Visual character" is an impartial description of the defining physical features, landscape patterns, and distinctive physical qualities within a landscape. Visual character is informed by the composition of land, vegetation, water, and structures and their relationship to one another and their relative predominance, and by prominent elements of form, line, color, and texture that combine to define the composition of views. Visual character—defining resources and features within a landscape—may derive from notable landforms, vegetation, land uses, building design and façade treatments, transportation facilities, overhead utility structures and lighting, historic structures or districts, or panoramic open space.

The entirety of the 24th and 25th Street site is paved or currently developed with buildings. The site is flat and covered by a surface parking lot and five vacant garage buildings. The buildings with frontages on 24th and 25th Streets all have brick façades and garage door elements, resulting in an automotive garage-related and industrial visual character for the 24th and 25th Street site. Additionally, most of the buildings on the site are currently vacant and have graffiti and or damage to windows or other building elements. Existing surrounding smaller-scale production buildings establish a unique character in the historic 25th Street Garage District, which has a robust arts and entertainment scene. The buildings within the 25th Street Garage District API are mostly brick buildings with former service or industrial uses (the majority as former automotive garages), and generally are one-story, though often double-height, sometimes incorporating mezzanine levels. Low-rise multi-family residential buildings are interspersed in the surrounding area. More modern building elements are found to the south (described below for the Valley Street site) and east, mainly outside of the 25th Street Garage District. In this area, the 2401 Broadway project, designed to incorporate some historic façades into the ground floor building design with modern, boxy building portions above, is under construction.

The Valley Street site is a surface parking lot for a restored loft building. The surrounding development includes modern, boxy multi-family residential buildings and a parking tower, as well as some older multi-family residential buildings and duplex homes, resulting in a more modern, mixed-use visual character for the Valley Street site.

Light and Glare

There are two types of artificial, or man-made, light sources: (1) direct sources (e.g., illuminated signage, street light poles, vehicle headlights); and (2) indirect sources of reflected light (e.g., reflective or light-colored surfaces). The effect produced by direct and indirect light sources that is perceived as excessive brightness is commonly referred to as "glare."

The project site is in a built-out urban environment that has existing sources of light and glare associated with land uses typical for an urban setting. Light and glare associated with uses in the project vicinity are emitted upward and outward by high-rise buildings, and may be emitted in a broader, lower level from commercial uses and vehicular use. Light and glare are also associated with streetlights.

Shadow

Solar Panels and Solar Collectors

Solar panels, also known as photovoltaic solar panels, absorb sunlight as a source of energy to generate electricity. Likewise, solar thermal collectors, commonly known as solar hot water panels, turn the sun's radiation into heat and then transfer that heat into air or water. The nearest solar panels to the project site are on the roofs of 426 25th Street and 449 23rd Street, approximately 225 feet (northeast) and 530 feet (south) from the proposed Project, respectively. There are no solar thermal collectors near the project site.

Public Open Spaces

There are several public parks or open spaces owned and managed by the Oakland Department of Parks, Recreation, and Youth Development in the vicinity of the project site. Franklin Plaza (418 22nd Street), a plaza with moveable tables and seating, and vegetated planters, is located approximately 0.18-mile southeast of the project site. The 25th Street Mini Park (25th Street & Martin Luther King Jr Way), a mini park with landscaping and children's play structures, is located approximately 0.29-mile west of the project site. Lake Merritt is also located approximately 0.32-mile southeast of the project site.

Historic Resources

As described in Section 4.2, *Historic Architectural Resources*, of the EIR, historic resources located on or near the project site with potential to be shaded by the Project include the 25th Street Garage District Area of Primary Importance (API) and its contributors. The 25th Street Garage District was first documented in 1985 as part of the Oakland Cultural Heritage Survey as a concentration of service and industrial buildings, the majority of which have historically functioned as automotive garages. Constructed between 1905 and 1929, these buildings represent the growing popularity of the nascent automobile industry and the proliferation of automobile-related businesses. Access to light has not been identified as a character-defining feature for the District (ESA, 2021).

4.1.2 Regulatory Setting

State

California Scenic Highway Program

The California Scenic Highway Program protects scenic highway corridors from changes that would diminish the aesthetic value of lands adjacent to identified scenic highways. "Officially Designated State Scenic Highways" must have a scenic corridor protection program, or its equivalent adopted by the local jurisdiction, to preserve the scenic quality of the corridor and address land use, development density, earthmoving, landscaping, building design, and outdoor advertising, including billboards, within the corridor. Within Oakland, I-580 from the San Leandro city limit to State Route 24 (post miles 34.5 to 45.1) is an officially designated State scenic highway, and I-80 is an eligible State scenic highway between I-580 and San Francisco,

including the Bay Bridge. There are no officially designated or eligible State scenic highways within or adjacent to the project site.

California Building Standards Code Title 24

Parts 1 and 6 – Outdoor Lighting Zones

In 2001, the California Legislature passed a bill requiring the California Energy Commission (CEC) to adopt energy-efficient standards for outdoor lighting for both the public and private sector. In November 2003, the CEC adopted changes to the Building Energy Efficiency Standards within Title 24. The standards specify outdoor lighting requirements for residential and non-residential development, and are on a three-year update and renewal cycle, along with the other parts of Title 24. The intent of these standards is to improve the quality of outdoor lighting and reduce the impacts of light pollution, light trespass and glare. The standards regulate lighting characteristics, such as maximum power and brightness, shielding, and use of sensor controls to turn lighting on and off. Different lighting standards have been established for four lighting zone classifications. Based on population figures in the 2000 Census, areas can be designated by this State specification system as LZ1 (dark), LZ2 (low), LZ3 (medium), or LZ4 (high). Lighting standards for dark and rural areas are stricter for example, to provide appropriate protection from new sources of light pollution and light trespass. According to the U.S. Census Bureau, the entire Project area is defined as an urban area and is therefore designated as LZ3 per the CEC classification standards (CEC, 2019).

Local

City of Oakland General Plan

Land Use and Transportation Element (LUTE)

The following City of Oakland General Plan Land Use and Transportation Element policies are relevant to the aesthetics and lighting impacts of the Project (City of Oakland, 2007):

> ***Policy T6.2: Improving Streetscapes.*** The City should make major efforts to improve the visual quality of streetscapes. Design of the streetscape, particularly in neighborhoods and commercial centers, should be pedestrian-oriented and include lighting, directional signs, trees, benches, and other support facilities.
>
> ***Policy N1.5: Designing Commercial Development.*** Commercial development should be designed in a manner that is sensitive to surrounding residential uses.
>
> ***Policy T6.5: Protecting Scenic Routes.*** The City should protect and encourage enhancement of the distinctive character of scenic routes within the City, through prohibition of billboards, design review, and other means.
>
> ***Policy N9.5: Marking Significant Sites.*** Identify locations of interest and historic significance by markers, signs, public art, landscape, installations, or by other means.
>
> ***Policy N8.2: Making Compatible Interfaces between Densities.*** The height of development in urban residential and other higher density residential areas should step down as it nears lower density residential areas to minimize conflicts at the interface between the different types of development.

Open Space, Conservation and Recreation Element (OSCAR)

The Open Space, Conservation and Recreation Element (OSCAR) promotes the preservation and good design of open space, and the protection of natural resources to improve aesthetic quality in Oakland. The following OSCAR objectives and policies are relevant to the aesthetics impacts of the Project (City of Oakland, 1996):

> ***Policy OS-9.3: Gateway Improvements.*** Enhance neighborhood and city identity by maintaining or creating gateways. Maintain view corridors and enhance the sense of arrival at the major entrances to the city, including freeways, BART lines, and the airport entry. Use public art, landscaping, and signage to create stronger City and neighborhood gateways.

Objective OS-10: Scenic Resources. Protect scenic views and improve visual quality.

> ***Policy OS-10.1: View Protection.*** Protect the character of existing scenic views in Oakland, paying particular attention to: (a) views of the Oakland Hills from the flatlands; (b) views of downtown and Lake Merritt; (c) views of the shoreline; and (d) panoramic views from Skyline Boulevard, Grizzly Peak Road, and other hillside locations.
>
> ***Policy OS-10.2: Minimizing Adverse Visual Impacts.*** Encourage site planning for new development which minimizes adverse visual impacts and takes advantage of opportunities for new vistas and scenic enhancement.
>
> ***Policy OS-10.3: Underutilized Visual Resources.*** Enhance Oakland's underutilized visual resources, including the waterfront, creeks, San Leandro Bay, architecturally significant buildings or landmarks, and major thoroughfares.

Objective OS-11: Civic Open Spaces. To maintain and develop plazas, pocket parks, pedestrian walkways, and rooftop gardens in Oakland's major activity centers, and enhance the appearance of these and other public spaces with landscaping and art.

> ***Policy OS-11.2: New Civic Open Space.*** Create new civic open spaces at BART Stations, in neighborhood commercial areas, on parking garages, and in other areas where high-intensity redevelopment is proposed.
>
> ***Policy OS-11.3: Public Art Requirements.*** Continue to require public art as a part of new public buildings or facilities. Consider expanding the requirement or creating voluntary incentives to private buildings with substantial public spaces.
>
> ***Policy OS-11.4: Siting Public Art.*** Site public art with sensitivity to its surroundings. Locate public art in a manner which does not reduce useable open space in City parks or impede recreational activities.

Objective OS-12: Street Trees. "Green" Oakland's residential neighborhoods and commercial areas with street trees.

> ***Policy OS-12.1: Street Tree Selection.*** Incorporate a broad and varied range of tree species which is reflected on a city-maintained list of approved trees. Street tree selection should respond to the general environmental conditions at the planting site, including climate and micro-climate, soil types, topography, existing tree planting, maintenance of adequate distance between street trees and other features, the character of existing development, and the size and context of the tree planting area.

Historic Preservation Element

In March 1994, the Oakland City Council adopted the Historic Preservation Element of the Oakland General Plan (amended July 21, 1998). The following Historic Preservation Element goals address historic resources and visual resources (City of Oakland, 1998):[5]

> **Goal 1:** To use historic preservation to foster economic vitality and quality of life in Oakland by maintaining and enhancing throughout the City the historic character, distinct charm, and special sense of place provided by older properties; establishing and retaining positive continuity with the past thereby promoting pride, a sense of stability and progress, and positive feelings for the future; and preserving and encouraging a city of varied architectural styles and environmental character, and
>
> **Goal 2:** To preserve, protect, enhance, perpetuate, use, and prevent the unnecessary destruction or impairment of properties or physical features of special character or special historic, cultural, educational, architectural or aesthetic interest or value. Such properties or physical features include buildings, building components, structures, objects, districts, sites, natural features related to human presence, and activities taking place on or within such properties or physical features.

Scenic Highways Element

The Scenic Highways Element of the Oakland General Plan seeks to protect and enhance the distinctive character of scenic routes within the City. I-580 is identified as a designated scenic route in the Scenic Highways Element. I-980 is identified as a route that could be considered for possible future designation (City of Oakland, 1974).

Oakland Municipal Code

The following provisions of the Oakland Municipal Code are relevant to aesthetics:

Title 8: Health and Safety

- **Chapter 8.10: Graffiti.** This chapter is to protect public and private property from acts of defacement by graffiti.
- **Chapter 8.24: Property Blight.** This chapter requires a level of maintenance of residential, commercial, and industrial property that will protect and preserve the livability, appearance, and social and economic stability of the City.

Title 12: Streets, Sidewalks and Public Places

- **Chapter 12.36: Protected Trees.** It is the interest of the City of Oakland and the community to protect and preserve trees by regulating their removal; to prevent unnecessary tree loss and minimize environmental damage from improper tree removal; to encourage appropriate tree replacement plantings; to effectively enforce tree preservation regulations; and to promote the appreciation and understanding of trees.

[5] See also Section 4.4, *Cultural and Tribal Cultural Resources*, for a more detailed discussion of the Historic Preservation Element.

Title 17: Planning

The Oakland Planning Code, Title 17 of the Oakland Municipal Code, includes design review procedures and also outlines sign limitations, height restrictions, usable open space requirements, and minimum yards for developments located in each zone. The following would apply to the Project:

- **Chapter 17.124: Landscaping and Screening Standards.** This chapter prescribes standards for development and maintenance of planting, fences, and walls; for the conservation and protection of property; and through improvements of the appearance of individual properties, neighborhoods, and the City.
- **Chapter 17.136: Design Review Procedure.** In accordance with Chapter 17.136 of the Oakland Planning Code, future individual cumulative development projects would be subject to Design review. Design review considers the visible features of a project and the project's relationship to its physical surroundings. Although independent of CEQA and the EIR process, design review is focused on ensuring quality design, and on avoiding potentially adverse aesthetic effects. Projects are evaluated based on site, landscaping, height, bulk, arrangement, texture, materials, colors, appurtenances, potential shadowing effects on adjacent properties, and other characteristics.

Oakland Outdoor Lighting Standards

The City of Oakland Outdoor Lighting Standards is applicable to private development projects on public rights-of-way. As such, the requirements in the standard are assumed to apply to all new streetscape improvements. Requirements include general glare, light trespass, and light pollution mitigation measures such as using full-cutoff luminaires wherever available and avoiding bare light sources (bulbs). In addition, the standard provides specific lighting equipment guides relevant to street and pedestrian light pole heights.

City of Oakland Standard Conditions of Approval and Uniformly Applied Development Standards Imposed as Standard Conditions of Approval

The City's SCAs relevant to reducing impacts on aesthetics and that apply to the Project are listed below. If the Project is approved by the City, all applicable SCAs would be adopted as enforceable conditions of approval and required, as applicable, to be implemented during construction and operation of the Project to help ensure less-than-significant impacts to aesthetics. Because the conditions of approval are incorporated as part of Project, they are not listed as mitigation measures.

SCA AES-1: Trash and Blight Removal (*Standard Condition of Approval 16*)

Requirement: 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 multi-family residential projects, the project applicant shall install and maintain trash receptacles near public entryways as needed to provide sufficient capacity for building users.

SCA AES-2: Graffiti Control (*Standard Condition of Approval 17*)

Requirement:

a. 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.

b. 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)

SCA AES-3: Landscape Plan (*Standard Condition of Approval 18*)

a. Landscape Plan Required

Requirement: 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 (which can be viewed at http://www2.oaklandnet.com/oakca1/groups/pwa/documents/report/oak042662.pdf and http://www2.oaklandnet.com/oakca1/groups/pwa/documents/form/oak025595.pdf, respectively), and with any applicable streetscape plan.

b. Landscape Installation

Requirement: 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.

c. Landscape Maintenance

Requirement: 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.

SCA AES-4: Lighting (*Standard Condition of Approval 19*)

Requirement: 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.

4.1.3 Significance Criteria

The City of Oakland has established thresholds of significance for CEQA impacts that incorporate those in Appendix G of the State CEQA Guidelines (City of Oakland, 2020).

For informational purposes, this section describes Project effects related to aesthetics, including light and glare, that could result from the Project. As noted on page 4.1-1, CEQA Section 21099(d) states, "Aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site located within a transit priority area shall not be considered significant impacts on the environment." The Project meets all three criteria; thus, this section does not consider aesthetics, including the aesthetic impacts of light and glare, in determining the significance of project impacts under CEQA. Nonetheless, a discussion of the criteria that relate to aesthetics, including light and glare is provided for informational purposes and to evaluate the merits of the Project. Accordingly, the following topics related to aesthetics are not considered as part of determining the Project's significance under CEQA, but are presented for informational purposes:

1. Have a substantial adverse effect on a public scenic vista (informational discussion; not subject to CEQA);[6]

2. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, located within a state or locally designated scenic highway (informational discussion; not subject to CEQA);

3. Substantially degrade the existing visual character or quality of the site and its surroundings (informational discussion; not subject to CEQA); and

4. Create a new source of substantial light or glare which would substantially and adversely affect day or nighttime views in the area (informational discussion; not subject to CEQA).

[6] NOTE: Only impacts to scenic views enjoyed by members of the public generally (but not private views) are potentially significant.

This section also describes potential CEQA impacts related to shade, shadow, and wind that could result from implementation of the proposed Project. The Project would have a significant adverse impact under CEQA related to shadow and wind if it would:

1. Introduce landscape that would now or in the future cast substantial shadows on existing solar collectors (in conflict with California Public Resources Code Sections 25980–25986);

2. Cast shadow that substantially impairs the function of a building using passive solar heat collection, solar collectors for hot water heating, or photovoltaic solar collectors;

3. Cast shadow that substantially impairs the beneficial use of any public or quasi-public park, lawn, garden, or open space;

4. Cast shadow on an historic resource, as defined by state CEQA Guidelines Section 15064.5(a), such that the shadow would materially impair the resource's historic significance by materially altering those physical characteristics of the resource that convey its historical significance and that justify its inclusion on or eligibility for listing in the National Register of Historic Places, California Register of Historical Resources, Local Register of historical resources, or a historical resource survey form (DPR Form 523) with a rating of 1–5;

5. Require an exception (variance) to the policies and regulations in the General Plan, Planning Code, or Uniform Building Code, and the exception causes a fundamental conflict with policies and regulations in the General Plan, Planning Code, and Uniform Building Code addressing the provision of adequate light related to appropriate uses; or

6. Create winds that exceed 36 mph for more than one hour during daylight hours during the year.[7]

Approach to Evaluation

Project evaluation against significance criteria 1 and 2, below, is aided by the visual simulations prepared by Environmental Vision, which document views of, through, and toward the project site. Three visual simulations were prepared from three representative locations known as "key viewpoints." These identified viewpoints are publicly accessible observation points from locations that can see, or be seen from, the project site. Viewpoints were selected by the Oakland Planning Department in consultation with ESA and Environmental Vision to represent (1) typical views from common types of viewing areas, such as public sidewalks with exposure to the Project; or (2) specific high-sensitivity areas including historic resources whose context could be affected by the Project. The three viewpoints were selected to capture a representative sample of existing views of and from the project site in terms of both sensitive viewing locations and publicly accessible

[7] NOTE: The wind analysis only needs to be done if the project's height is 100 feet or greater (measured to the roof) and one of the following conditions exist: (a) the project is located adjacent to a substantial water body (i.e., the Estuary, Lake Merritt, or San Francisco Bay); or (b) the project is located in Downtown. Downtown is defined in the Land Use and Transportation Element of the General Plan (page 67) as the area generally bounded by West Grand Avenue to the north, Lake Merritt and Channel Park to the east, the Estuary to the south and I-980/Brush Street to the west. The wind analysis must consider the project's contribution to wind impacts to on- and off-site public and private spaces, where applicable. Only impacts to public spaces (on- and off-site) and off-site private spaces are considered CEQA impacts. Although impacts to on-site private spaces are considered a planning-related non-CEQA issue, such potential impacts still must be analyzed.

views near the project area. The visual simulations were prepared based on a massing plan of the Project provided by the Project Applicant.

The cumulative visual simulations incorporate a three-dimensional model of downtown Oakland based on potential buildout under the proposed Draft Downtown Oakland Specific Plan (DOSP), which is discussed in Section 4.0, *Introduction to the Environmental Analysis*. Also included in the cumulative model are projects on the City's Cumulative development list including 2401 Broadway, 2424 Webster Street, and 2305 Webster Street projects, all of which are also discussed in Section 4.0.

Topics Considered and No Impact Determined

Aesthetics (Criteria 1 through 4)

As discussed above, the Project qualifies as an employment center project on an in-fill site located within a transit priority area under CEQA Section 21099(d), and this EIR need not consider aesthetics in determining the significance of the Project impacts under CEQA. However, in order to disclose aesthetic considerations of the Project and requested height variance to the public and decision makers, this topic is addressed below for informational purposes only.

Wind (Criterion 10)

According to the City's CEQA Thresholds of Significance, wind analysis only needs to be done if a project's height is 100 feet or greater (measured to the roof) and one of the following conditions exist: (a) the project is located adjacent to a substantial water body (i.e., Oakland Estuary, Lake Merritt or San Francisco Bay); or (b) the project is located in Downtown. The Project would construct a building ranging from approximately 20-85 feet in height, less than 100 feet. Therefore, the Project would have no impact with regard to wind.

4.1.4 Evaluation of the Project

Significance Criteria 1 and 2: The Project would not have a substantial adverse effect on a public scenic vista or substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, located within a State or locally designated scenic highway. (*Less than Significant, not a CEQA consideration*)

I-580 is a State Scenic Highway from the San Leandro city limits to State Highway 24 in Oakland and I-80 is an eligible State scenic highway between I-580 and San Francisco, including the Bay Bridge. The project site is approximately 0.64 mile from the nearest point along I-580 and 1.79 miles from I-80. Due to this distance, the lower proposed height of the Project as compared to buildings in the vicinity and Downtown, and because of intervening development and vegetation, the Project would not substantially interfere with views of scenic resources for motorists on I-580 or I-80. Therefore, the Project would not adversely affect designated or eligible State Scenic Highways. The analysis below pertains to scenic vistas and scenic resources more generally and discusses whether the Project would have an adverse effect on a scenic vista or scenic resources. As stated above under the heading "Visual Resources," the City of Oakland General Plan OSCAR Element strives to protect long-range views of San Francisco, Mount Tamalpais, and

Lake Merritt. In addition, the OSCAR Element includes objectives to enhance underutilized visual resources, including the waterfront, creeks, San Leandro Bay, and architecturally significant buildings or landmarks, and major thoroughfares (City of Oakland, 1996).

As described above in *Approach to Analysis*, the impacts analysis below is aided by the visual simulations prepared by Environmental Vision, which document views of, through, and toward the project site. The Project would construct approximately 580 square feet of craft stall space in three, approximately 8.5-foot tall shipping containers arranged on the lot around a courtyard area with seating, a tree, and potted planters on a raised wood/Trex platform. The final heights on the Valley Street site would be shorter than the adjacent development, which includes two- and three-story buildings. Therefore, proposed development on the Valley Street site would not have an adverse effect on a public scenic vista or damage scenic resources and the discussion below focuses on the 24th and 25th Street site.

As discussed in Section 4.1.1 above, long-range views surrounding the project site are generally blocked by intervening development. Visual resources such as San Francisco, Mount Tamalpais, and Lake Merritt are not visible. Portions of high-rise buildings that compose the Downtown Oakland skyline are present from the north of the project site (see Figures 4.1-8 and 4.1-9). However, in these views, the project site is completely blocked by existing development. Therefore, the proposed development on the 24th and 25th Street site would not have an adverse effect on a public scenic vista or the Downtown Oakland skyline.

The 24th and 25th Street site is partially within the 25th Street Garage District API. As shown in **Figure 4.1-10**, from Viewpoint 1 (also Figure 4.1-2), existing views of the 25th Street Garage District API are blocked by the buildings in the foreground on the left side of the photograph and views of the 24th and 25th Street site, including the brick façades of the existing garages within the 25th Street Garage District API, are mostly blocked by the large magnolia tree and three-story building behind the tree on 24th Street.[8] In the visual simulation with the Project, the 85-foot portion of the Project, which is outside of the 25th Street Garage District API, would be prominent but would match the scale of developments just beyond the project site. The brick façades of the existing garages within the 25th Street Garage District API, which would be retained by the Project, continue to be largely blocked by the existing tree, with new Project street trees also contributing. Therefore, the Project would not adversely affect views of the 25th Street Garage District API from this location.

As shown in **Figure 4.1-11**, from Viewpoint 2 (also Figure 4.1-3), existing views of the larger 25th Street Garage District API are blocked by existing development and the large tree and three-story building behind the tree adjacent to the west of the 24th and 25th Street site, although both sites in the foreground are also included in the API. The 24th and 25th Street site is blocked by existing development, but the brick façades of the garages on the site are visible.[9] In the visual simulation with the Project, the 85-foot portion of the Project is present in the mid-ground;

8 Since the visual simulations were prepared, the tree has been removed by the adjacent property owner.

9 Since the visual simulations were prepared, the tree has been removed by the adjacent property owner. The three-story building is not included in the API boundary.

Existing View from Telegraph Avenue at 24th Street looking east (Viewpoint 1)

Visual Simulation with Project

SOURCE: ENVIRONMENTAL VISION, 2021

460 24th Street Project

ESA

Figure 4.1-10
Visual Simulation - Telegraph Avenue at 24th Street (Viewpoint 1)

Existing View from Broadway at 24th Street looking west (Viewpoint 2)

Visual Simulation with Project

SOURCE: ENVIRONMENTAL VISION, 2021

460 24th Street Project

ESA

Figure 4.10-11
Visual Simulation - Broadway at 24th Street
(Viewpoint 2)

however, the 85-foot portion of the proposed building is not located within the 25th Street Garage District API, and matches the scale of existing development on both sides of 24th Street including the Packard Lofts building. The brick façades on the project site also remain visible, with some minor blockage by the proposed street trees. Therefore, the Project would not adversely affect views of the 25th Street Garage District API from this location.

As shown in **Figure 4.1-12**, from Viewpoint 6 (also Figure 4.1-7), existing views of the garages in the 25th Street Garage District API on the south side of 25th Street are prominent, and this viewpoint illustrates the view through the 25th Street Garage District API on 25th Street. The 24th and 25th Street site is largely blocked by the existing garage buildings, but portions of the brick façades of the existing garage buildings on the site can be seen. In the visual simulation with the Project, views of the garages in the 25th Street Garage District API on the south side of 25th Street remain prominent. The 85-foot portion of the proposed building, which would be beyond the API footprint, would be visible behind some of these garage buildings. A portion of the 45-foot portion of the proposed building is also visible behind some of the garage buildings within the API, but the scale is comparable to both the existing garage buildings and the existing development behind the garage buildings due to the setback, serving as a modest transition between both elements and minimizing the visual impact. The brick façades of the garages on the project site also remain visible.[10] Therefore, the Project would not adversely affect views of the 25th Street Garage District API from this location. While the criteria for potential impacts under cultural resources and aesthetics differ, it is also noted that the Project would maintain the overall historic architectural character of the API as a collection of auto garages are concentrated along 25th Street that were constructed during the first half of the 20th century with respect to historic architectural resources (see Impacts CUL-1 and CUL-2 in Section 4.2).

Overall, the Project would not have an adverse impact on scenic resources and scenic vistas and would not result in a significant impact if the Project were subject to a review of aesthetics under CEQA. Additionally, as part of the development process, the Project would be required to undergo design review (Chapter 17.136 of the Oakland Planning Code). Design review is focused on ensuring quality design, and on avoiding potentially adverse aesthetic effects. Projects are evaluated based on site, landscaping, height, bulk, arrangement, texture, materials, colors, appurtenances, potential shadowing effects on adjacent properties, and other characteristics.

Significance Criterion 3: The Project would not substantially degrade the existing visual character or quality of the site and its surroundings. (*Less than Significant, not a CEQA consideration*)

Changes in the visual character or quality of a site are typically perceived subjectively and reactions vary by individual. The City's General Plan provides guidance that reflects the diverse nature of the built environment in Oakland and the complex nature of urban design in the community. Policies such as T6.2 and OS-9.3 reflect Oakland's desire to improve the visual

[10] Note that the building adjacent to the east of the 24th and 25th Street site appears different in the Project visual simulation view. This is due to the building being included in the Project's 3D model for scaling purposes (see Figure 3-10), and any alteration of this building is not included in the Project.

Existing View from 25th Street at Telegraph Avenue looking southeast (Viewpoint 6)

Visual Simulation with Project

SOURCE: ENVIRONMENTAL VISION, 2021

460 24th Street Project

ESA

Figure 4.1-12
Visual Simulation - 25th Street at Telegraph Avenue (Viewpoint 6)

quality of streetscapes and major entrances to City neighborhoods through pedestrian-oriented support facilities such as lighting, directional signs, trees, and benches, and through maintaining view corridors and using public art, landscaping, and signage to create stronger City and neighborhood gateways.

The Valley Street site is currently a surface parking lot for a restored loft building. As discussed in Section 4.2, *Historic Architectural Resources*, this site is part of the 2356-98 Valley Street Area of Secondary Importance (ASI) and has an Oakland Cultural Heritage Survey rating of D2+ (i.e., a representative example of minor importance located in an ASI). As such, it is not considered significant in Oakland's local register of historical resources and does not otherwise qualify as a historical resource for the purposes of CEQA. The surrounding development includes modern, boxy multi-family residential buildings and a parking tower, as well as some older multi-family residential buildings and duplex homes, resulting in a more modern, mixed-use visual character for the Valley Street site. The proposed craft stalls and associated shipping containers would be consistent the surrounding modern elements including the adjacent parking tower, the boxy multi-family residential buildings, and the design of the larger Hive development, which includes small restaurant/retail spaces in shipping containers. The Valley Street site and the Hive development are all located within the Broadway Valdez District Specific Plan which is planned for a more compact and higher density pattern of development to support a pedestrian- and transit-oriented, mixed-use neighborhood. As shown in Figure 3-12, the shipping containers would be refurbished, and windows and other design elements would be added to make them appear less industrial, consistent with the Hive development. As such, development on the Valley Street site would not substantially degrade the existing visual character or quality of the site and its surroundings. Therefore, this analysis is focused on the proposed development on the 24th and 25th Street site.

The Project would intensify development on the 24th and 25th Street site and construct a building ranging from approximately 20-85 feet in height. The 20-foot high portions of the building would be one-story, the 45-foot portions would contain three stories, and the 85-foot portion would contain six stories. The most comparably scaled buildings to the maximum proposed height in the project area are the 85-foot-tall building under construction at 2401 Broadway adjacent to the east of the project site, and the approximately 55-foot-tall Packard Lofts building at 2355 Broadway. The nine-level parking garage above the Oakland YMCA on Broadway near 24th Street and a seven-story building at 2500 Webster Street near Broadway and 25th Street are also located in the vicinity.

As described in Section 4.1.1, the buildings with frontages on 24th and 25th Streets all have brick façades and garage door elements, resulting in an existing automotive garage-related and industrial visual character for the 24th and 25th Street site. Existing surrounding smaller-scale production buildings establish a unique character in the historic 25th Street Garage District, which has a robust arts and entertainment scene. Low-rise multi-family residential buildings are also interspersed in the surrounding area and adjacent to the site to the west. More modern building elements are found to the south, mainly associated with the Hive development and east, where the 2401 Broadway project is under construction, incorporating some historic façades into the ground floor building design with modern, boxy building portions above.

As shown in Figure 4.1-12, and described under Criteria 1 and 2 above, from Viewpoint 6, which illustrates the view through the 25th Street Garage District API on 25th Street, with the Project, views of the garages in the 25th Street Garage District API on the south side of 25th Street remain prominent. A portion of the 45-foot portion of the proposed building would be visible behind some of the existing garage buildings in the District, but the scale is comparable to both the existing garage buildings and existing development in this view due to the project setback. In this view, the Project would serve as a modest transition between both elements and minimizing the visual impacts. The brick façades of the garages on the project site also remain visible. These facades would maintain the existing lines and form of the existing façades in the surrounding District and the existing automotive garage-related and industrial visual character on the site.[11] The 85-foot portion of the Project, located outside the API, would be visible behind some of the existing garage buildings. This portion of the Project would be visually similar to development to the south and east of the project site, such as the 2401 Broadway project (also visible in Figure 4.1-12) and the Hive mixed-use development, by containing similar elements of adaptive reuse and modern design. While the criteria for potential impacts under cultural resources and aesthetics differ, it is also noted that while the Project would contrast with some elements of the historic character of the API (e.g. relative height and massing and introduction of commercial and office uses to the historically industrial site), the Project would maintain the overall historic architectural character of the API (while losing relatively small quantities of historic materials) as a collection of auto garages concentrated along 25th Street that were constructed during the first half of the 20th century with respect to historic architectural resources (see Impacts CUL-1 and CUL-2 in Section 4.2).

Overall, the Project would not introduce a new visual element that is inconsistent with established visual patterns. In general, visual character and quality is subjective and the degree of change perceived by observers varies. For example, some observers could be more keenly aware of any increase in building height or overall density, and these observers could find these changes disruptive. On the other hand, it is likely that some observers would not consider the changes to the visual setting to be substantial, while still others would see a benefit in certain alterations of the built environment (such as the streetscape improvements proposed as part of the Project or the restoration of façade elements, for instance). The Project also would be required to comply with the City of Oakland **SCA AES-1, Trash and Blight Removal**; **SCA AES-2, Graffiti Control**; and **SCA AES-3, Landscape Plan**, related to landscaping, street frontages, landscape maintenance, public right-of-way improvements, and graffiti control, to enhance overall aesthetics.

Despite the changes in visual character on the 24th and 25th Street site, the Project would be generally consistent with the City's policies regarding visual character and quality. While the Project would contrast with some elements of the historic character of the API (and Historic Preservation Element Goal 2, accordingly), the Project would be consistent with Oakland General Plan policies OS-9.3, OS-10.2, OS-11, OS-11.2, and T6.2, which reflect the City's desire to

[11] As discussed in Section 4.2, *Historic Architectural Resources*, Mitigation Measure CUL-1, Construction Best Practices for Retained Historic Building Elements, would include measures to ensure that the retained façade and garage building elements on-site are structurally sound prior to and after demolition, and would ensure that the Project's façade elements continue to contribute to the character of the District in their original form to the extent feasible.

improve the visual quality of streetscapes, improve major entrances to City neighborhoods, minimize adverse visual impacts, and to create, maintain, and enhance civic open spaces. The Project would be subject to design review and would be required to conform with applicable design review criteria to ensure high quality attractive designs that will compliment and benefit the surrounding neighborhood and City as a whole. For these reasons, the overall effect of Project related to visual character would not be adverse.

Significance Criterion 4: The Project would not create a new source of substantial light or glare which could substantially and adversely affect day or nighttime views in the area. (*Less than Significant, but not a CEQA Consideration*)

The project site is in a built-out urban environment that has existing sources of light and glare associated with land uses typical for an urban setting. The Project would utilize nighttime lighting for operational and security purposes, and would result in similar levels of light and glare as is typical for mixed-use developments of this scale. Implementation of **SCA AES-4, Lighting**, would require that new exterior lighting fixtures be adequately shielded to a point below the light bulb and reflector to prevent unnecessary glare onto adjacent properties. Additionally, the Project would be required to comply with the City of Oakland Outdoor Lighting Standards for the proposed streetscape improvements, which would reduce general glare, light trespass, and light pollution. Therefore, the Project would not create a new source of substantial light or glare which could substantially and adversely affect day or nighttime views in the area.

Shadow

Impact AES-1: The Project would not cast shadow that substantially impairs a nearby use reliant on sunlight, including the following functions: a building using passive solar heat collection, solar collectors for hot water heating, or photovoltaic solar collectors; the beneficial use of any public or quasi-public open space; a historic resource; or result in an exception to the policies in the General Plan, Planning Code, or Uniform Building Code, and the exception causes there to be a fundamental conflict with policies and regulations addressing the provision of adequate light related to appropriate uses. (Criteria 5, 6, 7, 8, and 9) (*Less than Significant*)

The Project would construct approximately 580 square feet of craft stall space, including restroom space, located mostly in refurbished shipping containers on Site 1 (the Valley Street site). The craft stalls would be located in approximately three, approximately 8.5-foot tall shipping containers arranged on the lot around a courtyard area with seating, a tree, and potted planters on a raised wood/Trex platform. The final heights on the Valley Street site would be shorter than the adjacent development, which includes two- and three-story buildings. Therefore, proposed development on the Valley Street site would not cast shadow that substantially impairs a nearby use reliant on sunlight and the analysis in this section focuses on new shading from development on the 24th and 25th Street site.

Solar Collectors

The Project would plant a total of six street trees along the Project building frontages, with three trees located along 24th Street and three trees located along 25th Street. The nearest solar collectors

are at 426 25th Street and 449 23rd Street, approximately 225 and 530 feet from the proposed Project, respectively. The Project's street trees could grow up to 35-65 feet tall and the maximum shadows from these trees would not reach solar panels located on the roofs of these buildings (20- to 80-foot roof height).[12] Therefore, the Project would not cast shadow on these collectors.

The Project would construct a building ranging from approximately 20-85 feet in height on the 24th and 25th Street site. The 20-foot height portions of the building would be one-story, the 45-foot portions would contain three stories, and the 85-foot portion would contain six stories.[13] Shadows are cast to the west by objects during the morning hours when the sun is coming up on the horizon in the east. During the late morning and early afternoon, the shadows of objects move northerly and by late afternoon they are cast easterly in response to the movement of the sun across the sky from east to west. In general, solar panels collect the most energy from the sun when the sun's rays strike the Earth's surface at 90 degrees (directly overhead). The time of day when solar panels collect the most energy from the sun is typically noon, however, this time varies depending on the sun's position in the sky, clouds, and other atmospheric conditions. Solar panels generally collect energy from the sun for up to four hours before and after noon. Due to daylight savings, this period is approximately 8 a.m. to 4 p.m. during the late fall and most of the winter and 9:00 a.m. to 5:00 p.m. for the remainder of the year (Solar Power Authority, 2019).

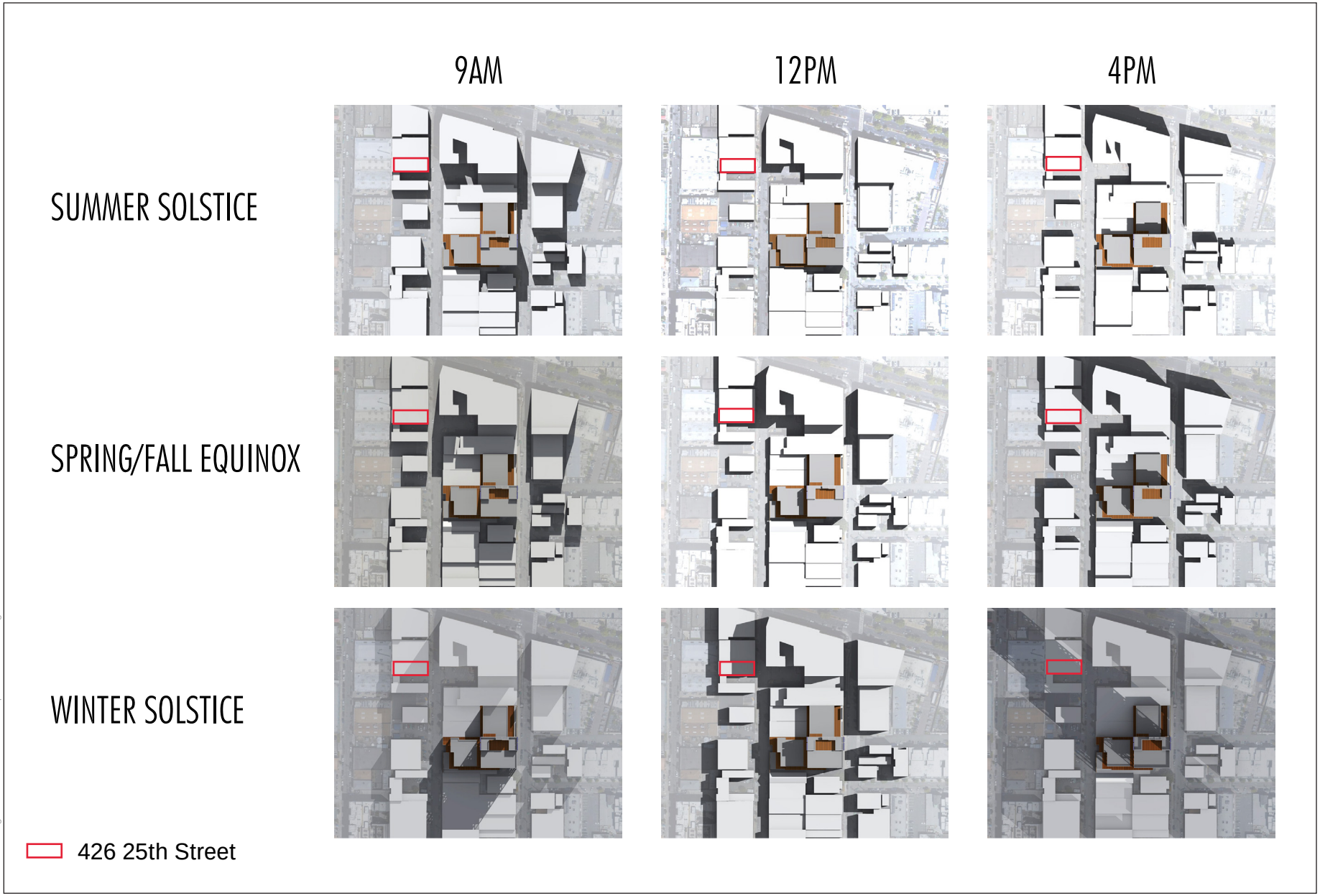
As shown in **Figure 4.1-13**, the Project shadow would reach the rooftop at 426 25th Street during afternoon hours of the winter solstice (shown at 4 p.m.), when shadows are longest and in the northeast direction, and would shade the rooftop solar panels located on the center and north end of the building. While this additional shading during the winter could reduce the ability of solar panels at this address to collect sun power during this period, any reduced amount of energy able to be produced at this address would not substantially impair the function of the building. The solar equipment consists of photovoltaic solar panels used to generate electricity (as opposed to heat or hot water) and any loss in energy can be made up for with additional power drawn from the local electricity provider, Pacific Gas and Electric (PG&E), with no impairment to the functionality of the building. Therefore, the Project shadow would not result in a substantial loss of power, income, or use from the collectors. No other solar collectors are within the Project shadow's path and, therefore, the Project would not cast shadow that would substantially impair the function of existing solar collectors in use on surrounding buildings.

Public Open Spaces

There are no public open spaces adjacent to the project site. The parks and public open spaces closest to the project site identified in Section 2.1.1, *Setting*, are located between 0.18- and 0.29-mile from the project site. Given the height of the Project building and the distance of these parks and open spaces, the Project would generate no new shadow on any existing public or quasi-public park, lawn, garden, or open space. Therefore, the Project shadow would not substantially impair any public open space as none would be shaded by the Project.

[12] The Landscape Plan for the Project (see Figure 3-13) indicates that a mix of ginkgo (*Ginkgo biloba*) and red maple (*Acer rubrum*) street trees would be planted (Cal Poly, 2021a and 2021b).

[13] The building would also contain a parapet and roof mounted appurtenances such as air conditioning units or elevator equipment above the roof height of 85-feet.



D170860.00 - Pigozzi 460 24th Street\05 Graphics-GIS-Modeling\Illustrator

SOURCE: Flynn Architecture, 2022

Pigozzi 460 24th Street

Figure 4.1-13
Shadow Diagrams

ESA

Historic Resources

In terms of historic resources, the project site is located within and adjacent to the 25th Street Garage District API. Based on the height of the proposed structure on the 24th and 25th Street site and the direction of the sun, the Project would cast new shadow within the 25th Street Garage District API typically during certain portions of the day and year. The City of Oakland's CEQA thresholds of significance state that a significant impact would occur if a project were to shade designated historic resources such that the new shadow would "materially impair" the resource's historic significance. There are no historic resources within the 25th Street Garage District relying on access to sunlight to convey their historic significance (ESA, 2021). Therefore, potential effects from the Project shadow would be less than significant because the significance of the API and its contributors is primarily based in its associations with the automotive industry. Thus, the Project's new shadow would not have the potential to materially alter features that would impair the historical designation of the 25th Garage District API or its contributors. The Project impact with respect to shading historic resources would be less than significant.

Provision of Adequate Light

The Project would concentrate the allowable FAR on the site above the vacant surface parking lot, which is outside of the boundary of the historic API, seeking a variance to increase height on that portion of the 24th and 25th Street site. The Project would comply with all other zoning and Planning Code requirements, and provide adequate light and ventilation as required per Code requirements. As discussed above, the Project would not result in a significant effect with regard to access to light for solar collectors, public open spaces, or historic resources. Therefore, the Project impact related to the provision of adequate light related to appropriate uses would be less than significant.

Mitigation: None required.

4.1.5 Cumulative

Cumulative Aesthetics Assessment: The Project, combined with cumulative development in the Project vicinity and citywide, would not result in significant cumulative aesthetics impacts. (*Less than Significant; not a CEQA consideration*)

The geographic scope for cumulative effects on aesthetics includes the areas surrounding the project site. To evaluate Project effects on visual resources, scenic vistas, and visual quality and character; existing views are considered side by side with visual simulations of cumulative development including the Project. Although the 2401 Broadway project is under construction, it is depicted in the existing setting photographs at the maximum proposed massing and height, and it is considered along with cumulative development in the Project evaluation below.

Scenic Resources

As shown in **Figure 4.1-14**, cumulative development included in the DOSP would be visible in the right side of the photograph, but would not combine or overlap with the Project. In this view, the Project would match the scale of the 2401 Broadway project building and development in the near distance. Therefore, the Project combined with cumulative development would not adversely affect views of the 25th Street Garage District API from this location.

As discussed above, the Project would not result in an adverse effect related to views of the API from this location. As shown in **Figure 4.1-15**, a sliver of the same cumulative development included in the DOSP in Figure 4.1-14 would be visible on the left side of the view, but would not combine or overlap with the Project. Therefore, the Project would not contribute to or combine with an existing cumulative aesthetic effect related to views of the API from this location.

As shown in **Figure 4.1-16**, the development at 2424 Webster Street would be visible in the background on the left side of the view and the development at 2305 Webster Street (with an approximately 240-foot tower) would be visible in the background on the right side of the view. Views of the garages in the API on the south side of 25th Street would remain prominent. The brick façades of the garages on the project site would also continue to remain visible. Therefore, the Project would not contribute to or combine with an existing cumulative aesthetic effect related to views of the API.

Overall, the Project would not contribute to or combine with an existing cumulative aesthetic impact on scenic resources and scenic vistas and would not result in a significant impact if the Project were subject to a review of aesthetics under CEQA. Additionally, in accordance with Chapter 17.136 of the Oakland Planning Code, future individual cumulative development projects would be subject to design review, similar to the Project. Design review considers the visible features of a project and the project's relationship to its physical surroundings. Design review is focused on ensuring quality design, and on avoiding potentially adverse aesthetic effects.

Visual Character

Development of cumulative projects in the Project vicinity would change the visual character and quality of the surrounding area by building more mid- to high-rise buildings and increasing the development intensity on individual sites. However, because development of the cumulative projects would be subject to design review to ensure their consistency with the General Plan and applicable Specific Plans, the cumulative impact would be consistent with the City's long-term vision for this area, and would not necessarily be adverse. As discussed above, the brick façades of the garages on the project site would be retained and remain visible, and maintain the existing lines and form of the existing façades in the surrounding District would be maintained. The existing automotive garage-related and industrial visual character on the site would also partially maintain integrity.

Existing View from Telegraph Avenue at 24th Street looking east (Viewpoint 1)

Visual Simulation with Project and Cumulative Development Massing

SOURCE: ENVIRONMENTAL VISION, 2021

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ESA

Figure 4.1-14
Visual Simulation - Telegraph Avenue at 24th Street with Cumulative Development (Viewpoint 1)

Existing View from Broadway at 24th Street looking west (Viewpoint 2)

Visual Simulation with Project and Cumulative Development Massing

SOURCE: ENVIRONMENTAL VISION, 2021

460 24th Street Project

ESA

Figure 4.1-15
Visual Simulation - Broadway at 24th Street with Cumulative Development (Viewpoint 2)

Existing View from 25th Street at Telegraph Avenue looking southeast (Viewpoint 6)

Visual Simulation with Project and Cumulative Development Massing

SOURCE: ENVIRONMENTAL VISION, 2021

460 24th Street Project

ESA

Figure 4.1-16
Visual Simulation - 25th Street at Telegraph Avenue with Cumulative Development (Viewpoint 6)

While the criteria for potential impacts under cultural resources and aesthetics differ, it is also noted that the Project and the project at 2401 Broadway together would diminish the character of the historic district through the introduction of buildings that are more unified with the architectural character outside of the district than with the adjacent portions of the API. However, these two projects represent a small percentage of the entire district. The location of massing and height is at the edges of the district, leaving the heart of the district along 25th Street and the majority of contributing buildings intact, and the district would retain sufficient integrity to remain a City of Oakland API (see Impacts CUL-1.CU and CUL-2.CU in Section 4.2). Despite the changes in visual character on the 24th and 25th Street site and the contrast with some elements of the historic character of the API, the Project would be generally consistent with the City's policies regarding visual character and quality. Overall, the Project combined with cumulative development would not substantially degrade the existing visual character or quality of the site and its surroundings or introduce a new visual element that is inconsistent with established visual patterns. The Project, and cumulative development projects, would also be subject to design review and would be required to conform with applicable design review criteria to ensure high quality attractive designs that will compliment and benefit the surrounding neighborhood and City as a whole.

As with the Project, cumulative projects would be required to comply with SCA AES-1, Trash and Blight Removal; SCA AES-2, Graffiti Control; and SCA AES-3, Landscape Plan, related to landscaping, street frontages, landscape maintenance, public right-of-way improvements, and graffiti control, to enhance aesthetics.

Light and Glare

The project site is in a built-out urban environment that has existing sources of light and glare associated with land uses typical for an urban setting. The Project, and other cumulative projects, would utilize nighttime lighting for operational and security purposes, and would result in similar levels of light and glare as is typical for urban developments. Cumulative development would also be subject to SCA AES-4, Lighting, which would require that new exterior lighting fixtures be adequately shielded to a point below the light bulb and reflector to prevent unnecessary glare onto adjacent properties. Therefore, the Project would not contribute to or combine with an existing cumulative aesthetic impact related to light or glare and would not result in a significant impact if the Project were subject to a review of aesthetics under CEQA.

Overall, the cumulative impact with respect to aesthetics would be less than significant if the proposed Project were subject to an aesthetics analysis under CEQA.

Wind

As described in Section 4.1.3 above, the Project would have no impact with regard to wind. Because no impact would result, the Project could not cause or contribute to any cumulative effect in this regard.

Shadow

Impact AES-1.CU: The Project, combined with cumulative development in the Project vicinity and citywide, would not result in significant cumulative shadow impacts. (*Less than Significant*)

The geographic context for shadow is the project vicinity where a cumulative project's shadow could combine with Project shadow.

The 2401 Broadway Hotel project adjacent to the west of the 24th and 25th Street site could combine with Project shadow near the solar panels at 426 25th Street. However, as described under Impact AES-1, during afternoon hours of the winter solstice, when shadows are longest and in the northeast direction, the Project's shadow would cast a shadow on these solar collectors for short periods of the afternoon during the winter which could combine with shadow from the 2401 Broadway Hotel project that would cast partial shadow at this address during morning and noontime hours (see Figure 4.1-13). However, the Project's contribution to shading at this address would occur after the peak solar collection period at noontime. In addition, the solar equipment consists of photovoltaic solar panels used to generate electricity (as opposed to heat or hot water) and any loss in energy can be made up for with additional power drawn from the local electricity provider (PG&E) with no impairment to the functionality of the building. As such, the proposed Project's contribution to cumulative shadow impacts would be less than significant.

The shadow from the 2401 Broadway Hotel project adjacent to the west of the 24th and 25th Street site could combine with Project shadow within the 25th Street Garage District API. However, as described under Impact AES-1 above, there are no historic resources within the 25th Street Garage District relying on access to sunlight to convey their historic significance. Therefore, the Project would not contribute to a cumulative effect of shading on the 25th Street Garage District API and the impact would be less than significant.

Mitigation: None required.

4.1.6 References

California Energy Commission (CEC), 2018. *Building Energy Efficiency Standards for Residential and Nonresidential Buildings for the 2019 Building Energy Efficiency Standards Title 24, Part 6, and Associated Administrative Regulations in Part 1,* December 2018. Available at: https://ww2.energy.ca.gov/2018publications/CEC-400-2018-020/CEC-400-2018-020-CMF.pdf, accessed February 23, 2021.

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4.2 Historic Architectural Resources

4.2.1 Introduction

This section assesses the potential for the Project to result in significant adverse impacts on historic architectural resources. Potential Project impacts on prehistoric and historic-era archaeological resources, human remains, and tribal cultural resources are addressed in detail in the Initial Study that was prepared for the Project and included as **Appendix B** of this Draft EIR, which found that the Project's impacts in those respects would be less than significant (see Section 2.5, discussion under thresholds 2 through 4).

This section first includes a description of the existing environmental setting as it relates to historic architectural resources, and provides a regulatory framework that discusses applicable federal, state, and local regulations. This section also includes an evaluation of potential significant impacts of the Project on historic architectural resources.

Definitions and Data Sources

A historical resource is defined in CEQA Guidelines section 15064.5(a) as one that is listed in, or determined to be eligible for listing in, the California Register of Historical Resources (California register). In addition, a resource that (i) is identified as significant in a local register of historical resources,[1] or (ii) is deemed significant due to its identification in a historical resources survey meeting the requirements of California Public Resources Code section 5024.1(g) is presumed to be a historical resource "unless the preponderance of the evidence demonstrates that the resource is not historically or culturally significant." CEQA section 21084.1 also permits a lead agency to determine that a resource constitutes a historical resource even if the resource does not meet the foregoing criteria.

For the purposes of this EIR, the term *historic architectural resource* is used to distinguish such resources from archeological resources, which may also be considered historical resources under CEQA. Archeological resources, including archeological resources that are potentially historical resources under CEQA Guidelines section 15064.5, are addressed in the Initial Study (Appendix B).

The information and analysis in this section is based on a review of the Project; applicable local policies and regulations; the technical report prepared by Left Coast Architectural History in March 2020 (Left Coast, 2020), and a peer review of the technical report prepared by ESA in January 2021 (ESA, 2021). The technical report and peer review are included as **Appendix D**.

Findings of Technical Report and Peer Review

Left Coast Architectural History found that the impact of the Project on the 25th Street Garage District Area of Primary Importance (API) would be less than significant because the API would

[1] The City of Oakland classifies Areas of Primary Interest (API), contributors to APIs, and individual properties with Oakland Cultural Heritage Survey (OCHS) ratings of A or B as significant local register properties. Please see Section 4.2.3 for more information about local register criteria.

continue to convey its historical significance and retain the majority of its contributing buildings, and ESA concurred with this finding. As the Project would remove historic materials and eliminate the industrial use of the API from four contributors and also be incompatible with the API in terms of height and massing, it contrasts with the historic character of the API. Despite these changes to individual contributors and to the character of the API, the API as a whole would retain all of its character-defining features (while losing relatively small quantities of historic materials) and therefore retain sufficient integrity to convey its historical significance.

The peer review disputed several other findings presented in the Left Coast report regarding the Project design. First, ESA respectfully disagreed that the Project can rightly be considered a rehabilitation, as defined by *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings*. Second, ESA disagreed that the two subject buildings with frontage on 25th Street would remain contributors to the API following completion of the Project. Finally, ESA asserted that additional analysis is required pertaining to massing, height, and compatibility of elements of the Project relative to the API in order to justify full conformance with the Standards for Rehabilitation. As presented in the Left Coast report, the conclusion of compliance with the Standards is not supported. The analysis in this chapter follows the findings of the ESA peer review.

4.2.2 Environmental Setting

Historic Setting

The project site is partially located within the 25th Street Garage District API and includes construction on four district contributors. The four district contributors and their respective Oakland Cultural Heritage Survey (OCHS) ratings are:

1. 442 24th Street, Cb+1+ (i.e., a contributor of Secondary Importance in an API that could potentially be given a rating of Major Importance if restored);
2. 450 24th Street, C1+ (i.e., a contributor of Secondary Importance in an API);
3. 459-461 25th Street, C1+; and
4. 465 25th Street, C1+.

The Valley Street portion of the project is located within a parking lot associated with the Art Deco-style warehouse located at 2356 Valley Street. This parcel is part of the 2356-98 Valley Street Area of Secondary Importance (ASI) and has an OCHS rating of D2+ (i.e., a representative example of minor importance located in an ASI). As such, it is not considered significant in Oakland's local resister of historical resources and does not otherwise qualify as a historical resource for the purposes of CEQA.

For the purposes of CEQA, impacts to historic architectural resources are limited to the API and the district contributors listed above. There are no additional CEQA-eligible historical architectural resources within or immediately adjacent to the project sites.

25th Street Garage District API

The 25th Street Garage District was first documented in 1985 as part of the OCHS as a concentration of service and industrial buildings, the majority of which have historically functioned as automotive garages. Constructed between 1905 and 1929, these buildings represent the growing popularity of the nascent automobile industry and the proliferation of automobile-related businesses. While dealerships were located on Broadway, automobile service garages were located on the side streets (OCHS, 1985). The boundaries of the 25th Street Garage District are somewhat irregular and generally encompass the area between 26th Street on the north, 24th Street on the south, Broadway on the east, and Telegraph Avenue on the west. More specifically, the district includes some buildings on the south side of 26th Street, on the north and south sides of 25th Street, and on the north side of 24th Street, as well as the buildings at the intersection of 24th Street and Broadway. A map of the district is shown in **Figure 4.2-1**.[2]

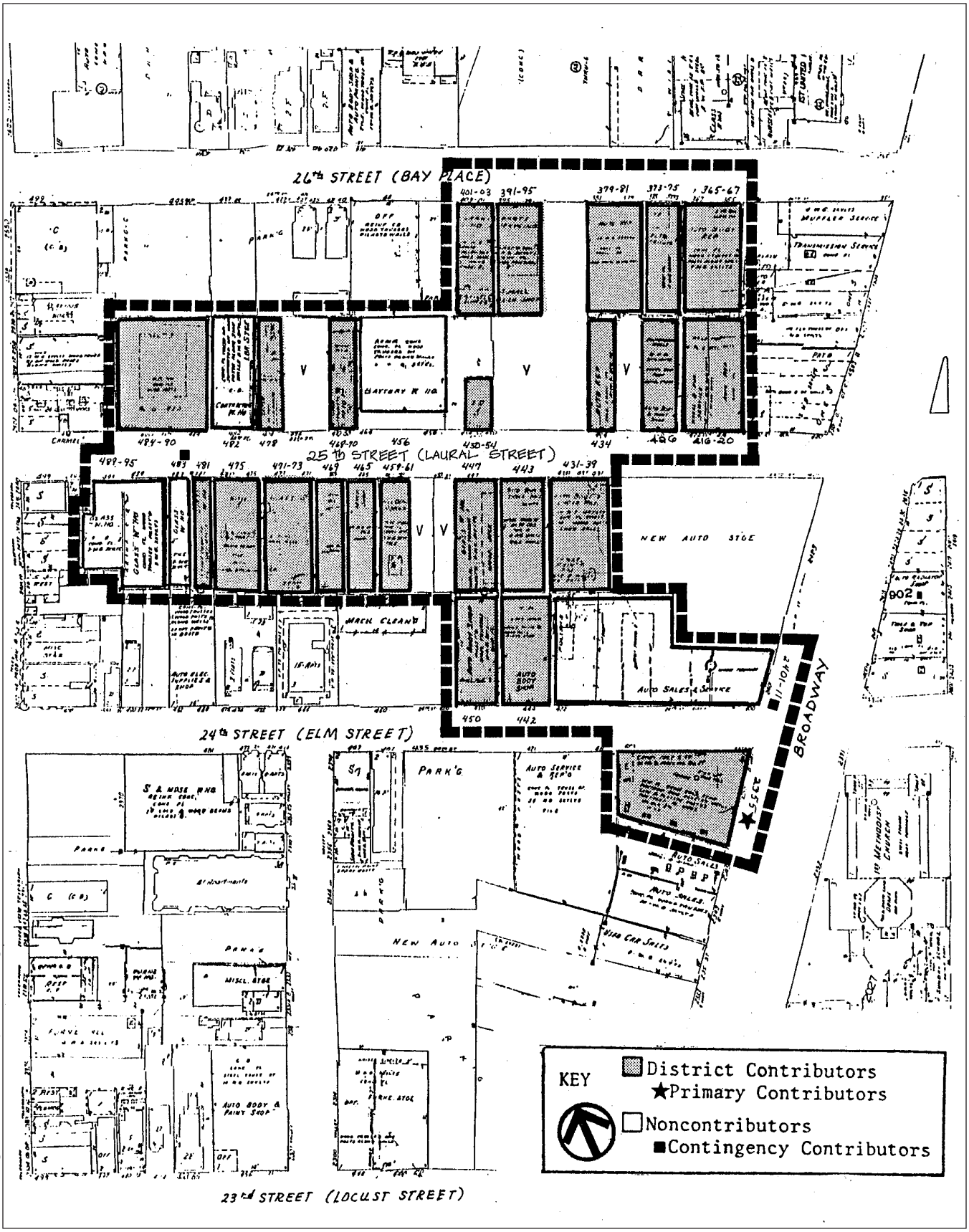
"Significant as a concentrated, intact, and homogeneous group of buildings of a distinctive type, dating from a specific period of Oakland's economic development," the 25th Street Garage District was found to be eligible for listing in the National Register of Historic Places (National Register); as such, it is automatically also eligible for listing in the California Register of Historical Resources (California Register) (OCHS, 1985). The City of Oakland has designated the 25th Street Garage District as an area of primary interest (API), meaning that it is considered to be eligible for listing in the National Register and California Register. Although the original documentation does not identify the significant criteria, based on the statement of significance quoted above, it can be reasonably concluded that the district is eligible under Criteria A/1 (Events) related to "a specific period of Oakland's economic development," and C/3 (Architecture) as a "concentrated, intact, and homogeneous group of buildings of a distinctive type."

As originally documented, the district included a total of 29 properties; of these, 24 were identified as contributors, and five were identified as non-contributors. While the 1985 documentation does not identify a period of significance, the contributors date from 1905 to 1929. Two contributors have been demolished and/or substantially altered since 1985, reducing the number of contributors to 22 at this writing. A current list of contributing and non-contributing properties is included in the report prepared by Left Coast Architectural History (Appendix D).

The OCHS documentation does not explicitly identify character-defining features (CDF) of the 25th Street Garage District API. The technical analyses prepared by Left Coast Architectural History and ESA identify the following complete list of CDFs:

- Service or industrial uses, not retail, the majority functioning as automotive garages;
- One-story, though often double-height, sometimes incorporating mezzanine levels;
- Standard lot sizes measuring 50 feet by 118 feet;
- No setbacks from lot lines (front, sides, or rear);

[2] On February 5, 2021, the City of Oakland Planning Department issued a decision that the API's official boundary is that shown in the 1985 OCHS documentation. The boundary shown in the City's public GIS viewer is incorrect.



SOURCE: City of Oakland, 1985

Pigozzi 460 24th Street

Figure 4.2-1
Map of the 25th Street Garage District API

D170860.00 - Pigozzi 460 24th Street\05 Graphics-GIS-Modeling\Illustrator

- Brick construction, often integrating hollow clay tile and concrete or wood support posts;
- Wood truss roofs with stepped or peaked parapets at the front;
- Pressed brick facades, often incorporating polychrome brick or decorative bonds;
- Ornament and decorative features confined to front façades only;
- Large multi-lite metal-sash windows;
- Glazed and paneled wood folding vehicles doors, though often replaced with metal roll-up doors;
- Openings generally flush with the exterior façade;
- Combination of pedestrian and vehicular openings on the primary facades; and
- Narrow streets with a general lack of trees, especially through the center of the district along 25th Street.

Changes Within the API Since 1985

A detailed list of changes that have occurred within the 25th Street Garage District API since 1985 is presented in ESA's peer review (Appendix D). Changes are primarily concentrated at the periphery of the district, leaving the core largely unaltered. As noted above, two district contributors have been demolished and/or substantially altered (469 25th Street and 450-454 25th Street), and moderate modifications have been made to 478 25th Street (a district contributor), including a reduction in the original footprint of the building. Alterations to façade fenestration patterns through infill, reduction or increase in the size of openings, removal of vehicular entrances, and relocation of entrances can be seen throughout the API. Four new buildings have been constructed within the API that range in height from one to seven stories (385 26th Street, 440 25th Street, 469 25th Street, and 2401-2411 Broadway/400 24th Street).

A range of building types surround the API including light industrial garages and warehouses, multi-family residential buildings, and mixed-use commercial/residential buildings. Properties that are immediately adjacent to, and share a property boundary with, the API range in height from one to seven stories. It should be noted that only three parcels are four or more stories in height (437 26th Street, 498 25th Street, and 2401-2411 Broadway/400 24th Street) and are located near the northwest and southeast corners of the API. All other adjacent parcels are occupied by buildings ranging from one to three stories.

Despite these changes within and adjacent to the API, the analysis by Left Coast Architectural History concluded that the "API retains adequate integrity to the time of its initial 1985 documentation, so that it continues to qualify as a National Register-eligible historic district today" (Left Coast, 2020). The peer review concurred with this finding (ESA, 2021).

4.2.3 Regulatory Setting

Federal

National Register of Historic Places

Under the National Historic Preservation Act (NHPA) of 1966, as amended (54 U.S.C. 306108), and its implementing regulations, a property is considered significant if it meets the criteria for listing in the National Register of Historic Places (National Register) at 36 CFR 60.4, as stated below:

> The quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association and that:
>
> A. Are associated with events that have made a significant contribution to the broad patterns of our history, or
>
> B. Are associated with the lives of persons significant in our past, or
>
> C. Embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction, or
>
> D. Have yielded, or may be likely to yield, information important in prehistory or history.

If a federal action is required for implementation of a project, Section 106 of the NHPA requires federal agencies to consider the effects of the undertaking on historic properties (i.e., properties listed in or eligible for listing in the National Register) and to afford the Advisory Council on Historic Preservation a reasonable opportunity to comment on any undertaking that would adversely affect properties eligible for listing in the National Register. The Section 106 review normally involves a four-step procedure, which is described in detail in the implementing regulations (36 CFR Part 800) and includes identifying historic properties in consultation with the State Historic Preservation Office (SHPO) and interested parties, assessing effects, consulting with SHPO and others to develop and execute an agreement regarding the treatment of historic properties, and proceeding with the project according to the agreement.

Secretary of the Interior's Standards for Rehabilitation

The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (Secretary's Standards) were published and codified as 36 Code of Federal Regulations 68 in 1995 and updated in 2017.[3] Developed by the National Park Service for reviewing certified rehabilitation tax credit projects, the Secretary's Standards have been adopted by local government bodies across the country for reviewing proposed work on historic properties under local preservation ordinances.

[3] Treatments are defined as follows: "Preservation" acknowledges a resource as a document of its history over time and emphasizes stabilization, maintenance, and repair of existing historic fabric. "Rehabilitation," while also incorporating the retention of features that convey historic character, also accommodates alterations and additions to facilitate continuing or new uses. "Restoration" involves the retention and replacement of features from a specific period of significance. "Reconstruction," the least-used treatment, provides a basis for recreating a missing resource.

The Secretary's Standards provide a useful analytical tool for understanding and describing the potential impacts of changes to historical resources and are used to inform CEQA review.

The Secretary's Standards are neither technical nor prescriptive. Rather, they are intended to promote responsible preservation practices that help protect irreplaceable cultural resources (National Park Service, 2017). The Secretary's Standards consist of ten basic principles created to help preserve the distinctive character of a historic building and its site while allowing for reasonable changes to meet new needs. As stated in the regulations (36 CRF 68), the Secretary's Standards are "to be applied taking into consideration the economic and technical feasibility of each project." In general, a project that would comply with the Secretary's Standards is considered to have mitigated its impact to a less-than-significant level (CEQA Guidelines section 15064.5(b)(3)).

The ten Standards for Rehabilitation are as follows:

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6.
7. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
8. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
9. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
10. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
11. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

State

California Environmental Quality Act

The California Environmental Quality Act (CEQA), as codified in PRC Sections 21000 et seq., is the principal statute governing the environmental review of projects in the state. CEQA requires lead agencies to determine if a proposed project would have a significant effect on historical resources, including archaeological resources. The CEQA Guidelines (Section 15064.5(a)) define a historical resource as: (1) a resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (California Register), (2) a resource included in a local register of historical resources, as defined in PRC Section 5020.1(k) or identified as significant in a historical resource survey meeting the requirements of PRC Section 5024.1(g); or (3) any object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be historically significant, provided the lead agency's determination is supported by substantial evidence in light of the whole record. In addition, Section 15064.5 (a)(4) states that "the fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to PRC Section 5020.1(k)), or identified in an historical resources survey (meeting the criteria in PRC Section 5024.1(g)) does not preclude a lead agency from determining that the resource may be an historical resource as defined in PRC Sections 5020.1(j) or 5024.1."

CEQA requires lead agencies to determine if a proposed project would have a significant effect on important historical resources or unique archaeological resources. If a resource is neither a unique archaeological resource nor a historical resource, the CEQA Guidelines note that the effects of the project on that resource shall not be considered a significant effect on the environment (CEQA Guidelines section 15064.5[c][4]). As noted above, projects that comply with the Secretary's Standards benefit from a regulatory presumption under CEQA that they would have a less-than-significant impact on a historical resource. Projects that do not comply with the Secretary's Standards may or may not cause a substantial adverse change in the significance of a historical resource and must be subject to further analysis to assess whether they would result in material impairment of a historical resource's significance.

California Register of Historical Resources

The California Register is "an authoritative listing and guide to be used by state and local agencies, private groups, and citizens in identifying the existing historical resources of the state and to indicate which resources deserve to be protected, to the extent prudent and feasible, from substantial adverse change" (PRC Section 5024.1[a]). Certain resources are determined by the statute to be automatically included in the California Register, including California properties formally determined eligible for or listed in the National Register.

To be eligible for the California Register, a historical resource must be significant at the local, state, or federal level under one or more of the following criteria:

1. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
2. Is associated with the lives of persons important in our past.
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
4. Has yielded, or may be likely to yield, information important in prehistory or history (PRC Section 5024.1[c]).

Integrity is the authenticity of a historical resource's physical identity as shown by the survival of characteristics that existed during the period of significance. For a resource to be eligible for the California Register, it must also retain enough integrity to be recognizable as a historical resource and to convey the reasons for its significance. Integrity is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association. A resource that does not retain sufficient integrity to meet the National Register criteria may still be eligible for listing in the California Register.

Local Plans, Ordinances and Policies

City of Oakland – Local Plans, Policies and Regulations

Environmental Review Regulations

Under Section 17.158.090 of the City of Oakland Planning Code (2005), for purposes of evaluating environmental impacts CEQA, a historical resource is a resource that meets any of the following criteria:

1. A resource listed in, or determined to be eligible for listing in, the California Register;
2. A resource included in Oakland's Local Register of historical resources (defined in General Plan Historic Preservation Element Policy 3.8 below), unless the preponderance of evidence demonstrates that it is not historically or culturally significant;
3. A resource identified as significant (e.g., rated 1–5) in a historical resource survey recorded on Department of Parks and Recreation (DPR) 523 Form, unless the preponderance of evidence demonstrates that it is not historically or culturally significant;
4. Any object, building, structure, site, area, place, record, or manuscript which the Oakland City Council determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California, provided the determination is supported by substantial evidence in light of the whole record. Generally, a resource is considered "historically significant" if it meets the criteria for listing on the California Register CEQA Guidelines Section 15064.5; or
5. A resource that is determined by the City Council to be historically or culturally significant even though it does not meet the other four criteria listed here.

Regular Design Review Criteria

Design review is intended to ensure high quality attractive designs that will compliment and benefit the surrounding neighborhood and city as a whole. Design review is primarily focused on site planning and the exterior appearance of structures. This can include things such as architectural style; design quality; building materials; building mass and bulk; façade articulation; landscaping; preservation of sunlight, views, and privacy; screening of parking and loading areas; and other design related issues.

Section 17.136.075 of the City of Oakland Planning Code defines the following design review procedures for removal or demolition of certain categories of historic resources. As the project site is coincident with a City of Oakland API, the regulations described below in subsections B and C are specifically relevant.

A. With the exception of structures declared to be a public nuisance by the Building Official or City Council, Regular Design Review of the demolition or removal of a Designated Historic Property (DHP) or Potentially Designated Historic Property (PDHP) shall only be approved after the Regular Design Review of a replacement project at the subject site has been approved; however, demolition of nuisance structures must still undergo Regular Design Review for demolition as required by this Chapter.

B. Regular Design Review approval for the demolition or removal of any Landmark, Heritage Property, structure rated "A" or "B" by the Oakland Cultural Heritage Survey, and structure on the City's Preservation Study List that are not in an S-7 or S-20 Zone, or Area of Primary Importance (API) as determined by the Oakland Cultural Heritage Survey may be granted only if the proposal conforms to the Regular design review criteria, all other applicable design review criteria, and the following additional criteria:

    1. The applicant demonstrates that: a) the existing property has no reasonable use or cannot generate a reasonable economic return and that the development replacing it will provide such use or generate such return, or b) the applicant demonstrates that the structure constitutes a hazard and is economically infeasible to rehabilitate on its present site. For this finding, a hazard constitutes a threat to health and safety that is not immediate;

    2. If a replacement facility is required by Subsection 17.136.075.A., the design quality of the replacement facility is equal or superior to that of the existing facility; and

    3. It is economically, functionally architecturally, or structurally infeasible to incorporate the historic structure into the proposed development.

C. Regular Design Review Approval for the demolition or removal of any structure in the CIX-1A Zone, or an S-7 or S-20 Zone, or an Area of Primary Importance (API) as determined by the Oakland Cultural Heritage Survey may be granted only if the proposal conforms to the general design review criteria, all other applicable design review criteria, and the following additional criteria:

    1. For the demolition of structures in the CIX-1A Zone; or contributors to an S-7 Zone, S-20 Zone, or API:

        a. The applicant demonstrates that: i) the existing property has no reasonable use or cannot generate a reasonable economic return and that the development replacing it will provide such use or generates such return, or ii) the applicant demonstrates that the structure constitutes a hazard and is economically infeasible to rehabilitate on its

present site. For this criterion, a hazard constitutes a threat to health and safety that is not immediate; and

b. It is economically, functionally, architecturally, or structurally infeasible to incorporate the historic structure, or existing structure in the CIX-1A Zone, into the proposed development.

2. For the demolition of non-contributors to an S-7 Zone, S-20 Zone, or API: The existing structure is either: i) seriously deteriorated or a hazard; or ii) the existing design is undistinguished and does not warrant retention. For this finding, a hazard constitutes a threat to health and safety that is not immediate;

3. For the demolition of any structure in an S-7 Zone, S-20 Zone, or API:

a. The design quality of the replacement structure is equal/superior to that of the existing structure; and

b. The design of the replacement project is compatible with the character of the district, and there is no erosion of design quality at the replacement project site and in the surrounding area. This includes, but is not necessarily limited to, the following additional findings:

i. The replacement project is compatible with the district in terms of massing, siting, rhythm, composition, patterns of openings, quality of material, and intensity of detailing;

ii. New street frontage includes forms that reflect the widths and rhythm of the facades on the street and entrances that reflect the patterns on the street;

iii. The replacement project provides high visual interest that either reflects the level and quality of visual interest of the district contributors or otherwise enhances the visual interest of the district;

iv. If the design contrasts the new to the historic character, the replacement project enriches the historic character of the district;

v. The replacement project is consistent with the visual cohesiveness of the district. For the purpose of this item, visual cohesiveness is the architectural character, the sum of all visual aspects, features, and materials that defines the district. A new structure contributes to the visual cohesiveness of a district if it relates to the design characteristics of a historic district. New construction may do so by drawing upon some basic building features, such as the way in which a building is located on its site, the manner in which it relates to the street, its basic mass, form, direction or orientation (horizontal vs. vertical), recesses and projections, quality of materials, patterns of openings and level of detailing. When a combination of some of these design variables are arranged in a new building to relate to those seen traditionally in the area, but integral to the design and character of the proposed new construction, visual cohesiveness results; and

vi. The replacement project will not cause the district to lose its current historic status.

D. Regular Design Review Approval for the demolition or removal of any structure rated "C" by the Oakland Cultural Heritage Survey or contributes to an Area of Secondary Importance (ASI) as determined by the Oakland Cultural Heritage Survey may be granted only if the

proposal conforms to the general design review criteria, all other applicable design review criteria, and to either: 1., 2., or 3., below:

1. The design quality of the proposed replacement project is at least equal to that of the original structure and the proposed replacement project is compatible with the character of the neighborhood; or
2. The public benefits of the proposed replacement project outweigh the benefit of retaining the original structure and the proposed replacement project is compatible with the character of the neighborhood; or
3. The existing design is undistinguished and does not warrant retention and the proposed design is compatible with the character of the neighborhood.

E. For proposals that have received Design Review approval pursuant to this Section, the issuance of a demolition permit for any structure or portion thereof may be postponed by the Director of City Planning for a period not to exceed one hundred twenty (120) days from the date of application for such permit. The Director may do so upon determination that the structure or portion thereof is listed as a Local Register Property, or is on a study list of facilities under serious study by the Landmarks Preservation Advisory Board, the City Planning Commission, or the Director, for possible landmark designation under Section 17.136.070 or for other appropriate action to preserve it. During the period of postponement the Board, the Commission, or the Director shall explore means for preserving or restoring the structure or portion thereof. However, demolition may not be postponed under this Section if, after notice to the Director of City Planning, the Building Services Department, the Housing Conservation Division, their respective appeals boards, or the City Council determines that immediate demolition is necessary to protect the public health or safety. Any determination made by the Director of City Planning under this Section may be appealed pursuant to the administrative appeal procedure in Chapter 17.132.

General Plan Historic Preservation Element

In March 1994, the Oakland City Council adopted the Historic Preservation Element of the Oakland General Plan (amended July 21, 1998). The Historic Preservation Element sets out a graduated system of ratings and designations resulting from the OCHS and Oakland Zoning Regulations. The following goal and policies address historical resources under CEQA (City of Oakland, 1998):

Goal 2: To preserve, protect, enhance, perpetuate, use, and prevent the unnecessary destruction or impairment of properties or physical features of special character or special historic, cultural, educational, architectural, or aesthetic interest or value.

Such properties or physical features include buildings, building components, structures, objects, districts, sites, natural features related to human presence, and activities taking place on or within such properties or physical features.

Policy 3.1: Avoid or minimize adverse historic preservation impacts related to discretionary city actions. The City will make all reasonable efforts to avoid or minimize adverse effects on the Character-Defining Elements of existing or Potential Designated Historic Properties which could result from private or public projects requiring discretionary City actions.

Policy 3.5: Historic preservation and discretionary permit approvals. For additions or alteration to Heritage Properties[4] or Potential Designated Historic Properties requiring discretionary City permits, the City will make a finding that: (1) the design matches or is compatible with, but not necessarily identical to, the property's existing or historical design; or (2) the proposed design comprehensively modifies and is at least equal in quality to the existing design and is compatible with the character of the neighborhood; or (3) the existing design is undistinguished and does not warrant retention and the proposed design is compatible with the character of the neighborhood.

For any project involving complete demolition of Heritage Properties or Potential Designated Historic Properties requiring discretionary City permits, the City will make a finding that: (1) the design quality of the proposed project is at least equal to that of the original structure and is compatible with the character of the neighborhood; or (2) the public benefits of the proposed project outweigh the benefit of retaining the original structure; or (3) the existing design is undistinguished and does not warrant retention and the proposed design is compatible with the character of the neighborhood.

Policy 3.7: Property relocation rather than demolition as part of discretionary projects. As a condition of approval for all discretionary projects involving demolition of existing or Potential Designated Historic Properties, the City will normally require that reasonable efforts be made to relocate the properties to an acceptable site.

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

1. All Designated Historic Properties [Landmarks, Heritage Properties, Study List Properties, Preservation Districts, and S-7 and S-20 Preservation Combining Zone Properties]; and

2. Those Potential Designated Historic Properties that have an existing rating of "A" or "B" or are located within an Area of Primary Importance (API).

Until complete implementation of Action 2.1.2 (Redesignation), the Local Register of Historical Resources will also include the following designated properties: Oakland Landmarks, S-7 Preservation Combining Zone properties, and Preservation Study List properties.

Complete demolition of a Historical Resource will normally be considered a significant effect that cannot be mitigated to a level less than significant and will, in most cases, require preparation of an Environmental Impact Report.

A proposed addition or alteration to a Historical Resource that has the potential to disqualify a property from Landmark or Preservation District eligibility or may have substantial adverse effects on the property's Character-Defining Elements will normally,

[4] Heritage Properties are defined in Appendix A of the City of Oakland Historic Preservation Element as "properties which under Policy 2.5 appear potentially eligible for Landmark or Preservation District designation because they either (1) have received an existing or contingency rating of 'A' (Highest Importance), 'B' (Major Importance), or 'C' (Secondary Importance) from the Intensive Survey; (2) have received an existing or contingency rating of 'A' or 'B' from the Reconnaissance Survey; or (3) contribute or potentially contribute to any area potentially eligible for Preservation District Designation"

unless adequately mitigated, be considered to have a significant effect. Possible mitigation measures are suggested in Action 3.8.1.

Policy 3.13: Security of vacant properties. Vacant or abandoned existing or Potential Designated Historic Properties shall be adequately secured in order to prevent unauthorized entry, theft, or property damage.

Conformity of the Project with General Plan goals and policies most relevant to historical resources is discussed throughout the discussion of potential impacts presented later in this section.

The OCHS is an ongoing survey process conducted by the City of Oakland. It began in 1979 and uses a five-tier rating system for individual properties, ranging from "A" (highest importance) and "B" (major importance) to "E" (of no particular interest). This letter rating is termed the "Individual Property Rating" of a building and is based on the following criteria:

1. **Visual Quality/Design:** Evaluation of exterior design, interior design, materials and construction, style or type, supporting elements, feelings of association, and importance of designer.
2. **History/Association:** Association of person or organization, the importance of any event, association with patterns of history, and the age of the building.
3. **Context:** Continuity and familiarity of the building within the city, neighborhood, or district.
4. **Integrity and Reversibility:** Evaluation of the building's condition, its exterior and interior alterations, and any structural removals.

Downtown Oakland Specific Plan

The *Draft Downtown Oakland Specific Plan* (Draft DOSP) was released in August 2019 to guide development of Downtown Oakland from 27th Street in the north to the Oakland-Alameda Estuary in the south and from Interstate 980 in the west to Lake Merritt, Laney College, and Brooklyn Basin to the east. It "provides development and land-use recommendations that are consistent with those done for other parts of Oakland, [and] it also presents a draft of potential supportive programs, policies, and physical improvements, along with a draft implementation plan of specific action items to embrace opportunity, address racial disparities, and move downtown toward a future that seizes a capacity to serve its many residents, workers, and visitors while also protecting what makes downtown 'authentically Oakland.'" The boundaries of the plan area include the 24th and 25th streets site and most of the 25th Street Garage District API.

The Draft DOSP is an emerging policy plan that has not yet been adopted. As such, it is not yet in effect and is included here for informational purposes only. The Draft DOSP contains a number of policies to address historic architectural resources under CEQA (City of Oakland, 2019a).

Policy C-1.6: Adopt regulations that help preserve and adapt historic buildings downtown, in order to help retain and create new spaces for arts and culture uses.

Policy LU-2.1: Draft and adopt an Adaptive Reuse Ordinance that facilitates the reuse of older and underutilized buildings by relaxing typical building and zoning requirements and by providing flexibility in the approval and permitting process when buildings are

converted to new uses. Consider also applying the California Historical Building Code (CHBC) to buildings in APIs.

Policy LU-2.2: Study and develop an updated Transfer of Development Rights (TDR) program that will assist in overall preservation efforts downtown.

Policy LU-2.4: Study and update the City's demolition findings to facilitate new compatible development near the outer edges of fragmented Areas of Primary and Secondary Importance. This would require tailored design guidelines to help ensure architectural compatibility.

Broadway Valdez District Specific Plan

The boundaries of the Broadway Valdez District Specific Plan (BVDSP) area include the Valley Street site. The BVDSP contains the following policies that address issues related to historic architectural resources (City of Oakland, 2014).

Policy LU-9.6: Emphasis is placed on the renovation and repurposing of historic garage and auto showroom buildings primarily along Broadway to preserve a link to the corridor's past and enrich its character.

Policy LU-10.7: Establish development regulations that implement recommended height zones while being responsive to surrounding context by providing appropriate transitions between buildings of different scales, maintaining a consistent scale at street frontages, and respecting historic buildings and public open spaces.

Policy CD-3.16: New development will be encouraged to protect and re-use many of the area's distinctive historic buildings.

Policy CD-3.17: Promote the protection and adaptive re-use of the garages and showrooms in the North End subarea in a manner that preserves their distinctive architectural character and references the area's Auto Row heritage.

Policy IMP-5.1: The City will pursue developing a package of incentives that will encourage landowners and developers to renovate and/or adaptively reuse historic buildings, especially in the designated Adaptive Reuse Priority Areas. Potential preservation strategies should include the following:

- Facade Improvement Grants;
- Facade Easements;
- Transfer of Development Rights (TDR);
- Extension of the California State Historical Building Code (SHBC);
- Reduced Fees and Expedited Development Review;
- Federal Historic Tax Credits;
- Recognition of Plan Area historical resources that promotes broad community awareness (e.g., plaque program);
- Mills Act (Property Tax Abatements); and
- Relief from Code Requirements.

City of Oakland Standard Conditions of Approval and Uniformly Applied Development Standards Imposed as Standard Conditions of Approval

The City's Standard Conditions of Approval (SCAs) relevant to reducing impacts on historic architectural resources and that apply to the Project are listed below. If the Project is approved by the City, all applicable SCAs would be adopted as enforceable conditions of approval and required, as applicable, to be implemented during construction and operation of the Project to help ensure less-than-significant impacts to historic architectural resources. Because the SCAs are incorporated as part of Project, they are not listed as mitigation measures.

SCA NOI-6: Vibration Impacts on Adjacent Structures or Vibration-Sensitive Activities (*Standard Condition of Approval 70*)

Requirement: The project applicant shall submit a Vibration Analysis prepared by an acoustical and/or structural engineer or other appropriate qualified professional for City review and approval that establishes pre-construction baseline conditions and threshold levels of vibration that could damage any contributors to the 25th Street Garage District API located within 150 feet of construction activities. The Vibration Analysis shall identify design means and methods of construction that shall be utilized in order to not exceed the thresholds. The applicant shall implement the recommendations during construction.

SCA CUL-3: Property Relocation (*Standard Condition of Approval 35*)

Requirement: Pursuant to Policy 3.7 of the Historic Preservation Element of the Oakland General Plan, the project applicant shall make a good faith effort to relocate the historic resource to a site acceptable to the City. A good faith effort includes, at a minimum, all of the following:

a. Advertising the availability of the building by: (1) posting of large visible signs (such as banners, at a minimum of 3' x 6' size or larger) at the site; (2) placement of advertisements in Bay Area news media acceptable to the City; and (3) contacting neighborhood associations and for-profit and not-for-profit housing and preservation organizations;

b. Maintaining a log of all the good faith efforts and submitting that along with photos of the subject building showing the large signs (banners) to the City;

c. Maintaining the signs and advertising in place for a minimum of 90 days; and

d. Making the building available at no or nominal cost (the amount to be reviewed by the Oakland Cultural Heritage Survey) until removal is necessary for construction of a replacement project, but in no case for less than a period of 90 days after such advertisement.

The Project includes incorporation of portions of four contributors to the historic district. As such, no wholly intact buildings would be available for relocation. Therefore, SCA CUL-3 does not apply.

4.2.4 Significance Criteria

The City of Oakland has established thresholds of significance for CEQA impacts, which incorporate those in Appendix G of the CEQA Guidelines (City of Oakland, 2020a). The Project would have a significant adverse impact on historical resources if it would:

- Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5.

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

(A) Convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources; or

(B) Account for its inclusion in a local register of historical resources pursuant to section 5020.1(k) of the Public Resources Code or its identification in a historical resources survey meeting the requirements of section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or

(C) Convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA.

As noted above, a project that would comply with the Secretary's Standards is considered to have mitigated its impact to a less-than-significant level (CEQA Guidelines section 15064.5(b)(3)). However, CEQA Guidelines section 15126.4(b)(2) states that, "In some circumstances, documentation of a historical resource, by way of historic narrative, photographs or architectural drawings, as mitigation for the effects of demolition of the resource will not mitigate the effects to a point where clearly no significant effect on the environment would occur." In such cases, the demolition or substantial alteration of a historical resource would remain a significant and unavoidable impact on the environment even after the historical documentation has been completed.

Approach to Impacts Analysis

Potential impacts on historical resources are assessed by identifying any activities (either during construction or operation) that could affect resources that have been identified as historical resources for the purposes of CEQA. Once a resource has been identified, it then must be determined whether the proposed project would "cause a substantial adverse change in the significance" of the resource, as described above. As such, per CEQA Guidelines section 15064.5(b)(2), the following analysis considers the potential for the Project to materially impair the significance of a historical resource by causing direct or indirect changes to the physical characteristics of the resource that convey its historical significance. Mitigation for impacts on

historical resources may involve avoidance of the resource, revision of a proposed project to minimize the effect, or, where avoidance or minimization is not feasible, documentation of the resource. However, as noted above, documentation may not reduce impacts on a historical resource to a less-than-significant level.

4.2.5 Impacts of the Project

Impacts CUL-4, CUL-5, and CUL-6, related to archeological resources, human remains, and tribal cultural resources, are discussed in the Initial Study (see Appendix B).

The Project would include construction in two distinct locations: the 24th and 25th Street site and the Valley Street site. The 24th and 25th Street site is located within and adjacent to the 25th Street Garage District API, which is a historical resource under CEQA and is addressed below. The Valley Street site, which is located within the 2356-98 Valley Street ASI, has an OCHS rating of D2+ (i.e., a representative example of minor importance) and is not considered to be a historical resource under CEQA. Therefore, the following impacts analysis focuses on potential impacts to the 25th Street Garage District API as a whole as well as potential impacts to the individual buildings.

Within the 25th Street Garage District API, the Project would demolish portions of four contributing buildings (459-461 and 465 25th Street and 442 and 450 24th Street), resulting in the removal of examples of character-defining materials of the API. Additionally, the Project would construct vertical additions to the same four contributing buildings as well as a new building adjacent to the API, and the buildings would be physically interconnected as a single structure. For additional information, see Chapter 3, Project Description and Figures 3-4 and 3-5.

Impact CUL-1: Project-related demolition would not result in significant impacts to the historic setting of the 25th Street Garage District API. (Criterion 1) (*Less than Significant with SCAs*)

The Project would demolish one building addition outside of and adjacent to the 25th Street Garage District API as well as portions of four contributing buildings within the API. Alterations to the two contributing buildings with frontage on 25th Street (459-461 and 465 25th Street) would remove more than 80 percent of the conjoined building envelopes, which is tantamount to demolition, and the new buildings would become non-contributors to the API. Alterations to the two contributing buildings with frontage on 24th Street (442 and 450 24th Street) would remove approximately 20 percent of the conjoined building envelopes, and the buildings would remain contributors to the API. This would result in the reduction in number of some of the CDFs of the API, namely the "brick construction, often integrating hollow clay tile," "wood truss roofs," "large multi-lite metal-sash windows," and "glazed and paneled wood folding vehicle doors." The physical changes to the four individual district contributors to the character of the API have the potential to adversely impact the 25th Street Garage District API, which is significant under Criteria A/1 (Events) related to "a specific period of Oakland's economic development" and C/3 (Architecture) as a "concentrated, intact, and homogeneous group of buildings of a distinctive type" (OCHS, 1985).

As a result of the removal of examples of the API's character-defining materials from four district contributors, the Project would diminish the integrity of the API. However, the API would retain the majority of its CDFs and contributing buildings (while losing relatively small quantities of the brick and hollow clay tile, wood truss roofs, multi-lite metal-sash windows, and folding vehicle doors) and therefore retain sufficient integrity to convey its historical significance as a "concentrated, intact, and homogeneous group of buildings of a distinctive type, dating from a specific period of Oakland's economic development" (OCHS, 1985). The Project would maintain the overall architectural character of the API as a distinct collection of auto garages concentrated along 25th Street that were constructed during the first half of the 20th century. Additionally, compliance with the City of Oakland **SCA NOI-6, Vibration Impacts on Adjacent Structures or Vibration-Sensitive Activities,** would prevent damage to adjacent API contributors during construction. Therefore, Project-related demolition would have a less-than-significant impact on the 25th Street Garage District API. No further mitigation is necessary.

> **SCA NOI-6: Vibration Impacts on Adjacent Structures or Vibration-Sensitive Activities.** See Section 4.2.3.
>
> **Mitigation:** None required.

Impact CUL-2: Project-related new construction would not result in significant impacts to the historic setting of the 25th Street Garage District API. (Criterion 1) (*Less than Significant with Mitigation*)

The Project would also construct vertical additions to the same four API contributors (all of which are one story in height), resulting in an overall height of 45 feet above grade, and a new 85-foot-tall building adjacent to the API. The commercial spaces on the first floor would be distinct, and the upper floors would be physically interconnected as a single structure. Because the character of the API is defined in part by its one-story height, the vertical additions to the district contributors and the new building adjacent to the district, as designed, would be incompatible with the API in terms of height and massing. Furthermore, the Project would introduce commercial and office uses to the historically industrial site, thereby reducing the density of industrial uses within the API. For these reasons, the Project would contrast with the historic character of the API (Appendix D).

While the Project, as designed, is not compatible with the character of the API as presented in the HRE (see Appendix D), it would not impact the architectural character of the API to a degree that would materially impair the district or result in it no longer being eligible for consideration as an API. Rather, the API would remain substantially intact, and the Project would not alter the relationship of the remaining contributing buildings to each other. At this writing, there are 22 remaining contributing properties to the API (as compared to the 24 contributors that were originally documented in 1985), and the Project would reduce that number to 20 contributors because the buildings at 459-461 and 465 25th Street would become non-contributors to the API. As discussed in Impact CUL-1 above, the API would remain a distinct collection of auto garages concentrated along 25th Street that were constructed during the first half of the 20th century. The impact to the setting of the API resulting from incompatible height and massing of the Project would not "demolish or materially alter in an adverse manner those physical characteristics…that

convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources" (CEQA Section 15064.5(b)(2)(A)). Additionally, compliance with the City of Oakland **SCA NOI-6, Vibration Impacts on Adjacent Structures or Vibration-Sensitive Activities,** would prevent damage to adjacent API contributors during construction. Therefore, Project-related new construction would have a less-than-significant impact on the 25th Street Garage District API. To guard against accidental damage to adjacent API Contributors during construction, and to further protect the remaining historical fabric of the four API contributors that are included in the Project, **Mitigation Measure CUL-1, Construction Best Practices for Retained Historic Building Elements**, would further reduce, but not eliminate, potential less-than-significant impacts on the 25th Street Garage District API as a result of Project-related new construction.

> **SCA NOI-6: Vibration Impacts on Adjacent Structures or Vibration-Sensitive Activities.** See Section 4.2.3.
>
> **Mitigation Measure CUL-1: Construction Best Practices for Retained Historic Building Elements.**
>
> Prior to the issuance of a demolition permit, the Project Applicant shall incorporate best practices into the construction documents to ensure that the retained façade and garage building elements are structurally sound prior to and after demolition. Best practices shall include all feasible means to avoid damage to these elements and may include but are not limited to staging of equipment and materials as far as possible to avoid direct damage to historic elements, using techniques in construction that create the minimum feasible vibration, adequate shoring of façade elements, and ensuring appropriate security to minimize the risks of vandalism and fire. These measures shall be noted on the construction documents, subject to review and approval by the City.
>
> **Significance after Mitigation:** Less than Significant.

Impact CUL-3: The Project would not result in significant impacts to individually eligible historical resources. (Criterion 1) (*Less than Significant*)

The Project would alter the following four API contributors: 442 24th Street, 450 24th Street, 459-461 25th Street, and 465 25th Street. As noted above, the two buildings with frontage on 24th Street would remain contributors to the API after alterations while the two buildings with frontage on 25th Street would no longer be considered contributors to the API after alterations. (Appendix D) As stated above, only OCHS A- and B-rated properties (i.e., Highest Importance and Major Importance, respectively) are considered to be individually eligible historical resources. Because all four buildings have OCHS ratings of Cb+1+ (i.e., a contributor of Secondary Importance in an API that could potentially be given a rating of Major Importance if restored) or C1+ (i.e., Secondary Importance in an API), they are not considered to be individually eligible historical resources. Therefore, the Project would not result in significant impacts to individually eligible historical resources.

> **Mitigation:** None required.

4.2.6 Cumulative Impacts

Impact CUL-1.CU: The Project, combined with cumulative development in the Project vicinity and citywide, would not contribute to cumulative adverse impacts on historical resources. (*Less than Significant with SCAs*)

Geographic Context

The geographic scope for cumulative effects on historic architectural resources is the City of Oakland with a focus on the area within 1,000 feet of the project site. The area is defined by its low-scale, wood and masonry light industrial buildings with footprints that vary. Buildings are generally built out to the lot lines on all sides (front, sides, and rear). Historically, it was an area used for automotive repair. Currently, it contains a mix of light-industrial and commercial uses. Within this area there are a number of past, present, and reasonably anticipated future projects that could impact historical resources. These include:

- **2401 Broadway** – This is a seven-story, 216,810-square-foot, mixed-use development on four parcels (1.21 acres). The 2017 CEQA checklist determined that this project would have an equally or less severe impact to historical resources that than determined prior CEQA documents (BVDSP EIR) (City of Oakland, 2017a).
- **2424 Webster Street** – This is a 5–12-story, 161,572-square-foot, commercial development on three parcels (0.56 acre). The 2021 CEQA checklist determined this project would have a equal to or less severe impact to historical resources that than determined prior CEQA documents (BVDSP EIR) (City of Oakland, 2021).
- **2600 Telegraph Avenue** – This is an eight-story, 223,274-square-foot, mixed-use development on two parcels. The 2020 CEQA checklist determined the project would result in no impacts to historical resources (City of Oakland, 2020b).
- **88 Grand Avenue** – This is a 35-story, 303,700-square-foot, residential with ground floor retail development on two parcels (0.51 acre). The 2019 CEQA checklist determined this project would not significantly impact historical resources. Therefore, the project would have a equal to or less severe impact to historical resources that than determined prior CEQA documents (BVDSP EIR) (City of Oakland, 2019c).
- **2201 Valley Street** – This is a 27-story, 896,931-square-foot, commercial development on two parcels. The 2018 CEQA checklist determined the project would result in no impacts to historical resources (City of Oakland, 2018a).
- **2500 Webster Street** – This is a six-story, 35,585-square-foot, mixed-use development on one parcel (0.18 acre). The 2017 CEQA checklist determined the project would result in no impacts to historical resources (City of Oakland, 2017b).
- **2305 Webster Street** – This is a 24-story, 239,000-square-foot, mixed-use development on one parcel (0.3 acre). The 2017 CEQA checklist determined the project would result in no impacts to historical resources (City of Oakland, 2017c).
- **2100 Telegraph Avenue** – This mixed-use development would be no more than 63 stories and 2,689,000 million square feet on five parcels comprising a whole city block. The 2018 Final EIR concluded the project could result in a significant and unavoidable impact to historical resources as a result of demolition of an individual historical resource (City of

Oakland, 2018b). The impact results from the demolition of a Kwik-Way Drive-In restaurant located at 2150 Telegraph Avenue/495 22nd Street.

- **24th and Harrison streets** – This is an 18-story, 355,645-square-foot, mixed-use development on five parcels (2.28 acres). The 2016 CEQA analysis concluded the project would result in no impacts to historical resources (City of Oakland, 2016).
- **2270 Broadway** – This is a 24-story, mixed-use development on one parcel (0.46 acre). The 2015 CEQA analysis determined this project would have a equal to or less severe impact to historical resources that than determined prior CEQA documents (BVDSP EIR) (City of Oakland, 2015).

Of these projects, only the one located at 2100 Telegraph Avenue would result in a significant impact to historical resources. The historic resource included in the 2100 Telegraph Avenue project (2150 Telegraph Avenue/495 22nd Street) and the 25th Street Garage District API are not historically related and nor do they have a shared historical context. 2150 Telegraph Avenue is a former Kwik-Way Drive-In restaurant constructed in 1953. The 25th Street Garage District API is significant as a cohesive concentration of service and industrial buildings used primarily as automotive garages, and constructed between 1905 and 1929. Therefore, the two projects, when considered together, do not warrant analysis with regards to cumulative impacts on a specific type of historic resource within the City of Oakland.

Therefore, for the purposes of a conservative analysis, this cumulative analysis also considers potential impacts related to development anticipated under the BVDSP and the DOSP, if it were adopted in its draft form. The Draft DOSP boundaries include the 24th and 25th Street site and most of the 25th Street Garage District API and the BVDSP boundaries include the Valley Street site.

Cumulative Impact and Project Contribution

The Draft DOSP recognizes the low-scale nature of the project area by proposing building heights of 85-feet or less for most of the parcels on the blocks between 23rd and 27th streets along both sides of Telegraph Avenue. The project site is shown with a proposed maximum height of 45 feet along 25th Street and 65 feet along 24th Street. More significant increases in density are concentrated in areas of the plan to the south and east of the project site.

The 2019 *Draft Downtown Oakland Specific Plan EIR* (DOSP DEIR; as of April 2022, this document has not been certified) identifies two significant and unavoidable impacts to historical resources within the Draft DOSP, as well as a significant and unavoidable citywide cumulative impact with regard to cultural resources.

Impact CULT-1: Implementation of the Specific Plan and its associated development is anticipated to result in the demolition, destruction, or relocation of some historical resources either as individual resources and/or as contributors to historic district.

Impact CULT-2: Alterations to Historic Buildings that occur under the Specific Plan could change the significance and character of historical resources as a result of the Specific Plan.

Cumulative Impact CULT-1: Implementation of the Specific Plan and its associated development, combined with cumulative development in the Plan Area and citywide,

> including past, present, existing, approved, pending, and reasonably foreseeable future development would contribute to a significant and unavoidable adverse cumulative impact to cultural and historical resources. (City of Oakland, 2019b)

The 2013 BVDSP Draft EIR identifies one significant and unavoidable impact to historical resources within the BVDSP, as well as a significant and unavoidable citywide cumulative impact with regard to cultural resources.

> **Impact CULT-1:** Adoption of and development under the Specific Plan could result in the physical demolition, destruction, relocation, or alteration of historical resources that are listed in or may be eligible for listing in the federal, state, or local registers of historical resources.
>
> **Cumulative Impact CUL-5:** Adoption of and development under the Specific Plan, combined with cumulative development in the Plan Area and citywide, including past, present, existing, approved, pending, and reasonably foreseeable future development, would contribute considerably to a significant adverse cumulative impact to cultural resources. (City of Oakland, 2013)

The findings in the Draft DOSP EIR and BVDSP EIR are primarily connected to demolition or alteration of historical resources. This includes individual resources as well as the potential for incompatible infill development within ASIs and APIs. The Draft DOSP EIR and BVDSP EIR contain a number of mitigation measures to address potential impacts resulting from infill and redevelopment within ASIs and APIs, although the documents also conclude that these mitigations are not sufficient to reduce potential impacts to historical resources to a less-than-significant level. Therefore, implementation of the Draft DOSP EIR and BVDSP EIR could result in significant and unavoidable impacts to historical resources.

None of the projects within 1,000 feet of the project site would result in different or greater impacts to historical resources than those identified in the BVDSP EIR. With regards to the identified cumulative impact on historic resources resulting from implementation of applicable specific plans, 2100 Telegraph Avenue is the only the projects within 1,000 feet could contribute to the significant and unavoidable impact to historical resources as identified in the Draft DOSP EIR. The 2100 Telegraph Avenue EIR concluded that the project could result in demolition of an individual historical resource (2150 Telegraph Avenue/495 22nd Street) and that the project could result in a cumulatively considerable contribution to the impacts identified in the Draft DOSP EIR. No projects within 1,000 feet would contribute to the significant and unavoidable impact to historical resources as identified in the BVDSP EIR as none involve demolition of historic resources.

As presented under Impact CUL-1 above, the Project would result in less-than-significant-impacts on a historical resource (the 25th Street Garage District API). Even though it would result in the loss of two contributing resources and reduction of integrity of two additional contributing resources, the district would retain sufficient integrity to remain a City of Oakland API. No individual historic resources would be demolished as a result of the Project.

Because this Project would result in a less-than-significant impact to historical resources, its contribution to the previously identified significant and unavoidable impact on historic resources

resulting from implementation of the DOSP would not be cumulative considerable. Those portions of the Project within the BVDSP (Valley Street site) do not qualify as historic resources for the purposes of CEQA. Therefore, the Project, in combination with past, present, and foreseeably future projects would not contribute considerably to the significant and unavoidable impacts within the Draft DOSP or BVDSP as a result of demolition or alteration of historic buildings, nor would the Project contribute considerably to the citywide cumulative impact identified in the DOSP DEIR or BVDSP EIR. No mitigation is required.

> **SCA NOI-6: Vibration Impacts on Adjacent Structures or Vibration-Sensitive Activities.** See Section 4.2.3.
>
> **Mitigation:** None required.

Impact CUL-2.CU: The Project, combined with cumulative development within the 25th Street Garage District API, would contribute to cumulative adverse impacts on historical resources. (*Less than Significant*)

Geographic Context

The geographic scope for cumulative effects resulting from development in the 25th Street Garage District API on historic architectural resources is the boundaries of the API. As noted above, the API has a number of character-defining features that are related to its historical use as an automotive service district from the early 20th century. It is low-scale and comprised primarily of one-story masonry buildings with zero lot line setbacks on standards lots measuring 50 feet by 118 feet. The streets are narrow and lacking in trees. Vehicular doors and large multi-light metal-sash windows further define the streetscape aesthetic.

Within the API recent development has included increased height and massing, as well as consolidation of lots to allow for an increased footprint for new construction. This includes the current project at 2401 Broadway, a seven-story, 216,810-square foot, mixed-use development on four parcels totally 1.21 acres. It included the demolition of 2401 Broadway and reuse of 437 25th Street, both one-story buildings within the 25th Street Garage District API. When the API was established in 1985, neither building was listed as a contributor to the 25th Street Garage District API. However, as part of the CEQA review for the 2401 Broadway project, 437 25th Street was recommended eligible as a contributor to the API and 2401 Broadway was recommended as a non-contributor to the API. The project was designed to retain the building at 437 25th Street with a new two-story, 45-foot rooftop addition constructed above it.

Cumulative Impact and Project Contribution

The Project would result in lot consolidation of three parcels containing four district contributors. The ground floors of all four buildings would be functionally united with free circulation across lot lines. This is similar to the consolidation of lots and unification of the ground floor at 2401 Broadway where two buildings, on two different streets, were united through construction at the ground floor.

The result of both projects is the reduction of individual contributing buildings within the API. In the case of 2401 Broadway, one free-standing contributor that originally had a single footprint on

a standard lot is now part of a new building with an irregular footprint that spans across four former lots. The unified parcel both substantially larger and more irregular in shape than the standard lot size identified as a character-defining feature of the API. Likewise, the Project combines three parcels containing four contributing buildings, into a single, L-shaped parcel. The four free-standing buildings will be combined into a single footprint, resulting in a unified parcel that is substantially larger than the standard lot size identified as a character-defining feature of the API.

As noted above, these two projects contrast with the character of the API. Rather than maintaining consistency with the historic district, they are of similar scale, mass, and height to other projects in the immediate area outside of the API. The result is the introduction of the new, taller, more residential, and clearly modern buildings within a historic district that is low-scale, industrial, and clearly from a particular historical period. The new construction diminishes the character of the historic district through the introduction of buildings that are more unified with the architectural character outside of the district than with the adjacent portions of the API.

The increased bulk, height, and unification of footprints is a trend that diminishes the integrity of the district through reduction of contributing resources, and alterations to the character of the district. The Project, in combination with the project at 2401 Broadway, therefore alters the characteristic of the southeast quadrant of the 25th Street Garage District API. However, these two projects represent a small percentage of the entire district. The location of massing and height is at the edges of the district, leaving the heart of the district along 25th Street, and the majority of contributing buildings intact. Therefore, the Project, in combination with the project at 2401 Broadway results in a less-than-significant cumulative impact to the 25th Street Garage District API.

Mitigation: None required.

4.2.7 References

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CHAPTER 5
Alternatives to the Project

Pursuant to the provisions of CEQA, this chapter is provided to describe and evaluate alternatives to the Project, including one or more "No Project" alternatives, and to identify one or more "environmentally superior" alternatives. The primary purpose of this section is to provide decision-makers and the public with a qualitative review of alternatives to the Project that eliminate or substantially reduce any identified adverse environmental impacts while, at the same time, attaining most of the basic objectives of the Project.

The focus of the alternatives analysis in this chapter is on assessing the extent to which the Project alternatives would result in eliminating or reducing impacts identified as less than significant with mitigation and Standard Conditions of Approval (SCAs) in Chapter 4, *Environmental Setting, Impacts, Mitigation Measures, and Standard Conditions of Approval*. Project impacts that would be less than significant with and without SCAs as identified in the Initial Study (**Appendix B**) are also considered, but to a lesser extent. No Project impacts that would be significant and unavoidable have been identified in this EIR.

5.1 CEQA Requirements

CEQA requires an evaluation of the comparative effects of a range of reasonable alternatives to a project that would feasibly attain most of the basic objectives of the Project but would avoid or substantially lessen any of the significant effects of the project on the environment (CEQA *Guidelines* Section 15126.6[a]). An EIR considers a range of potentially feasible alternatives in order to foster informed decision-making and public participation. The discussion of alternatives focuses on alternatives to the project or its location that are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede, to some degree, the attainment of the project objectives, or would be costlier (CEQA *Guidelines* Section 15126.6[b]).

The focus of the alternatives analysis under CEQA is the avoidance or substantial lessening of a project's significant environmental effects. Chapter 4 of this EIR and the Initial Study (Appendix B) assesses the direct and indirect environmental impacts that could potentially result from implementation of the Project. This environmental impact analysis not only includes consideration and discussion of the Project's potentially significant environmental effects, but also identifies a mitigation measure and SCAs which, when implemented as part of the Project, will have the effect of reducing each of the potentially significant effects to a less-than-significant level. The alternatives analysis set forth in this chapter is provided in order to foster informed decision making and public participation in the decision-making process.

In considering the alternatives analysis provided in this chapter, CEQA's substantive mandate is as follows: "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects" of the project (CEQA Statute, Public Resources Code, Section 21002). For the Project, no mitigation measures, besides Mitigation Measure CUL-1, Construction Best Practices for Retained Historic Building Elements, have been needed to reduce potentially significant environmental impacts to less-than-significant levels with the application of all applicable City SCAs. Since these identified SCAs would be incorporated into the Project and the mitigation measure would be imposed, the availability of feasible alternatives becomes somewhat of a less important consideration, as they would not substantially lessen or avoid significant environmental effects of the Project.

Accordingly, this chapter presents a range of alternatives to the Project and a meaningful comparative analysis of the Project impacts, as identified in Chapter 4, *Environmental Setting, Impacts, Mitigation, and Standard Conditions of Approval*, of this EIR (CEQA *Guidelines* Section 15126.6[d]); identifies and discusses any alternatives that were considered by the City, as lead agency, but that the City rejected for detailed analysis in this EIR (CEQA *Guidelines* Section 15126.6[c]); and provides comparative evaluation of the Project to a No Project alternative (CEQA *Guidelines* Section 15126.6[e]).

5.2 Factors in the Selection of Alternatives

The nature and scope of the reasonable range of alternatives to be discussed is governed by the "rule of reason." The CEQA *Guidelines* recommend that an EIR should briefly describe the rationale for selecting the alternatives to be discussed (Section 15126.6[c]). This alternatives analysis considers the following factors:

- The extent to which the alternative would accomplish most of the basic objectives of the Project;
- The extent to which the alternative would avoid or lessen the identified less than significant, less than significant with SCAs, or less than significant with mitigation environmental effects of the Project;
- The feasibility of the alternative, taking into account site suitability, availability of infrastructure, general plan consistency, and consistency with other applicable plans and regulatory limitations;
- The extent to which an alternative contributes to a "reasonable range" of alternatives necessary to permit a reasoned choice; and
- The CEQA *Guidelines* requirement to consider a "No Project" alternative, and to identify an "environmentally-superior" alternative in addition to the No Project alternative (Section 15126.6[e]).

5.2.1 Project Objectives

As stated in the first factor bulleted above, under 5.2, *Factors in the Selection of Alternatives*, the selection of alternatives shall consider the basic objectives of the Project. As previously presented in Chapter 3, *Project Description*, the following objectives have been identified for the Project:

1. Aggregate multiple underutilized parcels to create economies of scale for adaptive reuse.
2. Re-purpose existing underutilized parcels into high quality office and retail space that will generate economic activity for the City and the District.
3. Increase the tax base and sales tax as well as provide opportunities for employment to meet the City's target net positive fiscal impact goals for commercial development.
4. Emphasize resources and space for locally owned businesses that support the existing community (similar to the adjacent developments at Hive and Broadway Grand).
5. Generate Impact Fee revenue to support City services, improvements, the School District and affordable housing.
6. Contribute to the City's connected pedestrian network goals by activating curb space, widening sidewalks and providing protected pedestrian crossings, and new lighting, landscaping and street furniture to improve accessibility.
7. Activate the pedestrian transition between the Garage District/KONO and Uptown and create a new paseo that encourages walkability by providing connectivity between 24th and 25th streets in the Neighborhood.
8. Encourage engagement with the neighborhood and provide retail spaces that create opportunities for local, smaller scale businesses.
9. Activate underutilized land for productive commercial uses and provide additional retail space in the neighborhood.
10. Create additional neighborhood destinations that invite foot traffic and support local businesses.
11. Bring new office space to the area that attracts additional office users, adds foot traffic in the neighborhood and will bring additional day time population to deliver new customer base for local businesses.
12. Provide a range of building heights to preserve existing low-rise buildings along the street fronts while adding new taller buildings to create architectural variation.

5.2.2 Impacts Identified

As stated above under 5.2, *Factors in the Selection of Alternatives*, in the second factor bulleted, the selection of alternatives shall consider the ability for each alternative to avoid or lessen the identified less than significant, less than significant with SCAs, or less than significant with mitigation environmental effects of the Project. This evaluation of alternatives focuses on assessing the extent to which the Project alternatives would result in eliminating or reducing the

less-than-significant impacts that have been identified in Chapter 4.[1] Because the Project would adversely affect an historic architectural resource, alternatives have been developed to consider strategies that would lessen such impacts. However, it is noted that the identified SCA would be incorporated into the Project and the mitigation measure would be imposed for the Project related to historic architectural resources, and the Project's impact would still be less than significant.

For each alternative, the degree (severity) of adverse impacts that would be caused by the alternative is identified and compared to the Project. At the conclusion of these comparisons, two Environmentally Superior Alternatives are identified among the Project and all alternatives, taking into consideration all impacts identified.

Table 5-1 summarizes the impacts of the Project, as identified in Chapter 4.

TABLE 5-1
PROJECT IMPACTS IDENTIFIED IN CHAPTER 4

Project Impacts
Historic Architectural Resources
• **Impact CUL-1:** Project-related demolition would not result in significant impacts to the historic setting of the 25th Street Garage District API. (*Less than Significant with SCAs*)
• **Impact CUL-2:** Project-related new construction would not result in significant impacts to the historic setting of the 25th Street Garage District API. (*Less than Significant with Mitigation*)
• **Impact CUL-3:** The Project would not result in significant impacts to individually eligible historical resources. (*Less than Significant*)
• **Impact CUL-1.CU:** The Project, combined with cumulative development in the Project vicinity and citywide, would not contribute to cumulative adverse impacts on historical resources. (*Less than Significant with SCAs*)
• **Impact CUL-2.CU:** The Project, combined with cumulative development within the 25th Street Garage District API, would contribute to cumulative adverse impacts on historical resources. (*Less than Significant*)
Shadow
• **Impact AES-1:** The Project would not cast shadow that substantially impairs a nearby use reliant on sunlight, including the following functions: a building using passive solar heat collection, solar collectors for hot water heating, or photovoltaic solar collectors; the beneficial use of any public or quasi-public open space; a historic resource; or result in an exception to the policies in the General Plan, Planning Code, or Uniform Building Code, and the exception causes there to be a fundamental conflict with policies and regulations addressing the provision of adequate light related to appropriate uses. (*Less than Significant)*
• **Impact AES-1.CU:** The Project, combined with cumulative development in the Project vicinity and citywide, would not result in significant cumulative shadow impacts. (*Less than Significant*)

5.3 Alternatives Considered but Rejected for Further Evaluation

CEQA *Guidelines* Section 15126.6(c) requires an EIR to identify and briefly discuss any alternatives that were considered by the lead agency and rejected from further evaluation. In identifying alternatives to the Project, primary consideration was given to alternatives that would reduce impacts while still meeting most of the basic objectives as well as the City's planning

[1] During the scoping process, the City narrowed the focus of the Draft EIR to analyze potential Project impacts under CEQA to historic architectural resources and shadow. The remaining environmental topics in the City's CEQA Thresholds of Significance are addressed in the Initial Study (Appendix B).

goals and objectives, such as those articulated in the General Plan. Alternatives that would likely have impacts that are the same as or greater than the Project or that would not meet most of the basic objectives were rejected from further consideration.

The City considered potential off-site locations relative to the Project, with the goal of comparing the impacts of development of the same or a similar nature at a different location within the City. However, alternative sites for the Project were considered but determined to be infeasible for several reasons: (a) the Project Applicant does not own other parcels in the City that could accommodate this Project, and CEQA *Guidelines* section 15126.6(f)(1) only requires consideration of alternative sites if the Project Applicant can reasonably acquire or gain access to alternative locations; (b) to achieve Objective 7, the Project must be located to facilitate the transition between the Garage District/KONO and Uptown and between 24th and 25th Streets[2]; and (c) other sites in the City would not easily accommodate a Project with two related sites in proximity that would repurpose existing underutilized parcels into office and retail space and activate an underutilized parking lot for craft stall/retail use. Furthermore, given the City's current level of urban development, an alternative site location would not necessarily avoid or substantially reduce Project impacts. For these reasons, an off-site alternative was not carried forward for detailed analysis as a reasonable alternative.

Additionally, the City considered an alternative that incorporates industrial uses; however, such an alternative would not meet most of the basic Project objectives and would not necessarily avoid or substantially reduce Project impacts. Thus, an industrial alternative was not carried forward for detailed analysis as a reasonable alternative.

5.4 Description of Alternatives Selected for Analysis

Based on the screening process described above, the City has identified the following reasonable range of alternatives to be addressed in this EIR:

- **Alternative 1:** No Project Alternative
- **Alternative 2:** Reduced Height Alternative
- **Alternative 3**: Preservation Alternative

Table 5-2 presents a comparison of alternatives (and a summary of the Project) carried forward for consideration and evaluation.

[2] The "KONO" neighborhood is generally bordered by 27th Street, Broadway, Grand Avenue, and Interstate 980. The "Uptown" neighborhood is generally bordered by Grand Avenue, Broadway, and San Pablo Avenue.

TABLE 5-2
DESCRIPTION OF PROJECT AND ALTERNATIVES SELECTED FOR EVALUATION

Land Use	Project	Alternative 1: No Project Alternative	Alternative 2: Reduced Height Alternative	Alternative 3: Preservation Alternative
24th and 25th Street Site				
Office	86,100 sf	-	52,200 sf	22,600 sf
Retail/Commercial	11,980 sf	-	11,980 sf	20,985 sf
Paseo/Courtyard	*2,840 sf*	-	2,840 sf	2,840 sf
Auto Parking	*132 spaces*	-	72 spaces	58 spaces
Bike Parking				
Long-term	*11 spaces*	-	*8 spaces*	*5 spaces*
Short-term	*12 spaces*	-	*10 spaces*	*12 spaces*
Building Height	20-85 ft	-	20-45 ft	20-45 ft
Total Building Area	99,800 sf	-	65,900 sf	56,585 sf
Valley Street Site				
Craft Stalls	580 sf	-	580 sf	580 sf
Meets most basic objectives?	**Yes**	**No**	**Yes**	**Yes**
Potentially feasible?	**Yes**	**Yes**	**Yes**	**Yes**
Substantially avoids or lessens Impacts?	**Yes**	**Yes**	**Yes**	**Yes**

NOTES:
LTS = Less Than Significant; SF = Square Feet; NA = Not Applicable

5.4.1 Alternative 1: No Project Alternative

The No Project Alternative is the circumstance under which the Project does not proceed. This alternative is analyzed consistent with Section 15126.6(e) of the CEQA *Guidelines*, which states that the No Project Alternative must include the assumption that conditions at the time the Notice of Preparation of an EIR was circulated for public review would not be changed because the Project would not be constructed, as well as the events or actions that would reasonably be expected to occur in the foreseeable future if the Project were not approved.

Under the No Project Alternative, the Project would not be built, and the site would remain in the same state as its current condition. The office and retail space (including craft stalls) would not be constructed at the sites. In addition, the new paseo would not be constructed as a pedestrian connection between 24th and 25th Streets.

This alternative would not meet any of the basic objectives of the Project: it would not aggregate multiple underutilized parcels to create economies of scale for adaptive reuse (objective 1); it would not repurpose existing underutilized parcels into high quality office and retail space that will generate economic activity for the City and the District (objective 2); it would not increase the tax base and sales tax as well as provide opportunities for employment to meet the City's target net positive fiscal impact goals for commercial development (objective 3); it would not emphasize

resources and space for locally owned businesses that support the existing community (similar to the adjacent developments at the Hive and Broadway Grand) (objective 4); it would not generate Impact Fee revenue to support City services, improvements, the School District and affordable housing (objective 5); it would not contribute to the City's connected pedestrian network goals by activating curb space, widening sidewalks and providing protected pedestrian crossings, and new lighting, landscaping and street furniture to improve accessibility (objective 6); it would not activate the pedestrian transition between the Garage District/KONO and Uptown and create a new paseo that encourages walkability by providing connectivity between 24th and 25th streets in the neighborhood (objective 7); it would not encourage engagement with the neighborhood and provide retail spaces that create opportunities for local, smaller scale businesses (objective 8); it would not activate underutilized land for productive commercial uses and provide additional retail space in the neighborhood (objective 9); it would not create additional neighborhood destinations that invite foot traffic and support local businesses (objective 10); it would not bring new office space to the area that attracts additional office users, adds foot traffic in the neighborhood and would bring additional day time population to deliver new customer base for local businesses (objective 11); and it would not provide a range of building heights to preserve existing low-rise buildings along the street fronts while adding new taller buildings to create architectural variation (objective 12).

5.4.2 Alternative 2: Reduced Height Alternative

The Reduced Height Alternative assumes the height of the building on the 24th and 25th Street site would be reduced to 45 feet, with approximately 52,200 total square feet of office space, a reduction of approximately 33,900 square feet from the Project. This alternative would not require a variance to increase the allowable height on the site. Like the Project, this alternative would include ground floor retail and craft stall spaces on the 24th and 25th Street site (11,980 square feet of retail space) and the 2,840 square foot pedestrian paseo and dining courtyard space. The Reduced Height Alternative would also include a reduction of the building area by 34 percent (65,900 sf). This alternative would include similar infrastructure and streetscape improvements as proposed under the Project. The development on the Valley Street site would remain the same as with the Project. This alternative would also include fewer parking spaces than the Project, and is assumed to meet the parking minimums for the CC-3 zone with 72 spaces. Although the economic feasibility of this alternative would be required to be confirmed, this alternative is considered potentially feasible.

This alternative would meet some of the basic objectives of the Project: it would emphasize resources and space for locally owned businesses that support the existing community (similar to the adjacent developments at the Hive and Broadway Grand) (objective 4); it would contribute to the City's connected pedestrian network goals by activating curb space, widening sidewalks and providing protected pedestrian crossings, and new lighting, landscaping and street furniture to improve accessibility (objective 6); it would activate the pedestrian transition between the Garage District/KONO and Uptown and create a new paseo that encourages walkability by providing connectivity between 24th and 25th streets in the neighborhood (objective 7); it would encourage engagement with the neighborhood and provide retail spaces that create opportunities for local, smaller scale businesses (objective 8); it would activate underutilized land for productive

commercial uses and provide additional retail space in the neighborhood (objective 9); and it would create additional neighborhood destinations that invite foot traffic and support local businesses (objective 10). However, conservatively presuming that this alternative would be economically feasible, it would achieve the following objectives to a lesser extent than the Project because the alternative results in a smaller project with less office space: the first objective (aggregate multiple underutilized parcels to create economies of scale for adaptive reuse), the second objective (repurpose existing underutilized parcels into high quality office and retail space that will generate economic activity for the City and the District), the third objective (increase the tax base and sales tax as well as provide opportunities for employment to meet the City's target net positive fiscal impact goals for commercial development), the fifth objective (generate Impact Fee revenue to support City services, improvements, the School District and affordable housing), the eleventh objective (bring new office space to the area that attracts additional office users, adds foot traffic in the neighborhood and would bring additional day time population to deliver new customer base for local businesses), and the twelfth objective (provide a range of building heights to preserve existing low-rise buildings along the street fronts while adding new taller buildings to create architectural variation).

Under this alternative, the reduced height of the tower portion that would comply with the existing zoning and height designation on the 24th and 25th Street site and be more comparable in height and massing to that of the 25th Street Garage District API. The Reduced Height Alternative construction activity would also be reduced, which would result in lower emissions of toxic air contaminants (TACs), including diesel particulate matter (DPM). In addition, other impacts from Project operation, such as those related to criteria air pollutants and noise, would be reduced due to a reduction in daily vehicle trips from reduced office square footage. Overall, because this alternative would lessen some long-term impacts of the Project and would also reduce other impacts related to the operational phase of the Project, this alternative was carried forward for analysis.

5.4.3 Alternative 3: Preservation Alternative

The Preservation Alternative assumes that the four 25th Street Garage District API contributors on the 24th and 25th Street site (i.e., 442 24th Street, 450 24th Street, 459-461 25th Street, and 465 25th Street) would be fully retained, and that the office development would be concentrated on the parcel at 460 24th Street that is outside of the API. Under the Preservation Alternative, approximately 22,600 square feet of office would be constructed in a building with a maximum height of 45 feet. This alterative assumes that approximately 20,985 square feet of retail space would be provided,[3] with approximately 19,220 existing square feet of retail located in the retained garage buildings, and 1,765 square feet of craft stall space located adjacent to a paseo that would run between 24th to 25th Streets through the middle of the site (including a portion within the office building), as shown in **Figure 5-1, Preservation Alternative Site Plan**. This alternative would also include fewer parking spaces than the Project, and is assumed to meet the parking minimums for the CC-3 zone with 58 spaces located on the ground floor of the office building. This alternative would include similar infrastructure and streetscape improvements as proposed under the Project. The

[3] Assumes that the entire floor area of the existing garage buildings would be retail use.

development on the Valley Street site would remain the same as with the Project. Although the economic feasibility of this alternative would be required to be confirmed, this alternative is considered potentially feasible.

This alternative would meet some of the basic objectives of the Project: it would repurpose existing underutilized parcels into high quality office and retail space that will generate economic activity for the City and the District (objective 2); it would emphasize resources and space for local owned businesses that support the existing community (similar to the adjacent developments at the Hive and Broadway Grand) (objective 4); it would contribute to the City's connected pedestrian network goals by activating curb space, widening sidewalks and providing protected pedestrian crossings, and new lighting, landscaping and street furniture to improve accessibility (objective 6); it would activate the pedestrian transition between the Garage District/KONO and Uptown and create a new paseo that encourages walkability by providing connectivity between 24th and 25th streets in the neighborhood (objective 7); and it would create additional neighborhood destinations that invite foot traffic and support local businesses (objective 10). This alternative would also meet would achieve the following objectives to a greater extent than the Project because the alternative results in more retail space than the Project: the eighth objective (encourage engagement with the neighborhood and provide retail spaces that create opportunities for local, smaller scale businesses) and the nineth objective (activate underutilized land for productive commercial uses and provide additional retail space in the neighborhood). However, conservatively presuming that this alternative would be economically feasible, it would achieve the following objectives to a lesser extent than the Project: first objective (aggregate multiple underutilized parcels to create economies of scale for adaptive reuse), the third objective (increase the tax base and sales tax as well as provide opportunities for employment to meet the City's target net positive fiscal impact goals for commercial development), the fifth objective (generate Impact Fee revenue to support City services, improvements, the School District and affordable housing), the eleventh objective (bring new office space to the area that attracts additional office users, adds foot traffic in the neighborhood and would bring additional day time population to deliver new customer base for local businesses), and the twelfth objective (provide a range of building heights to preserve existing low-rise buildings along the street fronts while adding new taller buildings to create architectural variation).

Under the Preservation Alternative, all of the character defining features of the API contributors on the 24th and 25th Street site would be retained, and those buildings would continue to contribute to the API. The Preservation Alternative construction activity would also be reduced, which would result in lower emissions of toxic air contaminants (TACs), including diesel particulate matter (DPM). Under this alternative, impacts from Project operations, such as those related to criteria air pollutants and noise, would be reduced due to an overall reduction in daily vehicle trips. Overall, because this alternative would lessen some long-term impacts of the Project on the API and would also reduce other impacts related to the operational phase of the Project, this alternative was carried forward for analysis.

SOURCE: ESA 2021; Bing Maps

Pigozzi 460 24th Street

Figure 5-1

Preservation Alternative Site Plan

5.5 Comparative Analysis of the Alternatives

This section presents a discussion of the comparative environmental effects of each alternative compared to the effects of the Project.

As permitted by CEQA, the significant effects of the alternatives are discussed in this EIR in less detail than are the effects of the proposed Project (CEQA *Guidelines* Section 15126.6[d]). All impacts are described after implementation of any SCAs identified in Chapter 4 (*Environmental Setting, Impacts, Mitigation Measures, and Standard Conditions of Approval*) of this EIR and the Initial Study (Appendix B).

5.5.1 Alternative 1: No Project / No Development

CEQA Guidelines Section 15126.6(e) requires consideration of a No Project Alternative. This analysis discusses the existing conditions at the time the NOP was published, as well as what reasonably would be expected to occur in the foreseeable future if the Project were not approved, based on current plans and consistent with available infrastructure and community services.

If the No Project Alternative is implemented, no development on the project site would occur. The existing vacant garage buildings at the 24th and 25th Street site would either remain vacant or could be leased for a zoning consistent use. If the vacant space is leased it is assumed that it would reestablish vehicular, bike, and pedestrian activity to what it was when the buildings were previously occupied. The Valley Street site would continue to operate as a surface parking lot for a loft building.

The No Project Alternative assumes that the existing site remains as it is and no development takes place. Because the alternative poses no new higher intensity development on the project site compared to existing baseline conditions, no impacts would result. As such, this alternative would have reduced impacts compared to the Project with respect to air quality, biological resources, cultural and tribal cultural resources (including historic architectural resources), energy, geology, soils, and paleontological resources, greenhouse gas (GHG) emissions, hazards and hazardous materials, hydrology and water quality, land use, noise, population and housing, public services, recreation, transportation, and utilities and service systems. However, with regard to recreation and transportation, under the No Project Alternative, the new paseo, which would facilitate the movement of pedestrians between 24th and 25th Streets would not be built.

This alternative would not meet any of the basic objectives of the Project. This alternative would, however, avoid all of the Project's impacts that would be less than significant and less than significant with SCAs.

5.5.2 Alternative 2: Reduced Height Alternative

The Reduced Height Alternative would result in the construction of approximately 52,200 square feet of office and 11,980 square feet of retail uses on the 24th and 25th Street site, with a maximum height of 45 feet. Like the Project, this alternative would include approximately 2,840 square feet of

space for the new paseo and dining courtyard. This alternative would also include approximately 580 square feet of craft stall space on the Valley Street site.

The following discussion summarizes impacts that would occur under the Reduced Height Alternative in comparison to the impacts that would occur under the Project.

Impacts

Historic Architectural Resources

The Reduced Height Alternative would involve less development compared to the Project, as the tower portion of the Project on the 24th and 25th Street site would not be constructed, and the maximum height would be 45 feet. The tower portion of the Reduced Height Alternative would be consistent with the current zoning and height designations for the site. Similar to the Project, the rooftop additions to the district contributors, as designed, would remain incompatible with the API in terms of height and massing and would not comply with *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstruction Historic Buildings* Standards 9 and 10. Although the tower portion of the building outside the API would be reduced to a maximum of 45-feet, it would remain incompatible with the API (whose character is defined in part by its one-story height), but to a lesser extent than with the Project. However, similar to the Project, the Reduced Height Alternative would not impact the architectural character of the API to a degree that would materially impair the district or result in it no longer being eligible for consideration as an API. Rather, the API would remain substantially intact, and the Reduced Height Alternative would not alter the relationship of the remaining contributing buildings to each other.

Similar to the Project, the Reduced Height Alternative would remove historic materials and eliminate the industrial use of the API from the four contributors and also be incompatible with the API in terms of height and massing (although to a lesser extent than with the Project as discussed above), and for these reasons, would contrast with the historic character of the API. Despite these changes to the four individual contributors and to the character of the API, the API as a whole would retain all of its character defining features (while losing relatively small quantities of the brick and hollow clay tile, wood truss roofs, multi-lite metal-sash windows, and folding vehicle doors) and therefore retain sufficient integrity to convey its historical significance. Similar to the Project, SCA NOI-6, Vibration Impacts on Adjacent Structures or Vibration-Sensitive Activities, would apply to the Reduced Height Alternative and would prevent damage to adjacent API contributors during construction, and Mitigation Measure CUL-1, Construction Best Practices for Retained Historic Building Elements, would further reduce potential less-than-significant impacts on the 25th Street Garage District API as a result of Project-related new construction. Therefore, the Reduced Height Alternative would have a less than significant impact with mitigation resulting from alteration of the setting of the 25th Street Garage District API, the same as the Project.

Even though the Reduced Height Alternative would result in the loss of two contributing resources and reduction of integrity of two additional contributing resources, the district would retain sufficient integrity to remain a City of Oakland API. No individual historic resources would be demolished as a result of the Reduced Height Alternative. Thus, the Reduced Height

Alternative, in combination with past, present, and foreseeably future projects, would not contribute considerably to the significant and unavoidable impacts within the Draft Downtown Oakland Specific Plan (DOSP) EIR or Broadway Valdez District Specific Plan (BVDSP) EIR as a result of demolition or alteration of historic buildings, nor would the Reduced Height Alternative contribute considerably to the citywide cumulative impact identified in the DOSP DEIR or BVDSP EIR, the same as with the Project.

Shadow

The Reduced Height Alternative would involve less development compared to the Project, as the tower portion of the Project on the 24th and 25th Street site would not be constructed, and the maximum height would be 45 feet. Due to the reduced height, impacts related to shadow would be less substantial than those of the Project, given the lower height of the Reduced Height Alternative, and would be less than significant, the same as the Project.

Other Topics

The Reduced Height Alternative would develop the 24th and 25th Street site with a less intensive land use development program (99,800 square feet of development under the Project and 65,900 square feet under this alternative). As a result, the construction and operational impacts of the Reduced Height Alternative under each of the Initial Study environmental topics would be similar to those of the Project but reduced. The Reduced Height Alternative impacts related to land use and planning, and population and housing would be reduced compared to those of the Project, given the reduced development intensity. These impacts would be less than significant, as with the Project.

The impacts of the Reduced Height Alternative related to air quality, biological resources, energy, GHG emissions, hydrology and water quality, hazards and hazardous materials, noise, public services, recreation, transportation, and utilities and service systems would be similar to those of the Project but reduced because development under the Reduced Height Alternative would reduce the amount of office development on the 24th and 25th Street site. This alternative would result in less overall construction, shorter construction time periods, and less development intensity. Specifically, impacts related to hydrology and water quality and biological resources would be reduced due to the reduced construction intensity and duration lessening the potential for pollutant discharges into the stormwater system and stormwater that could affect receiving waters. The Reduced Height Alternative would also not require the preparation of a GHG Reduction Plan as it is assumed to meet the parking minimums for the CC-3 zone. As such, SCA GHG-1 (see Appendix B, Section 2.8.1) would be replaced with City of Oakland SCA #41 (Project Compliance with the Equitable Climate Action Plan [ECAP] Consistency Checklist). As with the Project, GHG impacts would be less than significant with SCAs. Except for SCA GHG-1, the same SCAs would be incorporated into this alternative as would be incorporated into the Project, and these impacts would be less than significant (with SCAs), as with the Project.

The Reduced Height Alternative would involve similar ground-disturbing impacts, as the development footprint would remain the same as with the Project. Therefore, impacts related to geology and soils, as well as the potential to encounter undiscovered archaeological resources,

tribal cultural resources, and paleontological resources would be the same as they would be under the Project. The same SCAs would be incorporated into this alternative as would be incorporated into the Project, and impacts would be less than significant (with SCAs), the same as the Project.

As with the Project, the Reduced Height Alternative would have no impacts on aesthetics, as the alternative's floor area ratio (FAR) would remain greater than 0.75, and all other criteria under CEQA Section 21099(d) would remain the same. The Reduced Height Alternative would also have no impacts on agricultural or forestry resources, mineral resources, or wildfire risk because none are present within the project site and wind, because the Reduced Height Alternative would involve construction under 100 feet.

5.5.3 Alternative 3: Preservation Alternative

The Preservation Alternative would retain the four district contributors fronting 24th and 25th Streets, concentrate the office development outside of the API boundary, and reconfigure the paseo to run through the middle of the 24th and 25th Street site. This alterative assumes that approximately 20,985 square feet of retail space would be provided consisting of 1,765 square feet of craft stall space and approximately 19,220 square feet of retail located within the retained garage buildings. This alternative would also include approximately 22,600 square feet of office in a building with a maximum height of 45 feet. Like the Project, this alternative would include approximately 2,840 square feet of space for the new paseo and dining courtyard. This alternative would also include approximately 580 square feet of craft stall space on the Valley Street site.

The following discussion summarizes impacts that would occur under the Preservation Alternative in comparison to the impacts that would occur under the Project.

Impacts

Historic Architectural Resources

The Preservation Alternative would retain the four district contributors fronting 24th and 25th Streets, concentrate the office development outside of the API boundary, and reconfigure the paseo to run through the middle of the 24th and 25th Street site. Thus, the character defining features of the 25th Street Garage District API on the project site that would be removed with the Project including "brick construction, often integrating hollow clay tile," "wood truss roofs," "large multi-lite metal-sash windows," and "glazed and paneled wood folding vehicle doors," would also be retained. As a result of the retention of historic materials that characterize the API from four district contributors, the Preservation Alternative would be compatible with the API and would comply with the Secretary's Standards for Rehabilitation No. 2 and No. 5.

The tower portion of the Project would not be constructed under the Preservation Alternative, and the maximum building height outside of, and directly adjacent to the API and its contributors, would be 45 feet, consistent with the current zoning and height designations for the site. This 45-foot portion of the building would remain incompatible with the API, whose character is defined in part by its one-story height, but to a lesser extent than with the Project.

Similar to the Project, the Preservation Alternative would eliminate the industrial use of the API from the four contributors and also contrast with the API in terms of height and massing (although to a lesser extent than with the Project as discussed above), and for these reasons, would contrast with the historic character of the API. However, similar to the Project, the Preservation Alternative would not impact the architectural character of the API to a degree that would materially impair the district or result in it no longer being eligible for consideration as an API. Rather, the API would remain substantially intact, and the Preservation Alternative would not alter the relationship of the remaining contributing buildings to each other. Despite these changes to the character of the API, the API as a whole would retain all of its character defining features (including those from retained garage buildings) and therefore retain sufficient integrity to convey its historical significance. Similar to the Project, SCA NOI-6, Vibration Impacts on Adjacent Structures or Vibration-Sensitive Activities, would incorporated into the Preservation Alternative and would prevent damage to adjacent API contributors during construction and Mitigation Measure CUL-1, Construction Best Practices for Retained Historic Building Elements, would further reduce potential less-than-significant impacts on the 25th Street Garage District API as a result of Project-related new construction. Therefore, the Preservation Alternative would have a less than significant impact with mitigation resulting from alteration of the setting of the 25th Street Garage District API, the same as the Project.

As the Preservation Alternative would allow the four contributors to retain sufficient integrity to convey historical significance, and the district would retain sufficient integrity to remain a City of Oakland API. No individual historic resources would be demolished as a result of the Preservation Alternative. Thus, the Preservation Alternative, in combination with past, present, and foreseeably future projects would not contribute considerably to the significant and unavoidable impacts within the Draft DOSP EIR or BVDSP EIR as a result of demolition or alteration of historic buildings, since it would not demolish any. The Preservation Alternative also would not contribute considerably to the citywide cumulative impact identified in the DOSP DEIR or BVDSP EIR, the same as with the Project.

Shadow

The tower portion of the Project would not be constructed under the Preservation Alternative, and the maximum building height would be 45 feet, consistent with the current zoning and height designations for the site. Due to the reduced height, impacts related to shadow would be less substantial than those of the Project, given the lower height of the Preservation Alternative, and would be less than significant, the same as the Project.

Other Topics

The Preservation Alternative would develop the 24th and 25th Street site with a less intensive land use development program (99,800 square feet of development under the Project and 56,585 square feet under this alternative). As a result, the construction and operational impacts of the Preservation Alternative under each of the Initial Study environmental topics would be similar to those of the Project but reduced. The Preservation Alternative impacts related to land use and planning, and population and housing would also be reduced compared to those of the Project, given the reduced development intensity. These impacts would be less than significant, as with the Project.

While the Preservation Alternative would involve more retail uses compared to the Project, the Preservation Alternative would also reduce office development such that there would be an overall reduction in building area and trip generation during operation. This would result in less overall construction (including less demolition), shorter construction time periods, and less development intensity. Thus, the impacts of the Preservation Alternative related to air quality, biological resources, energy, GHG emissions, hydrology and water quality, noise, public services, recreation, transportation, and utilities and service systems would be similar to those of the Project but reduced. Specifically, impacts related to hydrology and water quality and biological resources would be reduced due to the reduced construction intensity and duration lessening the potential for pollutant discharges into the stormwater system and stormwater that could affect receiving waters. The Preservation Alternative would also not require the preparation of a GHG Reduction Plan as it is assumed to meet the parking minimums for the CC-3 zone. As such, SCA GHG-1 (see Appendix B, Section 2.8.1) would be replaced with City of Oakland SCA #41 (Project Compliance with the Equitable Climate Action Plan [ECAP] Consistency Checklist). As with the Project, GHG impacts would be less than significant with SCAs. Except for SCA GHG-1, the same SCAs would be incorporated into this alternative as would be incorporated into the Project, and these impacts would be less than significant (with SCAs), as with the Project.

The Preservation Alternative would also involve fewer ground-disturbing impacts, since more existing building area would be retained as compared to the Project. Therefore, the potential to encounter undiscovered archaeological resources, tribal cultural resources, and paleontological resources would be reduced compared with the potential under the Project. The same SCAs would be incorporated into this alternative as would be incorporated into the Project, and impacts would be less than significant (with SCAs), the same as the Project.

Under the Preservation Alternative, the development footprint would remain the same as with the Project. Therefore, impacts related to geology and soils would be the same as they would be under the Project. The same SCAs would be incorporated into this alternative as would be incorporated into the Project, and impacts would be less than significant (with SCAs), the same as the Project.

As discussed in Section 2.9, *Hazards and Hazardous Materials*, of the Initial Study (Appendix B), in past cleanup operations on the 24th and 25th Street site, building structures have prohibited removal of all of the contaminated soil. Since more structures on the site would remain under the Preservation Alternative, further studies and design would be required to remove any remnant site contamination from hazardous materials to acceptable levels while leaving the garage buildings intact, resulting in an increased impact from that the Project. However, the same regulations and SCAs would apply to and be incorporated into the Preservation Alternative pertaining to hazards and hazardous materials, and impacts would ultimately be less than significant (with SCAs), the same as the Project.

As with the Project, the Preservation Alternative would have no impacts on aesthetics, as the alternative's FAR would remain greater than 0.75, and all other criteria under CEQA Section 21099(d) would remain the same. The Preservation Alternative would also have no impacts on agricultural or forestry resources, mineral resources, or wildfire risk because none are present within the project site and wind, because the Preservation Alternative would involve construction under 100 feet.

5.6 Overall Comparison of Proposed Project with Alternatives

The analysis of Project alternatives is summarized and compared in two tables: **Table 5-3** provides a summary of impact levels within all environmental topic areas. Overall, this table shows that both the Reduced Height Alternative and the Preservation Alternative would reduce most of the Project's impacts and would not result in any significant and unavoidable impacts.

Table 5-4 summarizes the ability of each alternative to meet the basic objectives for the Project. The tables provide a ready means for the reader to review and compare the alternatives with each other, and with the Project. Table 5-4 indicates that the No Project Alternative would not have the ability to meet the basic objectives of the Project. Both the Reduced Height Alternative and the Preservation Alternative would have the ability to meet all of the basic objectives of the Project, although some to a lesser degree.

TABLE 5-3
PROJECT ALTERNATIVES IMPACT SUMMARY AND COMPARISON

Impact	Alternative 1: No Project Alternative	Alternative 2: Reduced Height Alternative	Alternative 3: Preservation Alternative	Project
Shadow	No Impact	Less than Significant ⇩	Less than Significant ⇩	Less than Significant
Wind	No Impact	No Impact	No Impact	No Impact
Agriculture and Forestry Resources	No Impact	No Impact	No Impact	No Impact
Air Quality	No Impact	LTS with SCAs ⇩	LTS with SCAs ⇩	LTS with SCAs
Biological Resources	No Impact	LTS with SCAs ⇩	LTS with SCAs ⇩	LTS with SCAs
Historic Architectural Resources	No Impact	LTS with Mitigation ⇩	LTS with Mitigation ⇩	LTS with Mitigation
Cultural, Tribal Cultural, and Paleontological Resources	No Impact	LTS with SCAs	LTS with SCAs ⇩	LTS with SCAs
Energy	No Impact	LTS with SCAs ⇩	LTS with SCAs ⇩	LTS with SCAs
Geology and Soils	No Impact	LTS with SCAs	LTS with SCAs	LTS with SCAs
Greenhouse Gas Emissions	No Impact	LTS with SCAs ⇩	LTS with SCAs ⇩	LTS with SCAs
Hazards and Hazardous Materials	No Impact	LTS with SCAs ⇩	LTS with SCAs ⇧	LTS with SCAs
Hydrology and Water Quality	No Impact	LTS with SCAs ⇩	LTS with SCAs ⇩	LTS with SCAs
Land Use and Planning	No Impact	Less than Significant ⇩	Less than Significant ⇩	Less than Significant
Mineral Resources	No Impact	No Impact	No Impact	No Impact
Noise	No Impact	LTS with SCAs ⇩	LTS with SCAs ⇩	LTS with SCAs
Population and Housing	No Impact	Less than Significant ⇩	Less than Significant ⇩	Less than Significant
Public Services and Recreation	No Impact	LTS with SCAs ⇩	LTS with SCAs ⇩	LTS with SCAs
Transportation	No Impact	LTS with SCAs ⇩	LTS with SCAs ⇩	LTS with SCAs
Utilities and Service Systems	No Impact	LTS with SCAs ⇩	LTS with SCAs ⇩	LTS with SCAs
Wildfire	No Impact	No Impact	No Impact	No Impact

NOTES: LTS with SCAs = Less than Significant with Standard Conditions of Approval ⇧/⇩ - The impact is more/less severe than compared to the Project.

The color gradients in the table are a visual representation of the significance findings with the lightest or absence of color representing the least amount of impact, and the darkest shade representing an impact that would be significant without mitigation.

TABLE 5-4
ABILITY OF PROJECT ALTERNATIVES TO SATISFY BASIC OBJECTIVES OF THE PROJECT

Project Objective	Alternative 1: No Project Alternative	Alternative 2: Reduced Height Alternative	Alternative 3: Preservation Alternative
1. Aggregate multiple underutilized parcels to create economies of scale for adaptive reuse.	Does not meet objective	**Meets objective** ⇩	**Meets objective** ⇩
2. Repurpose existing underutilized parcels into high quality office and retail space that will generate economic activity for the City and the District.	Does not meet objective	**Meets objective** ⇩	**Meets objective**
3. Increase the tax base and sales tax as well as provide opportunities for employment to meet the City's target net positive fiscal impact goals for commercial development.	Does not meet objective	**Meets objective** ⇩	**Meets objective** ⇩
4. Emphasize resources and space for local businesses that support the existing community (similar to the adjacent developments at Hive and Broadway Grand).	Does not meet objective	**Meets objective**	**Meets objective**
5. Generate Impact Fee revenue to support City services, improvements, the School District and affordable housing.	Does not meet objective	**Meets objective** ⇩	**Meets objective** ⇩
6. Contribute to the City's connected pedestrian network goals by activating curb space, widening sidewalks and providing protected pedestrian crossings, and new lighting, landscaping and street furniture to improve accessibility.	Does not meet objective	**Meets objective**	**Meets objective**
7. Activate the pedestrian transition between the Garage District/KONO and Uptown and create a new paseo that encourages walkability by providing connectivity between 24th and 25th streets in the neighborhood.	Does not meet objective	**Meets objective**	**Meets objective**
8. Encourage engagement with the neighborhood and provide retail spaces that create opportunities for local, smaller scale businesses.	Does not meet objective	**Meets objective**	**Meets objective** ⇧
9. Activate underutilized land for productive commercial uses and provide additional retail space in the neighborhood.	Does not meet objective	**Meets objective**	**Meets objective** ⇧
10. Create additional neighborhood destinations that invite foot traffic and support local businesses.	Does not meet objective	**Meets objective**	**Meets objective**
11. Bring new office space to the area that attracts additional office users, adds foot traffic in the neighborhood and will bring additional day time population to deliver new customer base for local businesses	Does not meet objective	**Meets objective** ⇩	**Meets objective** ⇩
12. Provide a range of building heights to preserve existing low-rise buildings along the street fronts while adding new taller buildings to create architectural variation	Does not meet objective	**Meets objective** ⇩	**Meets objective** ⇩

NOTES: ⇧/⇩ - The alternative is more (⇧) / less (⇩) aligned with the objective, compared to the Project.

5.6.1 Environmentally Superior Alternative

CEQA *Guidelines* §15126.6(e)(2) requires an EIR to identify an environmentally superior alternative. If the environmentally superior alternative is the No Project Alternative, the EIR also must identify an environmentally superior alternative from among the other alternatives. In general, the environmentally superior alternative is defined as that alternative with the least adverse impacts to the project area and its surrounding environment. CEQA *Guidelines* Section 15126.6(a) places emphasis on alternatives that "avoid or substantially lessen the significant effects" of a project.

The No Project Alternative would be the most environmentally superior alternative with the fewest environmental impacts. However, the No Project Alternative does not meet any of the basic objectives of the Project.

Since the environmentally superior alternative is the No Project Alternative, the EIR also must identify an environmentally superior alternative from among the other alternatives. Determining an environmentally superior alternative can be difficult because of the many factors that must be balanced. For example, the Preservation Alternative could be preferred because, relative to the Project, it would result in the greatest reduction in impacts to the character defining features of the 25th Street Garage District API on the project site, even though the impact conclusions would be the same as the Project. However, the Preservation Alternative would also result in a greater impact to hazards and hazardous materials due to the unknown level of cleanup measures and site design to accommodate retention of all of the garage buildings, although ultimately impacts would be the same as the Project. The City has identified the Reduced Height Alternative as the environmentally superior alternative because it would lessen impacts to the setting of the 25th Street Garage District API (albeit to a lesser degree than the Preservation Alternative) and would result in the greatest amount of vehicle trip reduction of the built alternatives, even though the impact conclusions would be the same as the Project. However, note that although the alternatives identified reduce impacts, they would not substantially lessen or avoid significant environmental effects of the Project because the Project itself would not result in significant impacts.

Nonetheless, City decision-makers may weigh the relative benefits of the alternatives differently and with additional information received in or developed during the Project approval process.

CHAPTER 6
Other Statutory Sections

Consistent with the CEQA *Guidelines* Section 15126.2, this section discusses significant environmental effects, significant irreversible environmental changes, and growth-inducing impacts associated with development of the Project. Project effects that were found to be less than significant are also discussed. Cumulative impacts are separately discussed in Chapter 4, *Environmental Setting, Impacts, Mitigation Measures, and Standard Conditions of Approval*, and the Initial Study (**Appendix B**).

6.1 Significant Environmental Effects

In accordance with CEQA *Guidelines* sections 15064 and 15065, an EIR must identify impacts that would not be eliminated or reduced to an insignificant level by mitigation measures included as part of the proposed project, or by other mitigation measures that would be implemented.

As discussed throughout Chapter 4, *Environmental Setting, Impacts, Mitigation Measures, and Standard Conditions of Approval*, and the Initial Study (Appendix B), development of the Project would not result in significant and unavoidable impacts that cannot be mitigated to a less-than-significant level with mitigation and Standard Conditions of Approval (SCAs).

6.2 Significant Irreversible Environmental Changes

An EIR must identify any significant irreversible environmental changes that could result from project development. These may include current or future uses of non-renewable resources, and secondary or growth-inducing impacts that commit future generations to similar uses. CEQA dictates that irretrievable commitments of resources should be evaluated to assure that such current consumption is justified (CEQA *Guidelines* Section 15126.2(c)). The CEQA *Guidelines* identify three distinct categories of significant irreversible changes: (1) changes in land use that would commit future generations; (2) irreversible changes from environmental actions; and (3) consumption of non-renewable resources.

6.2.1 Changes in Land Use Which Would Commit Future Generations

The Project would result in growth and development within the City of Oakland. Development of the Project would require a variance to increase height on a portion of the 24th and 25th Street site; however, growth from development of the Project would be consistent with Association of Bay

Area Governments (ABAG) growth projections for the City and the region. Further, development of the Project would occur within an urbanized area surrounded by similar or compatible uses and would not commit future generations to significant changes in land use that would result in significant and unavoidable adverse impacts, as discussed in Chapter 4, *Environmental Setting, Impacts, Mitigation Measures, and Standard Conditions of Approval* and the Initial Study (Appendix B).

6.2.2 Irreversible Changes from Environmental Accidents

As discussed in Section 2.9, *Hazards and Hazardous Materials*, of the Initial Study (Appendix B), no significant irreversible environmental damage, such as what could occur as a result of an accidental spill or explosion of hazardous materials, is anticipated due to development of the Project. Furthermore, compliance with Federal, State, and local regulations as well as City of Oakland Standard Conditions of Approval (SCAs) associated with hazards and hazardous materials identified in Section 2.9 would reduce the possibility that hazardous substances associated with development of the Project would result in irreversible environmental damage from accidental spill or explosion.

6.2.3 Consumption of Non-renewable Resources

Consumption of non-renewable resources includes conversion of agricultural lands, loss of access to mining reserves, and use of non-renewable energy sources. As described in Section 2.2, *Agriculture and Forestry Resources*, of the Initial Study (Appendix B), the project site is not located on agricultural land (DOC, 2019); therefore, no agricultural land would be converted to non-agricultural uses.

As discussed in Section 2.12, *Mineral Resources*, of the Initial Study (Appendix B), the project site is located on land classified by the California Department of Conservation's (DOC's) Division of Mines and Geology as Mineral Resource Zone 1 (MRZ-1), or an area where adequate geologic information indicates that no significant mineral deposits are present, or where it is judged that little likelihood exists for their presence (DOC, 1987; 2020). Therefore, the Project would not result in the loss of availability of a known mineral resource and would not result in the loss of a locally important mineral resource recovery site.

Resources that would be permanently and continually consumed by implementation of the Project include water, electricity, and fossil fuels; however, the amount and rate of consumption of these resources would not result in significant environmental impacts or the unnecessary, inefficient, or wasteful use of resources, as discussed in Section 2.6, *Energy,* of the Initial Study (Appendix B). Project construction activities would result in the irretrievable commitment of nonrenewable energy resources, primarily in the form of fossil fuels such as gasoline and diesel for automobiles and construction equipment. With respect to the operational activities of the Project, compliance with all applicable building codes, as well as City of Oakland SCAs, would ensure that all natural resources are conserved to the maximum extent practicable. New technologies or systems may also emerge over the lifetime of the Project, or would become more cost-effective or user-friendly, and would further reduce the Project's reliance upon nonrenewable energy resources.

6.3 Growth-Inducing Impacts

This section addresses the ways that development of the Project "could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment" (Section 15126.2(d) of the CEQA *Guidelines*). This section summarizes topics and impacts also addressed in Section 2.14, *Population and Housing*, of the Initial Study (Appendix B) which provides the context for evaluating growth-inducing impacts.

A project can have direct and/or indirect growth-inducement potential. Direct growth inducement could result if a project involved construction of new housing. A project can have indirect growth-inducement potential if it would establish substantial new permanent employment opportunities (e.g., commercial, industrial or governmental enterprises) or if it would involve a substantial construction effort with substantial short-term employment opportunities and indirectly stimulate the need for additional housing and services to support the new employment demand. Similarly, under CEQA, a project would indirectly induce growth if it would remove an obstacle to additional growth and development, such as removing a constraint on a required public service. Increases in population could tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. The CEQA *Guidelines* also require analysis of the characteristics of projects that may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively.

The timing, magnitude, and location of land development and population growth is based on various interrelated land use and economic variables. Key variables include regional economic trends, market demand for residential and non-residential uses, land availability and cost, the availability and quality of transportation facilities and public services, proximity to employment centers, the supply and cost of housing, and regulatory policies or conditions. General plans define the location, type, and intensity of growth and thus are the primary means of regulating development and growth in California.

The growth-inducing impacts analysis addresses the potential of the Project for growth inducement in the Project vicinity or broader area. Under CEQA, a project is generally considered to be growth-inducing if it results in any one of the following:

1. Extension of urban services or infrastructure into a previously unserved area;
2. Extension of a transportation corridor into an area that may be subsequently developed; or
3. Removal of obstacles to population growth (such as provision of major new public services to an area where those services are not currently available).

6.3.1 Extension of Urban Services or Infrastructure

As discussed in Sections 2.15, *Public Services* and 2.16*, Recreation*, the Project is located in an urban area already served by City fire, police, school, and park services. Therefore, the Project would not require the extension of urban services into a previously unserved area. Additionally, as described in Section 2.18, *Utilities and Service Systems*, the Project would involve the installation of new utility infrastructure to connect the Project to existing utility lines. Although

infrastructure improvements would occur as part of the Project, extension of these facilities would not indirectly induce substantial population growth, because the project site is located within a developed area. Required infrastructure improvements would be limited in extent, and would not likely facilitate the development or redevelopment of other properties within the vicinity of the project site.

6.3.2 Extension of a Transportation Corridor

As described in Section 3, *Project Description*, primary regional auto access to the project site is available from Interstate 580, approximately 0.7-mile to the north, and Interstate 980/State Route 24, approximately 0.25 mile to the west. As discussed in Section 2.17, *Transportation*, the pedestrian, bicycle, and transit access between the sites and throughout the nearby areas is good. Continuous sidewalks are provided on both sides of all streets throughout the area, and bikeways, including separated bicycle lanes on Telegraph Avenue, connect the project site to nearby commercial, residential, and employment areas. The project site is about 0.4 miles north of the 19th Street Oakland Bay Area Rapid Transit (BART) Station and about 0.1 miles from AC Transit's trunk Route 6 on Telegraph Avenue and trunk Route 51A on Broadway. The Oakland Free Broadway shuttle ("Free B") also operates along Broadway, with the nearest stop at 25th Street.

The Project would not include an extension of any major transportation corridor, but would create a new pedestrian connection between 24th and 25th Streets. The project site is well-served by existing regional and local transportation, and is close to employment centers in Oakland. Therefore, the Project would not extend transportation corridors into undeveloped areas resulting in growth-inducing impacts.

6.3.3 Removal of Obstacles to Population Growth

Section 15126.2(d) of the CEQA *Guidelines* states that an EIR should discuss "the ways in which the project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment." CEQA requires a discussion of how a project could increase population, employment, or housing in the areas surrounding the project site as well as an analysis of the infrastructure and planning changes that would be necessary to implement the project.

The Project involves the addition of office and retail uses on a site that currently contains vacant and auto-repair related uses, therefore directly stimulating population growth, the impacts of which are analyzed throughout Chapter 4, *Environmental Setting, Impacts, Mitigation Measures, and Standard Conditions of Approval* and the Initial Study (Appendix B). The project site is adjacent to existing urban development including primarily commercial (e.g., auto dealerships/service centers, retail, restaurants, and entertainment) and multi-family residential uses. The parcels surrounding the project site have either recently been redeveloped, or are included in the Broadway-Valdez District Specific Plan or proposed Downtown Oakland Specific Plan, and would be subject to project-specific CEQA review.

Section 2.14, *Population and Housing*, analyzes the Project's overall effect on population and housing, including growth-inducing considerations. The Project would result in construction

employment. The employment growth associated with construction work, however, would be limited and temporary, and the majority of construction workers are anticipated to originate from the local and regional labor pool, and would not relocate within the City, further reducing the potential for secondary effects. The Project would also result in jobs for approximately 413 permanent employees on the project site from proposed office and retail uses. However, as discussed in Section 2.14, the Project's employment increase represents a small increment of the ABAG-projected growth within the City, which would not constitute substantial unplanned employment growth within the City. Accordingly, the employment opportunities provided during operation are not anticipated to induce substantial population growth in the region.

The Project would not remove obstacles to additional growth through the extension of utilities that would facilitate new growth, because it would be undertaken in a developed urban area that is currently otherwise served by all utilities and services and would only require the minor extension of utility infrastructure to serve the project site. Similarly, the Project would not overburden existing infrastructure so as to require construction of new facilities that could result in significant impacts, as discussed in the Section 2.18, *Utilities and Service Systems*.

6.3.4 Summary

The Project is not likely to encourage (or induce) other development in the surrounding area; regardless, the collective impacts of any such growth have been considered in the ABAG growth projections, and/or have been assessed in this EIR's consideration of cumulative impacts.

6.4 Cumulative Impacts

The approach used in this EIR for cumulative impact analysis is described in the introduction to Chapter 4 (Section 4.0). The analysis of each environmental topic included in Chapter 4 and the Initial Study (Appendix B) evaluates possible cumulative impacts considering regional development in combination with development of the Project.

As noted above, under Section 6.1, *Significant and Unavoidable Environmental Impacts*, construction and operation of the Project in combination with development in the surrounding area would not result in significant and unavoidable impacts under cumulative conditions.

6.5 Effects Found Not To Be Significant

As required by CEQA, this EIR focuses on expected significant environmental effects (CEQA *Guidelines* Section 15143). In accordance with Section 15128 of the CEQA *Guidelines*, an EIR shall contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR. Effects found not to be significant are specifically discussed under each applicable environmental topic section in the Initial Study (see Appendix B).

6.6 References – Other Statutory Sections

California Department of Conservation (DOC), 2020. State Mining and Geology Board Guidelines, Guidelines for Classification and Designation of Mineral Lands, https://www.conservation.ca.gov/smgb/Guidelines/Documents/ClassDesig.pdf, accessed December 30, 2020.

DOC, 1987. Division of Mines and Geology, *Special Report 146, Part II, Mineral Land Classification: Aggregate Materials in the San Francisco-Monterey Bay Area*, 1987.

CHAPTER 7
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