## Preliminary CEQA Checklist

***For projects with CEQA clearance already established,*** (adopted (mitigated) negative declaration, certified EIR, exemption, etc.) please include documentation confirming that determination in lieu of the checklist below.

**The Checklist:** Prior to staff recommendation to the City Council on the NOFA applications, projects must be shown to meet the requirements of the California Environmental Quality Act (CEQA). This checklist provides guidance to NOFA applicants as to what documents and studies may be required for a CEQA determination for a proposed project.

This checklist and other applicable forms may be downloaded from <https://www.oaklandca.gov/resources/nofa-opportunities>.

Most medium to moderately large projects are likely to qualify for an In-Fill Exemption under CEQA Guidelines Section 15183.3 (See Attachment A for Section 15183.3 Criteria by downloading the Preliminary CEQA Checklist). Where the checklist indicates that studies are needed, the work should be done by a qualifiedconsultant.

**California Senate Bill 35:** For project consideration of a streamlining determination per California Senate Bill 35, please download the *SB 35 Streamlining Checklist* from the City’s website*:* <https://www.oaklandca.gov/resources/nofa-opportunities>.

**Due dates for studies:** Studies required by this checklist are due with the NOFA application. If additional CEQA-related work is required by Oakland Planning staff, it must be submitted to Planning no later than 45 days from the due date of this NOFA; otherwise, the application will be considered withdrawn and will have to be delayed for a future NOFA.

**Planning Pre-applications:** If it appears that additional CEQA work will be required, it is advisable that you contact Planning and Zoning (238-3911) to submit a pre-application as early as possible prior to the NOFA submittal date as the development and review of CEQA related documents may exceed 45 days.

**Preliminary CEQA Checklist**

Project Address**: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Project APN: **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Is the project new construction or rehabilitation? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

If rehabilitation, is the number of units being changed? (explain if yes) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

How many dwelling units are in the proposed project? \_\_\_\_\_\_\_\_\_\_\_

What is the non-residential square footage? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

What is the total square footage of the entire project site? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Is the project site located within a Specific Plan Area? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

If so, which one? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. **Transportation Impact Study (Check all applicable boxes)**
   1. Conflicts with a plan, ordinance, or policy addressing the safety or performance of the circulation system, including transit, roadways, bicycle and pedestrian facilities (except for automobile level of service or other measures of vehicle delay);
   2. Causes substantial additional vehicle miles traveled (per capita, per service population, or other appropriate efficiency measure);

* 1. Substantially induces additional automobile travel by increasing physical roadway capacity in congested areas or by adding new roadways to the network.

1. **Air Quality**
   1. **Toxic Air Contaminants – Particulate Matter and Gaseous Emissions.** Is the project located within 1000 feet of one or more of the following sources? Check box for "Yes," in which case the project is likely to require a health risk analysis and/or project features (e.g., air filters) to reduce health impacts.

*(Information available at the website for the Bay Area Air Quality Management District at www.baaqmd.gov)*

* + 1. Freeway
    2. Roadway with 10,000 or more vehicles per day
    3. Rail line (except BART) with over 30 trains per day
    4. Distribution center that accommodates more than 100 trucks per day, more than 40 trucks with operating refrigeration units per day, or where the refrigeration unit operations exceed 300 hours per week
    5. Major service and maintenance rail or truck yard
    6. The Port of Oakland (seaport and airport)
    7. Ferry Terminal; and
    8. Stationary pollutant source requiring a permit from BAAQMD, including:
       1. Electroplating or chrome plating facility
       2. Dry cleaner using Perchloroethylene
       3. Auto body shop
       4. Diesel generators
  1. **Greenhouse Gases - operations.** The following project types will require an analysis of annual *operational* Greenhouse Gas emissions, to be submitted with the application.
     1. Residential development with 172 units or more
     2. Project does not exceed the above threshold

1. **Historic Resources**

Check if the project site is located within a historic district, or contains a historic building.\_\_\_

*(Historic information can be obtained from the Planning & Zoning Division at (510)238-6879)*

* 1. If so, what is the OCHS (Oakland Cultural Heritage Survey) rating of the building? \_\_\_\_\_\_
  2. If so, is the building proposed for demolition or alteration? \_\_\_\_\_\_
  3. Is there a California Office of Historic Preservation DPR Form 523 with rating of 1 to 5? \_\_\_\_\_\_

Note: Any modification to a historic building will require additional CEQA analysis and may not be eligible for a CEQA exemption.

1. **Hazardous Materials**

Is the subject property located on a State List of sites containing hazardous materials compiled pursuant to Section 65962.5 of the Government Code?\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*(Cortese list, among others; more information can be obtained from California EPA at* [*www.calepa.ca.gov*](http://www.calepa.ca.gov)*)*

* 1. If so, has the site been remediated? \_\_\_\_\_
  2. Is there a “Closure Letter” from the appropriate regulatory Agency? \_\_\_\_\_
  3. If not remediated, is there an *approved* Remedial Action Plan (RAP)? \_\_\_\_\_\_\_\_\_\_
  4. If not, has a RAP been submitted? \_\_\_\_\_\_\_\_\_\_\_\_\_

If a property is on any of these State lists without the site being remediated, or an approved or submitted RAP, it may not be eligible for an exemption under CEQA.

1. **Other –** Is applicant aware of any other environmental conditions/impacts likely to require further CEQA or NEPA review, such as:
   * 1. Sensitive environments, e.g., creeks-wetlands, seismically active areas
     2. Peculiar or unique characteristics of the site, the project, or adjacent uses

If yes, please explain, and provide any consultant analysis available.

**Attachment A**

**CEQA Guidelines §15183.3 - Streamlining for Infill Projects Eligibility**

In January 2013, the Secretary for the California Natural Resources Agency adopted CEQA Guidelines implementing Public Resources Code section 21094.5 and 21094.5.5 (SB 226—Infill Streamlining). According to CEQA Guidelines §15183.3(c), CEQA does not apply to the effects of an eligible infill project under two circumstances.

First, if an effect was addressed as a significant effect in a prior EIR for a planning level decision, then, with some exceptions, that effect need not be analyzed again for an individual infill project even when that effect was not reduced to a less than significant level in the prior EIR.

Second, an effect need not be analyzed, even if it was not analyzed in a prior EIR or is more significant than previously analyzed, if uniformly applicable development policies or standards, adopted by the lead agency or a city or county, apply to the infill project and would substantially mitigate that effect.

Depending on the effects addressed in the prior EIR and the availability of uniformly applicable development policies or standards that apply to the eligible infill project, streamlining under this section will range from a complete exemption to an obligation to prepare a narrowed, project-specific environmental document.

CEQA Guidelines §15183.3 establishes eligibility requirements for projects to qualify as infill projects. To be eligible for the streamlining procedures prescribed in CEQA Guidelines §15183.3, an infill project must meet the requirements shown in Table I-1 below.

| **Table I-I Project Infill Eligibility** | | |
| --- | --- | --- |
| **Eligibility Criteria** | | **Eligible?** |
| **1.** | Be located in an urban area on a site that either has been previously developed or that adjoins existing qualified urban uses on at least seventy-five percent of the site’s perimeter. For the purpose of this subdivision “adjoin” means the infill project is immediately adjacent to qualified urban uses or is only separated from such uses by an improved right-of-way. (CEQA Guidelines §15183.3(b)(1)) | Yes |
| **2.** | Satisfy the performance Standards provided in Appendix M (CEQA Guidelines §15183.3(b)(2)) as presented in 2a and 2b below: |  |
|  | 2a. *Performance Standards Related to Project Design.* All projects must implement **all** of the following: |  |
|  | **Renewable Energy.**  *Non-Residential Projects.* All non-residential projects shall include on-site renewable power generation, such as solar photovoltaic, solar thermal and wind power generation, or clean back-up power supplies, where feasible.  *Residential Projects.* Residential projects are also encouraged to include such on site renewable power generation. | Yes |
|  | **Soil and Water Remediation.**  If the project site is included on any list compiled pursuant to §65962.5 of the Government Code, the project shall document how it has remediated the site, if remediation is completed. Alternatively, the project shall implement the recommendations provided in a preliminary endangerment assessment or comparable document that identifies remediation appropriate for the site. | Yes |
|  | **Residential Units Near High-Volume Roadways and Stationary Sources.**  If a project includes residential units located within 500 feet, or other distance determined to be appropriate by the local agency or air district based on local conditions, of a high volume roadway or other significant sources of air pollution, the project shall comply with any policies and standards identified in the local general plan, specific plan, zoning code or community risk reduction plan for the protection of public health from such sources of air pollution.  If the local government has not adopted such plans or policies, the project shall include measures, such as enhanced air filtration and project design, that the lead agency finds, based on substantial evidence, will promote the protection of public health from sources of air pollution. Those measures may include, among others, the recommendations of the California Air Resources Board, air districts, and the California Air Pollution Control Officers Association. | Yes |
|  | 2b. *Additional Performance Standards by Project Type.* In addition to implementing all the features described in 2a above, the project must meet eligibility requirements provided below by project type.a |  |
|  | **Residential.** A residential project must meet **one** of the following:  A. *Projects achieving below average regional per capita vehicle miles traveled (VMT).* A residential project is eligible if it is located in a "low vehicle travel area" within the region;  B. *Projects located within 1/2 mile of an Existing Major Transit Stop or High Quality Transit Corridor.* A residential project is eligible if it is located within 1/2 mile of an existing major transit stop or an existing stop along a high quality transit corridor; **or**  C. *Low - Income Housing.* A residential or mixed-use project consisting of 300 or fewer residential units all of which are affordable to low income households is eligible if the developer of the development project provides sufficient legal commitments to the lead agency to ensure the continued availability and use of the housing units for lower income households, as defined in Section 50079.5 of the Health and Safety Code, for a period of at least 30 years, at monthly housing costs, as determined pursuant to Section 50053 of the Health and Safety Code. | Yes |
|  | **Commercial/Retail.** A commercial/retail project must meet **one** of the following:  A. *Regional Location.* A commercial project with no single-building floor-plate greater than 50,000 square feet is eligible if it locates in a "low vehicle travel area"; **or**  B. *Proximity to Households.* A project with no single-building floor-plate greater than 50,000 square feet located within 1/2 mile of 1,800 households is eligible. | Yes |
|  | **Office Building.** An office building project must meeting **one** of the following:  A. *Regional Location.* Office buildings, both commercial and public, are eligible if they locate in a low vehicle travel area; **or**  B. *Proximity to a Major Transit Stop.* Office buildings, both commercial and public, within 1/2 mile of an existing major transit stop, or 1/4 mile of an existing stop along a high quality transit corridor, are eligible. | Yes |
|  | **Schools.**  Elementary schools within one mile of fifty percent of the projected student population are eligible. Middle schools and high schools within two miles of fifty percent of the projected student population are eligible. Alternatively, any school within 1/2 mile of an existing major transit stop or an existing stop along a high quality transit corridor is eligible.  Additionally, in order to be eligible, all schools shall provide parking and storage for bicycles and scooters and shall comply with the requirements in Sections 17213, 17213.1 and 17213.2 of the California Education Code. | Yes |
|  | **Transit.**  Transit stations, as defined in Section 15183.3(e)(1), are eligible. | Yes |
|  | **Small Walkable Community Projects.**  Small walkable community projects, as defined in Section 15183.3, subdivision (e)(6), that implement the project features in 2a above are eligible. | Yes |
| **3.** | Be consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy, **except** as provided in CEQA Guidelines §15183.3(b)(3)(A) or (b)(3)(B) below:  (b)(3)(A). Only where an infill project is proposed within the boundaries of a metropolitan planning organization for which a sustainable communities strategy or an alternative planning strategy will be, but is not yet in effect, a residential infill project must have a density of at least 20 units per acre, and a retail or commercial infill project must have a floor area ratio of at least 0.75; **or**  (b)(3)(B). Where an infill project is proposed outside of the boundaries of a metropolitan planning organization, the infill project must meet the definition of a “small walkable community project” in CEQA Guidelines §15183.3(f)(5).  ((CEQA Guidelines §15183.3(b)(3)) | Yes |
| a. Where a project includes some combination of residential, commercial and retail, office building, transit station, and/or schools, the performance standards in this section that apply to the predominant use shall govern the entire project | | |