City of Oakland
File No ER09-0006.

INITIAL STUDY AND ENVIRONMENTAL REVIEW CHECKLIST

California Environmental Quality Act (CEQA)

1.	**Project Title:**	Safeway Shopping Center – College and Claremont Avenues
2.	**Lead Agency:**	City of Oakland Community and Economic Development Agency Planning Division 250 Frank H. Ogawa Plaza, Suite 3315 Oakland, CA 94612
3.	**Contact Person:**	Peterson Vollmann, Planner III 510/238-6167 pvollman@oaklandnet.com
4.	**Project Location:**	6310 College Avenue Oakland, CA 94618
5.	**Project Sponsor's Name and Address:**	Safeway, Inc. 5918 Stoneridge Mall Road Pleasanton, CA 94588-3229 Attn.: Todd Paradis 925/467-2078/FAX 925/467-2861 todd.paradis@safeway.com
6.	**General Plan Designation:**	Neighborhood Center Mixed Use
7.	**Zoning:**	C-31, Special Retail

8. Description of Project:

Project Location. The project site is located at 6320 College Avenue, at the intersection with Claremont Avenue in the Rockridge District of Oakland. See Figure 1, page 3.

Existing Uses. The 2.1-acre project site at the northeast corner of College and Claremont Avenues is presently occupied by an existing Safeway Store, with approximately 25,000 square feet of floor area, a 96-space surface parking lot, and a Union 76 gasoline station. The Safeway Store at 6310 College Avenue existed in its present configuration for over 40 years.

Project Description. The project would involve demolition of the existing 25,000-square-foot store, parking lot and service station and construction of a two-story, approximately 64,860-square-foot building

that would contain a 50,400-square-foot Safeway supermarket, about 11, 500 square feet of ground-floor retail spaces (for approximately eight retail shops), and a partially below-grade parking garage with about 173 parking spaces.

In summary, the main features of the project would include:

- 8 new retail storefronts on College Avenue, totaling 11,572 square feet
- A public, retail-lined walk-street
- A 2,839 square-foot, publicly accessible roof top garden
- Access to roof top garden from Safeway bridge and walk-street stairs
- Access lobbies to second level Safeway
- Access lobbies also connect to on-grade public parking beyond
- Single entry to garage on College, at 63rd Street
- Two entries to garage off Claremont
- Dedicated employee parking and loading area off Claremont Avenue
- 10-foot landscaped setback from Alcatraz Avenue neighbors

A detailed project description is provided below as Item 12.

9. Surrounding Land Uses and Setting:

College and Claremont Avenues bound the project site on two sides. Both streets are major arterials, and the land uses opposite the site on both is predominately commercial. The land use adjacent to the site on the north is residential; the rear yards of approximately eight single family homes abut the parcel. Six of these homes front on Alcatraz Avenue, while one faces College Avenue and one is on Claremont Avenue. The surrounding land uses are documented more specifically on Figure 2, page 4, which shows the outlines and use of all the surrounding structures.

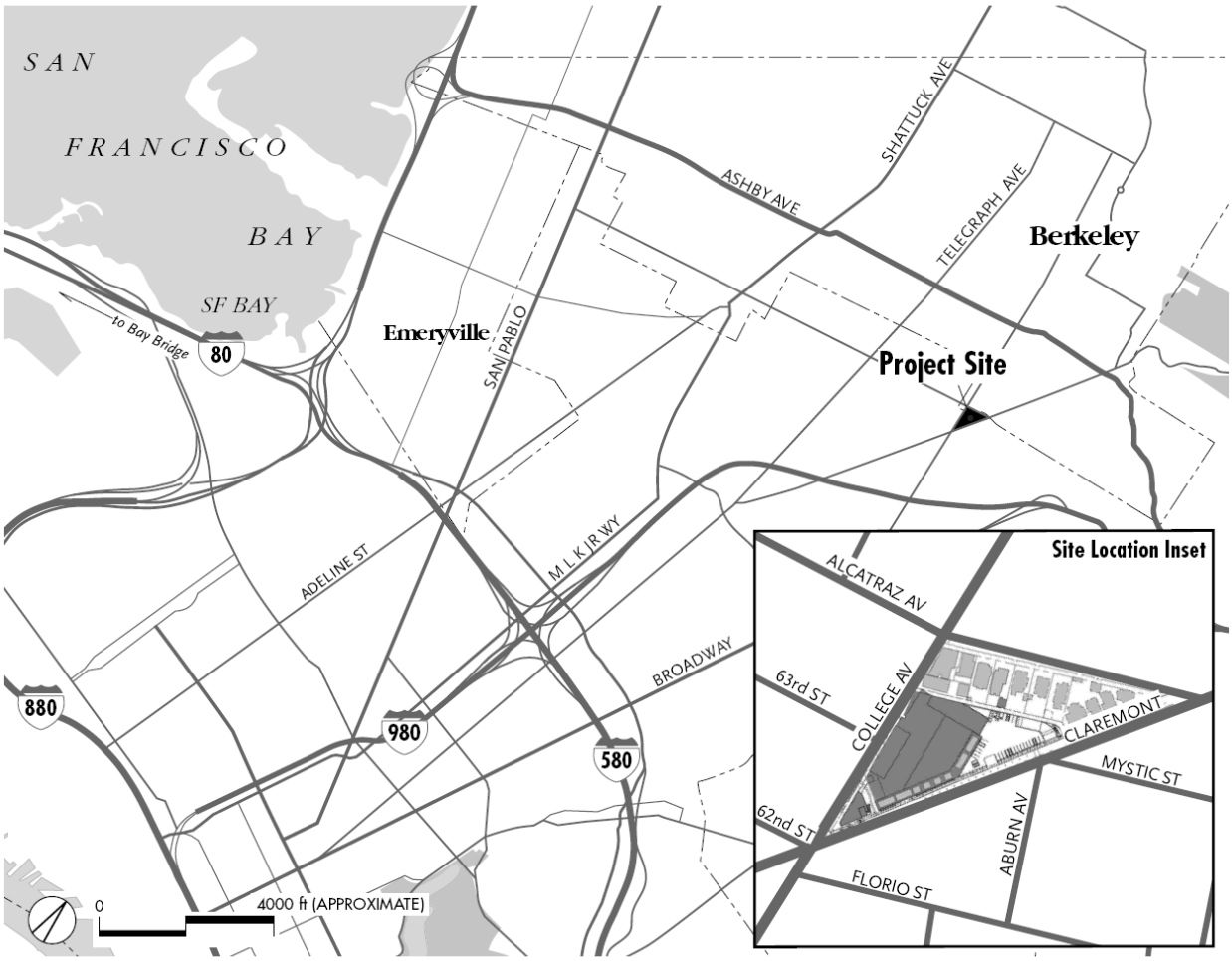
10. Actions/permits which may be required, and for which this document provides CEQA clearance, include without limitations: (e.g. permits, financing approval, or participation agreement, etc.)

Four Conditional Use Permits:

- General Food Sales (*Planning Code* 17.48.040)
- Alcohol Beverage Sales (*Planning Code* 17.48.040)
- Size in excess of 7,500 square feet (*Planning Code* 17.48.080)
- Driveways on College and Claremont Avenues (*Planning Code* 17.48.070)

Minor Variances for reduced parking and loading

Tentative Parcel Map for commercial condominiums



Source: During Associates

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Proposed Project Location Figure 1

Source: Lowney Architecture

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Existing Site Plan Figure 2

11. Other Public Agencies Interested in the Project:

San Francisco Bay Regional Water Quality Control Board (RWQCB)

12. Detailed Project Description:

Project Location and Site Characteristics

The proposed project site is a triangular shaped parcel at the north side of the triangle formed by the intersection of College and Claremont Avenues in north Oakland. The Assessor's Parcel Number is 048A-7070-001-01. The site contains 2.1 acres and slopes gently from the northeastern corner, where the elevation is about 221 feet to the southern corner, at 203 feet. The site currently contains a Safeway store with about 25,000 square feet. It is a one-story masonry building on a flat concrete pad, at elevation 207 feet. The Safeway store provides approximately 106 parking spaces on the east and south sides, and a loading dock at the north side. The parking lot can be accessed from two driveways on College Avenue and two on Claremont. The site has a retaining wall along the Claremont frontage, with a row of landscape trees planted between the wall and the sidewalk.

The southern corner of the parcel houses a Union 76 gasoline and service station featuring a small building of about 1,120 square feet, a covered service area, a canopy over the gasoline pumps, and multiple curb cuts on College and Claremont Avenues to facilitate access. The gas station site is paved with asphalt or concrete and contains several underground gasoline storage tanks.

The northern boundary of the site lies along the Oakland/Berkeley City Limit line, and is marked by a wooden fence and by the northern wall of the Safeway store, which is built on the property line. The parcel abuts eight Berkeley lots, six with frontages on Alcatraz Avenue, while one fronts on College Avenue and the other fronts on Claremont Avenue. All of these abutting parcels are developed with single-family homes, although one has been converted to a commercial use.

The College Avenue frontage is defined by a 10-foot-wide sidewalk, with several street trees as well as some landscaping trees planting adjacent to the sidewalk on the Safeway parcel. It is a narrow street (40 feet wide) with significant of pedestrian traffic, drawn to the small shops and stores found on the block. 63rd Avenue intersects College at a T-intersection opposite one of the driveways onto the Safeway site.

Claremont Avenue is 56 feet wide adjacent to the site. It is not a pedestrian-oriented retail street, like College, as the buildings along Claremont opposite the site are predominately multi-story office buildings.

Proposed Project

The proposed project would involve demolition and clearing of the entire site, followed by construction of a new two-story building with approximately 64,860 square feet of floor area, including a new Safeway store of 50,400 square feet and eight separate ground-floor retail shops, totaling 11,572 square feet, fronting on College Avenue and on the proposed pedestrian "walk street" to be located near the College/Claremont corner. The site plan, Figure 3, page 7, provides a plan view of the overall coverage, while the ground-floor plan, Figure 4, page 8, clearly depicts the retail shops and "walk street". The sizes of the retail tenant spaces would range from 435 square feet to 2,729 square feet—the latter being the

large shop at the College/Claremont corner. Figure 5, page 9, depicts the project's level plan, and Figures 6 and 7, pages 10 and11, depict project elevations. Figures 8 and 9, pages 12 and 13, show the project sections.

The 10-foot-wide landscaped setback from the northern property line can also be seen on Figures 5 and 6. Except for an intrusion from tenant space 1, on College Avenue, this setback would run the width of the parcel.

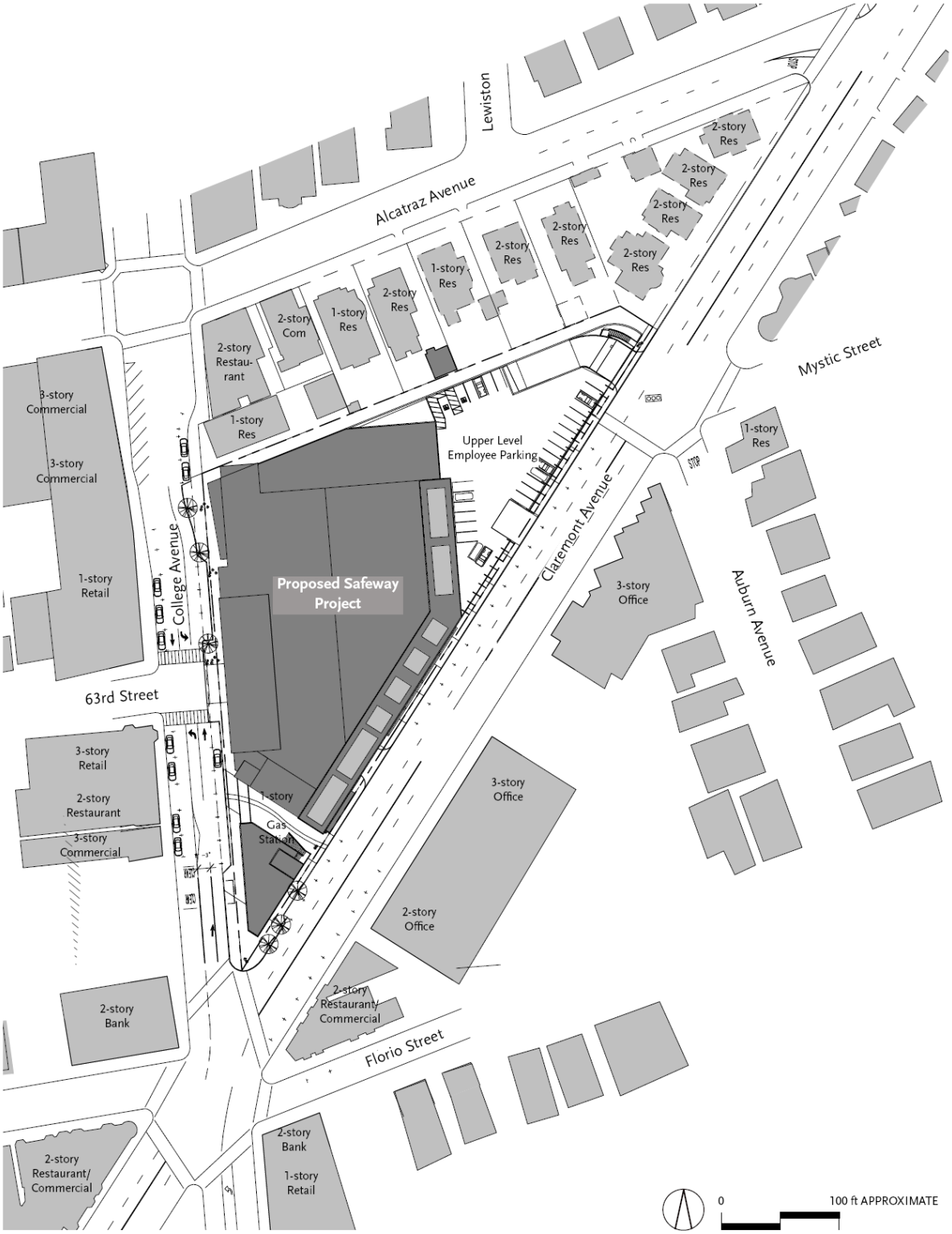
Figure 4 also shows the layout of the first floor of the integrated parking structure. As can be seen, there would be an entrance opposite 63rd Street on the College Avenue side, an entrance off Claremont Avenue relatively close to College Avenue, and a ramp providing access to Claremont Avenue at the northeastern corner of the site, opposite the intersection of Mystic Street, Auburn Avenue and Claremont. The applicant is proposing to signalize this intersection as part of the project. The ground floor would have two lobbies, with stairways and elevators to provide pedestrian access to the Safeway Store above and to the sidewalk on College Avenue and the on-site "walk street." A total of 145 parking spaces would be provided on the ground floor.

Figure 5 shows the Safeway level. The polygon shaped store would be accessed via the stairways and elevators on the College Avenue side, with goods deliveries occurring at the store level, via a ramp that would bring the trucks in and out via Claremont Avenue to an enclosed loading dock. The truck maneuvering patterns are shown on Figure 7. There would be 28 parking spaces on the upper level. They would be assigned to employees and suppliers, and would not be available to customers.

Figure 5 also depicts the roof top terrace over the free-standing retail shop proposed at the College/Claremont corner. Access would be provided from the Safeway store via a pedestrian bridge over the "walk street," or from an exterior stairway to the "walk street."

Elevations and sections are shown in Figures 6 to 9. The exterior of the building would generally have painted plaster surfaces, drawing from a palette of four colors, with significant additions of stacked limestone, corrugated metal and glass in the storefronts.

The roof of the Safeway store would be at elevation 236, approximately 33 feet above the low point of the site (at the College/Claremont corner), 30 feet above College Avenue at the northwestern corner of the site and 16.5 feet above Claremont Avenue at the high point of the site, in the northeast corner. The signature tower at the southwest corner of the Safeway store would be forty feet high above College Avenue, elevation 250.5 feet.



Source: Lowney Architecture

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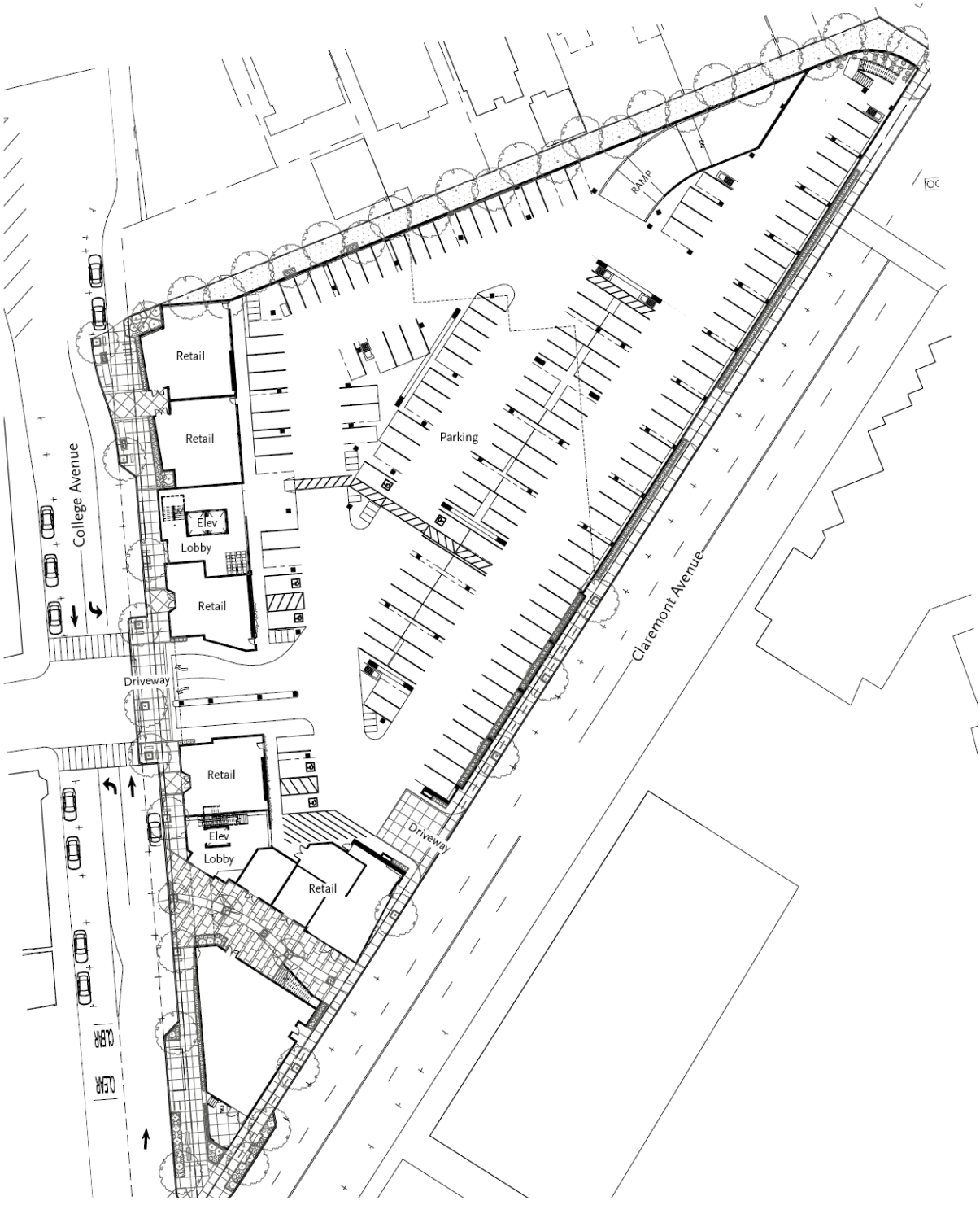
Project Site Plan Figure 3



Source: Lowney Architecture

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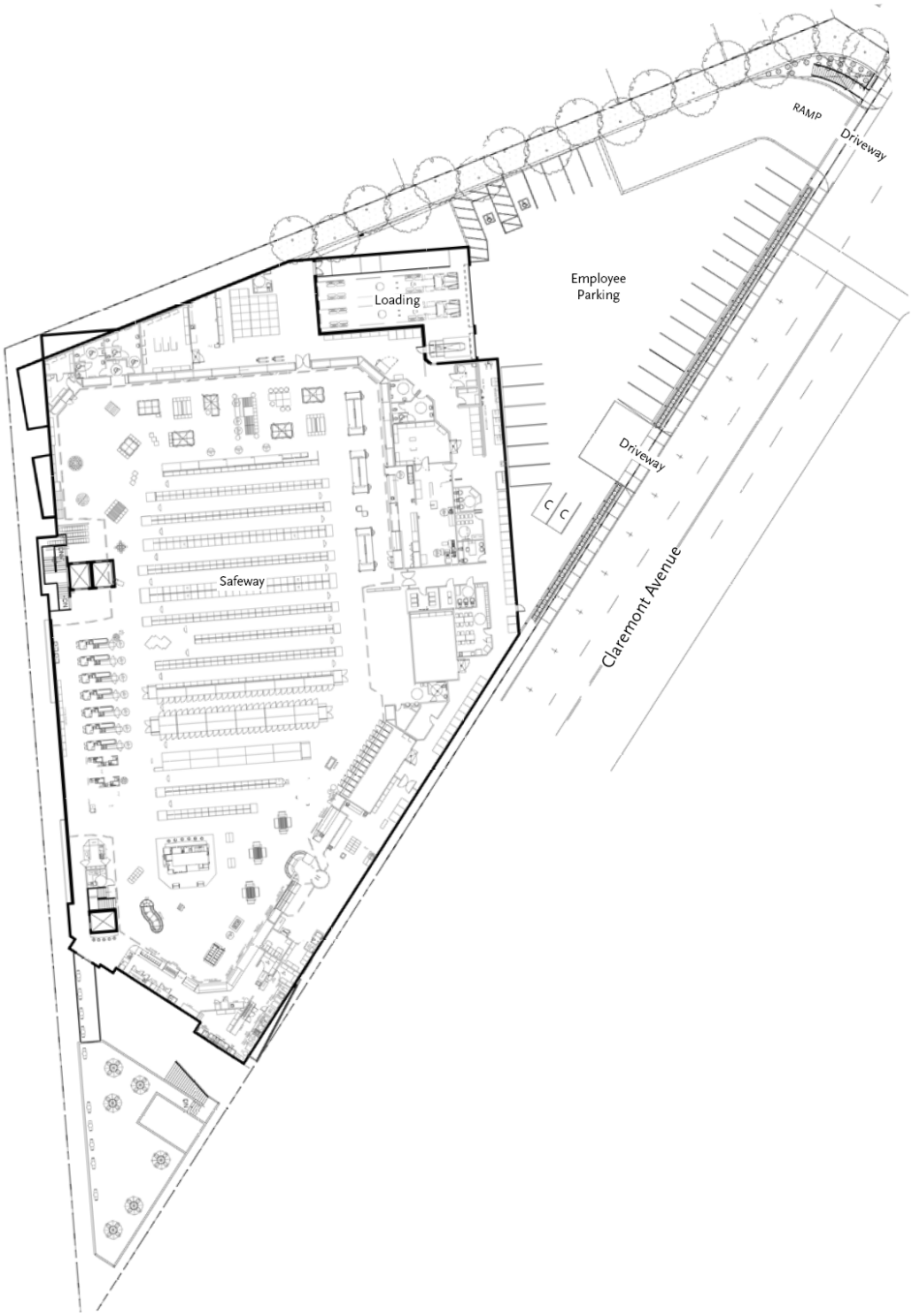
Proposed Ground Floor Plan Figure 4



Source: Lowney Architecture

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Proposed Safeway Level Plan Figure 5

College Avenue Elevation

College Avenue Elevation

0 50 ft APPROXIMATE

Source: Lowney Architecture

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Proposed Project Elevations Figure 6

Walkway Elevation—North

Walkway Elevation—South

Claremont Avenue—Northeast Elevation

0 50 ft APPROXIMATE

Source: Lowney Architecture

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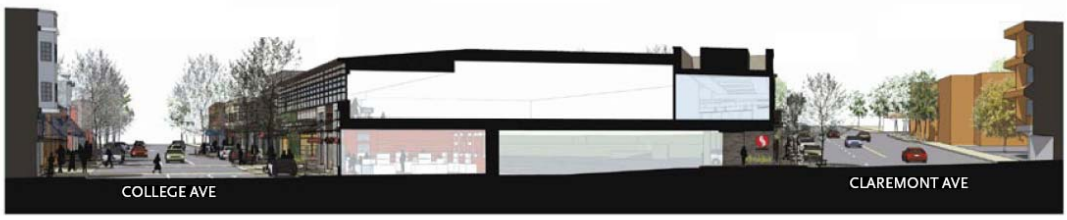
Proposed Project Elevations Figure 7

Section at Building Corner (not-to-scale)

Section at Walk Street (not-to-scale)



Section Near 63rd Street (not-to-scale)

Source: Lowney Architecture

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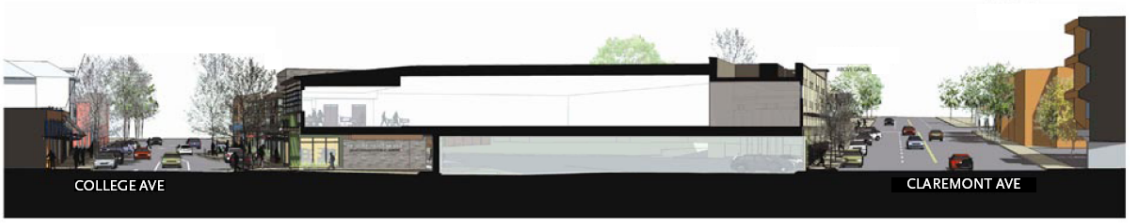
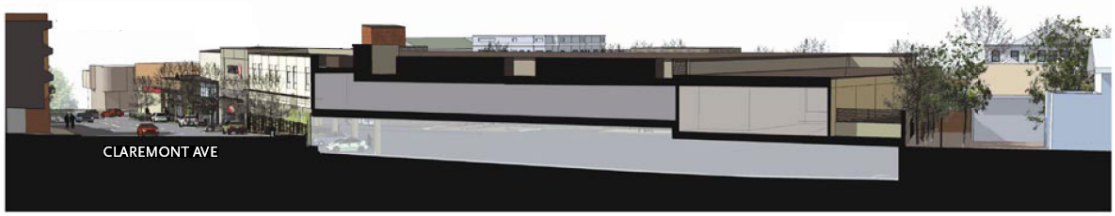
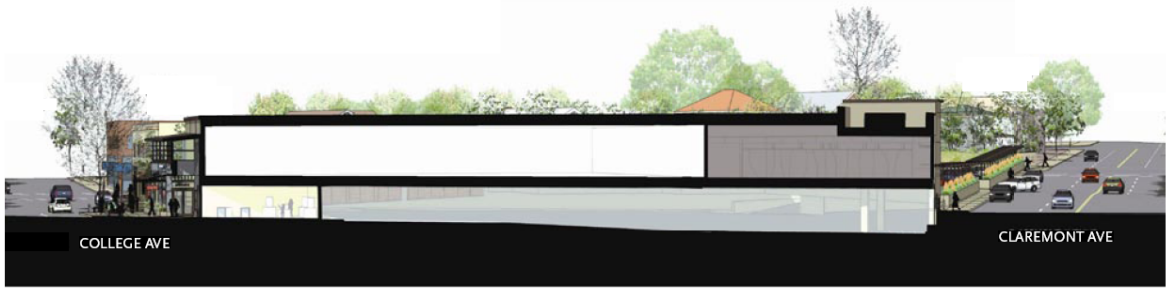
Proposed Project Sections Figure 8



Section at Parking Entrance (not-to-scale)



Section at Northern Neighbors (not-to-scale)



Section at North End of Retail (not-to-scale)

Source: Lowney Architecture

10-26-09

Proposed Project Sections Figure 9

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages, which will be further studied in the EIR. No other environmental factors will be further studied in the EIR.

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

DETERMINATION

On the basis of this initial study:

I find that the proposed project COULD NOT have a significant effect on the environment with Uniformly Applied Development Standards imposed as conditions of approval, and a NEGATIVE DECLARATION will be prepared. ☐

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

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required that will further study: **air quality, noise, and transportation and traffic.** No other environmental factors will be further studied. ■

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

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, no further environmental documentation is required. ☐

10/29/09

Signature
Peterson Vollmann
Title: Planner III

10-30-09

Date
For Scott Miller,
Zoning Manager, CEDA

EVALUATION OF ENVIRONMENTAL IMPACTS

CEQA requires that an explanation of all answers be provided along with this checklist, including a discussion of ways to mitigate any significant effects identified.

Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, less than significant with development standards, or less than significant. As defined here, a "Potentially Significant Impact" is appropriate if the significant effect is considered to have a substantial or potentially substantial adverse effect on the environment. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

A "Less than Significant with Mitigation" answer applies where incorporation of a mitigation measure has reduced an effect from a "Potentially Significant Impact to a "Less-than-Significant Impact" The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less-than-significant-level.

A "Less than Significant with Development Standard" answer applies where incorporation of a development standard has reduced an effect from a "Potentially Significant Impact to a "Less-than-Significant Impact." The City's Uniformly Applied Development Standards are incorporated into projects as conditions of approval regardless of a project's environmental determination. As applicable, the Uniformly Applied Development Standards are adopted as requirements of an individual project when it is approved by the City and are designed to, and will, substantially mitigate environmental effects. In reviewing project applications, the City determines which of the standard conditions are applied, based upon the zoning district, community plan, and the type(s) of permit(s)/approvals(s) required for the project. Depending on the specific characteristics of the project type and/or project site, the city will determine which Development Standards apply to each project; for example, Development Standards related to creek protection permits will only be applied projects on creekside properties.

The Development Standards incorporate development policies and standards from various adopted plans, policies, and ordinances (such as the Oakland Planning and Municipal Codes, Oakland Creek Protection,

Stormwater Water Management and Discharge Control Ordinance, Oakland Tree Protection Ordinance, Oakland Grading Regulations, National Pollutant Discharge Elimination System (NPDES) permit requirements, Housing Element-related mitigation measures, California Building Code, and Uniform Fire Code, among others), which have been found to substantially mitigate environmental effects. Where there are peculiar circumstances associated with a project or project site that will result in significant environmental impacts despite implementation of the Development Standards, the City will determine whether there are feasible mitigation measures to reduce the impact to less-than-significant levels in the course of appropriate CEQA review (mitigated negative declarations or EIRs).

A "Less-than-Significant Impact" answer applies where the project creates no substantial or potentially substantial adverse effect on the environment.

A "No Impact" answer applies where a project does not create any impact in that category. A "No Impact" answer needs to be adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact answer is adequately supported if the referenced information sources show that the impact simply doesn't apply to projects like the one under involved. A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards.

EVALUATION OF ENVIRONMENTAL EFFECTS

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant with Standard Condition of Approval	Less Than Significant Impact	No Impact
I. AESTHETICS—Would the project:					
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	■	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state or locally designated scenic highway?	☐	☐	☐	☐	■
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	■	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	■	☐	☐
e) Introduce landscape that now or in the future cast substantial shadows on existing solar collectors (in conflict with California Public Resource Code Section 25980-25986)?	☐	☐	☐	■	☐
f) Cast shadows that substantially impairs the function of a building using passive solar heat collection, solar collectors for hot water heating, or photovoltaic solar collectors?	☐	☐	☐	■	☐
g) Cast a shadow that substantially impairs the beneficial use of any public or quasi-public park, lawn, garden, or open space?	☐	☐	☐	☐	■
h) Cast shadow on an historic resource, as defined by CEQA Section 15064.5(a), such that the shadow would materially impair the resource's 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 Historic Resources or a historical resource survey form (DPR Form 523) with a rating of 1–5?	☐	☐	☐	☐	■
i) Require an exception (variance) to the policies and regulations in the General Plan, Planning Code, or Uniform Building Code, and the exception causes a fundamental conflict with policies and regulations in the General Plan, Planning Code, and Uniform Building Code addressing the Provision of adequate light related to appropriate uses?	☐	☐	☐	■	☐
j) Create winds exceeding 36 mph for more than 1 hour during daylight hours during the year. 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., Oakland Estuary, Lake Merritt or San Francisco Bay); or b) the project is located in Downtown?	☐	☐	☐	☐	■

Discussion:

a) and b): The project site is at a commercial corner with urban vistas in all directions featuring a variety of building styles, massing and heights. College Avenue, which is narrower and features denser street tree coverage, has a more intimate appearence than Claremont Avenue, and is pedestrian oriented with a variety of small shops and detailed displays in the windows. The view north on College Avenue, along the site's western side, is more attractive than along Claremont Avenue, but compromised somewhat by views of the gas station canopy and driveway, the drab, blank wall of the existing Safeway store, and the parking lot.

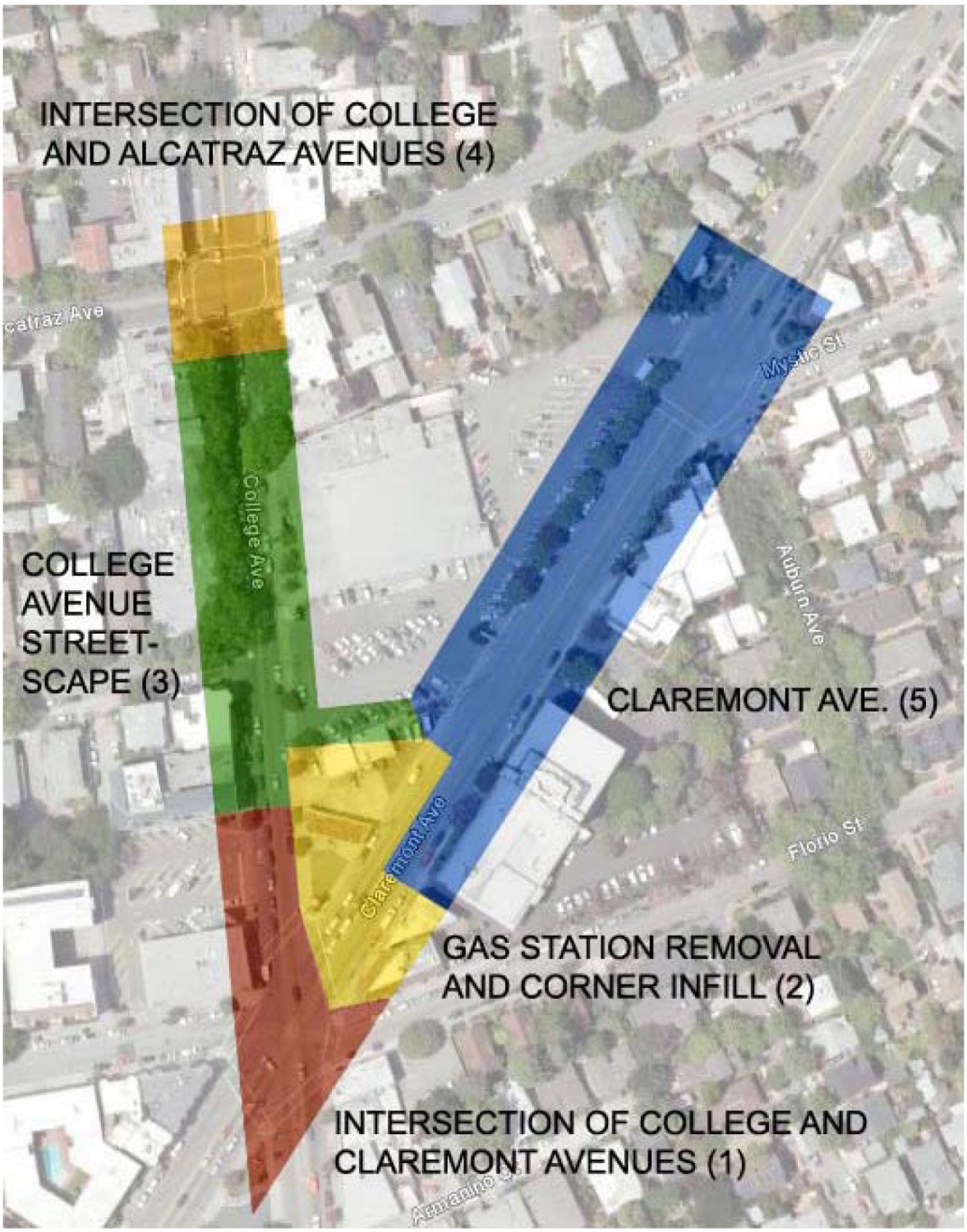
The existing Safeway site is auto-oriented, with a gas station at the corner, multiple parking lot entrances and larger signs, easily read from passing cars. Views of the existing Safeway store and gas station could not be classified as scenic vistas; as shown in the photographs of the existing site (Figures 10 to 17, pages 19 to 26). There are no rock outcroppings or historic resources near the project site. Street trees surround the project site. Demolition of the gas station and existing Safeway store would not have an adverse effect on a scenic vista. The project calls for additional street trees and landscaping.

Views of the Oakland Hills to the east from College Avenue would partially be affected by the proposed project, which would be approximately 35 feet in height, comparable to other three- to four-story buildings along Claremont and College Avenues. Public views of the hills looking down College and Claremont Avenues would not be affected. The scenic resources of the area would not be damaged by the proposed project.

The project site is not visible from a state or locally designated scenic highway, and would not affect scenic resources along a scenic highway.

c): The existing visual characteristics of the project site is a utilitarian, standardized, and familiarized commercial development sited within a large auto oriented surface parking lot, which is inconsistent with the characteristics of the College Avenue shopping district. The proposed project would result in a taller, more massive, and more intensively developed commercial center at this key retail corner in north Oakland than what presently exists at the site. As shown in the photo-simulations of the project in Figures 11 to 17, pages 20 to 26, the project would not degrade the visual character of the site and the surrounding area. The height of the buildings and pedestrian scale of the proposed commercial storefronts would be consistent with the prevailing neighborhood commercial character along College and Claremont Avenues. By hiding the parking areas, and offering a number of retail storefronts along the site's College Avenue frontage, the project design is intended to complement the visual character of the College Avenue retail district. Specific design issues will be addressed through the City of Oakland design review process.

d): The project abuts a single-family residential area on one side and may result in an incremental increase in the level of light generated from the site by establishing new sources of nighttime exterior lights that would be visible from and potentially cast light onto the surrounding neighborhood, particularly the windows and yard areas of adjacent residential dwellings.



Source: Lowney Architecture

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Photo View Areas Figure 10

Source: Lowney Architecture

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Existing and Project Views of Intersection at College and Claremont Avenues Figure 11

Source: Lowney Architecture

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Views of Existing Flatiron Building, Gas Station and Proposed Corner Infill Figure 12

Source: Lowney Architecture

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Views of College Avenue Streetscape Figure 13

Source: Lowney Architecture

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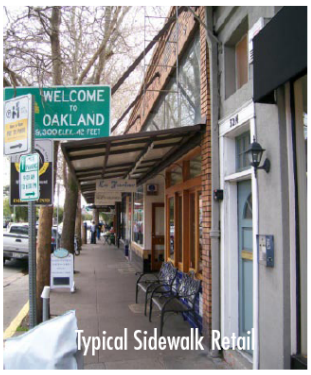
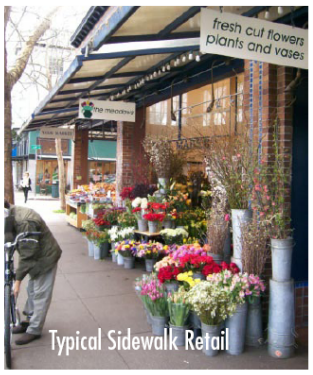
Views of College Avenue Streetscape Figure 14





Source: Lowney Architecture

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Views of College Avenue Streetscape Figure 15

Source: Lowney Architecture

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Views at Intersection of College and Alcatraz Avenues Figure 16

Source: Lowney Architecture

10-26-09

Views at Intersection of College and Alcatraz Avenues Figure 17

Implementation of the following standard condition of approval that the City applies to all development projects would reduce lighting impacts of the project to a less-than-significant level:

> **STANDARD CONDITION AES-1:** Prior to issuance of an electrical or building permit. The proposed lighting fixtures shall be adequately shielded to a point below the light bulb and reflector and that prevent unnecessary glare onto adjacent properties. Plans shall be submitted to the Planning and Zoning Division and the Electrical Services Division of the Public Works Agency for review and approval. All lighting shall be architecturally integrated into the site.

e), f), g), and h): No solar collectors or buildings designed for passive solar heating or equipped with photovoltaic or solar hot water collectors were observed in the project vicinity to the north or east of the site, where the added height of the buildings or proposed landscape trees could shade solar collectors. Thus the impact pertaining to landscape- or building-induced shadow effects on existing solar collectors or buildings using passive solar heat would be less than significant.

Similarly, there are no public or quasi-public parks, lawns, gardens, or open spaces in the immediate project vicinity that would be adversely affected by new shadows generated by the proposed project. Nor are there any historical resources, as defined by CEQA in the project vicinity. Therefore, new shadow generated by the proposed project would not materially impair any resource's historic significance and would result in no impact.

i): The parking and loading variances requested by the proposed project do not conflict with the policies and regulations of the General Plan, Planning Code, or Building Code. The project plans call for an increased setback along the northern boundary, adjacent to residential development, compared to the existing conditions.

j): The wind hazard criterion is not applicable because the project would not exceed 100 feet in height and is not located downtown or near a water body.

References:

California Department of Transportation, *The California Scenic Highway System*,

City of Oakland, Oakland *General Plan, Land Use and Transportation Element (LUTE)*, June 1998, as amended.

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

City of Oakland, Planning and Zoning Division, *Standard Conditions of Approval and Uniformly Applied Development Standards* (Revised September 17, 2008)

Project Plans, 2009.

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

Discussion:

a), b), and c): There is no agricultural or farmland in the vicinity of the project. The site is in commercial use and designated for commercial use in Oakland's General Plan and Zoning Ordinance. The project would have no impact on agricultural resources.

References:

City of Oakland, Oakland *General Plan, Land Use and Transportation Element (LUTE)*, June 1998, as amended.

City of Oakland, Municipal Code Chapter 17 (Zoning Ordinance), Chapter 17.48.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant with Development Standards	Less Than Significant Impact	No Impact
III. AIR QUALITY—Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?	■	☐	☐	☐	☐
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	■	☐	☐	☐	☐
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	■	☐	☐	☐	☐
d) Expose sensitive receptors to substantial pollutant concentrations?	■	☐	☐	☐	☐
e) Frequently create substantial objectionable odors affecting a substantial number of people?	☐	☐	☐	■	☐

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant with Development Standards	Less Than Significant Impact	No Impact
f) Contribute to CO concentrations exceeding the State AAQS of 9 ppm averaged over 8 hours and 20 ppm for 1 hour. Pursuant to BAAQMD, localized carbon monoxide concentrations should be estimated for projects in which (1) vehicle emissions of CO would exceed 550 lb/day; (2) intersections or roadway links would decline to LOS E or F; (3) intersections operating at LOS E or F will have reduced LOS; or (4) traffic volume increase on nearby roadways by 10% or more unless the increase in traffic volume is less than 100 vehicles per hour?	■	☐	☐	☐	☐
g) Result in total emissions of ROG, NOx, or PM10 of 15 tons per year or greater, or 80 pounds (36 kilograms) per day or greater? The Port of Oakland maintains PM 10 and PM2.5 monitoring stations in West Oakland and data from these stations should be obtained and used.	■	☐	☐	☐	☐
h) Result in potential to expose persons to substantial levels of Toxic Air Contaminants (TAC), such that the probability of contracting cancer for the Maximally Exposed Individual (MEI) exceeds 10 in one million?	■	☐	☐	☐	☐
i) Result in ground level concentrations of non-carcinogenic TACs such that the Hazard Index would be greater than 1 for the MEI?	■	☐	☐	☐	☐
j) Result in a substantial increase in diesel emissions?	■	☐	☐	☐	☐
k) A project's contribution to cumulative impacts is considered "considerable" (i.e., significant) when the project results in any individually significant impact; or	■	☐	☐	☐	☐
1) Result in a fundamental conflict with the local general plan, when the general plan is consistent with the regional air quality plan? When the general plan fundamentally conflicts with the regional air quality plan, then if the contribution of the proposed project is cumulatively considerable when analyzed the impact to air quality should be considered significant.	■	☐	☐	☐	☐
m) Result in significant greenhouse gas emissions and Global Climate Change Impacts	■	☐	☐	☐	☐

Discussion:

a), b), c), and d): The entire San Francisco Bay Area is designated "non-attainment" for state one-hour ozone and federal 8-hour ozone standard and is also designated "non-attainment" for the state particulate matter (PM_{10} and $PM_{2.5}$) standards. The potential air quality impacts from the demolition of the existing buildings on the site and the construction of operation of the project will be evaluated in the EIR.

e): The proposed project would not result in the creation of an odor emitting source as identified in the BAAQMD CEQA Guidelines. No significant odors potentially affecting a significant number of people are projected.

f): Increased vehicle trips from the project would affect localized carbon monoxide (CO) concentrations at nearby intersections. Although CO levels have been declining for a number of years due to improved vehicle emission controls and are expected to do so in the future, the effect of increases in traffic generated by the project would need to be studied in the EIR.

g): The proposed project involves the development of a 50,400-square-foot grocery supermarket plus 11,572 square feet of additional retail space. Since the project would replace an existing supermarket and gas station, the net increase in retail space, and associated traffic generation, would be much lower. However, the BAAQMD CEQA Guidelines indicate that a supermarket of 24,000 square feet or larger may generate 80 lbs./day of NOX. Since the net increase in retail space would exceed this threshold, the project's potential air quality impacts will be addressed in the EIR.

h), i), and j): The project is not expected to result in the construction of any new stationary sources of emissions with potential toxic air contaminate components. However, diesel powered delivery trucks will continue to be used to make deliveries to the site, and diesel emissions will be released in conjunction with this activity. The potential impacts of these emissions and any other toxic air contaminants will be addressed in the EIR.

k), l), and m): The projects potential cumulative impacts and potentially significant emissions of greenhouse gas emission will be addressed in the air quality section of the EIR.

References:

Bay Area Air Quality Management District, *Bay Area 2005 Ozone Strategy*, January 2006.

Bay Area Air Quality Management District, *Assessing Air Quality Impacts of Projects and Plans*, December 1999.

California Air Resources Board, *2004 Revisions to the California State Implementation Plan for Carbon Monoxide*, July, 2004.

Project Plans, 2009.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant with Development Standards	Less Than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES—Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	■	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☐	■

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant with Development Standards	Less Than Significant Impact	No Impact
c) Have a substantial adverse effect on federally protected wetlands (as defined by Section 404 of the Clean Water Act) or state protected wetlands, through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☐	■
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	■	☐	☐
e) Fundamentally conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☐	■
f) Fundamentally conflict with the City of Oakland Tree Preservation and Removal Ordinance (Oakland Municipal Code (OMC) Chapter 12.36) by removal of protected trees under certain circumstances? Factors to be considered in determining significance include: the number, type, size, location and condition of (a) the protected trees to be removed and/or impacted by construction and (b) the protected trees to remain, with special consideration given to native trees.	☐	☐	■	☐	☐
Protected trees include the following: Quercus agrifolia (California or coast live oak) measuring four inches diameter at breast height (dbh) or larger, and any other tree measuring nine inches dbh or larger except eucalyptus and pinus radiata (Monterey pine); provided, however, that Monterey pine trees on City property and in development-related situations where more than five Monterey pine trees per acre are proposed to be removed are considered to be Protected trees.	☐	☐	■	☐	☐
g) Fundamentally conflict with the City of Oakland Creek Protection Ordinance (OMC Chapter 13.16) intended to protect biological resources. Although there are no specific, numeric/quantitative criteria to assess impacts, factors to be considered in determining significance include whether there is substantial degradation of riparian and aquatic habitat through: (a) discharging a substantial amount of pollutants into a creek; (b) significantly modifying the natural flow of the water; (c) depositing substantial amounts of new material into a creek or causing substantial bank erosion or instability; or (d) adversely impacting the riparian corridor by significantly altering vegetation or wildlife habitat?	☐	☐	☐	☐	■

Discussion:

a): The proposed project would be constructed on a developed site with an existing Safeway, gas station and parking lots in the midst of a highly developed urban area. Suitable habitat to support candidate, sensitive or special status species no longer exists within the project locale or surrounding area. The trees

on or near the project site do not contain nests, or nest structures, and there is no evidence of bird-incubating or rearing activity Urban development has caused sensitive species to be replaced with ornamental, non-native landscaping and disturbance-tolerant wildlife, making it unlikely that the proposed project would cause direct or indirect adverse impacts to any endangered, rare, threatened or other special-status species of plants or animals. The project would not result in impacts to bird nests or affect bird nesting, either through direct removal of a tree, or disturbance from site construction noise, or human activity.

b): Riparian habitats are supported by creeks, streams or other waterway systems. There is no riparian habitat on the site, nor are other sensitive natural communities present on the site. No impacts on such resources are projected.

c): The existing paved parking lots and building cover provides no opportunity for wetland hydrology, soils or plants, and any state or federally protected wetland occur within the project boundaries and none would be affected by the project. No impact is projected.

d): The proposed project would not substantially interfere with wildlife movements. The highly urbanized site and surrounding areas accompanied by high levels of human activity act as barriers to terrestrial wildlife movement and the project area lacks natural habitat that could be used as wildlife corridors. Project implementation likely would not interfere with the movement of any resident or migratory bird in or through the area, or contribute to further fragmentation of bird foraging, reproduction, rearing, or perching habitat. In addition, the project will be required to implement the following standard condition of approval.

STANDARD CONDITION BIO-1: Tree Removal During Breeding Season

Prior to the issuance of a tree removal permit

To the extent feasible, removal of any tree and /or vegetation suitable for nesting of raptors shall not occur during the breeding season of March 15 to August 15. If tree removal must occur during the breeding season, all sites shall be surveyed by a qualified biologist to verify the presence or absence of nesting raptors or other birds. Pre-removal surveys shall be conducted within 15 days prior to the start of work from March 15 through May 31, and within 30 days prior to the start of work from June 1 through August 15. The pre-removal surveys shall be submitted to the Planning and Zoning Division and the Tree Services Division of the Public Works Agency. It the survey indicates the potential presence of nesting raptors or other birds, the biologist shall determine an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged. The size of the nest buffer will be determined by the biologist in consultation with the CDFG, and will be base to a large extent on the nesting species and its sensitivity to disturbance. In general, buffer sizes of 200 feet for raptors and 50 feet for other birds should suffice to prevent the disturbance to birds nesting in the urban environment, but these may be increased or decreased, as appropriate, depending on the bird species and level of disturbance anticipated near the nest.

Positive survey results will require protection measures defined in consultation with the California Department of Fish and Game (CDFG). Because tree removal would preface other construction activities,

compliance with Standard Condition BIO-1 is sufficient to protect nesting birds. The project impacts would be less than significance with the incorporation of Standard Condition BIO-1.

e): No Habitat Conservation Plans or Natural Community Conservation Plans apply to the project area, and the project would not impact them.

f): The proposed project would not fundamentally conflict with the Oakland Tree Protection Ordinance (Oakland Municipal Code, Chapter 12.36). The site is paved or covered with buildings and is in a highly urbanized area. There are a total of 21 landscape trees on the site, all of which are located around the site perimeter, adjacent to the sidewalks on College and Claremont Avenues. The project plans call for the planting of 43 replacement trees, of which 16 would be planted along the College and Claremont frontages, 24 would be planted in the 10-foot-wide landscape buffer adjacent to the residential development on the north side of the site and three would be planted in the pedestrian "walk street" near the intersection of College and Claremont Avenues.

The Tree Protection Ordinance requires a tree removal permit for any tree with a diameter (measured at breast height – DBH) of 9 inches or larger. Six of the existing trees are large enough to fall under the Tree Ordinance. The largest has a DBH of 13 inches. The trees that would require a tree removal permit, as set out in Standard Condition BIO-2, below, include three Bottlebrush (c*allistemon rigidis*), two Maytens (m*aytenus boaria*), and one Magnolia (m*agnolia grandiflora*).[1]

STANDARD CONDITION BIO-2: Tree Removal Permit

Prior to issuance of a demolition, grading or building permit

Prior to removal of any protected trees, per the Protected Tree Ordinance, located on the project site or in the public right of way adjacent to the project, the project applicant must secure a tree removal permit from the Tree Division of the Public Works Agency, and abide by the conditions of that permit.

STANDARD CONDITION BIO-3: Tree Protection During Construction

Prior to issuance of a demolition, grading, or building permit

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:

a) 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 City Tree Reviewer. 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.

[1] There is also one Monterey Pine (Pinus Radiata) on the site that is larger than 9 inches. It does not fall under the Tree Protection Ordinance.

b) 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 City Tree Reviewer 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.

c) 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 Tree Reviewer 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 tree reviewer. 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.

d) 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.

e) 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 Agency of such damage. 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.

f) 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.

The project impact related to tree removal and protected trees would be less than significant with the incorporation of Standard Conditions BIO-1, BIO-2, and BIO-3, which are incorporated into the project, and the implementation of the project's landscaping plan, which includes the planting of 43 replacement trees.

g): The project would not conflict with the City of Oakland Creek Protection Ordinance (Oakland Municipal Code Chapter 13.16) as there are no creeks or drainage swales on the site.

References:

Booker Holton, Ph.D, TOVA Applied Sciences, *Nesting Bird Survey, Safeway Shopping Center –at College and Claremont Avenues, Oakland, CA.* October 27, 2009

City of Oakland, Planning and Zoning Division, *Standard Conditions of Approval and Uniformly Applied Development Standards* (Revised September 17, 2008)

City of Oakland, Oakland Municipal Code, Title 12, Chapter 12.36, *Protected Trees*

City of Oakland, Oakland Municipal Code, Title 13, Chapter 13.16, *Creek Protection Ordinance*

Project Plans, 2009.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant with Development Standards	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES—Would the project:					
a) Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines 615064.5. Specifically, a substantial adverse change includes physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the historical resource would be "materially impaired." The significance of an historical resource is "materially impaired" when a project demolishes or materially alters, in an adverse manner, those physical characteristics of the resource that convey its historical significance and that justify its inclusion on, or eligibility for inclusion on an historical resource list (including the California Register of Historical Resources, the National Register of Historical Resources, Local Register, or historical resources survey form (DPR Form 523) with a rating of 1-5)?	☐	☐	☐	☐	■
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	■	☐	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	■	☐	☐
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	■	☐	☐

Discussion:

a): The existing Safeway Store and gas station that would be demolished are not listed on, or believed to be eligible for listing on, the applicable local, State or National registers of historic resources. No historic district will be affected by the project. No impact on historic resources is projected.

b): Although the site has been excavated, graded and paved in the past, there is a potential that unidentified, buried archaeological resources could be encountered, during construction of the proposed project, which would involve more extensive excavation than previous development on the site. The disturbance of any such resources that may be unearthed could cause a substantial adverse change to the

significance of such resources, resulting in a significant impact. Implementation of the following standard condition, which is incorporated into the project, would reduce the impact from potential discovery of subsurface cultural resources to a less-than-significant level.

STANDARD CONDITION CUL-1

Ongoing throughout demolition, grading and construction

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

In considering any suggested measure proposed by the consulting archaeologist in order to mitigate impacts to historical resources or unique archaeological resources, the project applicant shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. Work may proceed on other parts of the project site while measures for mitigation for historic resources or unique archaeological resources are carried out.

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

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

Significant fossil records can be made even in areas of supposed low sensitivity, and could result from the excavation activities related to the proposed project, resulting in a significant effect, and implementation of the following standard condition, which is incorporated into the project, would reduce the impact form potential discovery of paleontological resource to less than significant.

STANDARD CONDITION CUL-2

Ongoing throughout demolition, grading and/or construction

In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards. The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The Plan shall be submitted to the City for review and approval.

d): No evidence exists to indicate that burials or any large prehistoric or historic occupation existed within the project area. While it is unlikely that human remains would be encountered during project construction, the potential exists. In the event of the accidental discovery of any human remains, including those interred outside of formal cemeteries, during project construction, the project would be required to implement and comply with the following standard condition of approval. Implementation of the following standard condition, which is incorporated into the project, would reduce the impact from accidental discovery of human remains to a less-than-significant level.

STANDARD CONDITION CUL-3

Ongoing throughout demolition, grading and/or construction

In the event that human skeletal remains are uncovered at the project site during construction of ground-breaking activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.

References:

City of Oakland, *Oakland General Plan, Historic Preservation, An Element of the Oakland General Plan*, updated 2005.

CEQA Guidelines, Section 15064.5.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant with Development Standards	Less Than Significant Impact	No Impact
VI. GEOLOGY AND SOILS—Would the project:					
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	☐	☐	☐	■	☐
ii) Strong seismic ground shaking?	☐	☐	☐	■	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	■	☐
iv) Landslides?	☐	☐	☐	■	☐
b) Result in substantial soil erosion or the loss of topsoil, creating substantial risks to life, property, or creek/waterways?	☐	☐	■	☐	☐
c) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994, as it may be revised), creating substantial risks to life or property?	☐	☐	☐	■	☐
d) Be located above a well, pit, swamp, mound, tank vault, or unmarked sewer line, creating substantial risks to life or property?	☐	☐	☐	☐	■
e) Be located above landfills for which there is no approved closure and post-closure plan, or unknown fill soils, creating substantial risks to life or property?	☐	☐	☐	☐	■
f) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☐	■

Discussion:

a)(i): The project site is not located within a Fault-Rupture Hazard Zone as designated by the Alquist-Priolo Earthquake Fault Zoning Act of 1972, and no known active faults have been mapped on or in the immediate vicinity. The closest active fault is the Hayward fault, located approximately 0.8 miles east.

Other notable active faults include the San Andreas fault (15 miles southwest), the Calaveras fault (14 miles east), and the Rodgers Creek fault (19 miles north). As the site is not located on an active or potentially active fault, potential for surface fault rupture is low and the impact is considered less than significant.

a)(ii): The San Francisco Bay Area is considered a seismically-active region. The project site is located in an area subject to "violent" groundshaking (Modified Mercalli Intensity IX) from a major earthquake along the Hayward Fault, according to the Association of Bay Area Governments (ABAG). Groundshaking can result in significant structural damage or structural failure in the absence of appropriate seismic design.

Although ground shaking at the subject site would be substantial during a large earthquake on the Hayward Fault and could be considerable during an earthquake on other Bay Area faults, compliance with the California Building Code, and building code requirements set forth by the City of Oakland, would reduce the seismic hazard so that people would not be exposed to substantial injury and death or property would not undergo significant loss. While building codes assume that some damage will occur during an earthquake, they are designed to prevent loss of life and limb and reduce the potential of structural collapse. The 1997 Uniform Building Code (UBC) locates the entire Bay Area within Seismic Risk Zone 4. Of the four seismic risk zones, Zone 4 is expected to experience the greatest effects from earthquake ground shaking and, therefore, has the most stringent requirements for seismic design. The proposed project would be required to comply with the geotechnical and seismic design criteria required for construction in Zone 4 of the UBC and California Building Code (Title 24). Furthermore, the project sponsor would be required to submit an engineering analysis accompanied by detailed engineering drawings to the City of Oakland Building Service Division prior to excavation, grading or construction activities on the site. This is consistent with standard City of Oakland practices to ensure that all buildings are designed and built in conformance with the seismic requirements of the City of Oakland Building Code. The required engineering analysis includes drawings and details of relevant grading and /or construction activities on the project site to address constraints and ensure the recommendations identified in the geotechnical investigation are implemented. These required submittals ensure that buildings are designed and constructed in conformance with the requirements of all applicable building code regulations, pursuant to standard City procedures. The project will be required to comply with building code provisions for structural design and construction in high earthquake hazard areas, which would ensure that ground shaking effects at the project site remains less than significant

a)(iii): Seismic shaking can also trigger secondary ground-failures caused by liquefaction. Liquefaction is a process by which saturated granular soils, such as sands, behave like a dense fluid when subjected to prolonged shaking during an earthquake. Seismic hazard mapping prepared by the United States Geological Service, indicates that the project site is located in an area with a low risk of liquefaction, and this is confirmed by a site-specific geotechnical investigation that found sufficient clays below the groundwater level to replace the potential for liquefaction. Accordingly, the potential is low for liquefaction and therefore, the impact would be less than significant.

a)(iv): The project site is relatively level and is not located on or adjacent to a hillside. In addition, the project site is not located within an area designated by the California Division of Mines and Geology

(CDMG) Seismic Hazards Mapping Act as a "Seismic Hazard Zone" for earthquake-induced landslides. Thus, no potential landslide related impacts are projected for this project.

b): Virtually the entire project site is currently paved or covered with structures, and the proposed project will develop the entire project site. Earthwork activities associated with construction activities would excavate and disturb subsurface soils throughout the site. To minimize wind or water erosion on the site during construction activities that involve earthwork, the applicant shall be required, in accordance with standard City practices, to submit a construction-period erosion control plan to the Building Services Division for approval prior to the issuance of grading and building permits, consistent with standard City practices. The plan shall be in effect for a period of time sufficient to stabilize the construction site throughout all phases of the project. Long-term erosion potential shall be addressed through the installation of project landscaping and storm drainage facilities, both of which shall be designed to meet applicable regulations. These requirements are embedded in the following uniformly-applied standard condition of approval, which is incorporated into the project, implementation of which will ensure the project impact is less than significant.

STANDARD CONDITION GEO-1: (Grading Permit)

Prior to any grading activities

The project applicant shall obtain a grading permit, if required by the Oakland Grading Regulations, pursuant to Section 15.04.780 of the Oakland Municipal Code. The grading permit application shall include an erosion and sedimentation control plan for review and approval by the Building Services Division. 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 onto lands of adjacent property owners, public streets, or to creeks as a result of conditions created by grading 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 Director of Development or designee. 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.

Ongoing throughout grading and construction activities

The project applicant shall implement the approved erosion and sedimentation plan. No grading shall occur during the wet weather season (October 15 through April 15) unless specifically authorized in writing by the Building Services Division.

c): The soils beneath the site consist of clay, clayey sands or clayey gravels with high shrink-swell potential, and that will be highly expansive when moistened. The design level engineering analysis, noted

above under criteria a)(i.) through a)(iv), would include a detailed geotechnical investigation to support the engineering of the foundations, parking garages, and other excavated, subsurface, features of the project. This analysis, as required by the City, will determine the appropriate foundation system to mitigate the unstable soils. In accordance with standard City practices, and in conformance with current codes and regulations, the project sponsor shall be required to submit detailed engineering drawings and materials to the Building Services Division prior to excavation, grading or construction on the site. This measure will ensure that the building is designed and built in conformance with the requirements of the City of Oakland Building Code and the applicable provisions of the CBC. Therefore, the proposed project would not result in substantial risks to life or property due to unstable or expansive soil and the potential impacts associated with these conditions are less than significant.

d) and e): The project site is not located on a site subject to the conditions identified under criteria d) or e), nor is it located on a current or former landfill. Therefore, the potential impact is less than significant.

f): The proposed project will connect to the existing central sewer system, which provides wastewater collection service for the City of Oakland. Therefore, the project will not require septic tanks or alternative wastewater disposal systems and the project will have no impact from such conditions.

References:

Association of Bay Area Governments (ABAG), *Earthquake Intensity Map for East Oakland from the North and South Hayward Fault Segments*, 2005.

Kleinfelder, *Geotechnical Investigation Safeway Replacement Store #2870*, July 23, 2007

State of California, Division of Mines and Geology, *Alquist-Priolo Fault Rupture Hazard Zone Map (Oakland East Quadrangle),* 1982.

State of California, Division of Mines and Geology, *Seismic Hazard Maps, Oakland East Quadrangle*, 2003.

United States Geological Service, *Liquefaction Hazard Map of Alameda, Berkeley, Emeryville, Oakland and Piedmont, California*, Open File Report 02-296, 2002.

Project Plans, 2009.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant with Development Standards	Less Than Significant Impact	No Impact
VII. HAZARDS AND HAZARDOUS MATERIALS— Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	■	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	■	☐	☐

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant with Development Standards	Less Than Significant Impact	No Impact
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	■	☐	☐
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment?	☐	☐	■	☐	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, and would result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☐	■
f) Be located within the vicinity of a private airstrip, and would result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☐	■
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	■	☐
h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	■	☐

Discussion:

a), b), c), and d): The proposed project would involve the removal of a gasoline station, the operation of which routinely involves the transport, use storage and disposal of hazardous materials, and its replacement with an enlarged grocery store and eight retail commercial spaces, the occupants of which are unknown at this time. Currently, the Safeway Store maintains a registration for transporting up to 0.4 tons of organic wastes to a local transfer station. There are also permitted aluminum, glass and plastic recycling facilities on the site. It is likely that these permits and facilities would be retained and the permits would be continued or renewed with the new store. With the closing of the gasoline station, however, the transport, storage and use of highly flammable petroleum products on the site would be substantially eliminated, and the project's potential impact to the public would be reduced, relative to existing conditions.

A Phase I and Screening Level Phase II Environmental Assessment Report on the Safeway store parcel found no evidence of environmentally hazardous conditions on that parcel.

The 76 Station site has two gasoline underground storagetanks (USTs) -a15,000-gallon regular unleaded gasoline UST and a 12,000 gallon super unleaded gasoline UST. The USTs were installed in 1997 as replacements for pre-existing gasoline USTs. The property also has two hydraulic hoists located in the service bays . There were two 12,000-gallon unleaded gasoline USTs that were removed in March 1997.

Approximately 516 tons of soil was excavated as part of the UST removal. Three groundwater monitoring wells were installed at the site and were sampled quarterly from August 2000 to March 2007.

A Phase I and Screening Level Phase II Environmental Assessment Report on the 76 Station parcel completed five soil borings. Evidence of the presence of *Recognized Enviromental Conditions* was found and the project would need to implement the conditions of approval listed below. An asbestos report was conducted for the Safeway Store. Based on the visual inspection, sampling and laboratory analysis, asbestos containing materials (ACMs) were found in floor tiles, drywall and joint tape compounds, exterior stucco, roof cements, transite wall panels, and thermal system insulation. The ACMs will be removed using regulatory abatement practices for asbestos as part of the standard conditions of approval.

During the demolition of existing facilities and the construction of the project, it is likely that there would be a need to store and use limited quantities of hazardous materials such as fuels, oils, hydraulic fluids, paints, etc. If not handled properly, these materials could be released through upset and accidental conditions, potentially affecting the health and safety of workers, the public or the environment by contaminating subsurface soils and groundwater. However, with implementation of the standard condition of approval, below, which is incorporated into the project, the project impact would be less than significant.

The grocery store and typical small retail tenants would be expected to routinely use small quantities of common cleaning products, sanitizers, paints and other miscellaneous products for the cleaning and maintenance of their buildings, and potentially, small quantities of pesticides and fertilizers for the care of on-site landscaping. The potential impacts from the transport, storage and use of such materials in small quantities would be less than significant.

The project site is approximately ¼ mile from the parochial school on Alcatraz Avenue near Colby Street. Similar to the potential impacts from the transport, storage and use of hazardous materials related to the demolition of existing buildings, construction and operation of the project would not pose a significant hazard to the public found adjacent to the site, the potential impacts on the children at the nearby school would be less than significant due to the safety measures required by the federal, state, and local jurisdictions and incorporated into the operation of the project.

The Union 76 Station is found on the Government Code list of hazardous materials sites (Cortese List), and environmental database records indicate that one or more leaking underground storage tanks (LUST) have been identified on the site in the past, and remediation efforts have been initiated. Groundwater monitoring wells were installed on the site and MTBE was detected in one of the wells. In addition, public records note that there are two other LUST sites near the project (The Shell gas station at 6039 College and the Blood Bank of America site at 6230 Claremont).

Given the history of one or more leaking underground storage tanks and MTBE detection in a monitoring well, the project will be required to implement and comply with the following uniformly-applied standard condition of approval and implementing recommendations that make the potential adverse impacts of exposing workers, the public or the environment to significant hazards, less than significant:

STANDARD CONDITION HAZ-1: Hazards Best Management Practices

Prior to commencement of demolition, grading or construction

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

a) Follow manufacturer's recommendations on 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) Ensure that construction would not have a significant impact on the environment or pose a substantial health risk to construction workers and the occupants of the proposed development. Soil sampling and chemical analyses of samples shall be performed to determine the extent of potential contamination beneath all UST's, elevator shafts, clarifiers, and subsurface hydraulic lifts when on-site demolition, or construction activities would potentially affect a particular development or building.

f) If soil, groundwater or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the 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 notification of regulatory agency(ies) and implementation of the actions described in Standard Conditions of Approval 50 and 52, 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.

STANDARD CONDITION HAZ-2: Site Review by the Fire Services Division

Prior to the issuance of demolition, grading or building permit

The project applicant shall submit plans for site review and approval to the Fire Prevention Bureau Hazardous Materials Unit. Property owner may be required to obtain or perform a Phase II hazard assessment.

STANDARD CONDITION HAZ-3: Phase I and/or Phase II Reports

Prior to issuance of a demolition, grading, or building permit

Prior to issuance of demolition, grading, or building permits the project applicant shall submit to the Fire Prevention Bureau, Hazardous Materials Unit, a Phase I environmental site assessment

report, and a Phase II report if warranted by the Phase I report for the project site. The reports shall make recommendations for remedial action, if appropriate, and should be signed by a Registered Environmental Assessor, Professional Geologist, or Professional Engineer.

STANDARD CONDITION HAZ-4: Lead-Based Paint/Coatings, Asbestos, or PCB Occurrence Assessment

Prior to issuance of any demolition, grading or building permit

The project applicant shall submit a comprehensive assessment report to the Fire Prevention Bureau, Hazardous Materials Unit, signed by a qualified environmental professional, documenting the presence or lack thereof of asbestos-containing materials (ACM), lead-based paint, and any other building materials or stored materials classified as hazardous waste by State or federal law.

STANDARD CONDITION HAZ-5: Lead-based Paint Remediation

Prior to issuance of any demolition, grading or building permit

If lead-based paint is present, the project applicant shall submit specifications to the Fire Prevention Bureau, Hazardous Materials Unit signed by a certified Lead Supervisor, Project Monitor, or Project Designer for the stabilization and/or removal of the identified lead paint in accordance with all applicable laws and regulations, including but not necessarily limited to: Cal/OSHA's Construction Lead Standard, 8 CCR1532.1 and DHS regulation 17 CCR Sections 35001 through 36100, as may be amended.

STANDARD CONDITION HAZ-6: Other Materials Classified as Hazardous Waste

Prior to issuance of any demolition, grading or building permit

If other materials classified as hazardous waste by State or federal law are present, the project applicant shall submit written confirmation to Fire Prevention Bureau, Hazardous Materials Unit that all State and federal laws and regulations shall be followed when profiling, handling, treating, transporting and/or disposing of such materials.

STANDARD CONDITION HAZ-7: Health and Safety Plan per Assessment

Prior to issuance of any demolition, grading or building permit

If the required lead-based paint/coatings, asbestos, or PCB assessment finds presence of such materials, the project applicant shall create and implement a health and safety plan to protect workers from risks associated with hazardous materials during demolition, renovation of affected structures, and transport and disposal.

STANDARD CONDITION HAZ-8: Best Management Practices for Soil and Groundwater Hazards

Ongoing throughout demolition, grading, and construction activities

The project applicant shall implement all of the following Best Management Practices (BMPs) regarding potential soil and groundwater hazards.

a) Soil generated by construction activities shall be stockpiled onsite 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 agencies laws, in particular, the Regional Water Quality Control Board (RWQCB) and/or the Alameda County Department of Environmental Health (ACDEH) and policies of the City of Oakland.

b) Groundwater pumped from the subsurface shall be contained onsite 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 of the City of Oakland, the RWQCB and/or the ACDEH. Engineering controls shall be utilized, which include impermeable barriers to prohibit groundwater and vapor intrusion into the building (pursuant to the Standard Condition of Approval regarding Radon or Vapor Intrusion from Soil and Groundwater Sources

c) Prior to issuance of any demolition, grading, or building permit, the applicant shall submit for review and approval by the City of Oakland, written verification that the appropriate federal, state or county oversight authorities, including but not limited to the RWQCB and/or the ACDEH, have granted all required clearances and confirmed that the all applicable standards, regulations and conditions for all previous contamination at the site. The applicant also shall provide evidence from the City's Fire Department, Office of Emergency Services, indicating compliance with the Standard Condition of Approval requiring a Site Review by the Fire Services Division pursuant to City Ordinance No. 12323, and compliance with the Standard Condition of Approval requiring a Phase I and/or Phase II Reports.

STANDARD CONDITION HAZ-9: Radon or Vapor Intrusion from Soil or Groundwater Sources

Ongoing

The project applicant shall submit documentation to determine whether radon or vapor intrusion from the groundwater and soil is located on-site as part of the Phase I documents. The Phase I analysis shall be submitted to the Fire Prevention Bureau, Hazardous Materials Unit, for review and approval, along with a Phase II report if warranted by the Phase I report for the project site. The reports shall make recommendations for remedial action, if appropriate, and should be signed by a Registered Environmental Assessor, Professional Geologist, or Professional Engineer. Applicant shall implement the approved recommendations.

STANDARD CONDITION HAZ–10: Environmental Site Assessment Reports Remediation

Prior to issuance of a demolition, grading, or building permit

If the environmental site assessment reports recommend remedial action, the project applicant shall:

1) Consult with the appropriate local, State, and federal environmental regulatory agencies to ensure sufficient minimization of risk to human health and environmental resources, both during and after construction, posed by soil contamination, groundwater contamination, or other surface hazards including, but not limited to, underground storage tanks, fuel distribution lines, waste pits and sumps.

2) Obtain and submit written evidence of approval for any remedial action if required by a local, State, or federal environmental regulatory agency.

3) Submit a copy of all applicable documentation required by local, State, and federal environmental regulatory agencies, including but not limited to: permit applications, Phase I and II environmental site assessments, human health and ecological risk assessments, remedial action plans, risk management plans, soil management plans, and groundwater management plans.

e) and f): The project is not located within two miles of a public airport, and there are no private airstrips in the vicinity. The closest public airport is the Oakland International Airport located about nine miles south of the project site. Therefore, the project would not result in any significant airport related safety hazards for people working at or visiting the project.

g): The proposed project would not significantly interfere with emergency response plans or evacuation plans, based on the City of Oakland's 1993 Multi-Hazard functional Plan ("City Emergency Plan"). The City of Oakland Fire Services Agency (Fire Department) is responsible for first response in an emergency. During construction, standard notification procedures required by the City are designed to ensure that the Fire Department is notified if construction traffic will block any city streets. Specifically, the job site supervisor is required to call the Fire Department's dispatch center any day construction vehicles will partially or completely block a city street during the construction process. Additionally, any proposed changes to existing vehicular accesses to city streets, such as the proposed changes in driveway configurations, will involve review and approval by the Fire Department to ensure adequate emergency access. Therefore, given the required compliance with the City's notification requirements, the project would not interfere with the implementation of emergency response plans or evacuation plans, nor adversely affect the City's response and operational procedures in the event of a large scale disaster or emergency. The project impact will be less than significant.

h): The project site is located in a developed urban area and not located adjacent to open areas where wildland fires will occur. Any new structures built on the site would be required to comply with all applicable Fire Code and fire suppression systems, as routinely required by the City. Therefore, the

proposed project would have a less-than-significant impact related to exposing people or structures to wildland fires.

References:

City of Oakland, *Draft Multi-Hazard Functional Plan*, 1993

EDR, *EDR Radius Map with Geocheck, 76 Station, 6201 Claremo*nt Ave. Oakland, CA, November 13, 2007

GeoTrans, *Phase I and Screening Level Phase II Environmental Assessment Report, Safeway Store #2870*, June 29, 2007.

GeoTrans, *Phase I and Screening Level Phase II Environmental Assessment Report, 76 Service Station #0018*, January 3, 2008

Kleinfelder, *Geotechnical Investigation Safeway Replacement Store #2870*, July 23, 2007

Monte Deignan & Associates Certified Asbestos Consultant, Environmental Survey for Renovation, Safeway Store 687/2870 and 6310 College Avenue, Oakland, July 24, 2007.

Project Plans, 2009.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant with Development Standards	Less Than Significant Impact	No Impact
VIII. HYDROLOGY AND WATER QUALITY— Would the project:					
a) Violate any water quality standards or waste discharge requirements?	☐	☐	■	☐	☐
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☐	■
c) Result in substantial erosion or siltation on- or off-site that would affect the quality of receiving waters?	☐	☐	■	☐	☐
d) Result in substantial flooding on- or off-site?	☐	☐	■	☐	☐
e) Create or contribute substantial runoff which would exceed the capacity of existing or planned stormwater drainage systems?	☐	☐	■	☐	☐
f) Create or contribute substantial runoff which would be an additional source of polluted runoff?	☐	☐	■	☐	☐
g) Otherwise substantially degrade water quality?	☐	☐	■	☐	☐

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant with Development Standards	Less Than Significant Impact	No Impact
h) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other authoritative flood hazard delineation map, that would impede or redirect flood flows?	☐	☐	☐	☐	■
i) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	☐	☐	☐	☐	■
j) Expose people or structures to a significant risk of loss, injury or death involving flooding?	☐	☐	☐	☐	■
k) Result in inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☐	■
1) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course, or increasing the rate or amount of flow, of a Creek, river or stream in a manner that would result in substantial erosion, siltation, or flooding, both on-or off-site?	☐	☐	☐	■	☐
m) Fundamentally conflict with elements of the City of Oakland Creek Protection (OMC Chapter 13.16) ordinance intended to protect hydrologic resources. Although there are no specific, numeric/quantitative criteria to assess impacts, factors to be considered in determining significance include whether there is substantial degradation of water quality through (a) discharging a substantial amount of pollutants into a creek; (b) significantly modifying the natural flow of the water or capacity; (c) depositing substantial amounts of new material into a creek or causing substantial bank erosion or instability; or (d) substantially endangering public or private property or threatening public health or safety?	☐	☐	☐	☐	■

Discussion:

a): Hazardous materials associated with construction activities are likely to involve minor quantities of paint, solvents, oil and grease, and petroleum hydrocarbons. Best Management Practices (BMPs) would be implemented during storage and use of hazardous materials at the project site as required under City of Oakland and Alameda County stormwater quality regulations. Implementation of BMPs would ensure potential impacts to groundwater quality and stormwater runoff associated with spills or leaks of hazardous materials used routinely during construction activities are less than significant.

The depth to groundwater at the site is approximately 20 feet (Kleinfelder), generally equivalent to elevation 185 while the maximum depth of excavation for the foundation footings and sub-drains is not planned to go lower than elevation 195. Accordingly, it is not expected that major dewatering systems will be required during construction or that intermittent pumping during high groundwater periods would be necessary. Temporary dewatering could be required if perched water is encountered or unseasonable rain occurs when excavation is underway.

Following completion of construction, the application of pesticides and herbicides related to landscape maintenance would be potential sources of polluted stormwater runoff. However, on-site landscaping would be minimal, and the proposed project would not require a significant use of pesticides or herbicides. The proposed project would also be required to comply with the City of Oakland and Alameda County stormwater quality protection requirements. Potential water quality impacts associated with the proposed project during operation are therefore considered less than significant.

In accordance with standard City practices, the project sponsor shall be required to comply with all applicable regulatory standards and regulations pertaining to potential contaminants and to project-related grading and excavation prior to issuance of grading and building permits. These requirements are embedded in the following uniformly-applied standard condition of approval that will apply to the project. Therefore, with the incorporation of Standard Conditions HYD-1 to HYD-7, the potential for impacts from potential violations of water quality standards would be less than significant.

STANDARD CONDITION HYD-1: Post-Construction Stormwater Pollution Management Plan (http://www.cleanwaterprogram.com)

Prior to issuance of building permit (or other construction-related permit)

The applicant shall comply with the requirements of Provision C.3 of the National Pollutant Discharge Elimination System (NPDES) permit issued to the Alameda Countywide Clean Water Program. The applicant shall submit with the application for a building permit (or other construction-related permit) a completed Stormwater Supplemental Form for the Building Services Division. The project drawings submitted for the building permit (or other construction-related permit) shall contain a stormwater pollution management plan, for review and approval by the City, to limit the discharge of pollutants in stormwater after construction of the project to the maximum extent practicable.

The post-construction stormwater pollution management plan shall include and identify the following:

- All proposed impervious surface on the site;
- Anticipated directional flows of on-site stormwater runoff; and
- Site design measures to reduce the amount of impervious surface area and directly connected impervious surfaces; and
- Source control measures to limit the potential for stormwater pollution; and
- Stormwater treatment measures to remove pollutants from stormwater runoff.

The following additional information shall be submitted with the post-construction stormwater pollution management plan:

- Detailed hydraulic sizing calculations for each stormwater treatment measure proposed; and
- Pollutant removal information demonstrating that any proposed manufactured/mechanical (i.e., non-landscape-based) stormwater treatment measure, when not used in combination

with a landscape-based treatment measure, is capable or removing the range of pollutants typically removed by landscape-based treatment measures.

All proposed stormwater treatment measures shall incorporate appropriate planting materials for stormwater treatment (for landscape-based treatment measures) and shall be designed with considerations for vector/mosquito control. Proposed planting materials for all proposed landscape-based stormwater treatment measures shall be included on the landscape and irrigation plan for the project. The applicant is not required to include on-site stormwater treatment measures in the post-construction stormwater pollution management plan if he or she secures approval from Planning and Zoning of a proposal that demonstrates compliance with the *requirements of the City's Alternative Compliance Program.*

Prior to final permit inspection

The applicant shall implement the approved stormwater pollution management plan.

STANDARD CONDITION HYD-2: Stormwater Pollution Prevention Plan (SWPPP)

Prior to and ongoing throughout demolition, grading, and/or construction activities

The project applicant must obtain coverage under the General Construction Activity Storm Water Permit (General Construction Permit) issued by the State Water Resources Control Board (SWRCB). The project applicant must file a notice of intent (NOI) with the SWRCB. The project applicant will be required to prepare a stormwater pollution prevention plan (SWPPP) and submit the plan for review and approval by the Building Services Division. At a minimum, the SWPPP shall include a description of construction materials, practices, and equipment storage and maintenance; a list of pollutants likely to contact stormwater; site-specific erosion and sedimentation control practices; a list of provisions to eliminate or reduce discharge of materials to stormwater; Best Management Practices (BMPs), and an inspection and monitoring program. Prior to the issuance of any construction-related permits, the project applicant shall submit to the Building Services Division a copy of the SWPPP and evidence of submittal of the NOI to the SWRCB. Implementation of the SWPPP shall start with the commencement of construction and continue though the completion of the project. After construction is completed, the project applicant shall submit a notice of termination to the SWRCB.

STANDARD CONDITION HYD-3: Maintenance Agreement for Stormwater Treatment Measures

Prior to final zoning inspection

For projects incorporating stormwater treatment measures, the applicant shall enter into the "Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement," in accordance with Provision C.3.e of the NPDES permit, which provides, in part, for the following:

- The 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

- 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 agreement shall be recorded at the County Recorder's Office at the applicant's expense.

b): The project would be connected to the East Bay Municipal Utilities District water system, and would not be drawing from local groundwater. Today, the project site is almost entirely covered with impermeable surfaces, primarily paved parking and commercial structures. With the project, the area of impermeable surfaces covering the ground would be somewhat decreased, primarily due to the creation of a 10-foot-wide landscaped setback along the site's northern boundary. This would result in modest increases in groundwater recharge, relative to the existing conditions. No adverse groundwater impacts are projected.

c): Project construction would involve demolition, clearing, grading, excavation and the construction of new structures, and virtually all of the site's surface area and near-surface soils would be disturbed during construction. Exposed soils and any stockpiling of loose soils could lead to water-induced erosion in the event of rainfall and sedimentation in runoff, if not properly protected. Since the earthwork and grading activities would result in the disturbance of more than one acre of land, the project would be subject to the National Pollutant Discharge Elimination System (NPDES) General Construction Activities Stormwater Permit requirements. According to the NPDES permit, the project applicant will be required to develop and submit a site-specific Storm Water Pollution Prevention Plan (SWPPP). The SWPPP will include a description of appropriate Best Management Practices (BMPs) that minimize the discharge of pollutants for the site. Construction contractor(s) are responsible for implementation of the SWPPP, which includes maintenance, inspection, and repair of erosion and sediment control measures and water quality BMPs throughout the construction period; and they are also responsible for the maintenance of all protective devices in good and effective condition. In addition, the project will be required to implement and comply with the following uniformly applied standard conditions of approval. Therefore, the potential impacts related to erosion and sedimentation would be considered less than significant.

The project shall comply with the following standard condition, which is incorporated into the project:

STANDARD CONDITION HYD-4: Erosion and Sedimentation Control Plan

Prior to any grading activities

1) The project applicant shall obtain a grading permit if required by the Oakland Grading Regulations pursuant to Section 15.04.780 of the Oakland Municipal Code. The grading permit application shall include an erosion and sedimentation control plan. 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 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 Director of Development or designee. 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.

Ongoing throughout grading and construction activities

2) The project applicant shall implement the approved erosion and sedimentation plan. No grading shall occur during the wet weather season (October 15 through April 15) unless specifically authorized in writing by the Building Services Division.

The project would need to implement measures for stormwater management to limit pollution due to stormwater runoff.

STANDARD CONDITION HYD-5: Site Design Measures for Post-Construction Stormwater Management

Prior to issuance of building permit (or other construction-related permit)

The project drawings submitted for a building permit (or other construction-related permit) shall contain a final site plan to be reviewed and approved by Planning and Zoning. The final site plan shall incorporate appropriate site design measures to manage stormwater runoff and minimize impacts to water quality after the construction of the project. These measures may include, but are not limited to, the following:

1) Minimize impervious surfaces, especially directly connected impervious surfaces;
2) Utilize permeable paving in place of impervious paving where appropriate;
3) Cluster buildings;
4) Preserve quality open space; and
5) Establish vegetated buffer areas.

Ongoing

The approved plan shall be implemented and the site design measures shown on the plan shall be permanently maintained.

STANDARD CONDITION HYD-6: Source Control Measures to Limit Stormwater Pollution

Prior to issuance of building permit (or other construction-related permit)

The applicant shall implement and maintain all structural source control measures imposed by the Chief of Building Services to limit the generation, discharge, and runoff of stormwater pollution.

Ongoing

The applicant, or his or her successor, shall implement all operational Best Management Practices (BMPs) imposed by the Chief of Building Services to limit the generation, discharge, and runoff of stormwater pollution.

d), e), f), and g): The proposed project would result in a small decrease in the area of impervious surfaces covering the site, primarily due to the addition of a 10-foot-wide landscaped setback along the site's northern boundary. The net decrease in impermeable surfaces would cause a slight reduction in stormwater runoff relative to existing conditions, which would result in a less-than-significant impact. **[**.

As part of the City's uniformly-applied standard conditions, the applicant will be required to design a stormwater system by a registered civil engineer to accommodate the proposed project. The project would be connected to the City of Oakland's storm drain system, and would not be expected to substantially alter the existing drainage pattern on the site, nor would it be expected to result in substantial flooding on- or off-site. The following condition of approval has been incorporated into the project, and will ensure the project impact is less than significant.

STANDARD CONDITION HYD-7: Stormwater and Sewer

Prior to completing the final design for the project's sewer service

Confirmation of the capacity of the City's surrounding stormwater and sanitary sewer system and state of repair shall be completed by a qualified civil engineer with funding from the project applicant. The project applicant shall be responsible for the necessary stormwater and sanitary sewer infrastructure improvements to accommodate the proposed project. In addition, the applicant shall be required to pay additional fees to improve sanitary sewer infrastructure if required by the City. Improvements to the existing sanitary sewer collection system shall specifically include, but are not limited to, mechanisms to control or minimize increases in infiltration/inflow to offset sanitary sewer increases associated with the proposed project. To the maximum extent practicable, the applicant will be required to implement Best Management Practices to reduce the peak stormwater runoff from the project site. Additionally, the project applicant shall be responsible for payment of the required installation or hook-up fees to the affected service providers.

The project would not violate any water quality standards or waster discharage requirements, would not depelete groundwater supplies, result in substantial erosion or flooding, and would not create or contirubte substantial runoff that would exceed the capacity of the sotrmwater drainage or be an additional source of polluted runoff. The project would not substantially degrade water quality.

h), i), and j): The project site is outside the 100- and 500-year flood zones, as shown on the Federal Emergency Management Agency Flood Insurance Rate Maps. Therefore, the proposed project would not expose people or structures to a significant risk of loss, injury or death involving flooding, nor would it involve the erection of structures with the potential to impede or redirect flood flows. Finally, the project does not involve housing and would not construct housing in a flood plain. Accordingly, the project would have no impacts related to flooding.

k): The project site is over 200 feet above sea level and located well inland from San Francisco Bay. It is not at risk of inundation from tsunami, nor is it as risk from seiche waves, as it is not located on the shores of an inland lake. The potential for mudslides is low due to the gently sloping topography of the area and lack up exposed slopes upland from the site. No impacts from seismic-related flood hazards or unstable slopes are projected.

l): The proposed project would not significantly alter the existing drainage pattern of the site as described above. The impervious surface area would slightly decrease so there would not be an increase in off-site stormwater flow. As described above the project would not result in substantial erosion, siltation, or flooding either on- or off-site. No potential impacts related to the change in drainage patterns of the site are projected.

References:

EDR, *EDR Radius Map with Geocheck, 76 Station, 6201 Claremo*nt Ave. Oakland, CA, November 13, 2007

Federal Emergency Management Administration (FEMA), Flood Insurance Rate Map, Community Panel 0650480015B

Kleinfelder, *Geotechnical Investigation Safeway Replacement Store #2870*, July 23, 2007

Project Plans, 2009.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant with Development Standards	Less Than Significant Impact	No Impact
IX. LAND USE AND PLANNING—Would the project:					
a) Physically divide an established community?	☐	☐	☐	☐	■
b) Result in a fundamental conflict between adjacent or nearby land uses?	☐	☐	☐	☐	■
c) Fundamentally conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect and actually result in a physical change in the environment?	☐	☐	☐	■	☐

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant with Development Standards	Less Than Significant Impact	No Impact
d) Fundamentally conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☐	■

Discussion:

a): The project site is located in an established neighborhood commercial area in urban Oakland. The existing land uses on the site include a Safeway supermarket and a gas station. Land uses in the vicinity of the site include a mix of retail stores, restaurants, banks, gas stations, private homes, apartments and office buildings. The proposed project includes a (larger) Safeway supermarket and eight retail shop spaces, thereby replicating and complimenting the existing mix of commercial uses in the area. It would not divide an established community; rather the proposed uses would provide historical continuity to the existing land use pattern. No impact is projected.

b): As noted the proposed project would continue the dominate land use on the site, and add more commercial storefronts on College Avenue, which is predominately a small-retail commercial street in this area. The greatest potential for land use conflicts occurs along the site's northern boundary, which abuts the back of a street of single-family residential homes. However, the project design is intended to reduce that conflict potential by adding a 10-foot-wide landscape buffer between the Safeway store and parking area, where there is currently no buffer other than property line fencing. Accordingly, no adverse impacts relative to land use conflicts are projected.

c): The project site is located within the C-31 Special Retail Commercial Zone. This zoning district is "intended to create, preserve, and enhance areas with a wide range of retail establishments serving both short- and long-term needs in attractive settings oriented to pedestrian comparison shopping, and is typically appropriate along important shopping streets having a special or particularly pleasant character." The proposed project calls for land uses that are permitted or conditionally permitted in this zoning district (general food sales, alcoholic beverage sales, and enclosed retail spaces), and the design is intended conform with the minimum yard and buffering requirements, and to be sensitive to the use permit criteria established for this zoning district. A variance for the design of the parking and loading facilities has been requested in order to accommodate to the unique triangular shape of the parcel. The project would be required to conform to all of the City's applicable standard conditions of approval and related regulations, and it would not conflict with any applicable land use plan, policy, or regulation of Oakland or other agencies adopted for the purpose of avoiding or mitigating an environmental effect. Accordingly, the project's land use impact would be less than significant.

References:

City of Oakland, Oakland *General Plan, Land Use and Transportation Element (LUTE)*, June 1998, as amended.

City of Oakland, Planning and Zoning Division, *Standard Conditions of Approval and Uniformly Applied Development Standards* (Revised September 17, 2008)

City of Oakland, Oakland Municipal Code, *Title 17, Zoning Regulations; Chapter 17.48 C-31 Special Retail Commercial Zone Regulations,* 2006.

Project Plans, 2009.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant with Development Standards	Less Than Significant Impact	No Impact
X. MINERAL RESOURCES—Would the project:					
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☐	■
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☐	■

Discussion:

a): The project site has a Mineral Land Classification of MRZ-1, "areas where adequate information indicates that no significant mineral deposits are present, or where it is judged that little likelihood exists for their presence." The proposed project would not result in the loss of availability of a known mineral resource that will be of value to the region or the resident of the state. The project would have no impact on mineral resources.

b): There are no locally important mineral resource recovery sites in or around the project site. The proposed project will not result in the loss of availability of a locally important mineral resource recovery site. No impacts are projected.

References:

Stinson, Melvin C., Michael W. Manson, and John J. Plappert. California Department of Conservation, Division of Mines and Geology Special Report 146, *Part II: Mineral Land Classification: Aggregate Materials in the San Francisco- Monterey Bay Area* (1987)

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant with Development Standards	Less Than Significant Impact	No Impact
XI. NOISE—Would the project:					
a) Result in exposure of persons to or generate noise levels in excess of standards established in the Oakland general plan or applicable standards of other agencies (e.g. OSHA)?	■	☐	☐	☐	☐

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant with Development Standards	Less Than Significant Impact	No Impact
b) Violate the City of Oakland Noise Ordinance (Oakland Planning Code Section 17.120.050) regarding operational noise?	■	☐	☐	☐	
c) Violate the City of Oakland Noise Ordinance (Oakland Planning Section 17.120.050) regarding construction noise, except if an acoustical analysis is performed and all noise-related Standard Conditions of Approval imposed: During the hours of 7 p.m. to 7 a.m. on weekdays and 8 p.m. to 9 a.m. on weekends and federal holidays, will noise levels received by any land use from construction or demolition exceed the applicable nighttime operational noise level standard?	■	☐		☐	☐
d) Violate the City of Oakland Noise Ordinance (Oakland Municipal Code Section 8.18.020) regarding nuisance of persistent construction-related noise?	■	☐		☐	☐
e) Create a vibration which is perceptible without instruments by the average person at or beyond any lot line containing vibration- causing activities not associated with motor vehicles, trains, and temporary construction or demolition work, except activities located within the (a) M-40 zone or (b) M-30 zone more than 400 feet from any legally occupied residential property (Oakland Planning Code Section 17.120.060)?	■	☐	☐	☐	☐
f) Generate interior Ldn or CNEL greater than 45 dBA for multi-family dwellings, hotels, motels, dormitories and long-term care facilities (and may be extended by local legislative action to include single-family dwellings) per California Noise Insulation Standards (CCR Part 2, Title 24)?	■	☐		☐	☐
g) Result in a 5dBA permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	■	☐	☐	☐	☐
h) Conflict with state land use compatibility guidelines for all specified land uses for determination of acceptability of noise (Source: State of California, Governor's Office of Planning and Research, General Plan Guidelines, 2003)?	■	☐	☐	☐	☐
i) Be located within an airport land use plan and would expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☐	■
j) Be located within the vicinity of a private airstrip, and would expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☐	■

Discussion:

a), b), c), d), e), f), g), and h): The existing noise environment within the project vicinity will be described in the EIR for this project, based upon 24-hour and short-term noise measurements. Relative noise ordinances and policies will be discussed, as will likely noise levels to be generated by construction and

operation of the project (including deliveries and customer traffic). The potential of noises from these sources to affect sensitive land uses or conflict with the ordinances and policies will be evaluated in the EIR.

i) and j): The project is not located within two miles of a public airport, nor is it in the vicinity of a private airstrip. The nearest public airport is the Oakland International Airport, approximately nine miles south of the project site. People visiting or working at the site would not be adversely affected by airport noise.

References:

City of Oakland, General Plan, *Land Use and Transportation Element*, December 2006.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant with Development Standards	Less Than Significant Impact	No Impact
XII. POPULATION AND HOUSING—Would the project:					
a) Induce substantial population growth in a manner not contemplated in the General Plan either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure), such that additional infrastructure is required but the impacts of such were not previously considered or analyzed?	☐	☐	☐	☐	■
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere in excess of that contained in the City's Housing Element?	☐	☐	☐	☐	■
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere in excess of that contained in the City's Housing Element?	☐	☐	☐	☐	■

a), b), and c): The project involves the redevelopment of an existing commercial site with new commercial buildings. The existing Safeway grocery store would be replaced with a new Safeway store and eight small commercial storefronts, while the existing gas station would be closed. The larger Safeway store is expected to employ approximately 77 more people than the existing store, while the small retail stores are likely to employ more people than does the existing gas station. It is estimated that the net gain in employment would approach 100 – 120 jobs. Considering that the City of Oakland has a population of approximately 425,000 people, expected to grow to 450,000 by 2025, the modest job growth stimulated by the project would be easily absorbed by planned population growth.

Furthermore, considering recent job losses and the region's high unemployment and underemployment rates, which reflect a high demand for new, local jobs, the jobs generated by the project are likely to be taken by workers living in the area. No growth inducing impacts are likely as a result of the project.

There is no housing on the site and none is proposed, so there would be no displacement of homes or of people.

References:

Association of Bay Area Governments (ABAG), *Projections 2007*, December 2006

California Department of Finance, *E-4 Population and Housing Estimates for Cities, Counties and the State, 2001-2009 (with 2000 Benchmark)*, accessed September 2009

City of Oakland, General Plan, *Land Use and Transportation Element*, December 2006.

Safeway, Inc., *Applicant's Statement, Safeway 6310 College Avenue,* August 2009

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant with Development Standards	Less Than Significant Impact	No Impact
XIII. PUBLIC SERVICES—Would the project**:**					
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:					
i) Fire protection?	☐	☐	☐	■	☐
ii) Police protection?	☐	☐	☐	■	☐
iii) Schools?	☐	☐	☐	☐	■
iv) Other public facilities?	☐	☐	☐	■	☐

Discussion:

a)(i): The project site is located in a developed area of Oakland that is already served by public services. Fire and emergency medical response services would be provided by the Oakland Fire Department., which responds to approximately 60,000 calls for service annually, of which about 80% are medical. The nearest fire station is Station 19 located at 5766 Miles Ave. near College Ave., approximately 0.75 miles from the site. In accordance with standard City practices, the proposed project would be designed in compliance with Oakland's Building Code. The Fire Department would review and comment on the project plans prior to the issuance of Building Permit, and would undertake appropriate inspections of the project during construction, in order to ensure that adequate fire and life safety measures are designed into the project, and that it is build in compliance with applicable state and local fire safety requirements.

The existing and proposed uses of the site are all commercial, and implementation of the project would not add a land use that would be inherently more likely to increase the number of calls for service, relative to the existing uses. The project's impact of the Fire Department is projected to be less than significant.

a)(ii): Police protection services would be provided by the Oakland Police Department, headquartered at 455 Seventh Street in downtown Oakland. Because the existing and proposed uses of the site are commercial, it is not expected that the project would result in a marked change in the number of calls for police services, nor would it generate the need for any new or physically-altered police facilities to ensure the provision of adequate police services. No significant adverse impacts on the Police Department are projected.

a)(iii): The Oakland Unified School District (OUSD) operates public schools in the City of Oakland. Because the existing and proposed uses of the site commercial, the site does not, and would not generate any school children, should be project be approved and built, the project would have no impact on Oakland's schools.

a)(iv): See above. As noted the project is located in a developed area of Oakland, and would not substantially change the type of land uses that currently occupy the site. A full range of public services are available on the site and in the neighborhood, and will continue to be available if the project is built. No impacts on other public facilities are projected.

References:

City of Oakland, *General Plan, Land Use and Transportation Element*, December 2006.

City of Oakland, General Plan, *Safety Element,* November 2004.

City of Oakland, Fire Department, website. Accessed September 12, 2009.

Project Plans, 2009.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant with Development Standards	Less Than Significant Impact	No Impact
XIV. RECREATION—Would the project**:**					
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☐	■
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☐	■

Discussion:

a) and b): The project is a commercial project, that will renovate and expand the largest existing commercial use on the site (Safeway) and replace the other major commercial use (gas station) with new commercial uses. The existing and proposed uses generate little or no demand for recreational facilities, and the project would not be expected to have any adverse impact on the City's recreational programs or facilities.

References:

City of Oakland, *General Plan, Open Space, Conservation and Recreation Element*, June 2006.

Project Plans, 2009.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant with Development Standards	Less Than Significant Impact	No Impact
XV. TRANSPORTATION/TRAFFIC—Would the project:					
a) Cause an increase in traffic which is substantial in relation to the traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections), or change the condition of an existing street (i.e., street closures, changing direction of travel) in a manner that would substantially impact access or traffic load capacity of the street system? Specifically:					
i) At a study, signalized intersection which is located outside the Downtown area, the project would cause the level of service (LOS) to degrade to worse than LOS D (i.e., E)?	■	☐	☐	☐	☐
ii) At a study, signalized intersection which is located within the Downtown area, the project would cause the LOS to degrade to worse than LOS E (i.e., F)?	☐	☐	☐	☐	■
iii) At a study, signalized intersection outside the Downtown area where the level of service is LOS E, the project would cause the total intersection average vehicle delay to increase by four (4) or more seconds, or degrade to worse than LOS E (i.e., F)?	■	☐	☐	☐	☐
iv) At a study, signalized intersection for all areas where the level of service is LOS E, the project would cause an increase in the average delay for any of the critical movements of six (6) seconds or more, or degrade to worse than LOS E (i.e., F)?	■	☐	☐	☐	☐
v) At a study, signalized intersection for all areas where the level of service is LOS F, the project would cause (a) the total intersection average vehicle delay to increase by two (2) or more seconds, or (b) an increase in average delay for any of the critical movements of four (4) seconds or more; or (c) the volume-to-capacity ("V/C") ratio exceeds three (3) percent (but only if the delay values cannot be measured accurately)?	■	☐	☐	☐	☐
vi) At a study, unsignalized intersection, the project would add ten (10) or more vehicles and after project completion satisfy the Caltrans peak hour volume warrant?	■	☐	☐	☐	☐

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant with Development Standards	Less Than Significant Impact	No Impact
b) A project's contribution to cumulative impacts is considered "considerable" (i.e., significant) when the project contributes five (5) percent or more of the cumulative traffic increase as measured by the difference between "Existing" conditions and the year 2010/2015 (or Year 2025/2030) with "Project" conditions and results in a substantial increase in traffic. More specifically, the project must contribute five (5) percent or more of the incremental growth and exceed at least one of the intersection-related thresholds listed above in threshold #i through #vii above.[1]	■	☐	☐	☐	☐
c) Cause a roadway segment on the Metropolitan Transportation System to operate at LOS F or increase the V/C ratio by more than three (3) percent for a roadway segment that would operate at LOS F without the project?	■	☐	☐	☐	☐
d) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?	☐	☐	☐	☐	■
e) Substantially increase hazards due to motor vehicles, bicycles, or pedestrians due to a design feature (e.g., sharp curves or dangerous intersections) that does not comply with Caltrans design standards or incompatible uses (e.g., farm equipment)?	■	☐	☐	☐	☐
f) Result in less than two emergency access routes for streets exceeding 600 feet in length?	☐	☐	☐	☐	■
g) Fundamentally conflict with adopted policies, plans, programs supporting alternative transportation (e.g. bus turnouts, bicycle routes)?	■	☐	☐	☐	☐
h) Generate added transit ridership that would:					
i) Increase the average ridership on AC Transit lines by three (3) percent at bus stops where the average load factor with the project in place would exceed 125% over a peak thirty minute period?	■	☐	☐	☐	☐
ii) Increase the peak hour average ridership on BART by three (3) percent where the passenger volume would exceed the standing capacity of BART trains?	☐	☐	☐	■	☐
iii) Increase the peak hour average ridership at a BART station by three (3) percent where average waiting time at fare gates would exceed one minute?	☐	☐	☐	■	☐

[1] Consult with the City of Oakland's Planning and Zoning Division regarding the appropriate Congestion Management Agency model and the short-term and long-term cumulative years.

Discussion:

a)(i), (iii), (iv), (v), and (vi); b); c) and e): The proposed project would involve the construction of a much larger Safeway Store plus additional retail space, and the removal of an existing gas station. In addition, the site would be reconfigured so that the number and location of vehicular entrances as well as the size and location of on-site parking would be modified. These changes could potentially decrease the level of service (LOS) of nearby intersections, and may increase average delay or critical movement delay at signalized or unsignalized intersections, or cause unsignalized intersections to satisfy CalTrans peak hour warrant. Any of these could result in significant traffic impacts, requiring site specific mitigation. Therefore, the EIR will address the project's potential traffic impacts.

The project's potential to create cumulative traffic impacts, as defined in b) above, will also be addressed in the EIR.

a)(ii): The project would not affect any signalized intersections in the Downtown. It would have no impact in this area.

d): The project would have no effect on air traffic patterns. There would be no impact in this area.

f): The project would not create any new streets, or affect the existing street grid in the project area. Both of the existing streets bounding the project site have multiple emergency access options. There would be no impact in this area.

g): Even though the project plans call for more bicycle parking than is required and would provide improved bus stops, alternative transportation issues will be addressed in the EIR, so that the site design features can be reviewed for safety and potential inter-modal conflicts. (Note e), above).

h)(i): The project would generate riders for AC Transit, which provides bus service with convenient stops immediately adjacent to the site. The potential impacts on AC Transit service will be evaluated in the EIR.

h)(ii) and (iii): The project is on the northern edge of the Rockridge Transit District area, although it is approximately 1,950 feet away from the Rockridge BART station. Considering the distance from the BART station and the small number of peak hour riders this type of land use would typically generate, relative to the capacity of the Rockridge Station and the Pittsburg/Bay Point BART line, the project does not have the potential to reach these thresholds for an impact on BART. The BART impacts would be less than significant.

References:

City of Oakland, *General Plan, Land Use and Transportation Element*, December 2006.

The Thomas Guide, *Alameda and Contra Costa Counties, Street Guide*, 2001.

Project Plans, 2009.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant with Development Standards	Less Than Significant Impact	No Impact
XVI. UTILITIES AND SERVICE SYSTEMS—Would the project:					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	■	☐	☐
b) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, construction of which could cause significant environmental effects?	☐	☐	■	☐	☐
c) Exceed water supplies available to serve the project from existing entitlements and resources, and require or result in construction of water facilities or expansion of existing facilities, construction of which could cause significant environmental effects?	☐	☐	☐	■	☐
d) Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the providers' existing commitments and require or result in construction of new wastewater treatment facilities or expansion of existing facilities, construction of which could cause significant environmental effects?	☐	☐	☐	☐	■
e) Be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs and require or result in construction of landfill facilities or expansion of existing facilities, construction of which could cause significant environmental effects?	☐	☐	■	☐	☐
f) Violate applicable federal, state, and local statutes and regulations related to solid waste?	☐	☐	■	☐	☐
g) Violate applicable federal, state and local statutes and regulations relating to energy standards?	☐	☐	☐	☐	■
h) Result in a determination by the energy provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the providers' existing commitments and require or result in construction of new energy facilities or expansion of existing facilities, construction of which could cause significant environmental effects?	☐	☐	☐	☐	■

Discussion:

a) and b): The City of Oakland maintains and operated the subsurface sanitary sewer system that collects wastewater along College and Claremont Avenues and transmits it to the East Bay Municipal Utility District's (EBMUD) wastewater treatment facilities. The wastewater treatment plant, near the Bay Bridge anchorage, has an average dry weather capacity of 168 million gallons per day (mgd), and an average dry weather flow of 80 mgd. During wet weather, the treatment plant has a sustainable primary treatment capacity of 320 mgd and a maximum secondary treatment capacity of 168 mgd. Storage basins provide

plant capacity for a short-term hydraulic peak of 415 mgd. The City's sewer system consists of pipes ranging from 6 to 72 inches in diameter.

The existing development on the site, including the Safeway Store, is connected to the Oakland sewer and contributes to the EBMUD Wastewater Treatment Plant. The proposed project would incrementally increase the existing flows by an incremental amount, although the project does not propose, and is not expected to require, any major replacement or improvement of the existing sanitary sewer lines serving the neighborhood. Nor is it anticipated that the project's incremental increase in sewage generation would exceed the wastewater treatment requirements of the EBMUD treatment plant as established by the RWQCB. The project sponsor will be required to implement Standard Condition UTIL-1, which will require the construction of any necessary sewer infrastructure improvements to accommodate the project. Implementation of Standard Condition UTIL-1, which has been incorporated into the project, would ensure that the project would result in a less-than-significant impact to the wastewater collection system.

Today, the project site is almost entirely paved or covered with buildings. The proposed project would increase the area of pervious surfaces, primarily as a result of the 10-foot-wide landscaped setback along the northern boundary. This would slightly decrease the stormwater discharges from the site into the City's existing storm drain facilities. As required in Standard Condition UTIL-1 and as discussed in Section VIII, Hydrology and Water Quality, the applicant will be required to design a stormwater system by a registered civil engineer to accommodate the proposed project. (See, also, Standard Condition HYD-4). With implementation of these standard conditions, the project impacts to storm drainage facilities will be less than significant.

STANDARD CONDITION UTIL-1 (Stormwater and Sewer)

Prior to completing the final design for the project's sewer service

Confirmation of the capacity of the City's surrounding stormwater and sanitary sewer system and state of repair shall be completed by a qualified civil engineer with funding from the project applicant. The project applicant shall be responsible for the necessary stormwater and sanitary sewer infrastructure improvements to accommodate the proposed project. In addition, the applicant shall be required to pay additional fees to improve sanitary sewer infrastructure if required by the City. Improvements to the existing sanitary sewer collection system shall specifically include, but are not limited to, mechanisms to control or minimize increases in infiltration/inflow to offset sanitary sewer increases associated with the proposed project. To the maximum extent practicable, the applicant will be required to implement Best Management Practices to reduce the peak stormwater runoff from the project site. Additionally, the project applicant shall be responsible for payment of the required installation or hook-up fees to the affected service providers.

c): EBMUD supplies water to nearly 1.3 million people within its estimated 325-square mile service area, including the City of Oakland. EBMUD's network of reservoirs, aqueducts, treatment plants and distribution facilities extends from its principal water sources in the Sierra Nevada. According to EBMUD, between 1987 and 2005 water consumption by EBMUD customers has fluctuated between 220

mgd and 170 mgd. With the implementation of water conservation and recycling programs that are in place and under development, EBMUD estimates that he projected 2025 demand will be 230 mgd.

Since the project involves the redevelopment of a commercial site that is currently served by EBMUD, it would generate only a small incremental addition to EBMUD's water demand—estimated at less than 2,000 gallons per day. This type of urban redevelopment has been considered in EBMUD's future water supply projections, and the nominal increase in demand generated by the project would not adversely affect EBMUD's water supply capacity. No new facilities would need to be constructed as a result of this project, and the project's impact on water supply would be less than significant.

e) and f): Solid waste is collected in the City of Oakland by Waste Management of Alameda County (WMAC), the City's franchise hauler. WMAC collects solid waste from residential commercial and industrial customers and delivers it to the Davis Street Transfer Station in San Leandro. From there it is transferred to larger trucks and hauled to the Altamont Sanitary Landfill in Livermore, which is owned by Waste Management.

The Altamont Landfill is a licensed Class III landfill with a remaining capacity of over 45 million cubic yards. It is currently permitted to operate until 2032. The project would generate tons of solid waste from the demolition and construction work, while operation of the new Safeway store and commercial storefronts would marginally increase the on-going solid waste generation from the operation of the businesses on the site. Standard Condition UTIL-2 would require the implementation of waste reduction and recycling programs during both the construction and operation of the project, reducing the potential solid waste impacts to a less-than-significant level. The implementation of Standard Condition UTIL-2, which has been incorporated into the project, would also bring the project into conformance with State and local regulations that promote effective waste reduction and recycling efforts.

STANDARD CONDITION UTIL - 2: Waste Reduction and Recycling

The project applicant will submit a Construction & Demolition Waste Reduction and Recycling Plan (WRRP) and an Operational Diversion Plan (ODP) for review and approval by the Public Works Agency.

Prior to issuance of demolition, grading, or building permit

Chapter 15.34 of the Oakland Municipal Code outlines requirements for reducing waste and optimizing construction and demolition (C&D) recycling. Affected projects include all new construction, renovations/alterations/modifications with construction values of $50,000 or more (except R-3), and all demolition (including soft demo). The WRRP must specify the methods by which the development will divert C&D debris waste generated by the proposed project from landfill disposal in accordance with current City requirements. Current standards, FAQs, and forms are available at www.oaklandpw.com/Page39.aspx or in the Green Building Resource Center. After approval of the plan, the project applicant shall implement the plan.

Ongoing

The ODP will identify how the project complies with the Recycling Space Allocation Ordinance, (Chapter 17.118 of the Oakland Municipal Code), including capacity

calculations, and specify the methods by which the development will meet the current diversion of solid waste generated by operation of the proposed project from landfill disposal in accordance with current City requirements. The proposed program shall be in implemented and maintained for the duration of the proposed activity or facility. Changes to the plan may be re-submitted to the Environmental Services Division of the Public Works Agency for review and approval. Any incentive programs shall remain fully operational as long as residents and businesses exist at the project site.

g) and h): The project would increase energy consumption at the project site, but not to a degree that would require project construction or expansion of new facilities. The project demand would be typical for a project of this scope and nature, and would be partially offset by the elimination of energy demand from the existing Safeway store and gas station, and their replacement with more energy efficient structures. The new buildings would be required to meet or exceed current state and local codes and standards concerning energy consumption, including Title 24 of the California Code of Regulations enforced by the City through its building permit review process. The project would have a less-than-significant impact regarding energy.

References:

East Bay Municipal Utility District, website, *www.ebmud.com*, accessed September 14, 2009

California Integrated Waste Management website, *www.ciwmb.ca.gov/SWIS/01-AA-0009*

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant with Development Standards	Less Than Significant Impact	No Impact
XVII. MANDATORY FINDINGS OF SIGNIFICANCE					
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☐	☐	■	☐	☐
b) Does the project have impacts that would be individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	■	☐	☐	☐	☐
c) Does the project have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly?	■	☐	☐	☐	☐

a): As noted in Section IV, Biological Resources, the proposed project would be constructed on a developed site with an existing Safeway, gas station and parking lots in the midst of a dense urban area. Suitable habitat to support important plant or animal populations no longer exists within the project locale or surrounding area. The project would have no significant adverse effects on fish or wildlife populations, nor would it affect any rare or endangered plant or animal species. The site does not house any important historic places, and no prehistoric resources are believed to be present. Standard Conditions CULT- 1 through 3 would act to mitigate the cultural resource impacts to as less-than-significant level, should any unexpected archaeological resources be unearthed during construction. Although an EIR will be prepared to address environmental issues requiring further analysis, it is not believed that the project would degrade the quality the environment, after implementation of the listed standard conditions of approval and mitigation measures that would be developed and presented in the EIR.

b): Given the scale of the proposed development and the demand resulting from the expected increase in commercial activity on the site, combined with what may reasonably be anticipated from other, foreseeable, development or redevelopment in the vicinity of the project, the project's incremental effects are not expected to be cumulatively considerable. However, potential cumulative impacts may be identified in the EIR.

c): Many of the potential adverse environmental effects on humans would be reduced to a less-than-significant level through the application of the standard conditions set forth above. This would include potential effects related to seismic stability and hazards and hazardous materials. Potential direct or indirect adverse effects on humans related to air quality, noise and transportation will be addressed in the EIR.
