



U.S. Department of Housing and Urban Development  
451 Seventh Street, SW  
Washington, DC 20410  
[www.hud.gov](http://www.hud.gov)  
[espanol.hud.gov](http://espanol.hud.gov)



## **Environmental Assessment Determinations and Compliance Findings for HUD-assisted Projects 24 CFR Part 58**

Project Identification:	Lake Merritt BART Senior Affordable Housing Project (Building B) 51 – 9th Street Oakland, California 94607
Responsible Entity:	City of Oakland
Preparer:	AECOM Technical Services, Inc.
Month/Year:	May 2024



# Table of Contents

<b>Project Information</b> .....	<b>1</b>
Project Location: .....	2
Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]: .....	2
Proposed Project Components.....	6
Statement of Purpose and Need for the Proposal [40 CFR 1508.9(b)]: .....	16
Existing Conditions and Trends [24 CFR 58.40(a)]:.....	17
<b>Funding Information</b> .....	<b>18</b>
<b>Compliance with 24 CFR 50.4, 58.5, and 58.6 Laws and Authorities</b> .....	<b>19</b>
Airport Hazards .....	19
Coastal Barrier Resources .....	19
Flood Insurance .....	19
Clean Air .....	20
Coastal Zone Management .....	32
Contamination and Toxic Substances .....	32
Endangered Species.....	40
Explosive and Flammable Hazards .....	46
Farmlands Protection.....	46
Floodplain Management.....	47
Historic Preservation .....	47
Noise Abatement and Control .....	55
Sole Source Aquifers.....	66
Wetlands Protection .....	67
Wild and Scenic Rivers .....	67
Environmental Justice .....	67
<b>Environmental Assessment Factors</b> .....	<b>69</b>
Land Development .....	69
Socioeconomic .....	87
Community Facilities and Services .....	96
Natural Features .....	113
Climate and Energy .....	115
Additional Studies Performed: .....	122
<b>Field Inspection (Date and completed by)</b> .....	<b>122</b>



**List of Sources, Agencies and Persons Consulted [40 CFR 1508.9(b)] ..... 122**

**List of Permits Obtained ..... 122**

**Public Outreach [24 CFR 50.23 & 58.43]: ..... 122**

    Cumulative Impact Analysis [24 CFR 58.32] ..... 123

**Alternatives [24 CFR 58.40(e); 40 CFR 1508.9] ..... 124**

**Mitigation Measures and Conditions [40 CFR 1505.2(c)] ..... 125**

**Determination: ..... 152**

## Figures

Figure 1: Project Location ..... 2

Figure 2: Project Site Plan ..... 4

Figure 3: Block 1 Development Phasing Plan ..... 6

Figure 4: Level 1 - Ground Floor Plan ..... 8

Figure 5: Level 2 - Residential Floor Plan ..... 9

Figure 6: Levels 3 – 6 - Typical Residential Floor Plan ..... 10

Figure 7: Level 7 – Residential and Rooftop Deck Floor Plan ..... 11

Figure 8: Building B Renderings ..... 12

Figure 9: Building B Elevation (facing west) relative to the Adjacent BART Tunnel ..... 13

Figure 10: Noise Assessment Locations for Existing Conditions and Proposed Project ..... 58

Figure 11: Minimum STC Ratings for Residential Unit Windows ..... 61

## Tables

Table 1: BAAQMD Air Quality Thresholds of Significance (Project Level) ..... 21

Table 2: Block 1 Average Daily Construction Emissions ..... 22

Table 3: Lake Merritt BART Station Redevelopment Project Average Daily Operational Emissions ..... 23

Table 4: Maximum Health Risks from Construction of the Lake Merritt BART Station Redevelopment Project ..... 24

Table 5: Cumulative Health Risk Impacts for New Receptors ..... 25

Table 6: Historic Built Environment Resources in the APE ..... 48

Table 7: Existing Exterior Noise Levels at Project Site ..... 58

Table 8: Projected Future Noise Levels at Project Site ..... 59

Table 9: Proposed Project Construction Vibration Levels ..... 83

Table 10: Project Residents by Type of Unit ..... 88

Table 11: Minority Communities within the Study Area ..... 92

Table 12: Low-Income Communities within the Study Area ..... 92

Table 13: Analysis of Proposed Action’s Disproportionate Impacts on Environmental Justice Communities ..... 93



**U.S. Department of Housing  
and Urban Development**

451 Seventh Street, SW  
Washington, DC 20410  
[www.hud.gov](http://www.hud.gov)  
[espanol.hud.gov](http://espanol.hud.gov)

## Attachments

- A: Commercial and Military Airport Safety Zones
- B: Coastal Barrier Resources System Units/Coastal Zone Management Areas
- C: FEMA Special Flood Hazard Areas
- D1: Phase I Environmental Site Assessment
- D2: Phase II Environmental Site Assessment
- D3: Corrective Action Plan
- E: USEPA Superfund and CERCLIS Sites
- F: USFWS IPaC Endangered Species and Critical Habitats
- G: Above-Ground Storage Tanks for Explosive and Flammable Hazards Assessment
- H: Important Farmlands
- I: Section 106 Documentation
- J1: HUD Noise Assessment Worksheets
- J2: Noise Waiver
- K: Sole Source Aquifers
- L: USFWS National Wetlands Inventory
- M: Wild and Scenic Rivers
- N: Environmental Justice Assessment
- O1: California Geological Survey Earthquake Zones of Required Investigation
- O2: Geotechnical Investigation Report
- P: NOAA Sea Level Rise



U.S. Department of Housing  
and Urban Development  
451 Seventh Street, SW  
Washington, DC 20410  
[www.hud.gov](http://www.hud.gov)  
[espanol.hud.gov](http://espanol.hud.gov)

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

## Project Information

**Project Name:** Lake Merritt BART Senior Affordable Housing Project  
(Building B)

**Responsible Entity:** City of Oakland  
Planning Department  
250 Frank H. Ogawa Plaza  
Oakland CA 94612

**Grant Recipient**  
(if different than Responsible Entity): City of Oakland  
250 Frank H. Ogawa Plaza  
Oakland, CA 94612

Oakland Housing Authority  
1619 Harrison Street  
Oakland, CA 94612

**State/Local Identifier:** ES24001

**Preparer:** AECOM Technical Services, Inc.

**Certifying Officer Name and Title:** William Gilchrist, Director of Planning & Building

**Direct Comments to:** Heather Klein, Planner IV  
City of Oakland  
Planning Department  
250 Frank H. Ogawa Plaza  
Oakland CA 94612  
(510) 238-3659  
[hklein@oakland.ca.gov](mailto:hklein@oakland.ca.gov)

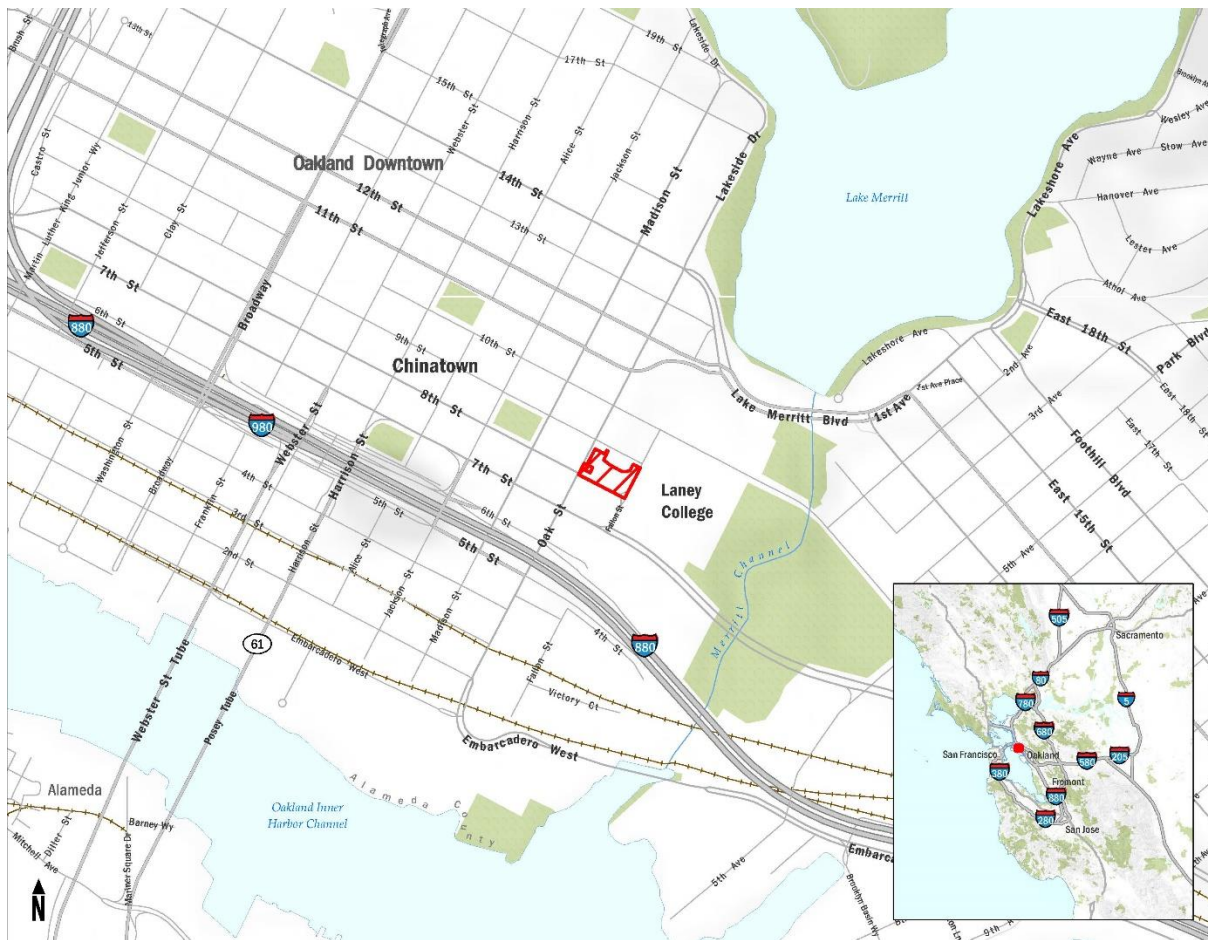
**Consultant** (if applicable): AECOM Technical Services, Inc.  
300 Lakeside Drive, Suite 400  
Oakland, CA 94612



**Project Location:**

The project site is at 51 9th Street and bounded by Fallon Street to the east, 8th Street to the south, Oak Street to the west, and 9th Street to the north on part of a single parcel (Assessor’s Parcel Number (001-0169-001)). The project site would occupy much of the 1.38-acre city block. Oakland Downtown is west of the project site which is located in Oakland Chinatown. The project site and local vicinity are shown in Figure 1.

**Figure 1: Project Location**



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

***Proposed Project Background***

In 2014, the City of Oakland adopted a specific plan for the Lake Merritt Station Area Plan (LMSAP).<sup>1</sup> The plan, prepared jointly by the City, the San Francisco Bay Area Rapid Transit District (BART), Peralta Community College District, and other community stakeholders, covered a half-mile around the Lake Merritt BART Station. It was initiated to identify desired land uses, development intensities, circulation, and design recommendations that would promote high-intensity, mixed-use development and

<sup>1</sup> City of Oakland, BART, and the Peralta Community College District. 2014 (December). Lake Merritt Station Area Plan – A Specific Plan for the Area Around the Lake Merritt BART Station.





enhance the area’s livability. A companion report on design guidelines was produced and adopted at the same time (Design Guidelines). The specific plan identified a number of opportunity sites, so designated because they represented areas most likely to be redeveloped into higher intensity uses that could be transit supportive and contribute to the area’s vitality.

BART-owned properties on two blocks adjacent to the Lake Merritt BART Station to the east and south were recognized as opportunity sites. The development potential for the block to the east, used for BART parking and station entrances/exits, was estimated to accommodate 384 housing units and 30,000 square feet of retail uses. The development potential for the block to the south, currently occupied by the Metro Center public service/government office building, was estimated to accommodate 202 residential units, 144,000 net new square feet of office space, and 30,000 square feet of retail uses. The potential physical environmental changes that would result from the area plan, inclusive of these BART-owned opportunity sites, were evaluated in an Environmental Impact Report (EIR), in accordance with the California Environmental Quality Act.

In 2018, BART issued a Request for Proposals for the redevelopment of its two blocks as a transit-oriented development and selected the East Bay Asian Local Development Corporation (EBALDC), partnered with the Strada Investment Group, to develop the two blocks.

#### Planned Unit Development and Preliminary Development Plan

In May 2021 the City of Oakland (City) Planning Commission approved a Preliminary Development Plan (or PDP) for a Planned Unit Development permit (PUD), for the Lake Merritt BART Transit-Oriented Development (TOD), also referred to as the Lake Merritt BART Station Redevelopment Project; a major conditional use permit; a minor variance for off-street loading; and a Vesting Tentative Tract Map No. 8560 and 8577 (Case File No. PLN2038, PLN20038-ER01, PLN20108; Lake Merritt BART TOD Project). The PDP and PUD permit for the two-block TOD redevelopment project would consist of a high-density mix of market-rate and affordable residential housing, office and community space; ground-floor retail, and restaurant; a childcare center; a new public open space; and public space improvements. Each block is approximately 1.38 acres. Block 1 is located at 51 9<sup>th</sup> Street, bounded by Fallon, 8<sup>th</sup>, Oak, and 9<sup>th</sup> Streets. Block 2 is located at 107 8<sup>th</sup> Street, bounded by Oak, 7<sup>th</sup>, Madison, and 8<sup>th</sup> Streets.

The entire redevelopment would include a total of four new buildings that would contain 557 residential units (223 affordable units); approximately 500,000 square feet of administrative office commercial activity; approximately 16,5000 square feet of ground-floor commercial; 2,000 square feet of custom manufacturing commercial kitchen activity; 6,200 square feet for a childcare center; and a total of 408 parking spaces. The four new buildings, identified as Buildings A through D, are shown in Figure 2, and would be east and south of the Lake Merritt BART Station. The BART station entrances/exits and a bus shelter on the west side of Block 1 along Oak Street and a stairwell and vent structure on the east side of the block along Fallon Street would remain as-is.

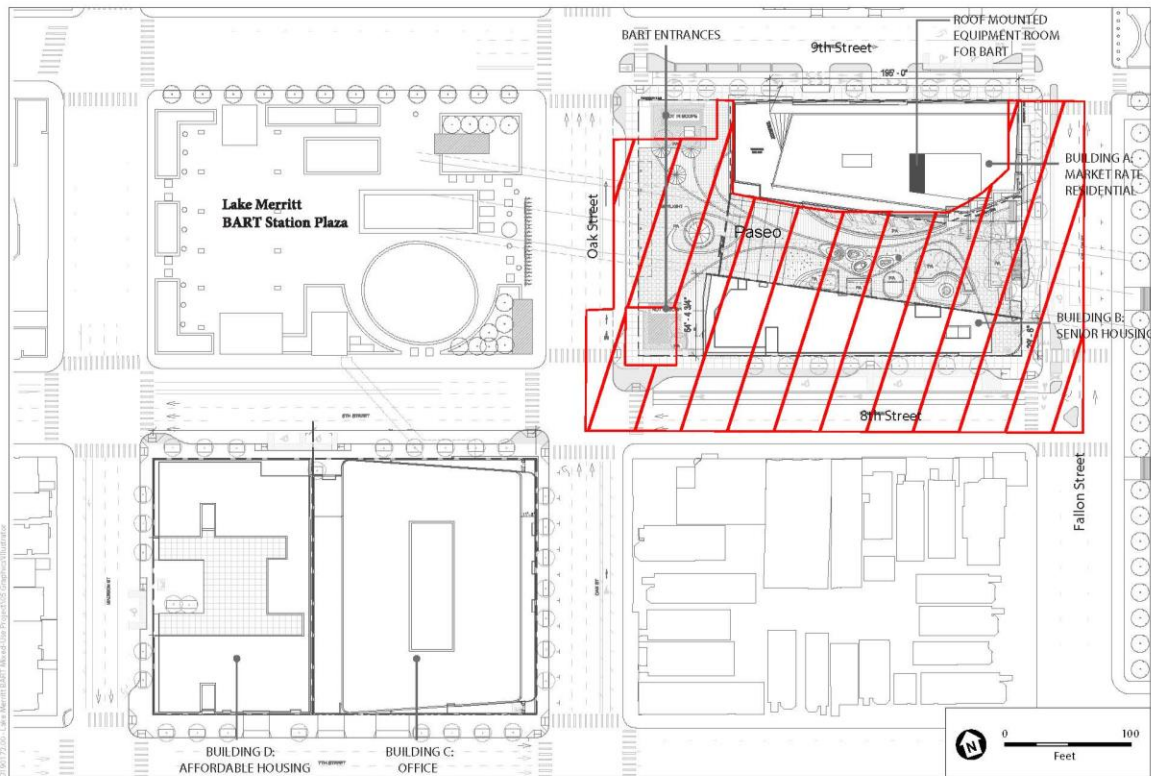
#### Final Development Plans and Horizontal Improvements

The Final Development Plan (FDP) for the first phase of improvements at Block 1 was approved unanimously by the City Planning Commission on July 20, 2022. This approval included the “vertical” FDP for Building B – the 97-unit, 100 percent senior affordable housing development (Case File Number PLN2018-PUDF01, 51-9<sup>th</sup> Street, subject to project conditions of approval). The Planning Commission also affirmed staff’s environmental determination that the 2021 Lake Merritt BART Station Redevelopment Project CEQA Checklist (also herein referred to as the 2021 CEQA Checklist) did not identify new or substantially more severe significant impacts reported in prior environmental documents for the area, including the 2014 LMSAP EIR. The size, height, and uses of Building B were found to be



fully consistent with the LMSAP<sup>2</sup> development assumptions, the General Plan land use designation and zoning for the site, and the overall Lake Merritt BART TOD PUD permit.

**Figure 2: Project Site Plan**



SOURCE: BKF, 2021

The City Planning Commission also approved the “horizontal improvements” at the same hearing the associated for Blocks 1 and 2 (Case File Number PLN2018-PUDFDP-02, Horizontal Improvements). This horizontal FDP memorialized a plan for the phasing of project improvements at both Block 1 and Block 2, as described below./

As part of this overall TOD redevelopment project, redevelopment of the two blocks would occur in two phases with four development areas as described below:

- Phase 1 - Block 1 would be subdivided into three lots:
  - Phase 1.1 - Building B: an 85-foot-tall mid-rise, 97 units of affordable housing, 3,000 square feet of ground-floor commercial space, with 0 parking spaces and occupy Lot 2.
  - Phase 1.1 – The paseo, a pedestrian-friendly, approximately 16,300-square-foot connection between Laney College and the Lake Merritt BART Station, as well as a public open space area furnished with lights, seating, tables and chairs, and public art.

<sup>2</sup> The LMSAP is a Specific Plan for the roughly one-half mile radius around the Lake Merritt BART Station in Downtown Oakland. Over the next 25 years the Plan looks to add 4,900 new housing units, 4,100 new jobs, 404,000 square feet of additional retail, and 1,229,000 square feet of office uses to this neighborhood.





The paseo is intended to be an active area with a food court and an “outdoor room” for people to gather with active building frontages to its north and south. Approximately 80 percent of the paseo would be constructed north of Building B during this subphase on Lot 3, which would be above the BART underground station.

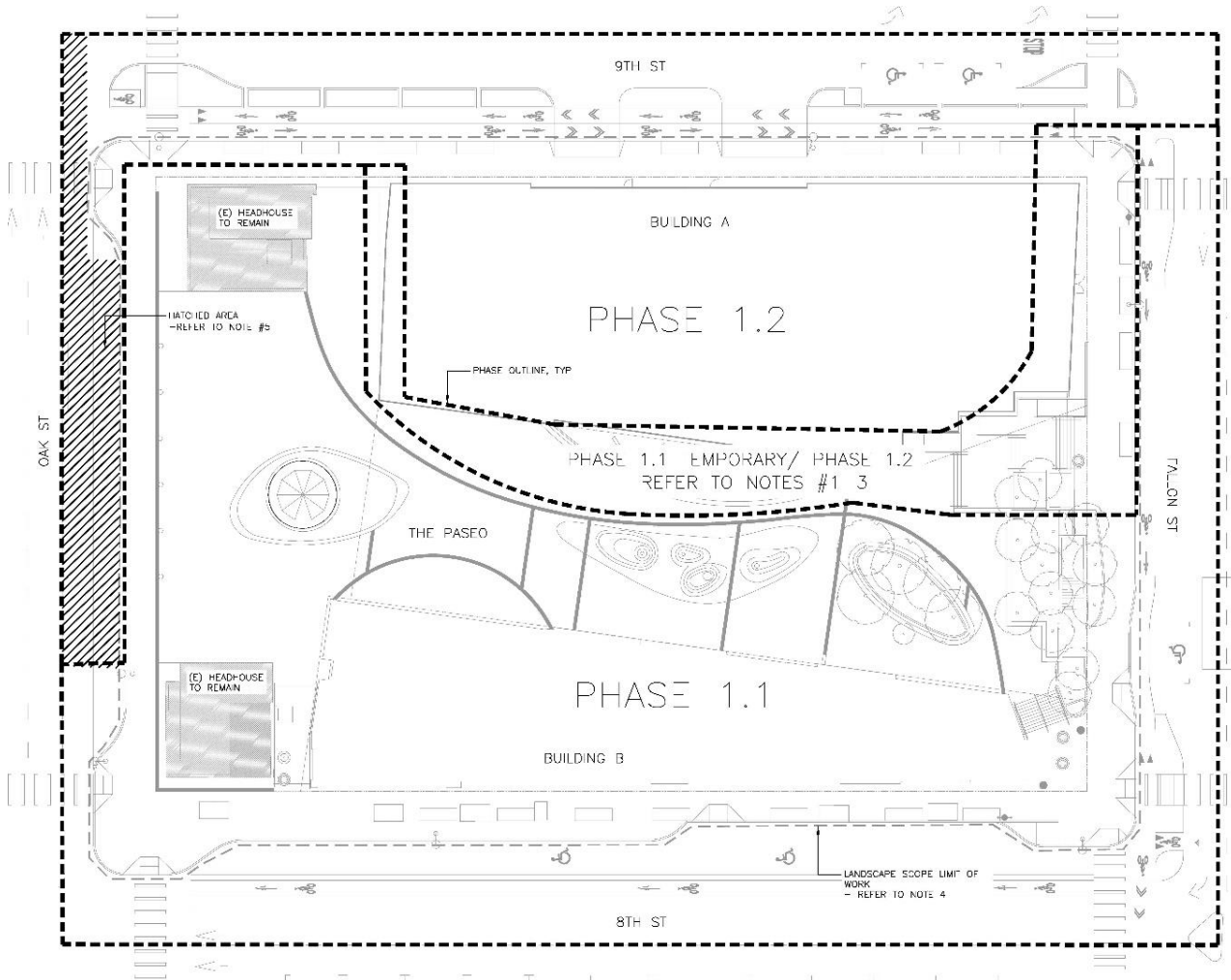
- Phase 1.1 – A temporary area on Lot 3 represents the remaining 20 percent of the paseo will serve as access to the existing BART surface parking lot
- Phase 1.1 – Horizontal improvements in accordance with the FDP (described further below), to include intersection improvements, crosswalks, sidewalk improvements, landscaping, a buffered bicycle lane, bus stops, and utility improvements on three sides of Block 1: along Fallon and 8<sup>th</sup> Streets and a portion of Oak Street.
- Phase 1.2 - Building A: a 275-foot-tall tower, 360 residential units, including 4,500 square feet of ground-floor commercial, and 105 parking spaces would be constructed on the approximately 19,300-square-foot Lot 1.
- Phase 1.2 - Demolition of the temporary area and completion of the paseo on Lot 2.
- Phase 1.2 – Horizontal improvements in accordance with the Final Development Plan along 9<sup>th</sup> Street and most of Oak Street.
- Phase 2 - Block 2:
  - Building C: a 275-foot-tall tower, 500,000 square feet of office space, 11,000 square feet of ground-floor commercial, and 254 parking spaces
  - Building D: a 85-foot-tall mid-rise, 100 units of affordable housing, 6,200 square feet for a childcare center, and 49 parking spaces

The phasing plan for the Lake Merritt TOD Project is illustrated in Figure 3. The segment of Oak Street with the diagonal lines would be street and sidewalk improvements to be completed by the City.

The subject of this Environmental Assessment (EA) is the Building B Senior Affordable Housing project, for which federal Moving to Work funding is requested. The project applicant for this affordable housing project is EBALDC. The proposed project would include public realm improvements (e.g., streets, sidewalks, crosswalks, and bicycle facilities), along the streets adjacent to Building B. The proposed project would be the affordable housing anchor for the larger multi-phase, multi-block TOD, in partnership with Strada Investment Group and BART, which would strengthen the existing neighborhood with an extensive suite of community benefits. Although the paseo would be developed and funded separately from Building B, it is included as part of the project for aggregation purposes.



**Figure 3: Block 1 Development Phasing Plan**



### BART Board Approval

In September 2022, the BART Board of Directors (as underlying landowners) approved the redevelopment development project as described above. The BART Board's approval came after the City of Oakland's approval of the Lake Merritt BART TOD PUD permit, PDP, and FDP for Building B (Affordable Mid-Rise) and Horizontal Improvements.

### **Proposed Project Components**

The proposed project consists of three components: Building B, the senior affordable housing building; a paseo that would provide a publicly accessible east/west corridor through the middle of Block 1; and public realm improvements along the sidewalks and streets of three sides of Block 1. Building B and the paseo combined would occupy 0.92 acre of the 1.38-acre Block 1. These three components are described in greater detail below.



## ***Building B***

The proposed project would construct a new 7-story, approximately 85-foot tall, 79,318-square-foot building on the southern portion of the existing 1.38-acre parcel that is currently a surface parking for the Lake Merritt BART Station. The proposed Building B footprint would occupy approximately 11,633 square feet, or 0.26 acre. The mixed-use residential and retail building would be developed with approximately 97 units of affordable housing, targeted for senior households (55+), as well as special needs and formerly homeless households, with Area Median Incomes (AMIs) ranging from 30% –60% AMI. The residential units would be on the floors 2 through 7, accommodating a total of 22 studios, 70 one-bedroom, and 5 two-bedroom units, of which 44 would be reserved for special needs and homeless populations. Based on guidelines provided by HUD, the maximum number of residents appropriate to multi-family unit dwellings is two persons per bedroom, plus one per unit. The total occupancy of the proposed project would be 279 residents.

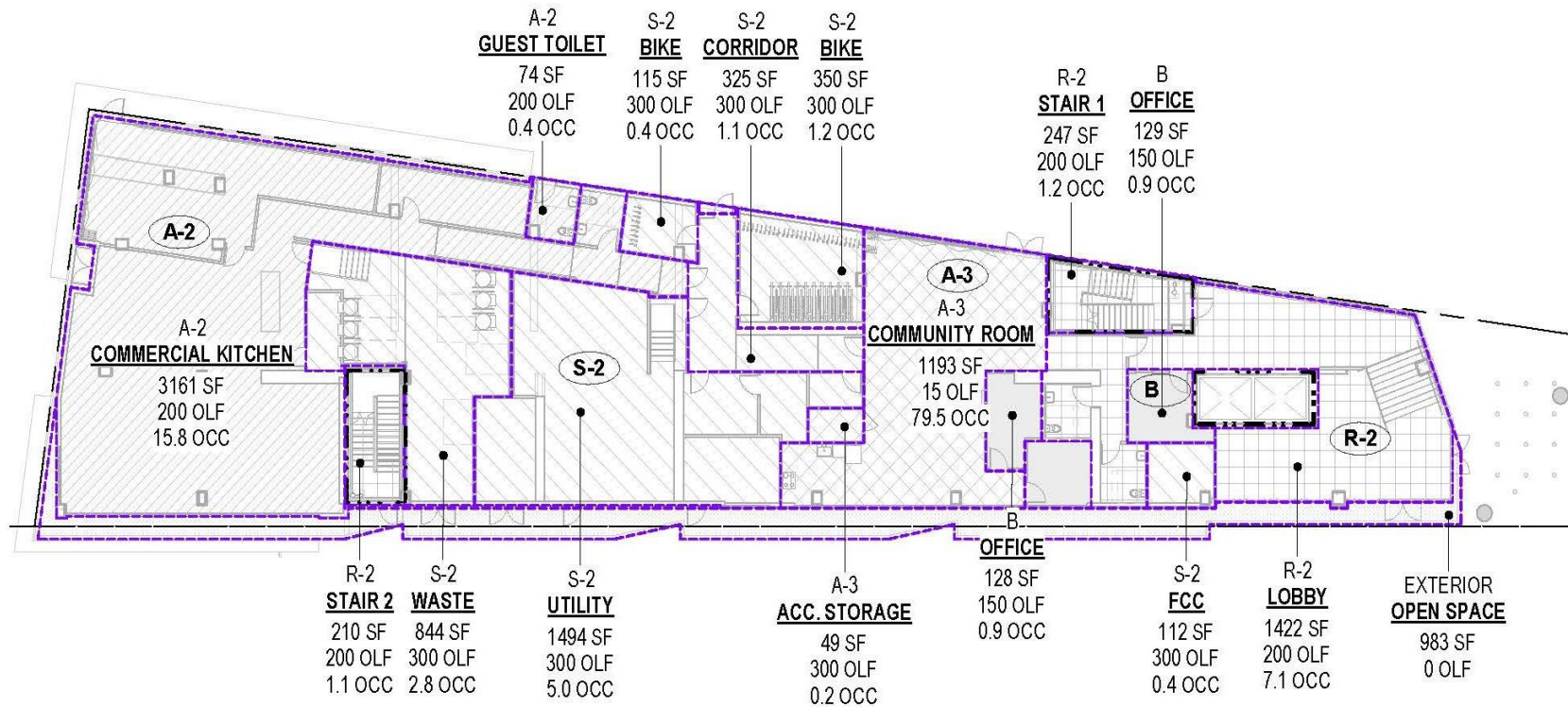
As shown in Figure 4, the ground floor would include a community room/lounge, service offices, restrooms, bike room, storage, trash and utility space. The ground floor would also provide approximately 3,235 square feet of commercial space at the western portion of the building, adjacent to and interacting with the Lake Merritt BART Station entrance and publicly accessible paseo area. Approximately 354 square feet of the commercial space would be utilized for a community-serving limited-service restaurant or café and approximately 2,881 square feet would be utilized for a Commercial Kitchen. The upper levels (2<sup>nd</sup> through 7<sup>th</sup> floors) would provide the space for the senior residential units. Typical floor plans for these levels are shown in Figure 5 and Figure 6. The 7<sup>th</sup> floor would have residential units and also a community room/lounge and an outdoor rooftop deck, as shown in Figure 7.

Conceptual renderings of the building facades are presented in Figure 8 to illustrate the building architectural design, height, massing, and streetscape amenities.

No vehicle parking would be constructed onsite as part of the proposed project. According to the conditions of approval for the project in July 2022, Building B would require one car-share parking space, and this requirement would be met by including this space in the design and plans for Building A. A secure bicycle parking room on the ground floor would be provided for residents, with a capacity for 54 bicycles, comprised of 49 long-term and 5 short-term spaces. An additional six bicycle parking spaces, four long-term and two short-term, would be provided for commercial uses. The project would also provide approximately 2,562 square feet for two community rooms/lounges and the outdoor roof deck.



Figure 4: Level 1 - Ground Floor Plan

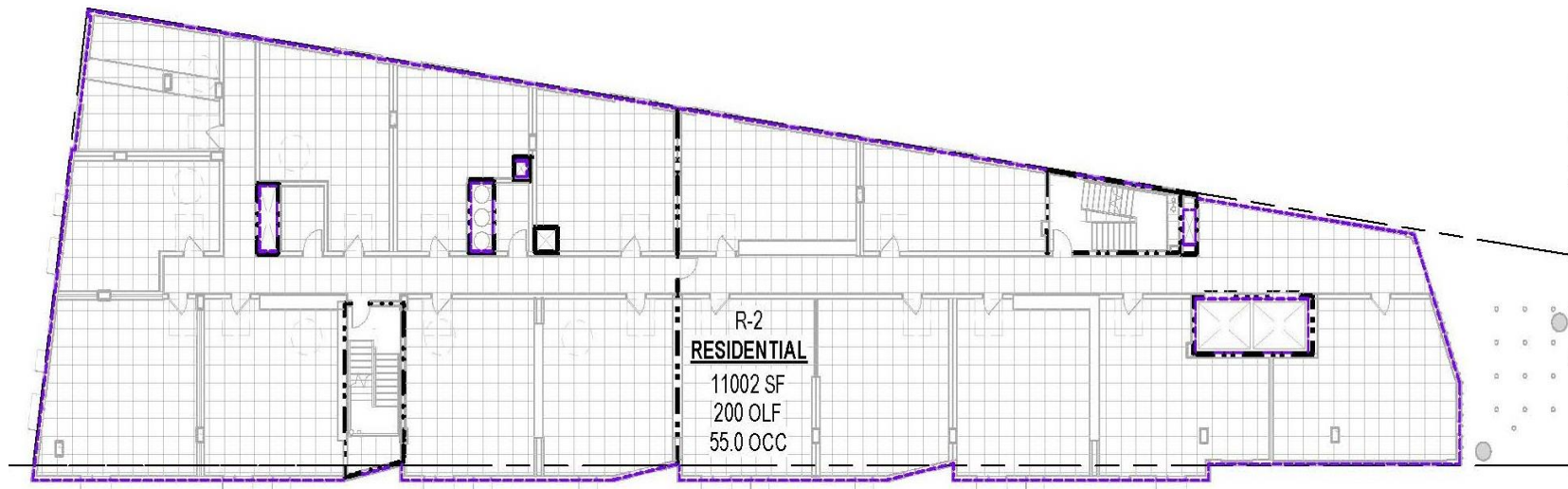


AREA PLAN BY OCCUPANCY - LEVEL 1

1" = 20'-0" 1



Figure 5: Level 2 - Residential Floor Plan

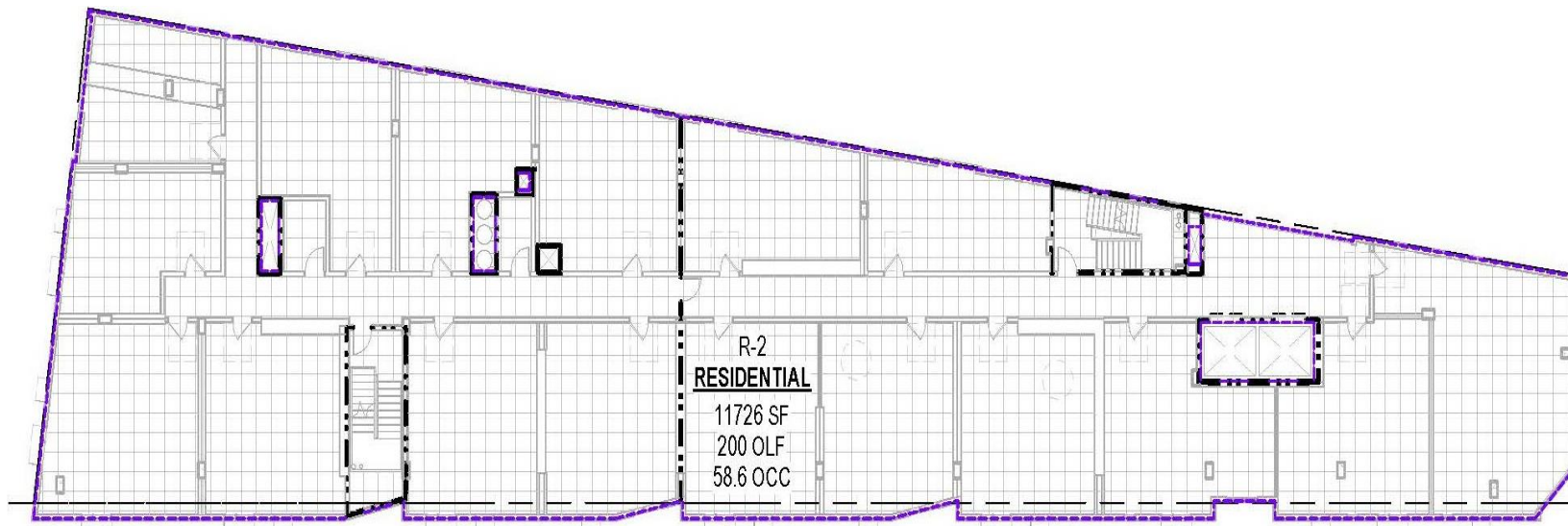


AREA PLAN BY OCCUPANCY - LEVEL 2 2  
1" = 20'-0"





Figure 6: Levels 3 – 6 - Typical Residential Floor Plan

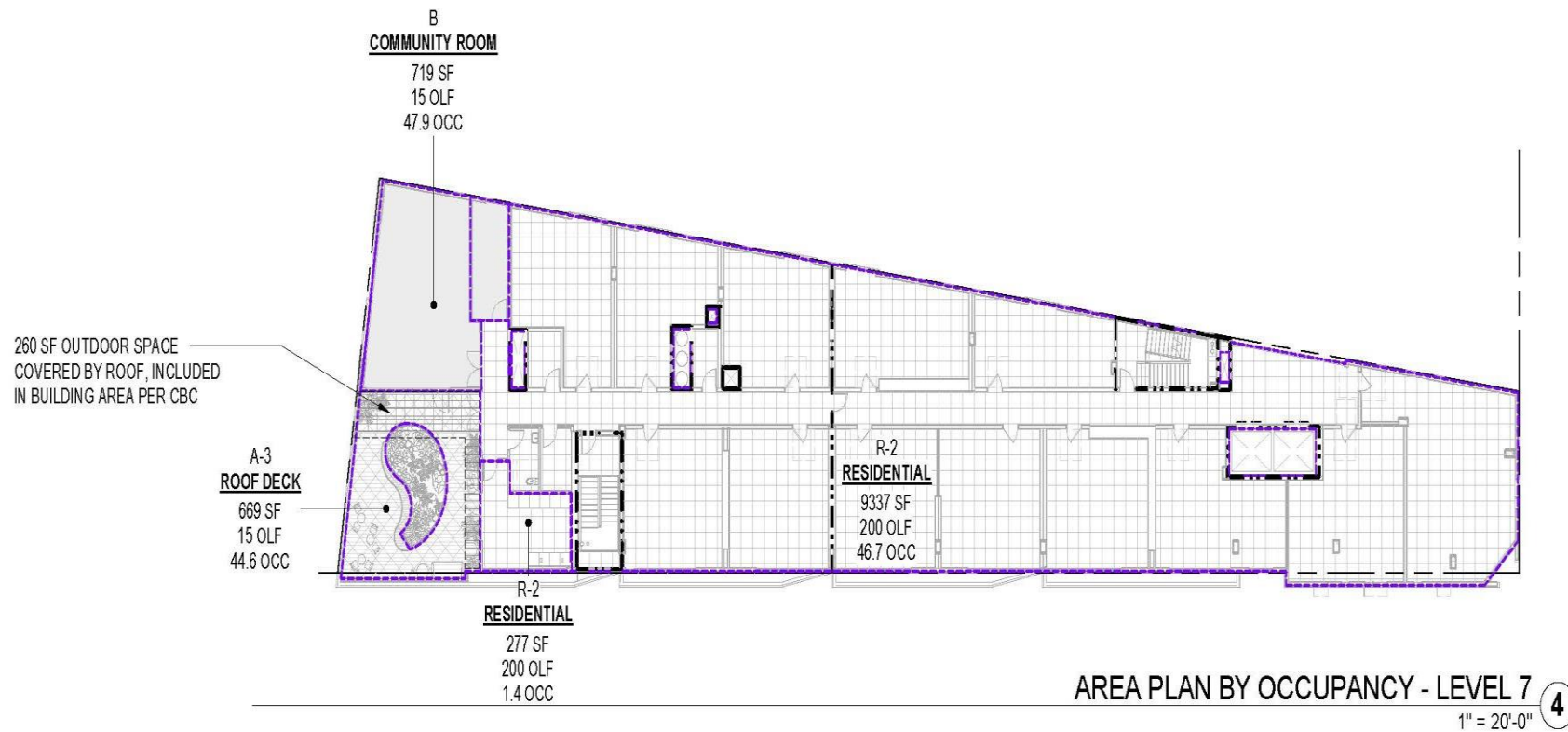


AREA PLAN BY OCCUPANCY - LEVEL 3-6 **3**  
1" = 20'-0"





Figure 7: Level 7 – Residential and Rooftop Deck Floor Plan





**Figure 8: Building B Renderings**



BIRD-EYED VIEW LOOKING NORTH WEST



STREET VIEW, 8TH ST. AND FALLON ST



BIRD-EYED VIEW LOOKING SOUTH EAST



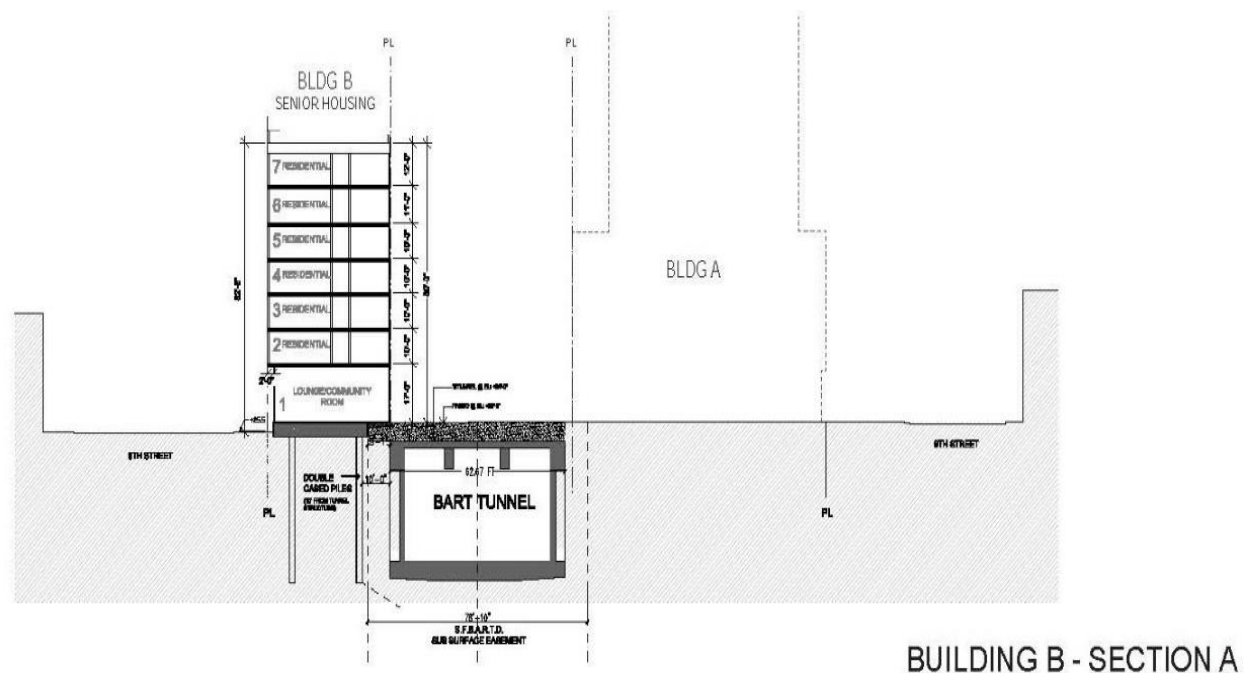
STREET VIEW, 8TH ST. AND OAK ST



The building would be setback from the adjacent underground BART station and tunnel structures. Piles for the building would be set back from the underground BART structures by a minimum of 10 feet and the building foundation would also be set back 1.5 feet from above the BART structures to 8 feet below the BART structures. These setbacks were based on the “zone of influence” defined by BART to protect BART underground structures and within which shoring is required for excavations. The building elevation and relationship to the BART tunnel are illustrated in Figure 9.

The building would be supported on a structural, concrete slab that would be founded on piles approximately 70 feet to 110 feet in length. The maximum depth of excavation is estimated to be approximately 130 feet below the ground surface. Because of the proximity to the BART structures, the pile installation process would be a drill and set operation, and would not involve driving piles or use of impact equipment.

**Figure 9: Building B Elevation (facing west) relative to the Adjacent BART Tunnel**



### ***Public Realm Improvements***

As part of the project approvals for horizontal improvements by the City in July 2022, the transportation-related public improvements below were included as conditions of approval for development of Building B (see Figure 3 dashed area labeled Phase 1.1 for location of the public realm improvements for the proposed project).

- Dual-directional, ADA-accessible curb-ramps at the intersection corners adjacent to development associated with Phase 1.1 at 8<sup>th</sup> and Fallon Streets, 8<sup>th</sup> and Oak Streets, and 9<sup>th</sup> and Fallon Streets;
- High-visibility crosswalks at the intersection corners identified above;
- Concrete bulb-outs at the intersection corners identified above;



- At the intersection corner of 9<sup>th</sup> and Fallon Streets, advance stop bars (i.e., solid white lines striped in advance of crosswalks so the drivers stop further back from the crosswalks) on the west and south approaches of the intersection;
- At the intersection corner of 8<sup>th</sup> and Fallon Streets, advance stop bars and elimination of one of the two left-turn lanes on the northbound Fallon Street approach;
- At the intersection of 8<sup>th</sup> and Oak Streets, leading pedestrian intervals (i.e., providing pedestrians the opportunity to enter the crosswalk at an intersection before vehicles are given a green light);
- Sidewalk improvements that generally provide a minimum pedestrian clear width of 8 feet;
- On-street passenger loading (including ADA-designated passenger loading) and associated sidewalk, curb improvements, and striping;
- ADA-designated on-street parking spaces;
- A one-way westbound Class 2B buffered bicycle lane on the north side of 8<sup>th</sup> Street between Fallon and Oak Streets;
- A one-way southbound Class 4 separated bikeway, at the roadway level, on the west side of Fallon Street between 8<sup>th</sup> and 9<sup>th</sup> Streets;
- Amenities such as short-term bicycle parking and dockless scooter corrals along the project frontage sidewalks on 8<sup>th</sup> Street and Fallon Street; and
- Siting of bicycle parking along the project frontage sidewalks identified above to not conflict with the minimum pedestrian clear width areas or with the minimum of 48-inch clear distance at the curb to ensure access from the accessible passenger loading zones or parking spaces to the sidewalk.
- Street trees along portions of Block 1 sidewalks, including the entire north side of 8<sup>th</sup> Street; the west side of Fallon Street, from 8<sup>th</sup> Street to, but not including the corner 9<sup>th</sup> Street and Fallon Street; and a short segment along the east side of Oak Street, from 8<sup>th</sup> Street to the area between the Lake Merritt BART Station entrance and the AC Transit bus stop and shelter. The street trees would comply with the City of Oakland's Landscape Ordinance, and the proposed planting type, character, and water use would be in accordance with the City's master street tree list.
- Ground-floor public plazas and walkways shall be high-quality, well designed spaces, as determined by City staff, that include excellent pedestrian-scaled lighting, extensive furnishings, and interactive art or other amenities for children.

### ***Paseo***

The paseo, between Fallon Street to the east and the BART station entrances and exits along the east side of Oak Street, would occupy its own Lot 2, adjacent to and north of Building B. The existing asphalt surface parking lot would be demolished and replaced with an active, open space area and pedestrian walkway between Laney College and the Lake Merritt BART Station. Lighting, seating areas, landscaping, and public art spaces would enliven this publicly accessible walkway for BART passengers, Laney College students and employees, Building A and B residents and employees, and the larger community. The paseo when fully built out would occupy approximately 16,300 square feet. Although the paseo would be constructed, operated, and maintained by Chinatown TOD Paseo LLC (an EBALDC affiliated entity but separate from the entity responsible for Building B) and is expected to use state and local funding sources for construction, it is included as part of the proposed project for aggregation





purposes due to its geographic proximity to Building B and to the public realm improvements described above and due to the expected use of the paseo seating areas by Building B restaurant or café visitors. Future operations and maintenance of the paseo would be the responsibility of a limited liability entity, affiliated with EBALDC and the Strada Investment Group.

To the west of the paseo and Building B is a 12,800-square-foot “remainder parcel” or “West Plaza” that contains two Lake Merritt BART Station entrances/exits; a skylight providing light into the underground station; a small, paved plaza with planters and stairs that lead down to the surface parking lot to the east; and an AC Transit bus stop and shelter along Oak Street. The existing BART station entrances are not a part of the project scope and would be left as-is; however, the portion of the West Plaza adjoining the paseo including the skylight and surrounding planters and pavement are logical extensions of the paseo, and upgrading the plaza pavement and landscaping and demolishing the wall and stairs around the skylight would be consistent with the paseo’s function as an active, pedestrian-friendly walkway. These improvements to the West Plaza are a condition of approval for the final development plans for the proposed project’s horizontal improvements.<sup>3</sup> As such, these upgrades to the remainder parcel are considered to be part of the proposed project for aggregation purposes.

The landscaping for Block 1, and particularly the paseo, is intended to function as a three-block, visually coherent corridor extending westward to the Lake Merritt BART Station plaza across Oak Street and then to Wilma Chan Park (formerly Madison Park) across Madison Street. The corridor would have a continuity of plant species across the blocks. Because the paseo would be constructed above the underground BART station, structural loads, plantings and irrigation, and drainage systems would be subject to BART design standards, and plans for the paseo improvements would need both City and BART approval.

As part of the project approvals for horizontal improvements by the City in July 2022, in order to ensure a safe and lively pedestrian realm around the BART station and the proposed project, the ground-floor public plazas and walkways shall be high-quality, well-designed spaces subject to City review. Additionally, these components of the proposed project also must be consistent with the Lake Merritt Station Area Design Guidelines and the project-specific design guidelines contained in “Design Guidelines for the Lake Merritt BART.”

### ***City Approval***

The proposed project was approved by the Oakland City Planning Commission on July 20, 2022. The approval was made contingent upon the project complying with the Standard Conditions of Approval and Mitigation Monitoring and Reporting Program (SCAMMRP), which includes all mitigation measures identified in the Lake Merritt BART Station Redevelopment CEQA Checklist (approved by the Commission on May 19, 2021). In making this approval, the City determined that the project was consistent with and helped fulfill the 2014 Lake Merritt Station Area Plan and evaluated in a project EIR.<sup>4,5</sup>

---

<sup>3</sup> City of Oakland City Planning Commission Decision Letter 072222, PLN20108-PUDFDP-02, 51<sup>9th</sup> and 107- 8<sup>th</sup> St – Horizontal Improvements

<sup>4</sup> City of Oakland. 2014 (December). Lake Merritt Station Area Plan. Available: <https://cao-94612.s3.us-west-2.amazonaws.com/documents/oak048456.pdf>.

<sup>5</sup> City of Oakland. 2014 (July). Lake Merritt Station Area Plan EIR. Available: <https://www.oaklandca.gov/topics/lake-merritt-station-area-plan-environmental-impact-report>



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

The purpose of the proposed project is to serve the existing and future community by providing affordable housing options for seniors, Special Needs, and formerly Homeless households, as well as providing community gathering spaces and food destinations.

As of 2022, Oakland had a population of 430,553 and was the eighth-largest city in California.<sup>6</sup> To meet the housing needs of residents at various income levels, Oakland must plan for 26,251 new housing units through the 2023-2031 Housing Element period, based on the Regional Housing Needs Allocation (RHNA) assigned by the California Department of Housing and Community Development (HCD). Of this total, Oakland's "fair share" housing goals include 6,511 units affordable to very low-income households at 50 percent of the area median income (AMI), 3,750 units affordable to low-income households (80 percent of AMI), 4,457 units affordable to moderate-income households (120 percent of AMI), and 11,533 units affordable to households of above moderate income. However, certain households, including special needs populations, may face greater housing challenges, such as high costs and overcrowding, resulting in greater difficulty finding affordable housing that meets their needs and circumstances.

The adopted 2023-2031 Housing Element Update identified categories of special needs populations, including:

- Extremely low income households
- Elderly households
- Persons with disabilities, including developmental disabilities
- Persons experiencing homelessness

The proposed project would support affordable housing development for special needs populations, including senior and formerly homeless populations. In addition to helping meet the City's assigned RHNA target, the proposed project would meet goals, policies, and actions of the adopted 2023-2031 Housing Element, which encourage affordable housing development, including:

- Goal 3. Close the gap between affordable and market rate housing production by expanding affordable housing opportunities
- Policy 3.2 Create a more diverse mix of homes to meet community needs
- Policy 3.7. Expand options for special needs housing
  - Action 3.7.5: Encourage a range of unit sizes for affordable housing that matches local household needs and family sizes.
- Goal 5. Promote neighborhood stability and health
- Policy 5.2. Promote resilient and sustainable development
  - Action 5.2.2: Promote infill, transit-oriented development (TOD), and mixed-use development.

---

<sup>6</sup> U.S. Census Bureau. 2023. QuickFacts, Oakland city, California. Available: <https://www.census.gov/quickfacts/fact/table/oaklandcitycalifornia/PST045222>





The proposed project would also meet goals and policies of BART’s TOD Program adopted in 2016, including:

- Goal A. Complete Communities. Partner to ensure BART contributes to neighborhood/district vitality, creating places offering a mix of uses and incomes.
- Goal F. Affordability. Serve households of all income levels by linking housing affordability with access to opportunity.
- Affordable Housing Policy. “It shall be the policy of the District that at each station where the District intends to pursue development that the cumulative development consist of a number of affordable housing units amounting to no less than 20 percent of the total proposed housing units on the property.”<sup>7</sup>

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

#### ***Existing Conditions***

The redevelopment TOD project, of which Building B is the first component to be constructed, is on a 1.38-acre parcel within the boundaries of the Lake Merritt Station Area Plan and Central Business District (CBD) General Plan land use designation. The site is currently zoned D-LM-2, LM-275, Lake Merritt Station Area District Pedestrian – 2 Commercial Zone. Existing uses on the parcel include various public transportation uses supporting the Lake Merritt BART Station and a surface parking lot. Two BART station entrances to the underground Lake Merritt BART Station are on the northeast and southeast corners of 9<sup>th</sup> and Oak Streets and 8<sup>th</sup> and Oak Streets, respectively. The southeast BART station entrance with stairs and an elevator down to the station is adjacent to the Building B project site. There are 41 trees on Block 1, most of which range in size from 9” to 18’ inches diameter at breast height, although one tree along 8<sup>th</sup> Street has a 51’ diameter at breast height. The project site contains olive, Brazilian pepper, Victorian box, and sycamore trees, among others.

#### ***Trends***

The 2023-2031 Housing Element projects that there will be an increase in Oakland’s senior population, resulting in a higher demand for senior-specific affordable housing. Senior households with extremely low incomes (earning less than 30% of AMI) are most likely to spend more than 50% of their total household income on housing costs, accounting for around 51% of such households.

The 2022 Homeless Point-in-Time count and survey for Alameda County identified 2,612 sheltered people and 7,135 unsheltered people experiencing homelessness as of late February 2022. Of these 7,135 unsheltered people, 3,337 were in the City of Oakland.<sup>8</sup> This represents a 75 percent increase compared to the 1,902 unsheltered people in the City of Oakland who were surveyed using the same methods in 2017.<sup>9</sup> The general trend of increasing homelessness in the City within the last 10 years can be partially attributed to the housing crisis (i.e., the high cost of housing in the City and region) and continuing economic inequality that affects the City’s most vulnerable populations. While Alameda County spent \$106 million on the Housing Crisis Response System in fiscal year 2017/18 on homelessness prevention,

<sup>7</sup> BART. 2016. Affordable Housing Policy. [https://www.bart.gov/sites/default/files/docs/C-20Affordable%20Housing%20Policy%20Adopted%201-28-16\\_0.pdf](https://www.bart.gov/sites/default/files/docs/C-20Affordable%20Housing%20Policy%20Adopted%201-28-16_0.pdf)

<sup>8</sup> EveryOne Home. 2022. Oakland 2022 Point In Time Count Unsheltered & Sheltered Report. Available: <https://everyonehome.org/wp-content/uploads/2022/05/Oakland-PIT-2022-Infographic-Report.pdf>

<sup>9</sup> EveryOne Home. 2017. Alameda County Everyone Counts Homeless Point-In-Time 2017 Count and Survey. [https://everyonehome.org/wp-content/uploads/2017/06/ALAEMDA\\_7-1.pdf](https://everyonehome.org/wp-content/uploads/2017/06/ALAEMDA_7-1.pdf)



**U.S. Department of Housing and Urban Development**  
451 Seventh Street, SW  
Washington, DC 20410  
[www.hud.gov](http://www.hud.gov)  
[espanol.hud.gov](http://espanol.hud.gov)

shelter, outreach, navigation, rapid rehousing, subsidized permanent housing and permanent supportive housing, the rate at which people are becoming homeless outpaces the ability to house them with existing resources.<sup>10</sup>

These trends are likely to continue in the absence of the proposed project. By providing 97 affordable residential units, the proposed project would help address the need for affordable housing options that serve senior and special needs populations in the City of Oakland.

## Funding Information

Grant Number	HUD Program	Funding Amount
C DFA No. 14.881	Moving to Work	\$7,091,100

**Estimated Total HUD Funded Amount:** \$7,091,100 of Moving to Work (MTW) funds for a Rental Assistance Subsidy from the Oakland Housing Authority

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

The estimated total development cost for the proposed project is approximately \$92,861,802.

---

<sup>10</sup> EveryOne Home. 2018. Strategic Update. <https://everyonehome.org/wp-content/uploads/2018/12/EveryOne-Home-Strategic-Update-Report-Final.pdf>



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

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 and 58.6</b>		
<b>Airport Hazards</b> 24 CFR Part 51 Subpart D	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>The nearest airport to the project site, Oakland International Airport, is approximately 4.5 miles to the south, and the nearest active military airfield is Moffett Federal Airfield approximately 30 miles to the south near Mountain View in Santa Clara County. As such, the project site is more than 2,500 feet from a civilian airport and more than 15,000 feet from a military airport, which are distances used by HUD within which additional design measure may be needed to protect residents from airport hazards. Because of these distances, the proposed project is not within a Runway Protection Zone (RPZ) of a civilian airport or the clear zone or Accident Potential Zone (APZ) of a military airfield. Therefore, 24 CFR Part 51 Subpart D would not apply to the proposed project, and there are no formal compliance steps or mitigation required by the proposed project for protection from airport hazards.</p> <p><b>Source Documentation:</b> Attachment A</p>
<b>Coastal Barrier Resources</b> Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>Because there are no Coastal Barrier Resources in California, the project is not located within a Coastal Barrier Resources System unit, as defined by the U.S. Fish and Wildlife Service. There would be no potential for conflicts with the coastal barrier resources, and the Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501] would not apply to the proposed project. Therefore, there are no formal compliance steps or mitigation required to protect coastal barrier resources.</p> <p><b>Source Documentation:</b> Attachment B</p>
<b>Flood Insurance</b> Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>The project is not located in the floodway, coastal high hazard area or 100-year or 500-year floodplain on the latest FEMA flood map (06001C0067H effective 12/21/2018, Zone X) (including preliminary maps and Advisory Base Flood Elevations).</p> <p>Because the project would not be subject to flood hazards and is not in a Special Flood Hazard Area, the Flood Disaster Protection Act and the National Flood Insurance Reform Act would not apply to the proposed project and flood insurance would not be required for the project. Therefore, there are no formal compliance steps or mitigation required to protect occupants of the proposed project from flood hazards.</p> <p><b>Source Documentation:</b> Attachment C</p>



<b>Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6</b>	<b>Are formal compliance steps or mitigation required?</b>	<b>Compliance determinations</b>
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 &amp; 58.5</b>		
<b>Clean Air</b>	Yes No	<b>Regulatory Setting</b>
Clean Air Act, as amended, particularly section 176I & (d); 40 CFR Parts 6, 51, 93	<input type="checkbox"/> <input checked="" type="checkbox"/>	<p>The federal Clean Air Act (CAA) is the primary federal law governing air quality which required the establishment of National Ambient Air Quality Standards (NAAQS) for criteria air pollutants. Amendments to the CAA allowed US EPA to designate areas as being in attainment or nonattainment for each criteria air pollutant standard. Local air districts are delegated authority to monitor and report ambient air quality conditions to demonstrate attainment with the NAAQS and are responsible for developing strategies for attaining and maintaining the NAAQS.</p> <p>The General Conformity Rule of the CAA guides the assessment of air quality impacts of federal actions and ensures that federal actions in nonattainment and maintenance areas do not interfere with attainment of the NAAQS. In a nonattainment or maintenance area, a conformity determination is required for each pollutant where the project's total direct and indirect emissions exceed de minimis levels, which are set by US EPA in 40 CFR 93.153.</p> <p>The proposed project is within the San Francisco Bay Area Air Basin (SFBAAB) and the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). The SFBAAB region is classified as marginal nonattainment for O<sub>3</sub> and moderate nonattainment for PM<sub>2.5</sub>. The SFBAAB is classified as attainment or unclassified for the remaining NAAQS. The de minimis levels for O<sub>3</sub>, and PM<sub>2.5</sub>, are 100 tons per year for each pollutant.</p> <p>The BAAQMD California Environmental Quality Act (CEQA) Guidelines contain criteria air pollutant emission thresholds above which a project could cause or contribute to a violation of the NAAQS. As shown in Table 1 on the next page, the BAAQMD's thresholds are more stringent than the federal de minimis thresholds used for the conformity determination for each pollutant.</p>



Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations																				
		<p align="center"><b>Table 1: BAAQMD Air Quality Thresholds of Significance (Project Level)</b></p> <table border="1" data-bbox="589 558 1416 810"> <thead> <tr> <th>Pollutant</th> <th>Avg Daily (pounds per day)</th> <th>Maximum Annual (tons per year)</th> </tr> </thead> <tbody> <tr> <td>ROG <sup>1</sup></td> <td align="center">54</td> <td align="center">10</td> </tr> <tr> <td>NO<sub>x</sub> <sup>1</sup></td> <td align="center">54</td> <td align="center">10</td> </tr> <tr> <td>Exhaust PM<sub>2.5</sub></td> <td align="center">54</td> <td align="center">10</td> </tr> <tr> <td>Fugitive Dust PM<sub>2.5</sub></td> <td align="center" colspan="2">BMPs <sup>2</sup></td> </tr> <tr> <td>CO</td> <td align="center">N/A</td> <td align="center">9.0 ppm (8-hr avg) 20.0 ppm (1-hr avg)</td> </tr> </tbody> </table> <p><sup>1</sup> ROG and NO<sub>x</sub> are ozone precursors.  <sup>2</sup> Implementation of Best Management Practices            Source: BAAQMD Air Quality CEQA Guidelines (2023)</p> <p><b>Criteria Air Pollutant Analysis</b></p> <p><u>Construction Emissions</u></p> <p>Construction activities associated with the proposed project would generate criteria air pollutant emissions that could potentially affect local and regional air quality. The primary pollutants of concern are ROG, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> from the exhaust of off-road construction equipment and on-road vehicles used for worker, vendor, and haul truck trips. Additionally, fugitive dust emissions of PM<sub>10</sub> and PM<sub>2.5</sub> would be generated by soil disturbance activities such as excavation and grading, and fugitive ROG emissions would be generated by the application of architectural coatings and paving activities. The criteria air pollutant emissions associated with construction of the Lake Merritt BART Station Redevelopment Project, of which the proposed project is the first phase, were obtained from the 2021 CEQA Checklist that estimated emissions for the entire two-block redevelopment project using the California Emissions Estimator Model (CalEEMod), version 2016.3.2.</p> <p>The 2021 CEQA Checklist for the Lake Merritt BART Station Redevelopment Project anticipated construction for Block 1 to occur between 2022 and 2024. Although the schedule for project implementation is now approximately 2 years later, the prior construction emissions are still applicable for this analysis, because the scale and intensity of the proposed project and the anticipated construction activities are substantially identical to that of the Lake Merritt BART Station Redevelopment Project approved in 2021 by the City. Additionally, because construction equipment and vehicles have become increasingly more efficient and utilize cleaner engine technology, the emissions calculated in the 2021 CEQA Checklist</p>			Pollutant	Avg Daily (pounds per day)	Maximum Annual (tons per year)	ROG <sup>1</sup>	54	10	NO <sub>x</sub> <sup>1</sup>	54	10	Exhaust PM <sub>2.5</sub>	54	10	Fugitive Dust PM <sub>2.5</sub>	BMPs <sup>2</sup>		CO	N/A	9.0 ppm (8-hr avg) 20.0 ppm (1-hr avg)
Pollutant	Avg Daily (pounds per day)	Maximum Annual (tons per year)																				
ROG <sup>1</sup>	54	10																				
NO <sub>x</sub> <sup>1</sup>	54	10																				
Exhaust PM <sub>2.5</sub>	54	10																				
Fugitive Dust PM <sub>2.5</sub>	BMPs <sup>2</sup>																					
CO	N/A	9.0 ppm (8-hr avg) 20.0 ppm (1-hr avg)																				



Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations																																										
		<p>present a conservative estimate of emissions associated with the construction of the proposed project.</p> <p>The construction emissions for Phase 1 of the two-phased Lake Merritt BART Station Redevelopment Project, which would include all of the improvements for Block 1 (i.e., Building A, Building B, and the paseo between the two buildings) were extracted from the Lake Merritt BART Station Redevelopment Project 2021 CEQA Checklist, as shown in Table 2 below. The construction emissions associated with Block 1 are below the BAAQMD significance thresholds and substantially lower than the federal maximum of 100 tons per year<sup>11</sup> during the construction period. Therefore, the construction emissions are also below the de minimis levels for the proposed project alone, and its construction would be in conformity with the SIP.</p> <p style="text-align: center;"><b>Table 2: Block 1 Average Daily Construction Emissions</b></p> <table border="1" data-bbox="591 989 1372 1276"> <thead> <tr> <th rowspan="3">Pollutant</th> <th colspan="3">Construction Year</th> <th rowspan="2">BAAQMD Threshold</th> </tr> <tr> <th>Year 1</th> <th>Year 2</th> <th>Year 3</th> </tr> <tr> <th colspan="4">Average Daily (pounds per day)</th> </tr> </thead> <tbody> <tr> <td>ROG</td> <td>1.17</td> <td>1.09</td> <td>22.63</td> <td>54</td> </tr> <tr> <td>NOx</td> <td>14.85</td> <td>12.49</td> <td>10.26</td> <td>54</td> </tr> <tr> <td>PM<sub>10</sub> Exhaust</td> <td>0.47</td> <td>0.43</td> <td>0.34</td> <td>82</td> </tr> <tr> <td>PM<sub>2.5</sub> Exhaust</td> <td>0.44</td> <td>0.40</td> <td>0.31</td> <td>54</td> </tr> <tr> <td>PM<sub>10</sub> Total</td> <td>1.51</td> <td>1.21</td> <td>1.28</td> <td>N/A<sup>1</sup></td> </tr> <tr> <td>PM<sub>2.5</sub> Total</td> <td>0.70</td> <td>0.61</td> <td>0.56</td> <td>N/A<sup>1</sup></td> </tr> </tbody> </table> <p>Notes:  <sup>1</sup> BAAQMD significance thresholds for PM<sub>10</sub> and PM<sub>2.5</sub> emissions during construction are for PM<sub>10</sub> and PM<sub>2.5</sub> exhaust only.            Source: 2021 CEQA Checklist</p> <p><u>Operational Emissions</u></p> <p>Operational criteria air pollutants associated with the proposed project are primarily mobile source emissions from vehicles and area source emissions from the use of consumer products and reapplication of architectural coatings.</p> <p>The emissions estimated in the 2021 CEQA Checklist for the Lake Merritt BART Station Redevelopment Project are applicable to the proposed project, because the components of the redevelopment project in terms of size, scale, mobile and station sources of emissions have not changed substantially since the checklist was completed and approved, and the calculated emissions for that larger, multi-phased</p>	Pollutant	Construction Year			BAAQMD Threshold	Year 1	Year 2	Year 3	Average Daily (pounds per day)				ROG	1.17	1.09	22.63	54	NOx	14.85	12.49	10.26	54	PM <sub>10</sub> Exhaust	0.47	0.43	0.34	82	PM <sub>2.5</sub> Exhaust	0.44	0.40	0.31	54	PM <sub>10</sub> Total	1.51	1.21	1.28	N/A <sup>1</sup>	PM <sub>2.5</sub> Total	0.70	0.61	0.56	N/A <sup>1</sup>
Pollutant	Construction Year			BAAQMD Threshold																																								
	Year 1	Year 2			Year 3																																							
	Average Daily (pounds per day)																																											
ROG	1.17	1.09	22.63	54																																								
NOx	14.85	12.49	10.26	54																																								
PM <sub>10</sub> Exhaust	0.47	0.43	0.34	82																																								
PM <sub>2.5</sub> Exhaust	0.44	0.40	0.31	54																																								
PM <sub>10</sub> Total	1.51	1.21	1.28	N/A <sup>1</sup>																																								
PM <sub>2.5</sub> Total	0.70	0.61	0.56	N/A <sup>1</sup>																																								

<sup>11</sup> 100 tons per year is equivalent to approximately 769 pounds per day, assuming 5 construction work days per week (260 working days per year).





Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations																		
		<p>mixed-use, transit oriented development project include the emissions from the proposed project. The operational emissions from the Lake Merritt BART Station Redevelopment Project are shown in Table 3.</p> <p style="text-align: center;"><b>Table 3: Lake Merritt BART Station Redevelopment Project Average Daily Operational Emissions</b></p> <table border="1" data-bbox="591 674 1419 863"> <thead> <tr> <th></th> <th>Average Daily</th> <th>BAAQMD Threshold</th> </tr> <tr> <th></th> <th colspan="2">(pounds per day)</th> </tr> </thead> <tbody> <tr> <td>ROG</td> <td>25.43</td> <td>54</td> </tr> <tr> <td>NOx</td> <td>28.58</td> <td>54</td> </tr> <tr> <td>PM<sub>10</sub> Exhaust</td> <td>4.83</td> <td>82</td> </tr> <tr> <td>PM<sub>2.5</sub> Exhaust</td> <td>1.80</td> <td>54</td> </tr> </tbody> </table> <p>Source: 2021 CEQA Checklist</p> <p>As shown in Table 3, the average daily operational emissions from the entire Lake Merritt BART Station Redevelopment Project are below the BAAQMD operational significance thresholds. Therefore, the proposed project, which would result only in a portion of the total emissions presented in Table 3, would not exceed the de minimis levels and would conform with the SIP.</p> <p><b>Toxic Air Contaminant Analysis</b></p> <p><u>Construction</u></p> <p>Construction activities would generate DPM and PM<sub>2.5</sub> emissions from onsite equipment and haul truck trips. These emissions could result in elevated concentrations of DPM and PM<sub>2.5</sub> and corresponding increased health risk impacts at nearby receptors. Sensitive receptors in proximity to construction-related DPM emissions from the entire Lake Merritt BART Station Redevelopment Project could be subject to increased cancer risk, chronic health problems, and acute health risk. These sensitive receptors include residents in the neighborhood and recreationists at the Lake Merritt BART Station Plaza and Wilma Chan Park (formerly Madison Park).</p> <p>However, the health risks associated with construction of the proposed project were not quantified separately in the Lake Merritt BART Station Redevelopment Project 2021 CEQA Checklist. As shown in Table 4, with the implementation of additional diesel emission control strategies (Tier 4 engines), health risk exposures would be below significance thresholds at nearby sensitive receptors for the entire Lake Merritt BART Station Redevelopment Project, inclusive of Block 1. Because the proposed project is a component of the Lake Merritt BART Station Redevelopment Project as well as Block 1, potential health risk</p>		Average Daily	BAAQMD Threshold		(pounds per day)		ROG	25.43	54	NOx	28.58	54	PM <sub>10</sub> Exhaust	4.83	82	PM <sub>2.5</sub> Exhaust	1.80	54
	Average Daily	BAAQMD Threshold																		
	(pounds per day)																			
ROG	25.43	54																		
NOx	28.58	54																		
PM <sub>10</sub> Exhaust	4.83	82																		
PM <sub>2.5</sub> Exhaust	1.80	54																		



Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations																																																															
		<p>exceedances from the proposed project would also be reduced below significance thresholds with implementation of Tier 4 engines.</p>																																																															
		<p><b>Table 4: Maximum Health Risks from Construction of the Lake Merritt BART Station Redevelopment Project</b></p>																																																															
		<table border="1"> <thead> <tr> <th data-bbox="589 644 943 762">Health Risk at MEIR <sup>1</sup></th> <th data-bbox="943 644 1109 762">Maximum Cancer Risk (chances in a million)</th> <th data-bbox="1109 644 1230 762">Chronic Risk (HI <sup>2</sup>)</th> <th data-bbox="1230 644 1416 762">Maximum PM<sub>2.5</sub> Concentration (µg/m<sup>3</sup>)</th> </tr> </thead> <tbody> <tr> <td colspan="4" data-bbox="589 762 1416 793"><b>Uncontrolled Scenario (prior to SCA application)</b></td> </tr> <tr> <td data-bbox="589 793 943 825">Offsite Existing Residential</td> <td data-bbox="943 793 1109 825">38.6</td> <td data-bbox="1109 793 1230 825">0.08</td> <td data-bbox="1230 793 1416 825">0.36</td> </tr> <tr> <td data-bbox="589 825 943 856">Project-Level Threshold</td> <td data-bbox="943 825 1109 856">10</td> <td data-bbox="1109 825 1230 856">1.0</td> <td data-bbox="1230 825 1416 856">0.3</td> </tr> <tr> <td data-bbox="589 856 943 888">Significant?</td> <td data-bbox="943 856 1109 888">Yes</td> <td data-bbox="1109 856 1230 888">No</td> <td data-bbox="1230 856 1416 888">Yes</td> </tr> <tr> <td data-bbox="589 888 943 919">Onsite Block 1 Residential</td> <td data-bbox="943 888 1109 919">55.6</td> <td data-bbox="1109 888 1230 919">0.04</td> <td data-bbox="1230 888 1416 919">0.20</td> </tr> <tr> <td data-bbox="589 919 943 951">Project-Level Threshold</td> <td data-bbox="943 919 1109 951">10</td> <td data-bbox="1109 919 1230 951">1.0</td> <td data-bbox="1230 919 1416 951">0.3</td> </tr> <tr> <td data-bbox="589 951 943 982">Significant?</td> <td data-bbox="943 951 1109 982">Yes</td> <td data-bbox="1109 951 1230 982">No</td> <td data-bbox="1230 951 1416 982">No</td> </tr> <tr> <td colspan="4" data-bbox="589 982 1416 1014"><b>Scenario (with Tier 4 Final Equipment)</b></td> </tr> <tr> <td data-bbox="589 1014 943 1045">Offsite Existing Residential</td> <td data-bbox="943 1014 1109 1045">2.9</td> <td data-bbox="1109 1014 1230 1045">0.01</td> <td data-bbox="1230 1014 1416 1045">0.03</td> </tr> <tr> <td data-bbox="589 1045 943 1077">Project-Level Threshold</td> <td data-bbox="943 1045 1109 1077">10</td> <td data-bbox="1109 1045 1230 1077">1.0</td> <td data-bbox="1230 1045 1416 1077">0.3</td> </tr> <tr> <td data-bbox="589 1077 943 1108">Significant?</td> <td data-bbox="943 1077 1109 1108">No</td> <td data-bbox="1109 1077 1230 1108">No</td> <td data-bbox="1230 1077 1416 1108">No</td> </tr> <tr> <td data-bbox="589 1108 943 1140">Onsite Block 1 Residential</td> <td data-bbox="943 1108 1109 1140">4.9</td> <td data-bbox="1109 1108 1230 1140">&lt;0.01</td> <td data-bbox="1230 1108 1416 1140">0.02</td> </tr> <tr> <td data-bbox="589 1140 943 1171">Project-Level Threshold</td> <td data-bbox="943 1140 1109 1171">10</td> <td data-bbox="1109 1140 1230 1171">1.0</td> <td data-bbox="1230 1140 1416 1171">0.3</td> </tr> <tr> <td data-bbox="589 1171 943 1203">Significant?</td> <td data-bbox="943 1171 1109 1203">No</td> <td data-bbox="1109 1171 1230 1203">No</td> <td data-bbox="1230 1171 1416 1203">No</td> </tr> </tbody> </table>				Health Risk at MEIR <sup>1</sup>	Maximum Cancer Risk (chances in a million)	Chronic Risk (HI <sup>2</sup> )	Maximum PM <sub>2.5</sub> Concentration (µg/m <sup>3</sup> )	<b>Uncontrolled Scenario (prior to SCA application)</b>				Offsite Existing Residential	38.6	0.08	0.36	Project-Level Threshold	10	1.0	0.3	Significant?	Yes	No	Yes	Onsite Block 1 Residential	55.6	0.04	0.20	Project-Level Threshold	10	1.0	0.3	Significant?	Yes	No	No	<b>Scenario (with Tier 4 Final Equipment)</b>				Offsite Existing Residential	2.9	0.01	0.03	Project-Level Threshold	10	1.0	0.3	Significant?	No	No	No	Onsite Block 1 Residential	4.9	<0.01	0.02	Project-Level Threshold	10	1.0	0.3	Significant?	No	No	No
Health Risk at MEIR <sup>1</sup>	Maximum Cancer Risk (chances in a million)	Chronic Risk (HI <sup>2</sup> )	Maximum PM <sub>2.5</sub> Concentration (µg/m <sup>3</sup> )																																																														
<b>Uncontrolled Scenario (prior to SCA application)</b>																																																																	
Offsite Existing Residential	38.6	0.08	0.36																																																														
Project-Level Threshold	10	1.0	0.3																																																														
Significant?	Yes	No	Yes																																																														
Onsite Block 1 Residential	55.6	0.04	0.20																																																														
Project-Level Threshold	10	1.0	0.3																																																														
Significant?	Yes	No	No																																																														
<b>Scenario (with Tier 4 Final Equipment)</b>																																																																	
Offsite Existing Residential	2.9	0.01	0.03																																																														
Project-Level Threshold	10	1.0	0.3																																																														
Significant?	No	No	No																																																														
Onsite Block 1 Residential	4.9	<0.01	0.02																																																														
Project-Level Threshold	10	1.0	0.3																																																														
Significant?	No	No	No																																																														
		<p><sup>1</sup> MEIR = Maximum Exposed Individual at Residential location</p>																																																															
		<p><sup>2</sup> HI = Hazard Index</p>																																																															
		<p>Source: 2021 CEQA Checklist</p>																																																															
		<p><u>Operations</u></p>																																																															
		<p>Since the proposed project is a residential land use, there are no substantial sources of operational TAC emissions associated with the proposed project. For example, the proposed project’s increase in vehicle trips by visitors and residents to the project site would primarily be light-duty vehicles, which are not substantial sources of TAC emissions (e.g., diesel PM) that are primarily associated with diesel-fueled vehicles. The 2021 CEQA Checklist identified that project operations for the entire Lake Merritt BART Station Redevelopment Project would not exceed the BAAQMD project-level health risk thresholds. Therefore, project-level operational health risks associated with the proposed project would not be adverse.</p>																																																															
		<p>The 2014 LMSAP and 2021 CEQA Checklist for the Lake Merritt BART Station Redevelopment Project also evaluated cumulative health risk impacts associated with the Lake Merritt BART Station Redevelopment Project, and other sources within a 1,000-foot radius of</p>																																																															



Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations																																																															
		<p>the proposed project. The 2021 CEQA Checklist included a cumulative screening health risk assessment for the seven stationary sources within 1,000 feet of the Lake Merritt BART Station Redevelopment Project, the Lake Merritt BART Station Redevelopment Project generators, and highway, street, and rail emissions. The results of this cumulative health risk assessment are shown in Table 5. As shown in Table 5, PM<sub>2.5</sub> concentrations would be in excess of the cumulative health risk threshold.</p> <p style="text-align: center;"><b>Table 5: Cumulative Health Risk Impacts for New Receptors</b></p> <table border="1" data-bbox="589 806 1414 1304"> <thead> <tr> <th>Site #</th> <th>Cancer Risk (chances per million)</th> <th>Chronic HI</th> <th>PM<sub>2.5</sub> Concentration (µg/m<sup>3</sup>)</th> </tr> </thead> <tbody> <tr><td>14068</td><td>2.46</td><td>&lt;0.01</td><td>&lt;0.01</td></tr> <tr><td>18628</td><td>1.53</td><td>0</td><td>&lt;0.01</td></tr> <tr><td>3737</td><td>0</td><td>0</td><td>0</td></tr> <tr><td>22033</td><td>0.44</td><td>0</td><td>0.27</td></tr> <tr><td>23040</td><td>0</td><td>0</td><td>0</td></tr> <tr><td>13929</td><td>0.27</td><td>0</td><td>0</td></tr> <tr><td>17190</td><td>0.07</td><td>0</td><td>0</td></tr> <tr><td><b>Project Generators</b></td><td>5.28</td><td>&lt;0.01</td><td>0.01</td></tr> <tr><td><b>Highway Sources</b></td><td>35.9</td><td>NA</td><td>0.57</td></tr> <tr><td><b>Major Street Sources</b></td><td>2.17</td><td>NA</td><td>0.02</td></tr> <tr><td><b>Rail Sources</b></td><td>7.74</td><td>NA</td><td>0.01</td></tr> <tr><td><b>Cumulative Impacts</b></td><td>51.9</td><td>&lt;0.01</td><td>0.88</td></tr> <tr><td>City of Oakland Significance Criteria</td><td>100</td><td>10</td><td>0.8</td></tr> <tr><td>Potentially Significant Impact? <sup>1</sup></td><td>No</td><td>No</td><td>Yes</td></tr> </tbody> </table> <p><sup>1</sup> Does not quantify MERV-13 particulate emissions reductions.            Source: 2021 CEQA Checklist</p> <p><b>Conclusion</b></p> <p>The proposed project conforms with the CAA, because its direct and indirect emissions are below the federal de minimis levels. The construction and operational air emissions are also below the standards of the BAAQMD, whose thresholds are more stringent than the federal thresholds.</p> <p>The City has adopted Uniformly Applied Development Standards imposed as Standard Conditions of Approval (SCAs) that address dust, criteria pollutants, and diesel particulate matter control measures for construction; and toxic air contaminant emissions from construction and operations.</p> <p>With the implementation of the City’s SCAs, listed below, the proposed project would not result in substantial increases in criteria air pollutant emissions or adverse health risks during construction or</p>				Site #	Cancer Risk (chances per million)	Chronic HI	PM <sub>2.5</sub> Concentration (µg/m <sup>3</sup> )	14068	2.46	<0.01	<0.01	18628	1.53	0	<0.01	3737	0	0	0	22033	0.44	0	0.27	23040	0	0	0	13929	0.27	0	0	17190	0.07	0	0	<b>Project Generators</b>	5.28	<0.01	0.01	<b>Highway Sources</b>	35.9	NA	0.57	<b>Major Street Sources</b>	2.17	NA	0.02	<b>Rail Sources</b>	7.74	NA	0.01	<b>Cumulative Impacts</b>	51.9	<0.01	0.88	City of Oakland Significance Criteria	100	10	0.8	Potentially Significant Impact? <sup>1</sup>	No	No	Yes
Site #	Cancer Risk (chances per million)	Chronic HI	PM <sub>2.5</sub> Concentration (µg/m <sup>3</sup> )																																																														
14068	2.46	<0.01	<0.01																																																														
18628	1.53	0	<0.01																																																														
3737	0	0	0																																																														
22033	0.44	0	0.27																																																														
23040	0	0	0																																																														
13929	0.27	0	0																																																														
17190	0.07	0	0																																																														
<b>Project Generators</b>	5.28	<0.01	0.01																																																														
<b>Highway Sources</b>	35.9	NA	0.57																																																														
<b>Major Street Sources</b>	2.17	NA	0.02																																																														
<b>Rail Sources</b>	7.74	NA	0.01																																																														
<b>Cumulative Impacts</b>	51.9	<0.01	0.88																																																														
City of Oakland Significance Criteria	100	10	0.8																																																														
Potentially Significant Impact? <sup>1</sup>	No	No	Yes																																																														



<b>Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6</b>	<b>Are formal compliance steps or mitigation required?</b>	<b>Compliance determinations</b>
		<p>operation. Compliance with these SCAs would ensure that emissions remain below the federal de minimis levels required for conformity with the SIP and would not adversely affect health risks. Therefore, there are no formal compliance steps or mitigation required to protect occupants of the proposed project from air quality and related health effects.</p> <p><u>SCAs Required:</u></p> <p><i>AIR-1: Dust Controls – Construction Related</i></p> <p>The project applicant shall implement all of the following applicable dust control measures during construction of the project:</p> <ol style="list-style-type: none"> <li>a) Water all exposed surfaces of active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever feasible.</li> <li>b) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).</li> <li>c) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.</li> <li>d) Limit vehicle speeds on unpaved roads to 15 miles per hour.</li> <li>e) All excavation, grading, and/or demolition activities (if any) shall be suspended when average wind speeds exceed 20 mph.</li> <li>f) All trucks and equipment, including tires, shall be washed off prior to leaving the site.</li> <li>g) Unpaved roads providing access to sites located 100 feet or further from a paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel.</li> <li>h) All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.</li> </ol>



<b>Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6</b>	<b>Are formal compliance steps or mitigation required?</b>	<b>Compliance determinations</b>
		<p><i>AIR-2: Criteria Air Pollutant Controls - Construction and Operation Related</i></p> <p>The project applicant shall implement all of the following applicable basic and enhanced control measures for criteria air pollutants during construction of the project as applicable:</p> <ul style="list-style-type: none"> <li>a) Idling times on all diesel-fueled commercial vehicles over 10,000 lbs. shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code of Regulations). Clear signage to this effect shall be provided for construction workers at all access points.</li> <li>b) Idling times on all diesel-fueled off-road vehicles over 25 horsepower shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes and fleet operators must develop a written policy as required by Title 23, Section 2449, of the California Code of Regulations (“California Air Resources Board Off-Road Diesel Regulations”).</li> <li>c) All construction equipment shall be maintained and properly tuned in accordance with the manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. Equipment check documentation should be kept at the construction site and be available for review by the City and the Bay Area Air Quality District as needed.</li> <li>d) Portable equipment shall be powered by grid electricity if available. If electricity is not available, propane or natural gas generators shall be used if feasible. Diesel engines shall only be used if grid electricity is not available and propane or natural gas generators cannot meet the electrical demand.</li> <li>e) Low VOC (i.e., ROG) coatings shall be used that comply with BAAQMD Regulation 8, Rule 3: Architectural Coatings.</li> <li>f) All equipment to be used on the construction site shall comply with the requirements of Title 13, Section 2449, of the California Code of Regulations (“California Air Resources Board Off-Road Diesel Regulations”) and upon request by the City (and the Air District if</li> </ul>



<b>Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6</b>	<b>Are formal compliance steps or mitigation required?</b>	<b>Compliance determinations</b>
		<p>specifically requested), the project applicant shall provide written documentation that fleet requirements have been met.</p> <p><i>AIR-3: Toxic Air Contaminant Controls-Construction Related</i></p> <p>a. Particulate Matter Reduction Measures</p> <p>The project applicant shall implement appropriate measures during construction to reduce potential health risks to sensitive receptors due to exposure to diesel particulate matter (DPM) and particulate matter less than 2.5 microns in diameter (PM<sub>2.5</sub>) in exhaust and fugitive emissions from construction activities. The project applicant shall choose to implement i or both ii and iii:</p> <p>i. The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with current guidance from the California Air Resources Board (CARB), the Office of Environmental Health and Hazard Assessment, and the Bay Area Air Quality Management District (BAAQMD) to determine the health risk to sensitive receptors exposed to DPM and PM<sub>2.5</sub> from exhaust and fugitive emissions from project construction. The HRA shall be based on project-specific construction schedule, equipment, and activity data. Estimated project-level health risks shall be compared to the City’s health risk significance thresholds for projects. The HRA shall be submitted to the City (and the Air District if specifically requested) for review and approval. If the HRA concludes that the health risk is at or below the City’s health risk significance thresholds for projects, then DPM and PM<sub>2.5</sub> reduction measures are not required. If the HRA concludes that the health risk exceeds the City’s health risk significance thresholds for projects, DPM and PM<sub>2.5</sub> reduction measures shall be identified to reduce the health risk to below the City’s health risk significance thresholds as set forth under subsection b below. Identified DPM and PM<sub>2.5</sub> reduction measures shall be submitted to the City for review and approval prior to the issuance of building permits and the approved DPM and PM<sub>2.5</sub> reduction measures shall be implemented during construction.</p> <p>-OR-</p> <p>ii. The project applicant shall incorporate the following health risk reduction measures into the project to reduce TAC emissions from construction equipment. These features shall be submitted to the City for review and approval and be included on the project</p>





<p><b>Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6</b></p>	<p><b>Are formal compliance steps or mitigation required?</b></p>	<p><b>Compliance determinations</b></p>
		<p>drawings submitted for the construction-related permit or on other documentation submitted to the City:</p> <ul style="list-style-type: none"> <li>• All off-road diesel equipment shall be equipped with the most effective Verified Diesel Emission Control Strategies (VDECS) available for the engine type (Tier 4 engines automatically meet this requirement) as certified by CARB. The equipment shall be properly maintained and tuned in accordance with manufacturer specifications. This shall be verified through an equipment inventory submittal and Certification Statement that the Contractor agrees to compliance and acknowledges that a significant violation of this requirement shall constitute a material breach of contract.</li> <li>• Where access to grid-powered electricity is available, portable diesel engines shall be prohibited and electric engines shall be used for concrete/industrial saws, sweepers/scrubbers, aerial lifts, welders, air compressors, fixed cranes, forklifts, cement and mortar mixers, pressure washers, and pumps.</li> </ul> <p>Any other best available technology that reduces emissions offered at the time that future projects are reviewed may be included in the construction emissions minimization plan (e.g., alternative fuel sources, etc.). -and-</p> <p>iii The project applicant shall implement all enhanced control measures included in AIR-1 (Dust Controls – Construction Related).</p> <p><i>AIR-4: Reduce Exposure to Air Pollution (Toxic Air Contaminants)</i></p> <p>a. Health Risk Reduction Measures</p> <p>The project applicant shall incorporate appropriate measures into the project design in order to reduce the potential health risk due to exposure to toxic air contaminants. The project applicant shall choose <b>one</b> of the following methods:</p> <p>i. The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with California Air Resources Board (CARB) and Office of Environmental Health and Hazard Assessment requirements and in accordance with Bay Area Air Quality Management District (BAAQMD) CEQA guidance for HRAs to determine the health risk of exposure of project residents/occupants/users to air pollutants and the exposure of existing off-site sensitive receptors to project-</p>



<b>Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6</b>	<b>Are formal compliance steps or mitigation required?</b>	<b>Compliance determinations</b>
		<p>generated TAC emissions. The HRA shall be based on project-specific activity data. Estimated project-level health risks shall be compared to the City’s health risk significance thresholds for projects. The HRA shall be submitted to the City for review and approval. If the HRA concludes that the health risk is at or below the City’s health risk significance thresholds for projects, then health risk reduction measures are not required. If the HRA concludes that the health risk exceeds the City’s health risk significance thresholds for projects, health risk reduction measures shall be identified to reduce the health risk below the City’s health risk significance thresholds. Identified risk reduction measures shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City. The approved risk reduction measures shall be implemented during construction and/or operations as applicable.</p> <p>- or -</p> <p>ii. The project applicant shall incorporate the following health risk reduction measures into the project. These features shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City:</p> <ul style="list-style-type: none"> <li>• Installation of mechanical ventilation systems to reduce cancer risks and Particulate Matter (PM) exposure for residents and other sensitive populations in the project that are in close proximity to sources of air pollution. Mechanical ventilation systems shall be capable of achieving the protection from particulate matter (PM<sub>2.5</sub>) equivalent to that associated with a MERV-16 filtration (as defined by American Society of Heating, Refrigerating, and Air-Conditioning Engineers standard 52.2). As part of implementing this measure, an ongoing maintenance plan for the building’s HVAC air filtration system shall be required.</li> <li>• Where appropriate, install passive electrostatic filtering systems, especially those with low air velocities (i.e., 1 mph).</li> <li>• Phasing of residential developments when proposed within 500 feet of freeways such that homes nearest the freeway are built last, if feasible.</li> <li>• The project shall be designed to locate sensitive receptors as far away as feasible from the source(s) of air pollution. Operable</li> </ul>



<b>Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6</b>	<b>Are formal compliance steps or mitigation required?</b>	<b>Compliance determinations</b>
		<p>windows, balconies, and building air intakes shall be located as far away from these sources as feasible. If near a distribution center, residents shall be located as far away as feasible from a loading dock or where trucks concentrate to deliver goods.</p> <ul style="list-style-type: none"> <li>• Sensitive receptors shall be located on the upper floors of buildings, if feasible.</li> <li>• Planting trees and/or vegetation between sensitive receptors and pollution source, if feasible. Trees that are best suited to trapping PM shall be planted, including one or more of the following: Pine (<i>Pinus nigra</i> var. <i>maritima</i>), Cypress (<i>X Cupressocyparis leylandii</i>), Hybrid poplar (<i>Populus deltoids X trichocarpa</i>), and Redwood (<i>Sequoia sempervirens</i>).</li> <li>• Sensitive receptors shall be located as far away from truck activity areas, such as loading docks and delivery areas, as feasible.</li> <li>• Existing and new diesel generators shall meet CARB’s Tier 4 emission standards, if feasible.</li> <li>• Emissions from diesel trucks shall be reduced through implementing the following measures, if feasible:             <ul style="list-style-type: none"> <li>• Installing electrical hook-ups for diesel trucks at loading docks.</li> <li>• Requiring trucks to use Transportation Refrigeration Units (TRU) that meet Tier 4 emission standards.</li> <li>• Requiring truck-intensive projects to use advanced exhaust technology (e.g., hybrid) or alternative fuels.</li> <li>• Prohibiting trucks from idling for more than two minutes.</li> <li>• Establishing truck routes to avoid sensitive receptors in the project. A truck route program, along with truck calming, parking, and delivery restrictions, shall be implemented.</li> </ul> </li> </ul> <p>b. Maintenance of Health Risk Reduction Measures</p> <p>The project applicant shall maintain, repair, and/or replace installed health risk reduction measures, including but not limited to the HVAC system (if applicable), on an ongoing and as-needed basis. Prior to occupancy, the project applicant shall prepare and then distribute to the building manager/operator an operation and maintenance manual for</p>



<b>Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6</b>	<b>Are formal compliance steps or mitigation required?</b>	<b>Compliance determinations</b>
		<p>the HVAC system and filter including the maintenance and replacement schedule for the filter.</p> <p><b>Source Documentation:</b></p> <p>City of Oakland City Planning Commission Decision Letter 052021, PLN 20038, PLN20038-ER-1, PLN20108, Lake Merritt BART TOD Project, which contains the 2021 Lake Merritt BART Station Redevelopment Project CEQA Checklist</p> <p>Bay Area Air Quality Management District. 2023. California Environmental Quality Act Air Quality Guidelines. <a href="https://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/updated-ceqa-guidelines">https://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/updated-ceqa-guidelines</a>. Accessed January 2024.</p> <p>U.S. EPA. 2009. <i>Residential Air Cleaners, a Summary of Available Information</i>. <a href="https://19january2017snapshot.epa.gov/sites/production/files/2014-08/documents/residential_air_cleaning_devices.pdf">https://19january2017snapshot.epa.gov/sites/production/files/2014-08/documents/residential_air_cleaning_devices.pdf</a>. Accessed January 2024.</p>
<p><b>Coastal Zone Management</b></p> <p>Coastal Zone Management Act, sections 307(c) &amp; (d)</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The project is not located in a coastal zone as defined and authorized by the Coastal Zone Management Act. Because the project site is not within the boundaries of the coastal zone, Coastal Zone Management Act, sections 307(c) and (d) would not apply to the project. Along the San Francisco Bay, the San Francisco Bay Conservation and Development Commission (BCDC) is authorized to administer these sections of the Coastal Zone Management Act. BCDC’s jurisdiction is limited to wetlands, a shoreline band extending 100 feet inland from the shoreline of San Francisco Bay, the bay itself, and salt ponds. The project would not involve any activities in or adjacent to these water features and is not within 100 feet of the shoreline. Therefore, there are no formal compliance steps or mitigation required.</p> <p><b>Source Documentation:</b> Attachment B</p>
<p><b>Contamination and Toxic Substances</b></p> <p>24 CFR Part 50.3(i) &amp; 58.5(i)(2)</p>	<p>Yes No</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p><b>Hazardous Materials Environmental Site Assessments</b></p> <p>A Phase I ESA was completed for the two-block Lake Merritt BART TOD project site by Langan on May 17, 2019. There was one identified Recognized Environmental Conditions (REC), a Vapor Encroachment Concern (VEC) associated with a historical dry cleaner approximately within 100 feet of Block 1, and one identified Historical REC (HREC), a Historical Gas Station, at the southeast corner of Block 1, where Building B is proposed.</p>



<b>Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6</b>	<b>Are formal compliance steps or mitigation required?</b>	<b>Compliance determinations</b>
		<p>A Phase II ESA was subsequently completed for the Lake Merritt BART TOD project site by Langan on April 20, 2020 to further characterize the RECs. Specifically, for the Phase II ESA, soil, soil vapor, and groundwater samples were collected and analytically tested to assess potential health risk management protocols needed during construction. Results of the testing indicated no elevated concentrations of heavy metals in the layer of fill material and no hazardous levels of contaminants in the native material beneath the fill. Groundwater analytical results detected petroleum-related volatile organic compounds exceeding residential and/or commercial environmental screening levels (ESLs). Specifically, exceedances of chemicals of concern such as ethylbenzene and xylenes, as well as tetrachloroethylene and trichloroethylene, were found within the footprint of the proposed Building B.</p> <p><b>Voluntary Remedial Action Agreement and Coordination with Alameda County Department of Environmental Health</b></p> <p>The project applicant entered into a Voluntary Remedial Action Agreement with the Alameda County Department of Environmental Health (ACDEH) in November 2022. The agreement stipulates that the ACDEH will provide environmental oversight during redevelopment and/or remedial action to ensure the site would not pose a threat to human health or the environment. Because of the earlier timeframe for development on Block 1 and later development on Block 2 and because of the different land uses and lots comprising Block 1, ACDEH assigned three case numbers for Block 1: Building B – RO0003559; Building A – RO0003560; and paseo/remainder parcel – RO0003560. Based on further soil sampling and analytical testing results completed in December 2023, at ACDEH’s request, the levels of contamination at the former gas station site qualifies for the State Water Resources Control Board’s Low-Threat Underground Storage Tank Case Closure Policy.</p> <p>The results of a February 2024 Soil Waste Characterization Report (Langan 2024a), which included site-specific soils testing, determined that approximately 18 cubic yards of material containing soluble lead concentrations exceeding the California Class I non-RCRA hazardous waste criteria is on the Building B project site at depths of approximately 2.25 to 4 feet below the ground surface, in a small area (approximately 20 feet long by 10 feet wide) in the eastern portion of the project site where the gas station was located. When excavated, this material must be handled and disposed of as California Class I non-RCRA hazardous waste. The remaining fill material that is excavated</p>





<b>Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6</b>	<b>Are formal compliance steps or mitigation required?</b>	<b>Compliance determinations</b>
		<p>during construction may be disposed of as Class II non-hazardous material as needed based on the project’s grading plan. Deeper native material may be suitable for export as unrestricted pending receiving facility acceptance criteria, subsurface conditions encountered during construction, and ACDEH soil import/export requirements.</p> <p><b>Corrective Action Plan</b></p> <p>Based on the further sampling and test results documented in the Soil Waste Characterization Report, a draft Corrective Action Plan (CAP) to remove the soluble lead concentrations in soil exceeding State hazardous waste criteria during construction was submitted to ACDEH for review (Langan 2024b), and a Fact Sheet was published on March 15, 2024 indicating that the draft CAP was available for public review and comment from March 18 through April 17, 2024 (ACDEH 2024). Information on the site assessment can also be found on the State’s GeoTracker site, #T10000020306 at <a href="https://geotracker.waterboards.ca.gov/profile_report?global_id=T1000020306">https://geotracker.waterboards.ca.gov/profile_report?global_id=T1000020306</a>.</p> <p>The CAP proposes the following actions:</p> <ul style="list-style-type: none"> <li>• Excavating soil beneath portions of the ground surface to facilitate construction and remove the historically contaminated soil, and</li> <li>• Transporting the excavated soil to a licensed, off-site disposal facility.</li> </ul> <p>Following the close of the public review period on the draft CAP, EBALDC submitted a Final CAP to ACDEH. Conditional approval of the Final CAP for Building B (T10000020306) and the Lake Merritt BART Development (T10000014553) was issued by ACDEH on June 4, 2024, concurring that implementation of the proposed remedial actions will reduce the contaminant mass of metals in soil and minimize risk to on- and off-site receptors to residual subsurface contamination in soil, soil vapor, and groundwater to levels that are protective of human health.</p> <p>Further, the project applicant is required to comply with local, state, and federal hazardous material regulations and document the presence or lack thereof of hazardous building or stored materials and specifications for the stabilization and/or removal of the identified materials in accordance with applicable laws and regulations. Because the proposed project would need to comply with the ACDEH voluntary agreement and other local, state, and federal hazardous materials</p>



<b>Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6</b>	<b>Are formal compliance steps or mitigation required?</b>	<b>Compliance determinations</b>
		<p>regulations, there are formal compliance steps required to reduce exposure to hazardous materials.</p> <p><b>State and Federal Hazardous Waste Inventories</b></p> <p>As a result of the hazardous site investigations described above for the project site, its cleanup status has been classified as an “open - site assessment” as of October 3, 2022 on the State Water Resources Control Board GeoTracker (an online information system of environmental data from water quality regulatory programs). Closure of this open case would occur only after the CAP has been implemented to the satisfaction of the ACDEH.</p> <p>The project site is not located within 0.25 mile of a Superfund or CERCLIS site (U.S. EPA 2024).</p> <p><b>Radon</b></p> <p>Radon is a naturally-occurring, odorless, and invisible gas. Natural radon levels vary and are closely related to geologic formations. Radon may enter buildings through basement sumps or other openings. The U.S. EPA has prepared a map to assist federal, State, and local organizations to target their resources and to implement radon-resistant building codes. The map provides three radon zones (Zones 1, 2, and 3), with Zone 1 being those areas where the average predicted indoor radon concentration in residential dwellings exceeds the EPA-recommended Action Limit of 4.0 picocuries per liter of air (pO/L). As part of the Phase I ESA performed for the project site (Langan 2019), Environmental Data Resources, Inc. performed a search of the U.S. EPA state maps for radon potential. The project site is situated in U.S. EPA Zone 2, which has a predicted average indoor radon screening level between 2 pO/ l and 4 pO/ l: equal to or below the action level of 4 pO/ l set forth by the U.S. EPA. The proposed project would include a concrete foundation slab, which would help to reduce the potential migration of radon into the proposed building, and as stated above, the project site is situated in U.S. EPA radon Zone 2, not Zone 1.</p> <p>In addition to the compliance steps required to satisfy local, state, and federal regulations governing hazardous materials, site-specific mitigation measures are required based on the hazardous materials investigations and analyses conducted at the project site. In addition, the City has adopted Uniformly Applied Development Standards imposed as SCAs, listed below, that require best management practices to reduce adverse health effects from environmental contamination and toxic substances. Compliance with these SCAs that address hazardous</p>



<b>Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6</b>	<b>Are formal compliance steps or mitigation required?</b>	<b>Compliance determinations</b>
		<p>materials related to construction, building materials and site contamination, as well as a plan to train employees to handle hazardous materials properly, will ensure that potential exposure to contamination and toxic substances will not be adverse.</p> <p><b>Conclusion</b></p> <p>There is an open ACDEH case for the project site (Case #T10000020306), but the project site is currently part of a Voluntary Remedial Action Program with ACDEH. Site investigation and correspondence with ACDEH indicate that the project site can be remediated to achieve acceptable levels for the proposed land uses by implementing the cleanup measures in the Final CAP. Therefore, the proposed project would not introduce toxic, hazardous substances, or radioactive materials, nor would the project involve use of toxic chemicals or radioactive materials.</p> <p><u>Mitigation Required:</u></p> <p><i>HAZ-1: Compliance with Approved Corrective Action Plan</i></p> <p>The project applicant shall implement the actions in the Final CAP and comply with the conditions stipulated by ACDEH in its conditional approval of the Final CAP. The boundaries of the area to be excavated shall be established using survey equipment and marked in the field prior to selective removal of surface asphalt and soil excavation to the targeted depth. Soil segregation and management recommendations for the corrective action activities shall be implemented as detailed in the Final CAP.</p> <p>A CAP Completion Report shall be prepared following completion of corrective action activities and once the corrective action objectives have been met at the site. This report shall present a summary of the targeted hazardous soil removal and earthwork, dust control, any sampling and analytical testing during construction, disposal documentation (hazardous waste manifests and weight tickets) and completed corrective action activities during construction.</p> <p><u>SCAs Required:</u></p> <p><i>HAZ-2: Regulatory Permits and Authorization from Other Agencies</i></p> <p>The project applicant shall obtain all necessary regulatory permits and authorizations from applicable resource/regulatory agencies including, but not limited to, the Regional Water Quality Control Board, Bay Area Air Quality Management District, Bay Conservation and Development Commission, California Department of Fish and</p>



<b>Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6</b>	<b>Are formal compliance steps or mitigation required?</b>	<b>Compliance determinations</b>
		<p>Wildlife, U. S. Fish and Wildlife Service, and Army Corps of Engineers and shall comply with all requirements and conditions of the permits/authorizations. The project applicant shall submit evidence of the approved permits/authorizations to the City, along with evidence demonstrating compliance with any regulatory permit/authorization conditions of approval.</p> <p><i>HAZ-3: Hazardous Materials Related to Construction</i></p> <p>The project applicant shall ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to minimize potential negative effects on groundwater, soils, and human health. These shall include, at a minimum, the following:</p> <ol style="list-style-type: none"> <li>a. Follow manufacture’s recommendations for use, storage, and disposal of chemical products used in construction;</li> <li>b. Avoid overtopping construction equipment fuel gas tanks;</li> <li>c. During routine maintenance of construction equipment, properly contain and remove grease and oils;</li> <li>d. Properly dispose of discarded containers of fuels and other chemicals;</li> <li>e. Implement lead-safe work practices and comply with all local, regional, state, and federal requirements concerning lead (for more information refer to the Alameda County Lead Poisoning Prevention Program); and</li> <li>f. If soil, groundwater, or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the project applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notifying the City and applicable regulatory agency(ies) and implementation of the actions described in the City’s Standard Conditions of Approval, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate.</li> </ol>



<b>Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6</b>	<b>Are formal compliance steps or mitigation required?</b>	<b>Compliance determinations</b>
		<p><i>HAZ-4: Hazardous Building Materials and Site Contamination</i></p> <p>a. Hazardous Building Materials and Site Contamination</p> <p>The project applicant shall submit a comprehensive assessment report to the Bureau of Building, signed by a qualified environmental professional, documenting the presence or lack thereof of asbestos-containing materials (ACMs), lead-based paint, polychlorinated biphenyls (PCBs), and any other building materials or stored materials classified as hazardous materials by State or federal law. If lead-based paint, ACMs, PCBs, or any other building materials or stored materials classified as hazardous materials are present, the project applicant shall submit specifications prepared and signed by a qualified environmental professional, for the stabilization and/or removal of the identified hazardous materials in accordance with all applicable laws and regulations. The project applicant shall implement the approved recommendations and submit to the City evidence of approval for any proposed remedial action and required clearances by the applicable local, state, or federal regulatory agency.</p> <p>b. Environmental Site Assessment Required</p> <p>The project applicant shall submit a Phase I Environmental Site Assessment report, and Phase II Environmental Site Assessment report if warranted by the Phase I report, for the project site for review and approval by the City. The report(s) shall be prepared by a qualified environmental assessment professional and include recommendations for remedial action, as appropriate, for hazardous materials. The project applicant shall implement the approved recommendations and submit to the City evidence of approval for any proposed remedial action and required clearances by the applicable local, state, or federal regulatory agency.</p> <p>c. Health and Safety Plan Required</p> <p>The project applicant shall submit a Health and Safety Plan for the review and approval by the City in order to protect project construction workers from risks associated with hazardous materials. The Project applicant shall implement the approved Plan.</p> <p>d. Best Management Practices (BMPs) Required for Contaminated Sites</p> <p>The project applicant shall ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to</p>



<b>Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6</b>	<b>Are formal compliance steps or mitigation required?</b>	<b>Compliance determinations</b>
		<p>minimize potential soil and groundwater hazards. These shall include the following:</p> <ul style="list-style-type: none"> <li>i. Soil generated by construction activities shall be stockpiled on-site in a secure and safe manner. All contaminated soils determined to be hazardous or non-hazardous waste must be adequately profiled (sampled) prior to acceptable reuse or disposal at an appropriate off-site facility. Specific sampling and handling and transport procedures for reuse or disposal shall be in accordance with applicable local, state, and federal requirements.</li> <li>ii. Groundwater pumped from the subsurface shall be contained on-site in a secure and safe manner, prior to treatment and disposal, to ensure environmental and health issues are resolved pursuant to applicable laws and policies. Engineering controls shall be utilized, which include impermeable barriers to prohibit groundwater and vapor intrusion into the building.</li> </ul> <p><b>Source Documentation:</b> Attachments D1, D2, and D3, and Alameda County Department of Environmental Health. 2022. Voluntary Remedial Action Agreement No. RO0003559-2022-10-03. Alameda, CA.</p> <p>California Department of Toxic Substances Control. 2024. EnviroStor. <a href="http://envirostor.dtsc.ca.gov/public">http://envirostor.dtsc.ca.gov/public</a>. Accessed February 27, 2024.</p> <p>Langan, Inc. 2022. Site Investigation and Low Threat Closure Analysis, Lake Merritt Bay Area Rapid Transit Station, ACDEH Case Nos: RO0003559/RO0003560/RO0003561, Langan Project No.: 750650004</p> <p>Langan, Inc. 2024a. Soil Waste Characterization Report, Lake Merritt Bay Area Rapid Transit Station Block 1 – Building B, Oakland, California, ACDEH Case No. RO0003559, Langan Project No.: 750650006.</p> <p>State Water Resources Control Board. 2024. GeoTracker. <a href="http://geotracker.waterboards.ca.gov">http://geotracker.waterboards.ca.gov</a>. Accessed February 8, 2024.</p> <p>U.S. Environmental Protection Agency. 2024. Superfund National Priorities List (NPL) Map Where You Live. <a href="https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=33cebcdffd1b4c3a8b51d416956c41f1">https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=33cebcdffd1b4c3a8b51d416956c41f1</a>. Accessed February 27, 2024.</p>





<b>Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6</b>	<b>Are formal compliance steps or mitigation required?</b>	<b>Compliance determinations</b>
<p><b>Endangered Species</b></p> <p>Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p><b>Prior Environmental Documentation and Field Surveys</b></p> <p>The 2014 LMSAP EIR identified 12 special-status species that have the potential to occur within the project site, including the California brown pelican, double-crested cormorant, American peregrine falcon, Alameda song sparrow, Barrow’s goldeneye, Cooper’s hawk, red-shouldered hawk, red tailed hawk, pallid bat, big free-tailed bat, hoary bat, and silver-haired bat. Within the project site, the 2014 LMSAP EIR identified Lake Merritt and the Lake Merritt Channel as particularly sensitive areas with regard to biological resources; however, these areas are 0.25 mile from the project site and separated by intervening urban development. As a result, they would not be adversely affected by project construction.</p> <p>A field survey to assess biological resources was conducted by ESA on June 17, 2020 as part of the City’s Lake Merritt BART Station Redevelopment Project 2021 CEQA Checklist which includes the proposed project, and no special-status plant or wildlife species, including those listed as rare, threatened or endangered by the Federal and/or State resource agencies with the exception of a double-crested cormorant, were observed. All the bird species identified during the 2020 field survey, including double-crested cormorants as well as many other common bird species, are protected by the Migratory Bird Treaty Act and have the potential to nest in the landscape trees and shrubs in the project area. Because the project site is in the fully developed urban area of Downtown Oakland, with no native habitats, terrestrial wildlife habitat is limited to trees such as African fir pine (<i>Afrocarpus falcatus</i>), Peruvian peppertree (<i>Schinus molle</i>), olive (<i>Olea europa</i>), African sumac (<i>Rhus lancea</i>), Italian cypress (<i>Cupressus sempervirens</i>), Eucalyptus (<i>Eucalyptus</i> sp.), London plane tree (<i>Platanus acerifolia</i>), and southern magnolia (<i>Magnolia grandiflora</i>), and landscape plants, such as rose (<i>Rosa</i> sp.), English ivy (<i>Hedera helix</i>), oleander (<i>Nerium oleander</i>), island mallow (<i>Malva assurgentiflora</i>), and jasmine (<i>Jasminium</i> sp.).</p> <p>As part of the PUD for the entire Lake Merritt BART Station Redevelopment Project, the project sponsors retained a landscape architectural firm to complete a tree inventory. The inventory included in the plan set identifies 41 trees on Block 1, all of which would be removed as redevelopment of the block occurs. Of these trees, the project site includes approximately seven within the Building B footprint, eleven along the sidewalks on 8<sup>th</sup> Street and Fallon Street, two within the paseo, and three in the West Plaza surrounding the skylight. Most of the trees vary between 9” and 18” in diameter at</p>



<b>Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6</b>	<b>Are formal compliance steps or mitigation required?</b>	<b>Compliance determinations</b>
		<p>breast height, although one along 8<sup>th</sup> Street is 51” in diameter at breast height. The project site contains a variety of trees, including olive, Brazilian pepper, Victorian box, and California sycamore trees. According to City Ordinance, Chapter 12.36, Protected Trees, any tree (except eucalyptus) greater than 9” in diameter at breast height and any tree of any size in the public right-of-way are identified as protected trees. The proposed project would result in the removal of an estimated 23 trees that are protected by and require permits from the City. Additionally, the trees could be occupied by nesting birds or special-status roosting bats that are protected by state and federal regulations.</p> <p><b>U.S. Fish and Wildlife Service Information for Planning and Consultation Tool</b></p> <p>In addition to the prior environmental documentation, the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) tool was applied to identify other endangered, threatened, or candidate species that could occur in the project vicinity. The results identified the following 12 animal species: salt marsh harvest mouse (endangered), California Ridgeway’s rail (endangered), California least tern (endangered), western snowy plover (threatened), Alameda whipsnake (threatened), green sea turtle (threatened), northwestern pond turtle (proposed threatened), California red-legged frog (threatened), foothill yellow-legged frog (threatened), tidewater goby (endangered), monarch butterfly (candidate). The results also identified the Santa Cruz tarplant (threatened). The birds, reptiles, amphibians, fish, insects, and plants listed above require significant vegetation cover, marshlands, chaparral environments, or sources of water for their habitat, none of which are present at or near the project site. Based on the USFWS IPaC Database Search, there are no critical habitats within the project site (see Attachment F: USFWS IPaC Database Search).</p> <p><b>Conclusion</b></p> <p>The proposed project would not result in the loss of habitat used by any of the endangered, threatened, or candidate species identified above or impact critical habitat. Therefore, the proposed project would not adversely affect sensitive biological resources, and there are no formal compliance steps or mitigation required to reduce effects to endangered species.</p> <p>The City has adopted Uniformly Applied Development Standards imposed as SCAs, listed below, that require measures to reduce impacts to nesting birds and bats. Compliance with these SCAs will</p>



<b>Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6</b>	<b>Are formal compliance steps or mitigation required?</b>	<b>Compliance determinations</b>
		<p>ensure that effects to these species are avoided and/or minimized to be not adverse.</p> <p><u>SCAs Required:</u></p> <p><i>BIO-1: Avoid and Minimize Impacts on Special-Status Roosting Bats in Trees</i></p> <p>To avoid and minimize impacts on special-status roosting bats in trees, the project applicant shall comply with the following requirements:</p> <ol style="list-style-type: none"> <li>a) A qualified biologist (as defined by California Department of Fish and Wildlife) who is experienced with bat surveying techniques (including auditory sampling methods), behavior, and roosting habitat shall conduct a pre-construction habitat assessment of the subject tree to characterize potential bat habitat and identify potentially active roost sites.</li> <li>b) Trees with potential bat roosting habitat or active bat roost sites shall follow a two-step removal process which shall occur outside of the bat maternity roosting season and period of winter torpor (April 15 to August 15, and October 15 to March 1).</li> <li>c) On the first day and under supervision of the qualified biologist, tree branches and limbs not containing cavities or fissures in which bats could roost shall be cut using chainsaws or other handheld equipment.</li> <li>d) On the following day and under the supervision of the qualified biologist, the remainder of the tree may be trimmed or removed, either using chainsaws or other equipment (e.g., excavator or backhoe).</li> <li>e) All felled trees shall remain on the ground for at least 24 hours prior to chipping, off-site removal, or other processing to allow any bats to escape, or be inspected once felled by the qualified biologist to ensure no bats remain within the tree and/or branches. The tree will be removed on or after the third day.</li> </ol> <p><i>BIO-2 Tree Removal During Bird Breeding Season</i></p> <p>To the extent feasible, removal of any tree and/or other vegetation suitable for nesting of birds shall not occur during the bird breeding season of February 1 to August 15 (or during December 15 to August 15 for trees located in or near marsh, wetland, or aquatic habitats). If tree removal must occur during the bird breeding season, all trees to be removed shall be surveyed by a qualified biologist to verify the presence or absence of nesting raptors or other birds. Pre-removal</p>



<b>Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6</b>	<b>Are formal compliance steps or mitigation required?</b>	<b>Compliance determinations</b>
		<p>surveys shall be conducted within 15 days prior to the start of work and shall be submitted to the City for review and approval. If the survey indicates the potential presence of nesting raptors or other birds, the biologist shall determine an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged. The size of the nest buffer will be determined by the biologist in consultation with the California Department of Fish and Wildlife, and will be based to a large extent on the nesting species and its sensitivity to disturbance. In general, buffer sizes of 200 feet for raptors and 50 feet for other birds should suffice to prevent disturbance to birds nesting in the urban environment, but these buffers may be increased or decreased, as appropriate, depending on the bird species and the level of disturbance anticipated near the nest.</p> <p><i>BIO-3: Tree Permit</i></p> <p><i>a. Tree Permit Required</i></p> <p>Pursuant to the City’s Tree Protection Ordinance (OMC chapter 12.36), the project applicant shall obtain a tree permit and abide by the conditions of That permit.</p> <p><i>b. Tree Protection During Construction</i></p> <p>Adequate protection shall be provided during the construction period for any trees which are to remain standing, including the following, plus any recommendations of arborist:</p> <ol style="list-style-type: none"> <li>i. Before the start of any clearing, excavation, construction, or other work on the site, every protected tree deemed to be potentially endangered by said site work shall be securely fenced off at a distance from the base of the tree to be determined by the project’s consulting arborist. Such fences shall remain in place for duration of all such work. All trees to be removed shall be clearly marked. A scheme shall be established for the removal and disposal of logs, brush, earth and other debris which will avoid injury to any protected tree.</li> <li>ii. Where proposed development or other site work is to encroach upon the protected perimeter of any protected tree, special measures shall be incorporated to allow the roots to breathe and obtain water and nutrients. Any excavation, cutting, filling, or compaction of the existing ground surface within the protected perimeter shall be minimized. No change in existing ground level shall occur within a distance to be determined by the project’s consulting arborist from the base of any protected tree at any</li> </ol>



<b>Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6</b>	<b>Are formal compliance steps or mitigation required?</b>	<b>Compliance determinations</b>
		<p>time. No burning or use of equipment with an open flame shall occur near or within the protected perimeter of any prod tree.</p> <p>iii. No storage or dumping of oil, gas, chemicals, or other substances that may be harmful to trees shall occur within the distance to be determined by the project’s consulting arborist from the base of any protected trees, or any other location on the site from which such substances might enter the protected perimeter. No heavy construction equipment or construction materials shall be operated or stored within a distance from the base of any protected trees to be determined by the project’s consulting arborist. Wires, ropes, or other devices shall not be attached to any protected tree, except as needed for support of the tree. No sign, other than a tag showing the botanical classification, shall be attached to any protected tree.</p> <p>iv Periodically during construction, the leaves of protected trees shall be thoroughly sprayed with water to prevent buildup of dust and other pollution that would inhibit leaf transpiration.</p> <p>v. If any damage to a protected tree should occur during or as a result of work on the site, the project applicant shall immediately notify the Public Works Department and the project’s consulting arborist shall make a recommendation to the City Tree Reviewer as to whether the damaged tree can be preserved. If, in the professional opinion of the Tree Reviewer, such tree cannot be preserved in a healthy state, the Tree Reviewer shall require replacement of any tree removed with another tree or trees on the same site deemed adequate by the Tree Reviewer to compensate for the loss of the tree that is removed.</p> <p>vi. All debris created as a result of any tree removal work shall be removed by the project applicant from the property within two weeks of debris creation, and such debris shall be properly disposed of by the project applicant in accordance with all applicable laws, ordinances, and regulations.</p> <p>c. <i>Tree Replacement Plantings</i></p> <p>Replacement plantings shall be required for tree removals for the purposes of erosion control, groundwater replenishment, visual screening, wildlife habitat, and preventing excessive loss of shade, in accordance with the following criteria:</p> <p>i. No tree replacement shall be required for the removal of nonnative species, for the removal of trees which is required for</p>



<b>Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6</b>	<b>Are formal compliance steps or mitigation required?</b>	<b>Compliance determinations</b>
		<p>the benefit of remaining trees, or where insufficient planting area exists for a mature tree of the species being considered.</p> <p>ii. Replacement tree species shall consist of <i>Sequoia sempervirens</i> (Coast Redwood), <i>Quercus agrifolia</i> (Coast Live Oak), <i>Arbutus menziesii</i> (Madrone), <i>Aesculus californica</i> (California Buckeye), <i>Umbellularia californica</i> (California Bay Laurel), or other tree species acceptable to the Tree Division.</p> <p>iii. Replacement trees shall be at least twenty-four (24) inch box size, unless a smaller size is recommended by the arborist, except that three fifteen (15) gallon size trees may be substituted for each twenty-four (24) inch box size tree where appropriate.</p> <p>iv. Minimum planting areas must be available on site as follows:</p> <ul style="list-style-type: none"> <li>• For <i>Sequoia sempervirens</i>, three hundred fifteen (315) square feet per tree;</li> <li>• For other species listed, seven hundred (700) square feet per tree.</li> </ul> <p>v. In the event that replacement trees are required but cannot be planted due to site constraints, an in lieu fee in accordance with the City’s Master Fee Schedule may be substituted for required replacement plantings, with all such revenues applied toward tree planting in city parks, streets and medians.</p> <p>vi. The project applicant shall install the plantings and maintain the plantings until established. The Tree Reviewer of the Tree Division of the Public Works Department may require a landscape plan showing the replacement plantings and the method of irrigation. Any replacement plantings which fail to become established within one year of planting shall be replanted at the project applicant’s expense.</p> <p><b>Source Documentation:</b> Attachment F and Site Visit</p> <p>City of Oakland. 2014. Lake Merritt Station Area Plan EIR. SCH # 2012032012. <a href="https://www.oaklandca.gov/topics/lake-merritt-station-area-plan-environmental-impact-report">https://www.oaklandca.gov/topics/lake-merritt-station-area-plan-environmental-impact-report</a>. Accessed January 2024.</p> <p>City of Oakland City Planning Commission Decision Letter 052021, PLN 20038, PLN20038-ER-1, PLN20108, Lake Merritt BART</p>





<b>Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6</b>	<b>Are formal compliance steps or mitigation required?</b>	<b>Compliance determinations</b>
		<p>TOD Project, which contains the 2021 Lake Merritt BART Station Redevelopment Project CEQA Checklist.</p> <p>City of Oakland City Planning Commission Decision Letter 072222, PLN20108-PUDFDP-01, 51 9<sup>th</sup> Sheet L2.0.</p> <p><a href="#">City of Oakland</a> City Planning Commission Decision Letter 072222, PLN20108-PUDFDP-02, 51 9<sup>th</sup> and 107- 8<sup>th</sup> St – Horizontal Improvements.</p>
<p><b>Explosive and Flammable Hazards</b></p> <p>24 CFR Part 51 Subpart C</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The project site is an urbanized setting defined by residential, offices, neighborhood retail services, and Laney College to the east. As part of the Phase I ESA prepared for the proposed project (Langan 2019), two above-ground storage tanks (ASTs) were identified within 0.25 mile of the project site. As shown in Attachment D1, AST No. 1 is located at 101 8<sup>th</sup> Street, approximately 250 feet southwest of the project site. AST No. 2 is located at 1221 Oak Street, approximately 975 feet north of the project site. HUD’s Acceptable Separation Distance (ASD) electronic assessment tool was used to conservatively assess the ASD for potential explosion and fire hazards for each tank. The tanks are not pressurized, and they are surrounded by concrete dikes. Based on the HUD ASD tool, the minimum safe distance from AST No. 1 is 108 feet, and the minimum safe distance from AST No. 2 is 109 feet. Therefore, based on the ASD calculations, the project site is located at an acceptable distance from the existing ASTs and would not be affected by potential explosion or fire hazards, and there are no formal compliance steps or mitigation required to protect the project and its occupants from risk of injury from an explosion.</p> <p><b>Source Documentation:</b> Attachment G and HUD Exchange Acceptable Separation Distance (ADS) Electronic Assessment Tool: <a href="https://www.hudexchange.info/environmental-review/asd-calculator/">https://www.hudexchange.info/environmental-review/asd-calculator/</a>. Accessed February 2024.</p>
<p><b>Farmlands Protection</b></p> <p>Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>Prime farmland is land best suited for producing food, forage, fiber, and oilseed crops and also available for these uses (the land could be cropland, pastureland, rangeland, forest land, or other land but not urban built-up land or water).</p> <p>The project would not convert unique, prime or significant (state or local) farmland to an urban use. Because the project site is in an urbanized Downtown area and no federally designated farmlands have been identified within the project area, the Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541, and 7 CFR Part</p>



<b>Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6</b>	<b>Are formal compliance steps or mitigation required?</b>	<b>Compliance determinations</b>
		658, would not apply to the proposed project, and no formal compliance steps or mitigation are required for farmland protection.  <b>Source Documentation:</b> Attachment H
<b>Floodplain Management</b>  Executive Order 11988, particularly section 2(a); 24 CFR Part 55	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project is not located in the floodway, coastal high hazard area or 100-year or 500-year floodplain on the latest FEMA flood map (06001C0067H effective 12/21/2018, Zone X) including preliminary maps and Advisory Base Flood Elevations). Because the project site is not within a designated flood hazard zone, Executive Order 11988, particularly section 2(a) and 24 CFR Part 55 would not apply to the proposed project. Therefore, no formal compliance steps or mitigation are required for floodplain management.  <b>Source Documentation:</b> Attachment C
<b>Historic Preservation</b>  National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>	<b>Area of Potential Effects (APE)</b>  In compliance with National Historic Preservation Act (NRHP) Section 106 and 110, information regarding project construction and the area of disturbance for the proposed project were obtained from the Final Development Plans for the project’s horizontal improvements and from the applicant’s geotechnical and design engineers. This information was used to identify an Area of Potential Effect (APE), inclusive of potential direct and indirect effects to historic properties.  To address direct effects within the limits of staging and construction for the proposed project, the APE encompasses the area of direct impacts, which is defined as the limits of the project site, consisting of most of the single parcel (APN 001-0169-001). To address indirect effects to adjacent historic properties, the APE also encompasses properties one parcel deep within immediate view of the project site. The maximum depth of excavation, where deeper piles would be needed to support the concrete slab foundation for the proposed building, is estimated to be approximately 130 feet below the ground surface, which is the extent of the vertical APE.  <b>Built Environment Resources</b>  <u>Identification and Evaluation of Resources</u>  As a result of a records search at the Northwest Information Center (NWIC) at Sonoma State University on January 11, 2024, review of the Oakland Cultural Heritage Survey Records, and survey of new properties not previously listed on a historic register but are at least 50



Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations																														
		<p>years old and require recordation and evaluation, there are nine historic properties in the APE (see Table 6).</p> <p style="text-align: center;"><b>Table 6: Historic Built Environment Resources in the APE</b></p> <table border="1" data-bbox="594 604 1412 1409"> <thead> <tr> <th>Address</th> <th>Name/Description</th> <th>NRHP Status Code*</th> </tr> </thead> <tbody> <tr> <td>94 9<sup>th</sup> Street / 900 Oak Street, Oakland</td> <td>Serbian Orthodox Church of St. George (formerly St. Paul's Episcopal Church)</td> <td>3S (BERD); 3S (AECOM)</td> </tr> <tr> <td>80-82 &amp; 88-90 9<sup>th</sup> Street, Oakland</td> <td>Colonial Revival flat buildings</td> <td>3S (AECOM)</td> </tr> <tr> <td>900 Fallon Street, Oakland</td> <td>Laney College</td> <td>7R, but assumed NRHP-eligible for the purpose of this project (AECOM)</td> </tr> <tr> <td>51 8<sup>th</sup> Street, Oakland</td> <td>Lougee-Baumgartner House (Primary Contributor to 7<sup>th</sup> Street/Harrison Square Residential District)</td> <td>2D2, 3D (BERD &amp; Reconfirmed by AECOM)</td> </tr> <tr> <td>55 8<sup>th</sup> Street, Oakland</td> <td>None (Contributor to 7<sup>th</sup> Street/Harrison Square Residential District)</td> <td>2D2, 3D (BERD &amp; Reconfirmed by AECOM)</td> </tr> <tr> <td>59 8<sup>th</sup> Street, Oakland</td> <td>Sullivan House (Contributor to 7<sup>th</sup> Street/Harrison Square Residential District)</td> <td>2D2, 3D (BERD &amp; Reconfirmed by AECOM)</td> </tr> <tr> <td>61 8<sup>th</sup> Street, Oakland</td> <td>Josephs House (Contributor to 7<sup>th</sup> Street/Harrison Square Residential District)</td> <td>2D2, 3D (BERD &amp; Reconfirmed by AECOM)</td> </tr> <tr> <td>100 9<sup>th</sup> Street, Oakland</td> <td>Madison Park Apartments</td> <td>1S (BERD)</td> </tr> <tr> <td>Multiple</td> <td>7<sup>th</sup> Street/Harrison Square Residential District</td> <td>3S (BERD)</td> </tr> </tbody> </table> <p>Notes:            *NRHP Status Code reflects the designation assigned by the OHP            NRHP = National Register of Historic Places            OHP = Office of Historic Preservation            1S = Individually listed in the NRHP            2D2 = Contributor to a historic district determined eligible for listing in the NRHP by consensus through Section 106 process            3D = Appears eligible for NRHP as a contributor to a NRHP eligible multi-component resource through survey evaluation            3S = Appears individually eligible for listing in the NRHP</p> <p><u>Finding of Effects</u></p> <p>Onsite construction would occur entirely on Block 1 and portions of the surrounding adjacent public rights-of-way. As a result, the</p>	Address	Name/Description	NRHP Status Code*	94 9 <sup>th</sup> Street / 900 Oak Street, Oakland	Serbian Orthodox Church of St. George (formerly St. Paul's Episcopal Church)	3S (BERD); 3S (AECOM)	80-82 & 88-90 9 <sup>th</sup> Street, Oakland	Colonial Revival flat buildings	3S (AECOM)	900 Fallon Street, Oakland	Laney College	7R, but assumed NRHP-eligible for the purpose of this project (AECOM)	51 8 <sup>th</sup> Street, Oakland	Lougee-Baumgartner House (Primary Contributor to 7 <sup>th</sup> Street/Harrison Square Residential District)	2D2, 3D (BERD & Reconfirmed by AECOM)	55 8 <sup>th</sup> Street, Oakland	None (Contributor to 7 <sup>th</sup> Street/Harrison Square Residential District)	2D2, 3D (BERD & Reconfirmed by AECOM)	59 8 <sup>th</sup> Street, Oakland	Sullivan House (Contributor to 7 <sup>th</sup> Street/Harrison Square Residential District)	2D2, 3D (BERD & Reconfirmed by AECOM)	61 8 <sup>th</sup> Street, Oakland	Josephs House (Contributor to 7 <sup>th</sup> Street/Harrison Square Residential District)	2D2, 3D (BERD & Reconfirmed by AECOM)	100 9 <sup>th</sup> Street, Oakland	Madison Park Apartments	1S (BERD)	Multiple	7 <sup>th</sup> Street/Harrison Square Residential District	3S (BERD)
Address	Name/Description	NRHP Status Code*																														
94 9 <sup>th</sup> Street / 900 Oak Street, Oakland	Serbian Orthodox Church of St. George (formerly St. Paul's Episcopal Church)	3S (BERD); 3S (AECOM)																														
80-82 & 88-90 9 <sup>th</sup> Street, Oakland	Colonial Revival flat buildings	3S (AECOM)																														
900 Fallon Street, Oakland	Laney College	7R, but assumed NRHP-eligible for the purpose of this project (AECOM)																														
51 8 <sup>th</sup> Street, Oakland	Lougee-Baumgartner House (Primary Contributor to 7 <sup>th</sup> Street/Harrison Square Residential District)	2D2, 3D (BERD & Reconfirmed by AECOM)																														
55 8 <sup>th</sup> Street, Oakland	None (Contributor to 7 <sup>th</sup> Street/Harrison Square Residential District)	2D2, 3D (BERD & Reconfirmed by AECOM)																														
59 8 <sup>th</sup> Street, Oakland	Sullivan House (Contributor to 7 <sup>th</sup> Street/Harrison Square Residential District)	2D2, 3D (BERD & Reconfirmed by AECOM)																														
61 8 <sup>th</sup> Street, Oakland	Josephs House (Contributor to 7 <sup>th</sup> Street/Harrison Square Residential District)	2D2, 3D (BERD & Reconfirmed by AECOM)																														
100 9 <sup>th</sup> Street, Oakland	Madison Park Apartments	1S (BERD)																														
Multiple	7 <sup>th</sup> Street/Harrison Square Residential District	3S (BERD)																														



<b>Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6</b>	<b>Are formal compliance steps or mitigation required?</b>	<b>Compliance determinations</b>
		<p>proposed project would not directly alter any of the historic resources in the APE.</p> <p>The design and scale of the proposed project would not introduce substantial changes to the visual, audible, or circulation setting of the historic resources as analyzed in this EA and the City’s 2021 CEQA Checklist and would not otherwise adversely affect the features of the identified historic properties that contribute to their significance and integrity.</p> <p>Because the project would not alter, directly or indirectly, any of the characteristics of the historic properties that qualify them for inclusion in the NRHP, a finding of no adverse effect (36 CFR 800.5(b)) is recommended.</p> <p><b>Archaeological Resources</b></p> <p><u>Identification and Evaluation of Resources</u></p> <p>The APE was determined to be archaeologically sensitive, based on the presence of a nearby precontact burial (P-01-10796), its proximity to a nearby water source, and the previous use of the location as the Oakland Cemetery. The archaeological resource identified from the NWIC records search was not within the APE; however, it was within the one-block buffer used for the records search. Background research and survey did not identify archaeological resources in the APE but identified low to high potential for precontact and historic-period archaeological resources to be present in the vertical APE.</p> <p><u>Finding of Effects</u></p> <p>A finding of no adverse effect for archaeological resources reflects past ground disturbance associated with BART and archival data obtained from the NWIC.</p> <p><b>Native American Consultation</b></p> <p>The Native American Heritage Commission (NAHC) was contacted on December 27, 2023, for a search of its Sacred Lands File (SLF) and a list of Native Americans who may have information related to Native American cultural resources in the vicinity of the proposed project. The NAHC responded on January 10, 2024, stating that a search of the SLF yielded positive results and recommended contacting the following tribes for further information: the Confederated Villages of Lisjan Nation, the Amah Mutsun Tribal Band of Mission San Juan Bautista, and the Northern Valley Yokut/Ohlone Tribe. The NAHC</p>



<b>Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6</b>	<b>Are formal compliance steps or mitigation required?</b>	<b>Compliance determinations</b>
		<p>also provided a list of representatives of five additional tribes with a potential interest in the project vicinity.</p> <p>The results of the subsequent communications with the tribes were:</p> <ul style="list-style-type: none"> <li>• On Mar 13, 2024, the Lisjan Nation concluded consultation after a single meeting on February 14, 2024 and further project materials were shared. The project site was determined to be outside the tribe’s area of interest.</li> <li>• The Amah Mutsun Tribal Band of Mission San Juan Bautista provided a letter on March 15, 2024, recommending that if any positive cultural or historic sensitivity is identified within 1 mile of the project area, the following steps should be implemented: cultural sensitivity training for construction personnel and a qualified, California-trained archaeological monitor and qualified Native American Monitor be present during any earth movement.</li> <li>• A consultation meeting with the Northern Valley Yokut/Ohlone Tribe occurred on March 19, 2024. During the meeting, the Tribe deferred to the recommendations from the other two consulting tribes because of their closer proximity to the project site and confirmed that construction personnel awareness training for discovery of tribal cultural resources during construction would be important.</li> <li>• On April 12, 2024, the Ohlone Indian Tribe requested research information obtained for the proposed project, as well as proposed measures to avoid, minimize, or mitigate potential impacts. On May 8, 2024, the Tribe responded with its desire to be included in providing cultural sensitivity trainings and tribal monitoring services.</li> </ul> <p><b>Consultation with the State Historic Preservation Officer</b></p> <p>A Section 106 document containing the APE, the built environment and archaeological resources identified in the APE, and a preliminary effects determination was submitted on April 10, 2024 to the SHPO for review. After the close of the 30-day review period with no response from SHPO, concurrence with the document and the finding of no adverse effects is assumed (36 CFR Part 800.5).</p> <p>The City has adopted Uniformly Applied Development Standards imposed as SCAs that address discovery of archaeological resources during construction, pre-construction measures in archaeologically</p>



<b>Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6</b>	<b>Are formal compliance steps or mitigation required?</b>	<b>Compliance determinations</b>
		<p>sensitive areas, and unearthing human remains. Compliance with these conditions would reduce these effects to not adverse.</p> <p><u>Mitigation Required:</u></p> <p><i>CUL-1: Construction Monitoring by Interested Native American Tribe(s)</i></p> <p>A cultural resources sensitivity training program will be provided to all construction personnel active on the project site during ground-disturbing activities. The training will be provided prior to the initiation of ground-disturbing activities. The training will be developed and conducted in coordination with a qualified archaeologist meeting the U.S. Secretary of Interior guidelines for professional archaeologists and a representative or representatives from the consulting Native American tribe(s). The program will include relevant information regarding sensitive cultural resources, including applicable regulations, protocols for avoidance, and consequences of violating State laws and regulations. The worker cultural resources awareness program will also describe appropriate avoidance and minimization measures for resources that have the potential to be located on the project site and will outline what to do and whom to contact if any potential archaeological or tribal resources or artifacts are encountered. The program will also underscore the requirement for confidentiality and culturally appropriate treatment of any finds of significance to Native Americans, consistent with Native American tribal values.</p> <p>The applicant shall provide a qualified archaeologist meeting the U.S. Secretary of Interior guidelines for professional archaeologists and a representative or representatives from the consulting Native American tribe(s) to monitor the site during ground-disturbing activities. Monitors will be responsible for working with construction personnel and identifying cultural resources, including tribal cultural resources, that may be uncovered during ground disturbance for the foundation piles. If unanticipated cultural materials are unearthed, the monitors will have the authority to immediately halt work to allow the onsite Tribal monitor to inspect and assess the materials, determine whether additional analysis of the find is warranted, and whether construction can proceed without further analysis.</p>





<b>Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6</b>	<b>Are formal compliance steps or mitigation required?</b>	<b>Compliance determinations</b>
		<p><u>SCAs Required:</u></p> <p><i>CUL-2: Archaeological and Paleontological Resources – Discovery During Construction</i></p> <p>Pursuant to CEQA Guidelines section 15064.5(f), in the event that any historic or prehistoric subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant shall notify the City and consult with a qualified archaeologist or paleontologist, as applicable, to assess the significance of the find. In the case of discovery of paleontological resources, the assessment shall be done in accordance with the Society of Vertebrate Paleontology standards. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined unnecessary or infeasible by the City. Feasibility of avoidance shall be determined with consideration of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted. Work may proceed on other parts of the project site while measures for the cultural resources are implemented.</p> <p>In the event of data recovery of archaeological resources, the project applicant shall submit an Archaeological Research Design and Treatment Plan (ARDTP) prepared by a qualified archaeologist for review and approval by the City. The ARDTP is required to identify how the proposed data recovery program would preserve the significant information the archaeological resource is expected to contain. The ARDTP shall identify the scientific/historic research questions applicable to the expected resource, the data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. The ARDTP shall include the analysis and specify the curation and storage methods. Data recovery, in general, shall be limited to the portions of the archaeological resource that could be impacted by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practicable. Because the intent of the ARDTP is to save as much of the archaeological resource as possible, including moving the resource, if feasible, preparation and implementation of the ARDTP would reduce the potential adverse impact to less than significant. The project applicant shall implement the ARDTP at his/her expense.</p>



<b>Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6</b>	<b>Are formal compliance steps or mitigation required?</b>	<b>Compliance determinations</b>
		<p>In the event of excavation of paleontological resources, the project applicant shall submit an excavation plan prepared by a qualified paleontologist to the City for review and approval. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by a qualified paleontologist, as appropriate, according to current professional standards and at the expense of the project applicant.</p> <p><i>CUL-3: Archaeologically Sensitive Areas – Pre-Construction Measures</i></p> <p>The project applicant shall implement Provision A (Intensive Pre-Construction Study) <u>and</u> Provision B (Construction ALERT Sheet) concerning archaeological resources. If Native American archaeological resources are identified or suspected in a project site, the City shall consult with a Native American representative(s) registered with the Native American Heritage Commission that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3.</p> <p><i>Provision A: Intensive Pre-Construction Study</i></p> <p>The project applicant shall retain a qualified archaeologist to conduct a site-specific, intensive archaeological resources study for review and approval by the City prior to soil-disturbing activities occurring on the project site. The purpose of the site-specific, intensive archaeological resources study is to identify early the potential presence of history-period archaeological resources on the project site. At a minimum, the study shall include:</p> <ol style="list-style-type: none"> <li>a. Subsurface presence/absence studies of the project site. Field studies may include, but are not limited to, auguring and other common methods used to identify the presence of archaeological resources.</li> <li>b. A report disseminating the results of this research.</li> <li>c. Recommendations for any additional measures that could be necessary to mitigate any adverse impacts to recorded and/or inadvertently discovered cultural resources.</li> </ol> <p>If the results of the study indicate a high potential presence of historic-period archaeological resources on the project site, or a potential resource is discovered, the project applicant shall hire a qualified archaeologist to monitor any ground disturbing activities on the project site during construction and prepare an ALERT sheet pursuant to Provision B below that details what could potentially be found at the project site. Archaeological monitoring would include briefing</p>



<b>Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6</b>	<b>Are formal compliance steps or mitigation required?</b>	<b>Compliance determinations</b>
		<p>construction personnel about the type of artifacts that may be present (as referenced in the ALERT sheet, required per Provision B below) and the procedures to follow if any artifacts are encountered, field recording and sampling in accordance with the Secretary of Interior’s Standards and Guidelines for Archaeological Documentation, notifying the appropriate officials if human remains or cultural resources are discovered, and preparing a report to document negative findings after construction is completed if no archaeological resources are discovered during construction.</p> <p><i>Provision B: Construction ALERT Sheet</i></p> <p>The project applicant shall prepare a construction “ALERT” sheet developed by a qualified archaeologist for review and approval by the City prior to soil-disturbing activities occurring on the project site. The ALERT sheet shall contain, at a minimum, visuals that depict each type of artifact that could be encountered on the project site. Training by the qualified archaeologist shall be provided to the project’s prime contractor, any project subcontractor firms (including demolition, excavation, grading, foundation, and pile driving), and utility firms involved in soil-disturbing activities within the project site.</p> <p>The ALERT sheet shall state, in addition to the basic archaeological resource protection measures contained in other standard conditions of approval, all work must stop and the City’s Environmental Review Officer contacted in the event of discovery of the following cultural materials: concentrations of shellfish remains; evidence of fire (ashes, charcoal, burnt earth, fire-cracked rocks); concentrations of bones; recognizable Native American artifacts (arrowheads, shell beads, stone mortars [bowls], humanly shaped rock); building foundation remains; trash pits, privies (outhouse holes); floor remains; wells; concentrations of bottles, broken dishes, shoes, buttons, cut animal bones, hardware, household items, barrels, etc.; thick layers of burned building debris (charcoal, nails, fused glass, burned plaster, burned dishes); wood structural remains (building, ship, wharf); clay roof/floor tiles; stone walls or footings; or gravestones. Prior to any soil-disturbing activities, each contractor shall be responsible for ensuring that the ALERT sheet is circulated to all field personnel, including machine operators, field crew, pile drivers, and supervisory personnel. The ALERT sheet shall also be posted in a visible location at the project site.</p>



<b>Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6</b>	<b>Are formal compliance steps or mitigation required?</b>	<b>Compliance determinations</b>
		<p><i>CUL-4: Human Remains – Discovery During Construction</i></p> <p>Pursuant to CEQA Guidelines section 15064.5(e)(1), in the event that human skeletal remains are uncovered at the project site during construction activities, all work shall immediately halt and the project applicant shall notify the City and the Alameda County Coroner. If the County Coroner determines that an investigation of the cause of death is required or that the remains are Native American, all work shall cease within 50 feet of the remains until appropriate arrangements are made. In the event that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to division (c) of section 7050.5 of the California Health and Safety Code. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance, and avoidance measures (if applicable) shall be completed expeditiously and at the expense of the project applicant.</p> <p><b>Source Documentation:</b> Attachment I</p>
<p><b>Noise Abatement and Control</b></p> <p>Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B</p>	<p>Yes No</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p><b>Regulatory Setting</b></p> <p>HUD environmental noise regulations are set forth in 24 CFR Part 51B (Code of Federal Regulations). The following exterior noise standards for new housing construction would be applicable to the proposed project:</p> <ul style="list-style-type: none"> <li>• 65 dBA DNL or less – acceptable.</li> <li>• Exceeding 65 dBA DNL but not exceeding 75 dBA DNL – normally unacceptable (appropriate sound attenuation measures must provide an additional 5 decibels of attenuation over that typically provided by standard construction in the 65 dBA DNL to 70 dBA DNL zone; 10 decibels additional attenuation in the 70 dBA DNL to 75 dBA DNL zone).</li> <li>• Exceeding 75 dBA DNL – unacceptable.</li> </ul> <p>These noise standards also apply, "... at a location 2 meters from the building housing noise sensitive activities in the direction of the predominant noise source..." and "...at other locations where it is determined that quiet outdoor space is required in an area ancillary to the principal use on the site. The acceptable threshold may be shifted to 70 dBA in special circumstances pursuant to 24 CFR 51.105(a)."</p>



<b>Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6</b>	<b>Are formal compliance steps or mitigation required?</b>	<b>Compliance determinations</b>
		<p>A goal of 45 dBA DNL is set forth for interior noise levels and attenuation requirements are geared toward achieving that goal. It is assumed that with standard construction any building will provide sufficient attenuation to achieve an interior level of 45 dBA DNL or less if the exterior level is 65 dBA DNL or less. Where exterior noise levels range from 65 dBA DNL to 70 dBA DNL, the project must provide a minimum of 25 decibels of attenuation, and a minimum of 30 decibels of attenuation is required in the 70 dBA DNL to 75 dBA DNL zone. Where exterior noise levels range from 75 dBA DNL to 80 dBA DNL, the project must provide a minimum of 35 decibels of attenuation to achieve an interior level of 45 dBA DNL or less.</p> <p><b>Noise Setting</b></p> <p>The project site is in a fully developed, urbanized area at the eastern portions of Oakland downtown and Chinatown. Adjacent uses are primarily 2- to 3-story single and multifamily residences, small-scale, neighborhood retail uses, the Lake Merritt BART Station, Laney College, and the Metro Center building that is now proposed for redevelopment as part of the Lake Merritt BART Station Redevelopment Project. The project site occupies much of the City block, bound by 8th Street, Fallon Street, Oak Street, and 9th Street. The elevated Interstate 880 (I-880) is approximately 800 feet to the south of the project site. Primary noise sources in this area are vehicular traffic and occasional airplane flyovers.</p> <p>The proposed Building B would have its southern and eastern facades along 8<sup>th</sup> Street and Fallon Street, respectively, and its western façade would be setback approximately 48 feet at its closest point from Oak Street, separated by existing BART station entrances and exits and the small plaza area. The northern façade of Building B and the paseo would be exposed to vehicular traffic from 9<sup>th</sup> Street until the 28-story Building A is constructed in Phase 1.2, at which time it would shield the paseo and Building B from traffic noise along 9<sup>th</sup> Street and other streets to the north. As described in the “Project Description” section of this EA, the proposed project includes Building B and also the paseo and most of the West Plaza for aggregation purposes.</p> <p>Existing noise levels at the project site, based on traffic volumes from the surrounding streets, are presented later in Table 7. The highest existing noise levels were 65 dBA at three different locations, all along 8<sup>th</sup> Street where the southern façade of Building B would be. As a result, all noise assessment locations used for existing conditions have noise levels that would meet HUD’s acceptable noise threshold of 65</p>



<b>Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6</b>	<b>Are formal compliance steps or mitigation required?</b>	<b>Compliance determinations</b>
		<p>dB(A) or less for new housing construction and related quiet outdoor open space.</p> <p><b>Noise Assessment Methodology</b></p> <p>The exterior noise exposure by residents of the proposed 7-story Building B was determined by applying the HUD Day/Night Noise Level Assessment Tool, which takes into account traffic noise from major streets within 1,000 feet of the project site.</p> <p>Local street volumes were derived from turning movement traffic volumes for the intersections surrounding the project site, prepared for the City’s 2021 CEQA Checklist, which were converted to average daily volumes.</p> <p>Noise assessment locations were selected to identify the exterior noise levels where future occupants could be affected by the traffic noise (see Figure 9). Based on the floor plans shown earlier in Figure 4 through Figure 7, sensitive receptors (those land uses most vulnerable to changes in the noise environment) would be on floors 2 through 7. The sensitive receptors include Building B residents that would live in units on each of these floors, and residents and visitors using the open-air, rooftop deck and community garden in the southwest corner of the 7<sup>th</sup> floor. The noise assessment locations are along each side of the proposed Building B. In addition, noise levels were analyzed at the proposed building’s two southern corners. These locations are expected to experience the greatest exterior noise levels, because they would be exposed to traffic noise from streets that run parallel to and streets that run perpendicular to the corner residential units (the other residential units would be affected only by traffic noise from the parallel streets that they face). The southwest corner is also where the proposed project’s outdoor roof deck and community garden for the enjoyment of the residents are planned.</p> <p>The noise assessment locations also considered the proposed paseo at its western, northern, and eastern edges, as shown in Figure 10).</p>





Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations																																				
		<p><b>Figure 10: Noise Assessment Locations for Existing Conditions and Proposed Project</b></p> <p><b>Existing Noise Levels</b></p> <p>Existing noise levels at the assessment locations would not be greater than 65 dB, as shown in Table 7. The three assessment locations along the south side of where Building B would be constructed would each be exposed to 65 dB. As a result, the proposed Building B and the paseo would be acceptable with respect to HUD noise thresholds under existing noise conditions.</p> <p><b>Table 7: Existing Exterior Noise Levels at Project Site</b></p> <table border="1"> <thead> <tr> <th>Noise Assessment Location</th> <th>Combined DNL for all Road Sources</th> <th>Exceed HUD Threshold?</th> </tr> </thead> <tbody> <tr> <td colspan="3"><b>Proposed Building B</b></td> </tr> <tr> <td>Eastern Façade</td> <td>52</td> <td>No</td> </tr> <tr> <td>Western Façade</td> <td>51</td> <td>No</td> </tr> <tr> <td>Northern Façade</td> <td>52</td> <td>No</td> </tr> <tr> <td>Southern Façade</td> <td>65</td> <td>No</td> </tr> <tr> <td>Southwestern Corner</td> <td>65</td> <td>No</td> </tr> <tr> <td>Southeastern Corner</td> <td>65</td> <td>No</td> </tr> <tr> <td colspan="3"><b>Proposed Paseo</b></td> </tr> <tr> <td>Eastern Edge</td> <td>51</td> <td>No</td> </tr> <tr> <td>Western Edge</td> <td>51</td> <td>No</td> </tr> <tr> <td>Northern Edge</td> <td>54</td> <td>No</td> </tr> </tbody> </table> <p>Source: Attachment J1</p>	Noise Assessment Location	Combined DNL for all Road Sources	Exceed HUD Threshold?	<b>Proposed Building B</b>			Eastern Façade	52	No	Western Façade	51	No	Northern Façade	52	No	Southern Façade	65	No	Southwestern Corner	65	No	Southeastern Corner	65	No	<b>Proposed Paseo</b>			Eastern Edge	51	No	Western Edge	51	No	Northern Edge	54	No
Noise Assessment Location	Combined DNL for all Road Sources	Exceed HUD Threshold?																																				
<b>Proposed Building B</b>																																						
Eastern Façade	52	No																																				
Western Façade	51	No																																				
Northern Façade	52	No																																				
Southern Façade	65	No																																				
Southwestern Corner	65	No																																				
Southeastern Corner	65	No																																				
<b>Proposed Paseo</b>																																						
Eastern Edge	51	No																																				
Western Edge	51	No																																				
Northern Edge	54	No																																				



Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations																																				
		<p><b>Future Exterior Noise Levels at Project Site</b></p> <p>The HUD Day/Night Noise Level Assessment Tool Users Guide for proposed projects requires a 10-year forecast of the traffic volumes to calculate road noise. The future year traffic volumes were derived by extrapolating the existing volumes by an average annual growth rate obtained from the City projected traffic volumes for 2000 and 2035, based on the Alameda Countywide Travel Demand Model. Future traffic volumes on I-880 were also obtained from this same modeling effort by the City and Alameda County. These details, along with the associated data, are presented in Attachment J1 for further reference.</p> <p><u>Exterior Noise Levels at Residential Units</u></p> <p>The future traffic volumes on the streets and I-880, along with their distance from the project site, were input into the assessment tool to calculate the exterior noise level at each of the six noise assessment locations for Building B. The building facades are identified in Figure 10. Table 11 shows the results of applying HUD’s assessment tool for the four facades. Noise levels at the corner assessment locations were estimated by combining the noise levels along the south façade and west façade for the southwest corner, and the noise levels along the south and east facades for the southeast corner. Three of the noise assessment locations – all the locations along the southern facade – would exceed HUD’s exterior noise exposure threshold of no greater than 65 dB.</p> <p><b>Table 8: Projected Future Noise Levels at Project Site</b></p> <table border="1" data-bbox="592 1371 1421 1822"> <thead> <tr> <th>Noise Assessment Location</th> <th>Combined DNL for all Road Sources</th> <th>Exceed HUD Threshold?</th> </tr> </thead> <tbody> <tr> <td colspan="3"><b>Proposed Building B</b></td> </tr> <tr> <td>Eastern Façade</td> <td>65</td> <td>No</td> </tr> <tr> <td>Western Façade</td> <td>63</td> <td>No</td> </tr> <tr> <td>Northern Façade</td> <td>62</td> <td>No</td> </tr> <tr> <td>Southern Façade</td> <td>69</td> <td>Yes</td> </tr> <tr> <td>Southwestern Corner (at Rooftop Deck)</td> <td>69</td> <td>Yes</td> </tr> <tr> <td>Southeastern Corner</td> <td>71</td> <td>Yes</td> </tr> <tr> <td colspan="3"><b>Proposed Paseo</b></td> </tr> <tr> <td>Eastern Edge</td> <td>63</td> <td>No</td> </tr> <tr> <td>Western Edge</td> <td>63</td> <td>No</td> </tr> <tr> <td>Northern Edge</td> <td>65</td> <td>No</td> </tr> </tbody> </table> <p>Source: Attachment J1</p>	Noise Assessment Location	Combined DNL for all Road Sources	Exceed HUD Threshold?	<b>Proposed Building B</b>			Eastern Façade	65	No	Western Façade	63	No	Northern Façade	62	No	Southern Façade	69	Yes	Southwestern Corner (at Rooftop Deck)	69	Yes	Southeastern Corner	71	Yes	<b>Proposed Paseo</b>			Eastern Edge	63	No	Western Edge	63	No	Northern Edge	65	No
Noise Assessment Location	Combined DNL for all Road Sources	Exceed HUD Threshold?																																				
<b>Proposed Building B</b>																																						
Eastern Façade	65	No																																				
Western Façade	63	No																																				
Northern Façade	62	No																																				
Southern Façade	69	Yes																																				
Southwestern Corner (at Rooftop Deck)	69	Yes																																				
Southeastern Corner	71	Yes																																				
<b>Proposed Paseo</b>																																						
Eastern Edge	63	No																																				
Western Edge	63	No																																				
Northern Edge	65	No																																				



<b>Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6</b>	<b>Are formal compliance steps or mitigation required?</b>	<b>Compliance determinations</b>
		<p>Because of the adverse noise effect on residents along the south side of the proposed project, the HUD Sound Transmission Classification Assessment Tool (STRaCAT) was applied to derive mitigation measures that could attenuate the exterior noise levels to HUD’s interior noise exposure standard of 45 dB. STRaCAT enables users to input building characteristics (wall types, window types, and percent of windows to wall area). The output is a Sound Transmission Classification (STC) rating that can then be translated to an amount of noise reduction. Information on the building characteristics and design features were obtained from the applicant’s architects and input into STRaCAT. Although the wall and window types available in STRaCAT did not include those proposed for Building B, wall designs and window types with STC ratings similar to those from the Building B plans were used for modeling purposes. The results show that the proposed building wall and window types and construction would achieve an STC rating of 38. The minimum STC rating to attenuate the highest exterior noise level of 71 dB DNL projected for the southeast corner of the proposed building, to an interior noise level of 45 dB is 30. Because the building's proposed wall and windows assembly produced a higher STC rating (i.e., greater noise attenuation) than the STC rating required to meet HUD’s interior noise exposure standard of 45 dB, the project design would achieve HUD’s interior noise standards. Figure 11 identifies the minimum STC ratings for the Building B windows.</p>



<p><b>Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6</b></p>	<p><b>Are formal compliance steps or mitigation required?</b></p>	<p><b>Compliance determinations</b></p>
		<p><b>Figure 11: Minimum STC Ratings for Residential Unit Windows</b></p> <p><b>STC RATING DIAGRAM - LEVEL 7</b> ⑤  <math>1/32'' = 1'-0''</math></p> <p><b>STC RATING DIAGRAM - LEVEL 3-6 (TYP)</b> ④  <math>1/32'' = 1'-0''</math></p> <p><b>STC RATING DIAGRAM - LEVEL 2</b> ③  <math>1/32'' = 1'-0''</math></p> <p><u>Exterior Noise Levels at Rooftop Deck</u></p> <p>The exterior noise along the southwestern corner, where the rooftop deck and community garden are proposed, would also exceed HUD’s exterior noise level. As shown in Table 6, this corner would be exposed to an estimated 69 dB. However, a 6-foot-tall, laminated glass wind break that would also reduce noise is proposed along the perimeter of the rooftop deck, and would block line-of sight for users of this outdoor space to the vehicular noise sources primarily contributing to the noise levels. HUD has an assessment tool to estimate a barrier’s noise attenuation effectiveness. This module was</p>



<b>Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6</b>	<b>Are formal compliance steps or mitigation required?</b>	<b>Compliance determinations</b>
		<p>applied to estimate the noise exposure for users of the rooftop open space area. Based on the HUD Barrier Performance Module calculator, the partition would reduce the noise levels by 6 dB, exceeding the 4 dB attenuation needed to achieve HUD’s noise threshold of 65 dB for outdoor spaces.</p> <p><u>Noise Levels at the Paseo</u></p> <p>The paseo proposed atop the underground Lake Merritt BART Station, between Buildings A and B would provide a pedestrian friendly walkway between Laney College to the east and the BART station. It is proposed to be an active outdoor space, and would be enlivened and activated with lighting, public art, casual gathering spaces, a food court, and outdoor dining. Although the space is designed as an active area and not a quiet area ancillary to the residential uses, this EA examines the predicted vehicular traffic noise levels at the paseo.</p> <p>HUD’s assessment tool was applied for the edges of the paseo. As described above, the paseo is an active outdoor space. The casual gathering spaces, food court, and outdoor dining features are not sited along the edges of the paseo. As a result, the noise levels presented in Table 8 are conservative estimates for these activities, because they would be sited within the paseo and farther from the traffic noise which is projected for the paseo’s perimeter.</p> <p>Table 8 shows the exterior noise levels from vehicular traffic along the nearby streets. According to Table 8, the western and eastern side of the paseo would be exposed to noise levels of 63 dB and the northern side of the paseo would be exposed to noise levels of 65 dB, all of which would be considered acceptable based on HUD standards.</p> <p>Although the paseo is not considered a quiet outdoor space that is required in an area ancillary to the principal use on the site, for which HUD’s site acceptability standards of not exceeding 65 dB would apply (24 CFR Section 51.103), it is noted that this acceptable threshold may be shifted to 70 dB in special circumstances pursuant to Section 51.105(a). These circumstances and the reasons such a change would be permissible are summarized below for informational purposes.</p> <ul style="list-style-type: none"> <li>• An EIS is not required – the proposed project qualifies for an EA and would not require an EIS under the provisions of 24 CFR 51.104(b)(1) and 24 CFR 51.105 that involve proposed projects in an unacceptable noise zone and noise is the only environmental</li> </ul>



<b>Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6</b>	<b>Are formal compliance steps or mitigation required?</b>	<b>Compliance determinations</b>
		<p>issue – all other issues assessed in this EA would be not adverse with the required mitigation measures and SCAs.</p> <ul style="list-style-type: none"> <li>• A Special Environmental Clearance has been received for the project and the concurrence of the Environmental Clearance Officer has been received – see Attachment J2.</li> <li>• Project meets other program goals to provide housing in proximity to employment, public facilities and transportation – the proposed project meets all of these goals as a transit-oriented development and is consistent with the City and BART’s plan documents to enhance accessibility to transit, recreational, and cultural facilities in the area.</li> <li>• Project conforms with local goals and maintains the character of the neighborhood – the proposed project is consistent with the City and BART land use and design guidelines that promote mixed use development that activates local streetscapes, creates public spaces, improves the public realm, and reinforces the area’s historic and cultural heritage.</li> <li>• Project sponsor has set forth reasons why noise attenuation measures that would normally be required for new construction in the 65 L<sub>dn</sub> to L<sub>dn</sub> 70 cannot be met – the only portions of the proposed project that would exceed 65 dB (and thus potentially over 45 dB for interior residential units) are residential units along the south side of Building B and the rooftop deck of this building. The HUD STRaCAT and BPM tools have been used to demonstrate that these areas can be mitigated with building design features and STC ratings to achieve HUD thresholds.</li> <li>• Other sites not exposed to above L<sub>dn</sub> 65 and meet program objectives are generally not available – Alternative sites around the Lake Merritt BART Station that were designated as opportunity sites to accommodate TOD and enhance accessibility and use of transit services are not available. As described in this EA, the area around the BART station is highly urbanized, and alternative sites for the proposed project and the larger Lake Merritt BART Station Redevelopment Project that were approved as a planned unit development by the City would not be feasible.</li> </ul> <p><b>Conclusion</b></p> <p>The above analysis using HUD’s tools shows that the proposed project would exceed the HUD acceptable exterior noise exposure limit of 65 dB or less (24 CFR 51B) for the residential units along the south side</p>





<b>Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6</b>	<b>Are formal compliance steps or mitigation required?</b>	<b>Compliance determinations</b>
		<p>of Building B and at the rooftop deck, and mitigation measures would be needed to attain the HUD interior threshold of 45 dB for the residences and exterior threshold of 65 dB or less for the rooftop deck. Because the exterior noise exposure limits exceed HUD’s standard, a noise waiver has been requested and granted by the City as the responsible entity (see Attachment J2). Therefore, the project design with the required mitigation to use materials and assemblies that would be protective of the proposed project occupants would achieve an interior noise level below 45 dB for residents and an exterior noise level of 65 dB or less for users of the rooftop deck.</p> <p>The City has adopted Uniformly Applied Development Standards imposed as SCAs that address construction and operational noise, exposure to community noise, and vibration. Compliance with these conditions would lessen these effects to acceptable levels.</p> <p><u>Mitigation Required:</u></p> <p><i>NOI-1: Noise Control Measures for Interior Noise Levels in Residential Units</i></p> <p>In order to achieve HUD’s 45 dB interior noise threshold, the window assemblies for Building B on Levels 2 through 6, where residential units are planned, shall be designed to achieve the minimum STC ratings illustrated in Figure 11. These STC ratings shall be included in the construction specifications and drawings. For Level 7, because of the greater vehicle traffic noise along its southern façade due to the elevated I-880 freeway, all window assemblies where residential units are planned shall be designed to achieve a higher minimum STC rating as shown in Figure 11. This minimum STC rating shall be included in the construction specifications and drawings.</p> <p><i>NOI-2: Noise Control Measures for Outdoor Rooftop Deck</i></p> <p>In order to achieve HUD’s 65 dB noise threshold for outdoor spaces, the rooftop deck shall be designed with a partition surrounding the rooftop deck with the following specifications:</p> <ul style="list-style-type: none"> <li>• the partition shall be made of 3/8-inch thick tempered glass, or comparable material and construction, as identified by an acoustical engineer and approved by the City, to achieve the outdoor noise threshold;</li> <li>• the partition, if constructed with glass, shall be laminated to provide additional noise attenuation; and</li> </ul>



<b>Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6</b>	<b>Are formal compliance steps or mitigation required?</b>	<b>Compliance determinations</b>
		<ul style="list-style-type: none"> <li>• the partition shall be at least 6 feet tall, as measured from the ground elevation of the rooftop deck, to block line-of-sight for rooftop deck users from the vehicular traffic noise sources.</li> </ul> <p><i>NOI-3: Mechanical Ventilation</i></p> <p>Mechanical ventilation must be provided to units where windows must be closed to maintain a relatively noise-free environment.</p> <p><u>SCA Required:</u></p> <p><i>NOI-4: Exposure to Community Noise</i></p> <p>The project applicant shall submit a Noise Reduction Plan prepared by a qualified acoustical engineer for City review and approval that contains noise reduction measures (e.g., sound-rated window, wall, and door assemblies) to achieve an acceptable interior noise level in accordance with the land use compatibility guidelines of the Noise Element of the Oakland General Plan. The applicant shall implement the approved Plan during construction. To the maximum extent practicable, interior noise levels shall not exceed the following:</p> <ol style="list-style-type: none"> <li>a. 45 dBA: Residential activities, civic activities, hotels</li> <li>b. 50 dBA: Administrative offices; group assembly activities</li> <li>c. 55 dBA: Commercial activities</li> <li>d. 65 dBA: Industrial activities</li> </ol> <p><i>NOI-5: Exposure to Vibration</i></p> <p>The project applicant shall submit a Vibration Reduction Plan prepared by a qualified acoustical consultant for City review and approval that contains vibration reduction measures to reduce groundborne vibration to acceptable levels per Federal Transit Administration (FTA) standards. The applicant shall implement the approved Plan during construction. Potential vibration reduction measures include, but are not limited to, the following:</p> <ol style="list-style-type: none"> <li>a. Isolation of foundation and footings using resilient elements such as rubber bearing pads or springs, such as a “spring isolation” system that consists of resilient spring supports that can support the podium or residential foundations. The specific system shall be selected so that it can properly support the structural loads, and provide adequate filtering of groundborne vibration to the residences above.</li> <li>b. Trenching, which involves excavating soil between the railway and the project so that the vibration path is interrupted, thereby reducing</li> </ol>



<b>Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6</b>	<b>Are formal compliance steps or mitigation required?</b>	<b>Compliance determinations</b>
		<p>the vibration levels before they enter the project’s structures. Since the reduction in vibration level is based on a ratio between trench depth and vibration wavelength, additional measurements shall be conducted to determine the vibration wavelengths affecting the project. Based on the resulting measurement findings, an adequate trench depth and, if required, suitable fill shall be identified (such as foamed styrene packing pellets [i.e., Styrofoam] or low-density polyethylene).</p> <p><b>Source Documentation:</b> Attachments J1, J2, and</p> <p>City of Oakland. 2005. General Plan Noise Element. Available: <a href="https://www.oaklandca.gov/resources/download-the-noise-element">https://www.oaklandca.gov/resources/download-the-noise-element</a></p> <p>City Planning Commission Decision Letter 052021, PLN 20038, PLN20038-ER-1, PLN20108, Lake Merritt BART TOD Project, which contains the 2021 Lake Merritt BART Station Redevelopment Project CEQA Checklist HUD. 2010 (August).</p> <p>HUD Day/Night Noise Level Assessment Tool Users Guide V2.0 <a href="https://www.hud.gov/sites/documents/DOC_14196.PDF">https://www.hud.gov/sites/documents/DOC_14196.PDF</a> Accessed February 2024.</p> <p>HUD Sound Transmission Classification Assessment Tool. n.d. <a href="https://www.hudexchange.info/stracat/">https://www.hudexchange.info/stracat/</a> Accessed February 2024.</p> <p>HUD Barrier Performance Module Calculator. 2019. <a href="https://www.hudexchange.info/resource/2831/barrier-performance-module/">https://www.hudexchange.info/resource/2831/barrier-performance-module/</a> Accessed March 2024.</p>
<p><b>Sole Source Aquifers</b></p> <p>Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The proposed project involves the redevelopment of a surface parking lot for affordable housing for seniors and formerly homeless households and a publicly accessible walkway/paseo. The project site is not within a sole source aquifer, as shown on the USEPA’s online mapping portal. The nearest sole source aquifer is north of Santa Cruz, more than 60 miles south of the project site. Therefore, the proposed project would have no effect on critical aquifer protection areas subject to 40 CFR Part 149, and no formal compliance steps or mitigation measures are required for the management of a sole source aquifer.</p> <p><b>Source Documentation:</b> Attachment K and</p> <p>U.S. Environmental Protection Agency. 2024. Sole Source Aquifers. <a href="https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=9ebb047ba3ec41ada1877155fe31356b">https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=9ebb047ba3ec41ada1877155fe31356b</a>. Accessed February 2024.</p>



<b>Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6</b>	<b>Are formal compliance steps or mitigation required?</b>	<b>Compliance determinations</b>
<b>Wetlands Protection</b>  Executive Order 11990, particularly sections 2 and 5	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>According to the USFWS’s National Wetlands Inventory, there are no known wetlands within or adjacent to the project site, which is a previously disturbed, relatively flat site within an urbanized environment. There are no drainages, hydrologic features, depressions, or topographical features indicative of potential wetland areas. There are no aquifers subject to a MOU between EPA and HUD in Alameda County. Because there is no potential for wetlands to be affected, Executive Order 11990, regarding wetland protection, would not apply to the proposed project, and no formal compliance steps or mitigation measures are required to protect wetlands.</p> <p><b>Source Documentation:</b> Attachment L</p>
<b>Wild and Scenic Rivers</b>  Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>The project site is not within or proximate to a Wild and Scenic River as identified on The National Wild and Scenic Rivers System operated by the National Park Service. There are no wild or scenic rivers within Alameda County. Because the proposed project would not adversely affect the wild and scenic nature of any river protected by the Wild and Scenic Rivers Act, this act would not apply to the proposed project, and there are no formal compliance steps or mitigation measures required to protect and manage wild and scenic rivers.</p> <p><b>Source Documentation:</b> Attachment M</p>
<b>Environmental Justice</b>		
<b>Environmental Justice</b>  Executive Order 12898	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>Census tract blocks within 0.25 mile of the project site were used to define the study area for the environmental justice assessment. The percentages of ethnic minority and low-income households were compared to the reference geography, defined as the City of Oakland. Based on U.S. Census Bureau American Community Survey for years 2018 through 2022 (the most current 5-year survey), four of the six block groups in the study area have environmental justice populations greater than the City of Oakland as a whole.</p> <p>In addition, based on Justice 40 maps, the project site and the census tract encompassing the project site are classified as “disadvantaged.” These maps were prepared in response to the Biden-Harris Administration’s Justice 40 Initiative (Executive Order 14008, signed in January 2021) to confront and address underinvestment in disadvantaged communities, as determined using eight categories, covering burdens related to climate change, the environment, health, and economic opportunity. The census tract in which the project site is located qualifies for four of the eight categories, because it is above the 65<sup>th</sup> percentile for low income and 80 percent of more of adults 15 or</p>



<b>Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6</b>	<b>Are formal compliance steps or mitigation required?</b>	<b>Compliance determinations</b>
		<p>older are not enrolled in higher education, and meets the additional criteria for these four categories:</p> <ul style="list-style-type: none"> <li>• clean energy and energy efficient - at or above the 90<sup>th</sup> percentile for energy burden or PM<sub>2.5</sub>;</li> <li>• clean transit - at or above the 90th percentile for diesel particulate matter exposure or traffic proximity and volume;</li> <li>• reduction and remediation<sup>of</sup> legacy pollution - at or above the 90th percentile for proximity to hazardous waste facilities or proximity to National Priorities List (NPL) sites or proximity to Risk Management Plan (RMP) facilities; and</li> <li>• training and workforce development - at or above the 90th percentile for low median income as a percentage of area median income or linguistic isolation or unemployment or percent individuals in households at or below 100% Federal poverty level and 10 percent or more of adults 25 or older have not attained a high school degree and or more of adults 15 or older are not enrolled in higher education.</li> </ul> <p>Each of the environmental factors discussed in the following section (Environmental Assessment Factors) was reviewed to determine if the environmental justice populations were disproportionately adversely affected. As shown in Table 13 below under Socioeconomic – Environmental Justice, results of this review concluded environmental justice populations would not experience high and adverse effects disproportionately.</p> <p><b>Source Documentation:</b> Attachment N and Justice 40 Tract Maps May 2022. At <a href="https://www.arcgis.com/apps/mapviewer/index.html?webmap=bda-c3e391cd04d2396983fc67c23bf1c">https://www.arcgis.com/apps/mapviewer/index.html?webmap=bda-c3e391cd04d2396983fc67c23bf1c</a>. Accessed March 2024.</p>



## Environmental Assessment Factors

[24 CFR 58.40; Ref. 40 CFR 1508.8 & 1508.27]

Recorded below is the qualitative and quantitative significance of the effects of the proposal on the character, features and resources of the project area. Each factor has been evaluated and documented, as appropriate and in proportion to its relevance to the proposed action. Verifiable source documentation has been provided and described in support of each determination, as appropriate. Credible, traceable and supportive source documentation for each authority has been provided. Where applicable, the necessary reviews or consultations have been completed and applicable permits of approvals have been obtained or noted. Citations, dates/names/titles of contacts, and page references are clear. Additional documentation is attached, as appropriate. All conditions, attenuation or mitigation measures have been clearly identified.

Impact Codes: Use an impact code from the following list to make the determination of impact for each factor.

- (1) Minor Beneficial Impact
- (2) No Impact Anticipated
- (3) Minor Adverse Impact – May require mitigation
- (4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement

Environmental Assessment Factor	Impact Code	Impact Evaluation
<b>Land Development</b>		
<b>Conformance with Plans / Compatible Land Use and Zoning/ Scale and Urban Design</b>	(2) No Impact Anticipated	<p>The proposed project was approved by the Oakland City Planning Commission on July 20, 2022, and relevant findings regarding the project’s conformance with applicable plans are extracted for this impact evaluation.</p> <p><b>City of Oakland General Plan</b></p> <p>The project site is within the Central Business District (CBD) General Plan land use designation. The CBD designation is intended to encourage, support, and enhance the downtown area as a high-density, mixed-use urban center of regional importance, and a primary hub for business, communications, office, government, high technology, retail, entertainment, and transportation. The entire Lake Merritt BART Station Redevelopment Project, including the proposed project, would be consistent with this designation.</p> <p>The proposed Lake Merritt BART senior housing project (Building B) is also consistent with the following General Plan Land Use and Transportation Element (LUTE) objectives and policies:</p> <ul style="list-style-type: none"> <li>• <b>Objective N3:</b> Encourage the construction, conservation, and enhancement of housing resources in order to meet the current and future housing needs of the Oakland community. The</li> </ul>





Environmental Assessment Factor	Impact Code	Impact Evaluation
		<p>project will provide the community with 97 new affordable housing units.</p> <ul style="list-style-type: none"> <li>• <b>Policy N3.1, Facilitating Housing Construction:</b> Facilitating the construction of housing units should be considered a high priority for the City of Oakland. The City of Oakland's Bureau of Planning has streamlined its systems to facilitate the construction of new homes and assist developers with navigating the permitting process smoothly and in a timely manner.</li> <li>• <b>Policy N3.2, Encouraging Infill Development:</b> In order to facilitate the construction of needed housing units, infill development that is consistent with the General Plan should take place throughout the City Oakland. The project is proposed as an urban infill development.</li> </ul> <p><b>City of Oakland Lake Merritt Station Area Plan</b></p> <p>The Lake Merritt Station Area Plan (LMSAP) aims to provide a roadmap for future development with the goal of increasing employment opportunities, accommodating future population growth, and encouraging local and regional transit-oriented development. The project site is identified as an opportunity site, or a site most likely to redevelop, in the LMSAP, proposed for active ground-floor uses and as a potential site for open space. The Lake Merritt BART senior housing project (Building B) would include community-serving commercial space, and a publicly accessible paseo that would enhance connections to the Lake Merritt BART Station, and enliven the space with lighting, public art, landscaping, and seating areas.</p> <p>The LMSAP also includes affordable housing goals to promote new housing units within the LMSAP area for individuals and families of all sizes and income levels. The proposed 97 affordable housing units would be consistent with LMSAP affordable housing goals.</p> <p>The project would also be consistent with the following LMSAP Land Use policies:</p> <ul style="list-style-type: none"> <li>• LU-26. High intensity development. Promote high intensity development on the BART-owned blocks to support transit oriented development. Ensure neighborhood compatibility through application of design guidelines (outlined in the Design Guidelines for the Lake Merritt Station Area Plan).</li> <li>• LU-27. Community benefit. New development on the Lake Merritt BART blocks should reflect the unique community</li> </ul>



Environmental Assessment Factor	Impact Code	Impact Evaluation
		<p>heritage of Chinatown, serve the existing and future community, and incorporate public amenities.</p> <ul style="list-style-type: none"> <li>• LU-29. Catalyst development. Promote development on the Lake Merritt BART blocks that acts as a catalyst project that creates an active neighborhood hub and serves as part of activated spines along 8th, 9th, and Oak Streets, connecting the heart of Chinatown, the Lake Merritt BART Station, and Laney College.</li> </ul> <p><b>City of Oakland Housing Element</b></p> <p>The proposed project would comply with the following goals, policies, and actions of the adopted 2023-2031 Housing Element, which encourage affordable housing development, including:</p> <ul style="list-style-type: none"> <li>• <b>Goal 3.</b> Close the gap between affordable and market rate housing production by expanding affordable housing opportunities. <ul style="list-style-type: none"> <li>– <b>Policy 3.2</b> Create a more diverse mix of homes to meet community needs.</li> <li>– <b>Policy 3.7.</b> Expand options for special needs housing. <ul style="list-style-type: none"> <li>■ <b>Action 3.7.5:</b> Encourage a range of unit sizes for affordable housing that matches local household needs and family sizes.</li> </ul> </li> </ul> </li> <li>• <b>Goal 5.</b> Promote neighborhood stability and health. <ul style="list-style-type: none"> <li>– <b>Policy 5.2.</b> Promote resilient and sustainable development. <ul style="list-style-type: none"> <li>■ <b>Action 5.2.2:</b> Promote infill, transit-oriented development (TOD), and mixed-use development.</li> </ul> </li> </ul> </li> </ul> <p>The proposed project would also comply with the following goals and policies of BART’s TOD Program adopted in 2016, including:</p> <ul style="list-style-type: none"> <li>• <b>Goal A.</b> Complete Communities. Partner to ensure BART contributes to neighborhood/district vitality, creating places offering a mix of uses and incomes.</li> <li>• <b>Goal F.</b> Affordability. Serve households of all income levels by linking housing affordability with access to opportunity. <ul style="list-style-type: none"> <li>– <b>Affordable Housing Policy.</b> “It shall be the policy of the District that at each station where the District intends to pursue development that the cumulative development consist of a number of affordable housing units amounting to no less than 20 percent of the total proposed housing units on the property.”</li> </ul> </li> </ul>



Environmental Assessment Factor	Impact Code	Impact Evaluation
		<p><b>Zoning</b></p> <p>The project is zoned Lake Merritt Station Area District Pedestrian Commercial (D-LM-2). The intent of the D-LM-2 Zone is to create, maintain, and enhance areas of the Lake Merritt Station Area Plan District for ground-level, pedestrian-oriented, active storefront uses, with upper story spaces intended to be available for a wide range of office and residential activities.</p> <p>The site is also within the Lake Merritt Station Area LM-275 Height/Bulk/Intensity Area, which allows a maximum height of 275 feet, and an 85-foot maximum allowable building base height with a CUP. The project would develop an approximate 85-foot, 7-story building, consistent with the development density established by existing zoning for the site.</p> <p><b>Scale and Urban Design</b></p> <p>The project site is located within the LMSAP area, which is characterized mostly by a highly urbanized mix of commercial, residential, and institutional land uses bordered to the south by an elevated freeway. The project site is currently occupied by single-story Lake Merritt BART station entrance structures and a surface parking lot. The project would construct an approximate 85-foot, 7-story building, resulting in a building height increase on the project site. The flat topography limits the availability of long-range views from the project site. Existing buildings across the street from the project site include a 5-story apartment building (100 9th Street) northwest of the project site and a 9-story tower at Laney College to the east, which currently block views to Lake Merritt from Madison Square Park. Further, the project would be subject to the LMSAP Design Guidelines to ensure the project design is consistent with the intended quality and character of the plan area. Therefore, the project would not alter the project site's appearance in a way that would result in an intrusion of design elements that are out of character or scale with the existing physical environment.</p> <p>Because the project site is in an urbanized area with a mix of buildings and parcels of varying uses, it would not be out of character for the community in which the project site is located. In addition, the City Planning Commission in July 2022 adopted a condition of approval for the proposed project requiring that the final development plans for the proposed project need to be consistent with <i>both</i> the Lake Merritt Station Area Design Guidelines <i>and</i> the project-specific design guidelines for Lake Merritt BART (emphasis as written in the City Planning Commission's decision letter). Furthermore, ground floor public</p>



Environmental Assessment Factor	Impact Code	Impact Evaluation
		<p>plazas and walkways must be high-quality, well designed spaces, as determined by City staff, to ensure a safe and lively pedestrian realm around the BART station and the proposed project.</p> <p><b>Source Documentation:</b></p> <p>Site Visit</p> <p>Bay Area Rapid Transit (BART). n.d. Board-Adopted Policies. <a href="https://www.bart.gov/about/bo-/policies">https://www.bart.gov/about/bo-/policies</a></p> <p>City of Oakland. 2023. 2023 - 2031 Housing Element Update. <a href="https://www.oaklandca.gov/topics/oakland-general-plan-2045-housing-element">https://www.oaklandca.gov/topics/oakland-general-plan-2045-housing-element</a></p> <p>City of Oakland. 2018. General Plan Land Use and Transportation Element (LUTE). <a href="https://www.oaklandca.gov/resources/land-use-and-transportation-element">https://www.oaklandca.gov/resources/land-use-and-transportation-element</a></p> <p>City of Oakland. 2014. Lake Merritt Station Area Plan. <a href="https://cao-94612.s3.us-west-2.amazonaws.com/documents/oak048456.pdf">https://cao-94612.s3.us-west-2.amazonaws.com/documents/oak048456.pdf</a></p> <p>City of Oakland. 2014. Design Guidelines for the Lake Merritt Station Area. <a href="https://cao-94612.s3.us-west-2.amazonaws.com/documents/oak048457.pdf">https://cao-94612.s3.us-west-2.amazonaws.com/documents/oak048457.pdf</a></p> <p>City of Oakland Conditions of Approval and City Planning Commission decision letters for the PUD/Preliminary Development Plans, and Final Development Plans: CPC Decision Letter 052021, PLN 20038, PLN20038-ER-1, PLN20108, Lake Merritt BART TOD Project, which contains the 2021 Lake Merritt BART Station Redevelopment Project CEQA Checklist; Lake Merritt BART TOD Project; CPC Decision Letter 072222, PLN20108-PUDFDP-01, 51<sup>9th</sup>, and CPC Decision Letter 072222, PLN20108-PUDFDP-02, 51<sup>9th</sup> and 107- 8<sup>th</sup> St – Horizontal Improvements</p>
<p><b>Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff</b></p>	<p>(2) No Adverse Impact</p>	<p><b>Soil Suitability</b></p> <p>The 2021 CEQA Analysis for the Lake Merritt BART Station Redevelopment Project evaluated site safety hazards related to seismicity and soils, and Langan Engineering and Environmental Services completed a preliminary geotechnical investigation for the entire two-block redevelopment project on January 23, 2020 (updated April 9, 2021), which is still applicable to the Lake Merritt BART Senior Affordable Housing Project (Building B) as currently proposed. The preliminary geotechnical investigation found that the project site is composed of approximately 5 feet of fill (consisting of sand with variable silt and clay) and there is no record of whether or not the fill was compacted when placed. The</p>



Environmental Assessment Factor	Impact Code	Impact Evaluation
		<p>fill is underlain by 11 to 21 feet of dense Merritt sand over stiff clay of the Alameda formation. The preliminary geotechnical investigation found that the proposed project is feasible, included recommendations to address the undocumented fill and compressible clay, and recommended that site conditions and design recommendations be confirmed as a part of design-level final geotechnical investigation.</p> <p><b>Slope</b></p> <p>The project site is nearly flat and gradually slopes downward towards the southeast. The elevation change is approximately 5 feet over at the west end of the site to the east end of the site, a slope of less than 2 percent.</p> <p><b>Erosion/Drainage/Storm Water Runoff</b></p> <p>Without proper controls, project-related construction and operation could result in erosion. The Lake Merritt Channel, which discharges to the Oakland Estuary, is approximately 1,000 feet east of the project site. Pollutants, including sediment, could be transported in storm water runoff into these waterbodies, thereby degrading water quality. The City requires Best Management Practices to minimize the generation, discharge, and runoff of stormwater pollution during construction of projects</p> <p>As reported in the 2021 CEQA Checklist for the Lake Merritt BART Station Redevelopment Project, groundwater is generally located 10 to 13 feet below the ground surface. Excavation for the proposed Lake Merritt BART Senior Affordable Housing Project (Building B) will be necessary for auger-cast piles that are estimated to extend up to 130 feet below the surface; therefore, construction dewatering will be required.</p> <p>The project footprint for Building B is 11,633 gross square feet (approximately 0.26 acre), which is already paved for use as a parking lot with the exception of a few urban street trees and shrubs around the perimeter. Similarly, the footprint for the paseo (approximately 16,300 square feet) and the remainder parcel around the BART station entrances on the west side of Block 1 (approximately 12,800 square feet) are also paved, except for the planter areas that divide the BART plaza and skylight from the surface parking lot immediately to the east. Impervious ground coverage changes, as presented in the horizontal improvement design plans to calculate runoff and to satisfy City storm drainage design standards show Building B would increase impervious coverage from 9,995 square feet under existing conditions to 11,267 square feet (increasing peak flow 15.1 percent); the paseo would reduce impervious surface from 15,269 square feet to under</p>



Environmental Assessment Factor	Impact Code	Impact Evaluation
		<p>existing conditions to 12,861 square feet (reducing peak flow by 16.4 percent); and the remainder parcel would increase impervious surface from 9,328 square feet under existing conditions to 10,774 square feet (increasing peak flow 16.4 percent). Based on these calculations, the proposed project includes detention facilities and other stormwater facilities to comply with the City’s storm drainage design guidelines that establishes a 25 percent goal for peak flow reduction compared to existing conditions. Therefore, project operation would not substantially increase the amount of impervious surfaces and would not result in a substantial increase in stormwater drainage.</p> <p>The proposed project is required to collect and manage stormwater runoff per the C.3 Stormwater Requirements for Regulated Projects contained in the San Francisco Bay Region Municipal Regional Stormwater NPDES Permit Order No. R2-2022-0018 (NPDES Permit No. CAS612008), in order to comply with the San Francisco Bay Basin Plan (Water Quality Control Plan) (San Francisco Bay RWQCB 2023) and California’s Total Maximum Daily Loads for assessed waterbodies approved by the USEPA under the federal Clean Water Act Section 303(d) (State Water Resources Control Board 2022).</p> <p>As discussed in the 2021 CEQA Checklist for the Lake Merritt BART Station Redevelopment Project, stormwater at the project site drains via overland sheet flow to an existing storm drain inlet at the southeast corner of the existing parking lot. Drainage is then conveyed via an existing storm drain pipe to the City’s storm drain system. The proposed Lake Merritt BART Senior Affordable Housing Project (Building B) would reduce the volume and flow of project-generated stormwater runoff, and provide water quality treatment, by using on-site media filter vaults. These types of underground systems are designed to remove pollutants such as total suspended solids, nutrients, trash, litter, leaves, and debris from stormwater before discharge into the City’s drainage system.</p> <p>The City has adopted Uniformly Applied Development Standards imposed as SCAs, listed below, that apply to soil stability, erosion drainage, and stormwater runoff and pollution. Application of these standards and implementation of these measures would mitigate these impacts.</p> <p><b>Conclusion</b></p> <p>The project site is generally on flat terrain and largely covered with impervious surfaces because the site is used for entrances and exits to BART’s underground station and an asphalt-paved surface parking lot. Building codes and standards, regulations for</p>





Environmental Assessment Factor	Impact Code	Impact Evaluation
		<p>stormwater management, a final geotechnical investigation, and the City’s SCAs would minimize potential effects to slope stability, erosion, drainage, and stormwater runoff.</p> <p><u>SCAs Required:</u></p> <p><i>GEO-1: Construction-Related Permit(s)</i></p> <p>The project applicant shall obtain all required construction-related permits/approvals from the City. The project shall comply with all standards, requirements and conditions contained in construction-related codes, including but not limited to the Oakland Building Code and the Oakland Grading Regulations, to ensure structural integrity and safe construction.</p> <p><i>GEO-2: Soils Report</i></p> <p>The project applicant shall submit a soils report prepared by a registered geotechnical engineer for City review and approval. The soils report shall contain, at a minimum, field test results and observations regarding the nature, distribution and strength of existing soils, and recommendations for appropriate grading practices and project design. The project applicant shall implement the recommendations contained in the approved report during project design and construction.</p> <p><i>HYD-1 Erosion and Sedimentation Control Measures for Construction</i></p> <p>The project applicant shall implement Best Management Practices (BMPs) to reduce erosion, sedimentation, and water quality impacts during construction to the maximum extent practicable. At a minimum, the project applicant shall provide filter materials deemed acceptable to the City at nearby catch basins to prevent any debris and dirt from flowing into the City’s storm drain system and creeks.</p> <p><i>HYD-2: NPDES C.3 Stormwater Requirements for Regulated Projects</i></p> <p>a. <b>Post-Construction Stormwater Management Plan Required</b></p> <p>The project applicant shall comply with the requirements of Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES). The project applicant shall submit a Post-Construction Stormwater Management Plan to the City for review and approval with the project drawings submitted for site improvements, and shall implement the approved Plan during construction. The Post-</p>



Environmental Assessment Factor	Impact Code	Impact Evaluation
		<p>Construction Stormwater Management Plan should include and identify the following:</p> <ul style="list-style-type: none"> <li>i. Location and size of new and replaced impervious surface;</li> <li>ii. Direction of surface flow of stormwater runoff;</li> <li>iii. Location of proposed on-site storm drain lines;</li> <li>iv. Site design measures to reduce the amount of impervious surface area;</li> <li>v. Source control measures to limit stormwater pollution;</li> <li>vi. Stormwater treatment measures to remove pollutants from stormwater runoff, including the method used to hydraulically size the treatment measures; and</li> <li>vii. Hydromodification management measures, if required by Provision C.3, so that post-project stormwater runoff flow and duration match pre-project runoff.</li> </ul> <p>b. Maintenance Agreement Required</p> <p>The project applicant shall enter into a maintenance agreement with the City, based on the Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement, in accordance with Provision C.3, which provides, in part, for the following:</p> <ul style="list-style-type: none"> <li>i. The project applicant accepting responsibility for the adequate installation/construction, operation, maintenance, inspection, and reporting of any on-site stormwater treatment measures being incorporated into the project until the responsibility is legally transferred to another entity; and</li> <li>ii. Legal access to the on-site stormwater treatment measures for representatives of the City, the local vector control district, and staff of the Regional Water Quality Control Board, San Francisco Region, for the purpose of verifying the implementation, operation, and maintenance of the on-site stormwater treatment measures and to take corrective action if necessary.</li> </ul> <p>The maintenance agreement shall be recorded at the County Recorder's Office at the applicant's expense.</p> <p><i>SD-1 Storm Drain System</i></p> <p>The project storm drainage system shall be designed in accordance with the City of Oakland's Storm Drainage Design Guidelines. To the maximum extent practicable, peak stormwater runoff from the project site shall be reduced by at least 25 percent compared to the pre-project condition.</p>



Environmental Assessment Factor	Impact Code	Impact Evaluation
		<p><b>Source Documentation:</b> Attachments D1, D2, and Langan Engineering and Environmental Services, Inc. 2020. Preliminary Geotechnical Investigation Lake Merritt BART Redevelopment, Oakland, California. January 23.</p> <p>San Francisco Bay Regional Water Quality Control Board. 2023. Water Quality Control Plan (Basin Plan) for the San Francisco Bay Basin. <a href="https://waterboards.ca.gov/sanfranciscobay/basin_planning.html">https://waterboards.ca.gov/sanfranciscobay/basin_planning.html</a>. Accessed February 8, 2024.</p> <p>State Water Resources Control Board. 2022. 2020-2022 California Integrated Report. <a href="https://waterboards.ca.gov/water_issues/programs/water_quality_assessment/2020_2022_integrated_report.html">https://waterboards.ca.gov/water_issues/programs/water_quality_assessment/2020_2022_integrated_report.html</a>. Accessed February 7, 2024.</p> <p>City of Oakland Conditions of Approval and City Planning Commission decision letters for the PUD/Preliminary Development Plans, and Final Development Plans: CPC Decision Letter 052021, PLN 20038, PLN20038-ER-1, PLN20108, Lake Merritt BART TOD Project, which contains the 2021 Lake Merritt BART Station Redevelopment Project CEQA Checklist; Lake Merritt BART TOD Project; CPC Decision Letter 072222, PLN20108-PUDFDP-01, 51 9<sup>th</sup>, and CPC Decision Letter 072222, PLN20108-PUDFDP-02, 51 9<sup>th</sup> and 107- 8<sup>th</sup> St – Horizontal Improvements</p>
<p><b>Hazards and Nuisances</b> including Site Safety and Noise</p>	<p>(2) No Impact Anticipated for hazards and nuisances factors, except (3) Minor Adverse Impact for noise</p>	<p><b>Site Safety</b></p> <p><u>Geotechnical Hazards</u></p> <p>The 2021 CEQA Checklist for the Lake Merritt BART Station Redevelopment Project evaluated site safety hazards related to seismicity and soils, and Langan Engineering and Environmental Services completed a preliminary geotechnical investigation for the Lake Merritt BART Station Redevelopment Project site on January 23, 2020 (updated December 4, 2023 For Building B and the paseo), as summarized below. These findings are still applicable to the Lake Merritt BART Senior Affordable Housing Project (Building B) as currently proposed.</p> <p>The project site is not underlain by any known earthquake fault zones. The nearest known active fault, which is also zoned under the Alquist-Priolo Act, is the Hayward Fault approximately 3.5 miles to the northeast. The project site is not in an Earthquake Zone of Required Investigation (related to surface fault rupture, landslides, or liquefaction) designated by the California Geological Survey (2024).</p>



Environmental Assessment Factor	Impact Code	Impact Evaluation
		<p>Although strong seismic ground shaking would likely occur during an earthquake, the geotechnical report included design and engineering recommendations consistent with the California Building Standards Code (CBC) (California Code of Regulations Title 24), which contains seismic regulations that are similar to and (for seismic issues) more stringent than the nationwide International Building Code. Compliance with the requirements of the CBC, which has been adopted by the City along with additional City requirements (City of Oakland Municipal Code Chapter 15.04), is required by law. Implementation of recommendations contained in all site-specific geotechnical reports is regulated through the City Planning and Building Department’s plan check and permitting process.</p> <p>The site-specific geotechnical analysis performed by Langan (2023) for Building B and the paseo determined that liquefaction could occur at the site during a major earthquake on a nearby fault; the potential for lateral spreading is low; ground surface settlement during strong ground shaking could affect near-surface improvements; and the potential for ground rupture and secondary ground failure is low. To address these potential geotechnical hazards, the Langan investigation contained recommendations.</p> <p>Langan (2023) determined that the primary factors of concern were the foundation support for Building B, settlement due to the static load of the building, and protection of BART structures (i.e., the underground station). Because the building and paseo would be within the BART “zone of influence” (an area within which excavation, foundations, structural loads, groundwater effects, and other changes at or below the ground surface could adversely affect BART structure and operations), design plans and specifications must be reviewed and approved by BART. As noted above, Langan’s 2023 geotechnical investigation included recommendations to address these issues and recommended that site conditions and design recommendations be confirmed as a part of final design and construction specifications.</p> <p><u>Man-Made Hazards</u></p> <p>The site is located in a dense urban environment on a primary arterial street. The area does not include man-made site hazards other than those already discussed in the Contamination section above. The project could involve the use of hazardous materials during construction. This issue is also discussed in the Contamination and Toxic Substances section above in response to 24 CFR Part 50.3(i) and 58.5 (i)(2).</p>



Environmental Assessment Factor	Impact Code	Impact Evaluation
		<p>The property is not an air pollution generator and is not located in the immediate vicinity of one.</p> <p>The project will not be affected by nuisances atypical of a dense urban environment.</p> <p><u>Mitigation Required:</u></p> <p><i>GEO-3 Adherence to Geotechnical Recommendations</i></p> <p>The project applicant will adhere to the recommendations contained in the geotechnical investigation, prepared by Langan Engineering and Environmental Services, Inc., dated December 4, 2023. The recommendations are intended to comply with state, City of Oakland, and BART design requirements and building standards addressing geotechnical hazards related to earthwork, including site preparation, subgrade preparation, and fill placement; utilities; temporary and permanent slopes; foundations; below-grade wall design; floor slab; pavement design, including asphalt pavement, concrete pavement, and interlocking pavement; concrete flatwork; drainage; seismic design; construction monitoring; and corrosion potential. The geotechnical recommendations and design specifications shall be reflected in the detailed construction plans for the proposed project, as reviewed and approved by the City and BART.</p> <p>The City has adopted Uniformly Applied Development Standards imposed as SCAs that apply to geology, soils, and geohazards. Compliance with these conditions, which are described previously under Land Development: Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff, would ensure that these effects would be not adverse.</p> <p><u>SCAs Required:</u></p> <p><i>GEO-1: Construction-Related Permit(s)</i></p> <p><i>GEO-2: Soils Report</i></p> <p><b>Source Documentation:</b> Attachment O1, O2, and Langan Engineering and Environmental Services, Inc. 2020. Preliminary Geotechnical Investigation Lake Merritt BART Redevelopment, Oakland, California. January 23.</p> <p>Langan Engineering and Environmental Services, Inc. 2023 Geotechnical Investigation Lake Merritt BART Block 1 – Building B and Paseo, Oakland, California. December 4.</p>



<b>Environmental Assessment Factor</b>	<b>Impact Code</b>	<b>Impact Evaluation</b>
		<p><b>Noise</b></p> <p><u>Operational Noise</u></p> <p>In response to 24 CFR Part 51 Subpart B, a noise analysis was performed and is discussed earlier in this EA. Because there is a potential for residents of the proposed project to be exposed to noise levels exceeding HUD’s noise standards, three mitigation measures are required to attenuate noise and avoid and minimize noise effects on the project (see NOI-1, NOI-2, and NOI-3).</p> <p>As a residential housing project, operations are not expected to generate noise levels that would be considered substantial in terms of existing or future noise levels in the area. Occasional audible noises from the proposed residential land uses may be noticed by nearby land uses, but such activities at the proposed project would not measurably contribute to daily average noise. The only noise anticipated is from the normal automobile traffic generated from the project and, as described in the Transportation analysis, project-related vehicle trips would be minor and would not be noticeable (a doubling of the traffic volumes would be needed to result in a noticeable 3 dB increase). The 2021 Lake Merritt BART Station Redevelopment Project CEQA Checklist analyzed redevelopment of both Blocks 1 and 2 at peak-hour traffic volumes for noise impacts. That study showed that the greatest increase in noise levels from vehicular traffic would be 1.2 dB along 8<sup>th</sup> Street west of Madison Street. Considering cumulative conditions for 2040, this same street segment was also predicted to experience the greatest change in noise levels of 2.4 dB. Neither scenario (existing plus project or cumulative conditions) would result in a noticeable change to ambient noise levels.</p> <p><u>Construction Noise</u></p> <p>Noise generated during construction activities on the site could cause a substantial temporary increase in noise levels at surrounding land uses including sensitive receptors. However, this is temporary noise. City SCAs related to these activities would reduce these construction impacts to not adverse.</p> <p><b>Vibration</b></p> <p><u>Operational Vibration</u></p> <p>The proposed project would redevelop a surface parking lot with a residential building and an active publicly accessible paseo. These uses would not be expected to involve activities or operate equipment that could generate vibration levels that would be considered substantial in terms of groundborne vibration that could affect the community. It is unusual for vibration from sources such</p>





Environmental Assessment Factor	Impact Code	Impact Evaluation
		<p>as buses and trucks to be perceptible, even in close locations to major roads. These vehicles traveling over poor road conditions (e.g., deteriorating pavement, potholes, or bumps) can produce vibration levels of 72 VdB, which would be perceived but would not result in strong annoyance. Most perceptible indoor vibration at locations not on or adjacent to the proposed project would result from sources within those offsite buildings, such as operation of mechanical equipment, movement of people, or slamming of doors. Groundborne vibration is not considered an environmental issue outdoors.<sup>12</sup> Given the characteristics of the proposed project, operational vibration impacts on the community as a result of the proposed project would be not adverse.</p> <p><u>Construction Vibration</u></p> <p>Construction activities involving heavy equipment for earth movement, excavation, and pile installation for building foundations, for example, have the potential to annoy nearby sensitive receivers and, if in close proximity, can result in damage to nearby buildings. The duration of construction, the ground conditions through which the vibration would propagate, the distance between the construction activity and the receiver, and the type of construction of the receiving structure (e.g., reinforced concrete steel or timber; engineered concrete and masonry; or non-engineered timber and masonry buildings) greatly affect vibration levels.</p> <p>Table 9 presents estimates of the vibration levels using FTA’s formulas in its Noise and Vibration Impact Assessment Manual<sup>13</sup> for the expected most impactful piece of construction equipment – caisson drilling to install the piles to support the Building B foundation and large bulldozers. The nearest receivers would be the residents and businesses across 8<sup>th</sup> Street from the Building B – approximately 80 feet. Table 9 shows how the vibration levels vary with distance from the source and uses two vibration metrics: peak particle velocity (PPV measured in units of inches/second) and vibration velocity level (Lv measured in units of VdB). The former metric is used to describe the ground movement and the effects on structures; the latter metric is used to describe what the receivers notice and the likelihood that the vibration would be an annoyance. For the receivers across the street where the caisson drilling and large bulldozers, or similar equipment, is expected to be used, the relevant thresholds, as defined by FTA, would be 0.2 PPV (appropriate for non-engineered timber and masonry buildings) and</p>

<sup>12</sup> Federal Transit Administration, September 2018, Transit Noise and Vibration Impact Assessment Manual, FTA Report No. 0123.

<sup>13</sup> Ibid.



Environmental Assessment Factor	Impact Code	Impact Evaluation																					
		<p>80 VdB for human annoyance (appropriate for residences where people normally sleep).</p> <p><b>Table 9: Proposed Project Construction Vibration Levels</b></p> <table border="1" data-bbox="636 487 1421 625"> <thead> <tr> <th data-bbox="636 487 820 554">Distance (ft)</th> <th data-bbox="820 487 977 554">FTA Threshold</th> <th data-bbox="977 487 1065 554">25</th> <th data-bbox="1065 487 1151 554">50</th> <th data-bbox="1151 487 1239 554">80</th> <th data-bbox="1239 487 1326 554">110</th> <th data-bbox="1326 487 1421 554">130</th> </tr> </thead> <tbody> <tr> <td data-bbox="636 554 820 590">PPV (in/sec)</td> <td data-bbox="820 554 977 590">0.2</td> <td data-bbox="977 554 1065 590">0.089</td> <td data-bbox="1065 554 1151 590">0.031</td> <td data-bbox="1151 554 1239 590">0.016</td> <td data-bbox="1239 554 1326 590">0.010</td> <td data-bbox="1326 554 1421 590">0.008</td> </tr> <tr> <td data-bbox="636 590 820 625">Lv (VdB)</td> <td data-bbox="820 590 977 625">80</td> <td data-bbox="977 590 1065 625">87</td> <td data-bbox="1065 590 1151 625">78</td> <td data-bbox="1151 590 1239 625">72</td> <td data-bbox="1239 590 1326 625">68</td> <td data-bbox="1326 590 1421 625">66</td> </tr> </tbody> </table> <p>Source: AECOM</p> <p>At a distance of 80 feet, the approximate distance between the Building B construction footprint and the residences and businesses across 8<sup>th</sup> Street, construction vibration levels would be below the applicable FTA thresholds and the vibration impacts would be not adverse.</p> <p><u>SCAs Required:</u></p> <p><i>NOI-6: Construction Days/Hours</i></p> <p>The project applicant shall comply with the following restrictions concerning construction days and hours:</p> <ol style="list-style-type: none"> <li>Construction activities are limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, except that pier drilling and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m.</li> <li>Construction activities are limited to between 9:00 a.m. and 5:00 p.m. on Saturday. In residential zones and within 300 feet of a residential zone, construction activities are allowed from 9:00 a.m. to 5:00 p.m. only within the interior of the building with the doors and windows closed. No pier drilling or other extreme noise generating activities greater than 90 dBA are allowed on Saturday.</li> <li>No construction is allowed on Sunday or federal holidays.</li> </ol> <p>Construction activities include, but are not limited to, truck idling, moving equipment (including trucks, elevators, etc.) or materials, deliveries, and construction meetings held on-site in a non-enclosed area.</p> <p>Any construction activity proposed outside of the above days and hours for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case-by-case basis by the City, with criteria including the urgency/emergency nature of the work, the proximity of residential or other sensitive uses, and a consideration of nearby residents'/occupants' preferences. The project applicant shall notify</p>	Distance (ft)	FTA Threshold	25	50	80	110	130	PPV (in/sec)	0.2	0.089	0.031	0.016	0.010	0.008	Lv (VdB)	80	87	78	72	68	66
Distance (ft)	FTA Threshold	25	50	80	110	130																	
PPV (in/sec)	0.2	0.089	0.031	0.016	0.010	0.008																	
Lv (VdB)	80	87	78	72	68	66																	



Environmental Assessment Factor	Impact Code	Impact Evaluation
		<p>property owners and occupants located within 300 feet at least 14 calendar days prior to construction activity proposed outside of the above days/hours. When submitting a request to the City to allow construction activity outside of the above days/hours, the project applicant shall submit information concerning the type and duration of proposed construction activity and the draft public notice for City review and approval prior to distribution of the public notice.</p> <p><i>NOI-7: Construction Noise</i></p> <p>The project applicant shall implement noise reduction measures to reduce noise impacts due to construction. Noise reduction measures include, but are not limited to, the following:</p> <ol style="list-style-type: none"> <li>a. Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds) wherever feasible.</li> <li>b. Except as provided herein, impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used, if such jackets are commercially available, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever such procedures are available and consistent with construction procedures.</li> <li>c. Applicant shall use temporary power poles instead of generators where feasible.</li> <li>d. Stationary noise sources shall be located as far from adjacent properties as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or use other measures as determined by the City to provide equivalent noise reduction.</li> <li>e. The noisiest phases of construction shall be limited to less than 10 days at a time. Exceptions may be allowed if the City determines an extension is necessary and all available noise reduction controls are implement</li> </ol>



Environmental Assessment Factor	Impact Code	Impact Evaluation
		<p><i>NOI-8: Extreme Construction Noise</i></p> <p>a. Construction Noise Management Plan Required</p> <p>Prior to any extreme noise generating construction activities (e.g., pier drilling, pile driving and other activities generating greater than 90 dBA), the project applicant shall submit a Construction Noise Management Plan prepared by a qualified acoustical consultant for City review and approval that contains a set of site-specific noise attenuation measures to further reduce construction impacts associated with extreme noise generating activities. The project applicant shall implement the approved Plan during construction. Potential attenuation measures include, but are not limited to, the following:</p> <ol style="list-style-type: none"> <li>i. Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings;</li> <li>ii. Implement “quiet” pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;</li> <li>iii. Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;</li> <li>iv. Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for example and implement such measure if such measures are feasible and would noticeably reduce noise impacts; and</li> <li>v. Monitor the effectiveness of noise attenuation measures by taking noise measurements.</li> </ol> <p>b. Public Notification Required</p> <p>The project applicant shall notify property owners and occupants located within 300 feet of the construction activities at least 14 calendar days prior to commencing extreme noise generating activities. Prior to providing the notice, the project applicant shall submit to the City for review and approval the proposed type and duration of extreme noise generating activities and the proposed public notice. The public notice shall provide the estimated start and end dates of the extreme noise generating activities and describe noise attenuation measures to be implemented.</p>



Environmental Assessment Factor	Impact Code	Impact Evaluation
		<p><i>NOI-9: Project-Specific Construction Noise Reduction Measures</i></p> <p>The project applicant shall submit a Construction Noise Management Plan prepared by a qualified acoustical consultant for City review and approval that contains a set of site-specific noise attenuation measures to further reduce construction noise impacts on the seven properties on the south side of 8<sup>th</sup> Street between Oak and Fallon Streets. These include five residential receptors and several businesses at addresses 2-8<sup>th</sup> Street through 93-8<sup>th</sup> Street. The project applicant shall implement the approved Plan during construction.</p> <p><i>NOI-10: Construction Noise Complaints</i></p> <p>The project applicant shall submit to the City for review and approval a set of procedures for responding to and tracking complaints received pertaining to construction noise, and shall implement the procedures during construction. At a minimum, the procedures shall include:</p> <ol style="list-style-type: none"> <li>a. Designation of an on-site construction complaint and enforcement manager for the project;</li> <li>b. A large on-site sign near the public right-of-way containing permitted construction days/hours, complaint procedures, and phone numbers for the project complaint manager and City Code Enforcement unit;</li> <li>c. Protocols for receiving, responding to, and tracking received complaints; and</li> <li>d. Maintenance of a complaint log that records received complaints and how complaints were addressed, which shall be submitted to the City for review upon the City’s request.</li> </ol> <p><i>NOI 11: Operational Noise</i></p> <p>Noise levels from the project site after completion of the project (i.e., during project operation) shall comply with the performance standards of chapter 17.120 of the Oakland Planning Code and chapter 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the City.</p> <p><b>Source Documentation:</b> Attachments O1, O2, and Site Visit California Geological Survey. 2024. Earthquake Zones of Required Investigation.</p>



Environmental Assessment Factor	Impact Code	Impact Evaluation
		<p><a href="https://maps.conservation.ca.gov/cgs/EZQApp/App">https://maps.conservation.ca.gov/cgs/EZQApp/App</a>. Accessed February 7, 2024.</p> <p>Langan Engineering and Environmental Services, Inc. 2020. Preliminary Geotechnical Investigation Lake Merritt BART Redevelopment, Oakland, California. January 23</p> <p>City of Oakland. City Planning Commission Decision Letter 052021, PLN 20038, PLN20038-ER-1, PLN20108) which contains the 2021 Lake Merritt BART Station Redevelopment Project Checklist, Appendix E,</p> <p>HUD. 2010 (August). Day/Night Noise Level Assessment Tool Users Guide V2.0  <a href="https://www.hud.gov/sites/documents/DOC_14196.PDF">https://www.hud.gov/sites/documents/DOC_14196.PDF</a>        Accessed February 2024.</p> <p>HUD Sound Transmission Classification Assessment Tool. n.d.  <a href="https://www.hudexchange.info/stracat/">https://www.hudexchange.info/stracat/</a> Accessed February 2024.</p> <p>Federal Transit Administration, September 2018, Transit Noise and Vibration Impact Assessment Manual, FTA Report No. 0123. Available:  <a href="https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf">https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf</a></p>
<b>Socioeconomic</b>		
<b>Employment and Income Patterns</b>	(2) No Impact Anticipated	<p>The project would provide affordable housing, targeted for senior households (55+), as well as Special Needs and formerly Homeless households, with Area Median Incomes (AMIs) ranging from 30% –60% AMI, as well as commercial and/or retail job opportunities on the ground-floor.</p> <p>A minor increase in construction-related employment opportunities would occur as a result of construction of the project, which are anticipated to be filled by the existing regional workforce. The project is expected to permanently employ 5 staff for onsite management, services, and maintenance and approximately 5-10 persons at the ground-floor retail space. This minor increase in employees at the project site would not result in substantial growth beyond what was projected in the LMSAP area. Therefore, the temporary construction jobs and permanent jobs provided by the ground-floor retail space is not anticipated to significantly alter employment opportunities in the area. There would be no adverse impacts.</p>





Environmental Assessment Factor	Impact Code	Impact Evaluation																				
		<p><b>Source Documentation:</b></p> <p>City of Oakland. 2014. Lake Merritt Station Area Plan EIR. SCH # 2012032012. <a href="https://www.oaklandca.gov/topics/lake-merritt-station-area-plan-environmental-impact-report">https://www.oaklandca.gov/topics/lake-merritt-station-area-plan-environmental-impact-report</a>. Accessed January 2024.</p> <p>City of Oakland City Planning Commission Decision Letter 052021, PLN 20038, PLN20038-ER-1, PLN20108; Lake Merritt BART TOD Project, which contains the 2021 Lake Merritt BART Station Redevelopment Project CEQA Checklist.</p>																				
<p><b>Demographic Character Changes, Displacement</b></p>	<p>(2) No Impact Anticipated</p>	<p><b>Demographic Character Changes</b></p> <p>The project would provide approximately 97 senior residential units (22 studios, 70 one-bedroom and 5 two-bedroom units), of which 44 would be reserved for special needs and homeless populations. Based on HUD guidelines, occupancy of these units is estimated at two persons per bedroom plus one person per unit. Thus, at most there would be five persons in a two-bedroom unit and three persons in a one bedroom unit. The total number of residents in Building B is shown in Table 10.</p> <p><b>Table 10: Project Residents by Type of Unit</b></p> <table border="1" data-bbox="643 1119 1417 1339"> <thead> <tr> <th>Unit</th> <th>Number of Units</th> <th>Number of Residents (averages)</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>22</td> <td>2</td> <td>44</td> </tr> <tr> <td>One-Bedroom</td> <td>70</td> <td>3</td> <td>210</td> </tr> <tr> <td>Two-Bedroom</td> <td>5</td> <td>5</td> <td>25</td> </tr> <tr> <td>Total</td> <td>97</td> <td>--</td> <td>279</td> </tr> </tbody> </table> <p>Source: EBALDC 2023</p> <p>Based on guidelines provided by HUD, the maximum number of residents appropriate to multi-family unit dwellings is two persons per bedroom, plus one per unit, as shown above in Table 10. However, because the intended residents would be for seniors over 55 years old, it is not expected that the occupancy per unit would reach those identified in HUD’s guidelines. Nevertheless, for the purposes of this analysis, a population of 279 people is assumed. The population of the City of Oakland was 440,646 in 2020 according to the U.S. Census Bureau, and 2023 estimates of the City’s population were 419,556, according to State Department of Finance. The project occupancy of 279 persons would represent approximately 0.06 percent and 0.07 percent of the 2020 and 2023 City population, respectively. The number and composition of the residents would not substantially increase or change the demographics of the area.</p>	Unit	Number of Units	Number of Residents (averages)	Total	Studio	22	2	44	One-Bedroom	70	3	210	Two-Bedroom	5	5	25	Total	97	--	279
Unit	Number of Units	Number of Residents (averages)	Total																			
Studio	22	2	44																			
One-Bedroom	70	3	210																			
Two-Bedroom	5	5	25																			
Total	97	--	279																			



Environmental Assessment Factor	Impact Code	Impact Evaluation
		<p>The Association of Bay Area Governments (ABAG) is responsible for forecasting changes to the Bay Area population and economy to help local governments prepare for an ever-changing environment. Plan Bay Area 2050 was adopted by the ABAG Executive Board and the Metropolitan Transportation Commission on October 21, 2021. The ABAG population projections in Plan Bay Area 2050 show Alameda County growing from a population of 552,000 in 2015 to 847,000 people in 2050, representing a growth of 295,000 people. Additionally, the LMSAP, which establishes a long-range vision for a high-intensity neighborhood, projected the addition of 4,900 new housing units expected to accommodate a population of approximately 9,900 people.</p> <p>The project would not induce substantial population growth in the neighborhood (an increase of an estimated 279 residents would represent approximately 0.09 percent of the anticipated population increase for Alameda County by 2050 projected by ABAG and 2.8 percent of the anticipated population increase in the LMSAP area). The project would also help meet Oakland’s Regional Housing Needs Allocation (RHNA) assigned by the California Department of Housing and Community Development (HCD).</p> <p><b>Displacement</b></p> <p>The Uniform Relocation Act (URA), passed by Congress in 1970, establishes minimum standards for federally-funded programs and projects that require the acquisition of real property (real estate) or displace persons from their homes, businesses, or farms. The Uniform Act’s protections and assistance apply to the acquisition, rehabilitation, or demolition of real property for federal or federally-funded projects.</p> <p>Section 205 of the URA requires that, “Programs or projects undertaken by a federal agency or with federal financial assistance shall be planned in a manner that (1) recognizes, at an early stage in the planning of such programs or projects and before the commencement of any actions which will cause displacements, the problems associated with the displacement of individuals, families, businesses, and farm operations, and (2) provides for the resolution of such problems in order to minimize adverse impacts on displaced persons and to expedite program or project advancement and completion.”</p> <p>The site currently includes various public transportation uses supporting the Lake Merritt BART station and a surface parking lot. No tenants lease the space that would require relocation prior to construction. A relocation plan is not required.</p>



Environmental Assessment Factor	Impact Code	Impact Evaluation
		<p><b>Source Documentation:</b></p> <p>City of Oakland City Planning Commission Decision Letter 052021, PLN 20038, PLN20038-ER-1, PLN20108; Lake Merritt BART TOD Project, which contains the 2021 Lake Merritt BART Station Redevelopment Project CEQA Checklist</p> <p>U.S. Census Bureau. QuickFacts: Oakland City, California. Available:  <a href="https://www.census.gov/quickfacts/fact/table/oaklandcitycalifornia/PST045223">https://www.census.gov/quickfacts/fact/table/oaklandcitycalifornia/PST045223</a></p> <p>State of California, Department of Finance. Estimates-E-1: Population and Housing Estimates for Cities, Counties, and the State – January 1, 2022 and 2023. Available:  <a href="https://dof.ca.gov/forecasting/demographics/estimates-e1/">https://dof.ca.gov/forecasting/demographics/estimates-e1/</a></p>
<p><b>Environmental Justice</b></p>	<p>(1) Minor Beneficial Effect</p>	<p><b>Regulatory Background</b></p> <p>This project has been developed in accordance with Title VI of the Civil Rights Act of 1964, as amended; EO 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”; and EO 14096, “Revitalizing Our Nation’s Commitment to Environmental Justice for All.” Additionally, President Biden’s EO 13985 (January 20, 2021) “Advancing Racial Equity and Support for Underserved Communities Through the Federal Government” serves to “pursue a comprehensive approach to advancing equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality.” The subsequent EO 14096 (April 21, 2023), “Revitalizing Our Nation’s Commitment to Environmental Justice for All,” reinforces the vision of EO 13895 by setting long-term planning goals and providing guidance on financial support for disadvantaged communities.</p> <p><b>Methodology</b></p> <p>This analysis uses data from the latest American Community Survey (ACS) (U.S. Census Bureau 2022). ACS 5-Year Estimates for race, ethnicity, and poverty levels were examined for six block groups that make up the environmental justice study area, as well as for the City of Oakland, which was used as a reference. Please see the attached Environmental Justice Analysis Report for additional context (Attachment N).</p> <p>The following definitions are used in accordance with Title VI and the pertinent EJ circulars:</p>



Environmental Assessment Factor	Impact Code	Impact Evaluation
		<ul style="list-style-type: none"> <li>Minorities are defined as all people except for Non-Hispanic white as defined by the ACS. This includes persons who self-identified themselves as American Indian or Alaskan Native, Asian, Black or African American, Native Hawaiian or other Pacific Islander, or Hispanic or Latinos.</li> <li>Low-income individuals are defined as those whose income is at or below 200 percent of the poverty level established for households by the Department of Health and Human Services (HHS) poverty guidelines. This assumption is more inclusive of low-income populations, accounting for higher incomes in the Bay Area as compared to the rest of the United States.</li> </ul> <p>In 2024, 200 percent of the poverty threshold for a family of four was \$62,400. For the purpose of this analysis, low-income households are considered to be those below \$60,000 in annual household income. This is due to U.S. Census Bureau ACS 5-year estimates only reporting income in brackets of \$10,000 (i.e., \$50,000 – \$59,999). Therefore, the data is not granular enough to report up to \$62,400.</p> <p><b>Analysis</b></p> <p>According to 2018-2022 ACS data (the latest available 5-year estimates), the percentage of the City of Oakland population that is considered ethnic and racial minority is 66.54 percent and the percentage of the population living below 200 percent of the U.S. Census Bureau-defined poverty line is 38.53 percent. These percentages are used as thresholds for defining environmental justice communities. A study area block group is considered an environmental justice community if the percentage of low-income or ethnic and racial minority population exceeds that of the reference area, the City of Oakland. Table 11 and Table 12 on the following pages show that four out of six block groups in the study area are environmental justice communities.</p> <p>While four out of six block groups in the study area have been identified as environmental justice communities, the proposed project is not anticipated to result in disproportionately high and adverse impacts. A disproportionately high and adverse effect on a community of concern is defined as an adverse effect that either is predominantly borne by a minority population and/or a low-income population; or will be suffered by the minority population and/or low income population, and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low-income population.</p> <p>The project is not anticipated to result in any substantially high adverse impacts. Table 13 below summarizes potential EJ-related</p>



Environmental Assessment Factor	Impact Code	Impact Evaluation																																																																																																
		<p>resource areas, and their relevance to the proposed project. Since the project would not result in adverse impacts, it would also not result in disproportionately high and adverse impacts to any of the EJ communities identified in the study area.</p> <p><b>Table 11: Minority Communities within the Study Area</b></p> <table border="1"> <thead> <tr> <th>Census Tract</th> <th>Block Group</th> <th>Minority Population</th> <th>Total Population</th> <th>Percent Minority</th> <th>Compared to the Reference Area, is the Block Group an EJ Community in terms of Ethnicity?<sup>1</sup></th> </tr> </thead> <tbody> <tr> <td>City of Oakland</td> <td>N/A</td> <td>307287</td> <td>461,826</td> <td>66.54%</td> <td>N/A</td> </tr> <tr> <td>4033.01</td> <td>1</td> <td>580</td> <td>637</td> <td>91.05%</td> <td>Yes</td> </tr> <tr> <td>4033.01</td> <td>2</td> <td>1027</td> <td>1,193</td> <td>86.09%</td> <td>Yes</td> </tr> <tr> <td>4033.02</td> <td>1</td> <td>217</td> <td>690</td> <td>31.45%</td> <td>No</td> </tr> <tr> <td>4033.02</td> <td>2</td> <td>487</td> <td>1,075</td> <td>45.30%</td> <td>No</td> </tr> <tr> <td>4034.01</td> <td>1</td> <td>342</td> <td>904</td> <td>37.83%</td> <td>No</td> </tr> <tr> <td>4034.02</td> <td>2</td> <td>25</td> <td>30</td> <td>83.33%</td> <td>Yes</td> </tr> </tbody> </table> <p><sup>1</sup> If the percent minority in a census tract block group exceeds the average percent minority for the City of Oakland at 66.54 percent, the census tract block group is identified as an EJ community.            Source: U.S. Census Bureau, 2018-2022 American Community Survey 5-Year Estimates; Data compiled by AECOM in 2024</p> <p><b>Table 12: Low-Income Communities within the Study Area</b></p> <table border="1"> <thead> <tr> <th>Census Tract</th> <th>Block Group</th> <th>Low-Income Population</th> <th>Total Population with Census Income<sup>1</sup></th> <th>Percent Low-Income</th> <th>Compared to the Reference Area, is the Block Group an EJ Community in terms of Income?<sup>2</sup></th> </tr> </thead> <tbody> <tr> <td>City of Oakland</td> <td>N/A</td> <td>65,672</td> <td>170,446</td> <td>38.53%</td> <td>N/A</td> </tr> <tr> <td>4033.01</td> <td>1</td> <td>290</td> <td>341</td> <td>85.04%</td> <td>Yes</td> </tr> <tr> <td>4033.01</td> <td>2</td> <td>236</td> <td>271</td> <td>87.08%</td> <td>Yes</td> </tr> <tr> <td>4033.02</td> <td>1</td> <td>35</td> <td>223</td> <td>15.70%</td> <td>No</td> </tr> <tr> <td>4033.02</td> <td>2</td> <td>342</td> <td>773</td> <td>44.24%</td> <td>Yes</td> </tr> <tr> <td>4034.01</td> <td>1</td> <td>162</td> <td>699</td> <td>23.18%</td> <td>No</td> </tr> <tr> <td>4034.02</td> <td>2</td> <td>22</td> <td>56</td> <td>39.29%</td> <td>Yes</td> </tr> </tbody> </table> <p><sup>1</sup> The population of the City of Oakland with income reported in the Census is smaller than the total population.  <sup>2</sup> If the percent minority in a census tract block group exceeds the average percent low-income for the City of Oakland at 38.53 percent, the census tract block group is identified as an EJ community.            Source: U.S. Census Bureau, 2018-2022 American Community Survey 5-Year Estimates; Data compiled by AECOM in 2024</p>	Census Tract	Block Group	Minority Population	Total Population	Percent Minority	Compared to the Reference Area, is the Block Group an EJ Community in terms of Ethnicity? <sup>1</sup>	City of Oakland	N/A	307287	461,826	66.54%	N/A	4033.01	1	580	637	91.05%	Yes	4033.01	2	1027	1,193	86.09%	Yes	4033.02	1	217	690	31.45%	No	4033.02	2	487	1,075	45.30%	No	4034.01	1	342	904	37.83%	No	4034.02	2	25	30	83.33%	Yes	Census Tract	Block Group	Low-Income Population	Total Population with Census Income <sup>1</sup>	Percent Low-Income	Compared to the Reference Area, is the Block Group an EJ Community in terms of Income? <sup>2</sup>	City of Oakland	N/A	65,672	170,446	38.53%	N/A	4033.01	1	290	341	85.04%	Yes	4033.01	2	236	271	87.08%	Yes	4033.02	1	35	223	15.70%	No	4033.02	2	342	773	44.24%	Yes	4034.01	1	162	699	23.18%	No	4034.02	2	22	56	39.29%	Yes
Census Tract	Block Group	Minority Population	Total Population	Percent Minority	Compared to the Reference Area, is the Block Group an EJ Community in terms of Ethnicity? <sup>1</sup>																																																																																													
City of Oakland	N/A	307287	461,826	66.54%	N/A																																																																																													
4033.01	1	580	637	91.05%	Yes																																																																																													
4033.01	2	1027	1,193	86.09%	Yes																																																																																													
4033.02	1	217	690	31.45%	No																																																																																													
4033.02	2	487	1,075	45.30%	No																																																																																													
4034.01	1	342	904	37.83%	No																																																																																													
4034.02	2	25	30	83.33%	Yes																																																																																													
Census Tract	Block Group	Low-Income Population	Total Population with Census Income <sup>1</sup>	Percent Low-Income	Compared to the Reference Area, is the Block Group an EJ Community in terms of Income? <sup>2</sup>																																																																																													
City of Oakland	N/A	65,672	170,446	38.53%	N/A																																																																																													
4033.01	1	290	341	85.04%	Yes																																																																																													
4033.01	2	236	271	87.08%	Yes																																																																																													
4033.02	1	35	223	15.70%	No																																																																																													
4033.02	2	342	773	44.24%	Yes																																																																																													
4034.01	1	162	699	23.18%	No																																																																																													
4034.02	2	22	56	39.29%	Yes																																																																																													



Environmental Assessment Factor	Impact Code	Impact Evaluation		
		<b>Table 13: Analysis of Proposed Action’s Disproportionate Impacts on Environmental Justice Communities</b>		
		<b>Environmental Resource</b>	<b>Impacts Summary</b>	<b>Relevance to Title VI/ Environmental Justice</b>
		Air Quality	The proposed project would result in temporary generation of criteria air pollutant emissions, including ROG, NO <sub>x</sub> , PM <sub>10</sub> , and PM <sub>2.5</sub> . Additionally, fugitive dust emissions of PM <sub>10</sub> and PM <sub>2.5</sub> may occur. Compliance with the City SCAs would be required for the project.	Project-related construction air quality would not violate or contribute substantially to an existing or projected air quality violation. The proposed project would not have an adverse effect related to air quality; therefore, no disproportionate adverse impacts on Title VI/environmental justice communities would occur.
		Biology	The proposed project would not result in loss of habitat for any special status species identified in the study area. Additionally, it would comply with City SCAs related to trees, migratory birds, and bats. Further, the project would plant replacement trees and include more planter areas than now exist onsite.	Project-related construction related to trees, nesting birds, and bats would be prevented by compliance with City SCAs, and no adverse effects would occur related to biological resources. Therefore, no disproportionate adverse impacts on Title VI/environmental justice communities would occur.
		Hazards and Hazardous Materials	A Phase I ESA and Phase II ESA were completed for the project site by Langan. There was one identified Recognized Environmental Conditions (REC), and one identified Historical REC (HREC), a Historical Gas Station, associated with the project site. Results of soil and groundwater testing indicated no elevated concentrations of heavy metals in the layer of fill material and no hazardous levels of contaminants in the native material beneath the fill. Groundwater analytical results detected contaminants exceeding both residential and/or commercial environmental screening levels. The project applicant has entered into a Voluntary Remedial Action Agreement and will comply with City SCAs and ACDEH requirements. A Corrective Action Plan to clean up the site has been prepared and	With implementation of the Voluntary Remedial Action Agreement and the Final Corrective Action Plan and compliance with the City’s SCAs related to hazardous materials, the project would not result in an adverse impact related to hazards and hazardous materials, and would therefore not result in a disproportionately high and adverse impact to Title VI/environmental justice communities.





Environmental Assessment Factor	Impact Code	Impact Evaluation	
			<p>conditionally approved by ACDEH at the beginning of June 2024. Upon implementation of the plan's actions and ACDEH's conditions, ACDEH will issue a letter of no further action. The project site is not near a Superfund or CERCLIS site. Based on these facts, the project would not result in an adverse impact related to hazards and hazardous materials.</p>
		Noise	<p>The proposed project would generate temporary and short-term noise and vibration from construction equipment. The proposed project would be exposed to exterior noise levels exceeding HUD standards. Building materials and assemblies can attenuate the exterior noise sufficiently to attain HUD's interior noise standard. The project would also be required to comply with City SCAs related to construction and operational noise and vibration. This compliance would ensure that construction is limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, between 9:00 a.m. and 5:00 p.m. on Saturday, and that no construction would occur on Sundays or federal holidays. It would also ensure that measures are included to reduce construction noise to the extent feasible, and to prevent long-term noise-related effects on the local community.</p>
		Transportation	<p>The project may result in a minor adverse impact to local traffic both in the short term and long term. Short-term traffic impacts are associated with project construction, while long-term traffic impacts are associated with the project's operational phase (i.e., when the proposed building is occupied).</p> <p>While the project is anticipated to result in a limited number of new vehicle trips, this effect on roadway network operations is consistent with the 2014 LMSAP EIR and the 2021 CEQA Checklist analyses of the project's transportation impacts. The project will be transit focused given its location atop a BART station,</p>



Environmental Assessment Factor	Impact Code	Impact Evaluation	
		<p>The proposed project would place emphasis on alternative modes of transportation, such as bicycle, pedestrian, and public transportation, as it is sited atop the Lake Merritt BART Station, which provides regional connectivity throughout the Bay Area. Additionally, there are multiple Alameda County Transit (AC Transit) bus stops near the project site.</p> <p>The project would provide bicycle parking spaces and motorless scooter docks along the project site sidewalks. There are existing Class II bike lanes on the street network surrounding the project site, as well as sidewalks.</p> <p>The project is anticipated to result in a limited number of new vehicle trips given the site's proximity to transit, location downtown and near major amenities.</p>	<p>near Class II bike lanes and a confluence of several bus lines and within an urban Downtown with amenities. Therefore, no substantial transportation-related effects are anticipated, and the project would therefore not result in a disproportionately high and adverse impact to Title VI/environmental justice communities.</p>
		<p><b>Public Outreach to Title VI/Environmental Justice Communities</b></p> <p>A key component of Title VI/environmental justice is engaging these populations as part of the planning process. EBALDC has engaged the public through extensive efforts. Engagement efforts included stakeholder meetings and interviews, community design workshops, and community surveys. The project was also discussed at the Design Review Committee of the City Planning Commission on April 14, 2021. These efforts informed EBALDC as to local community needs, and helped shape the project's design. The project was designed to include the following based on the community's needs: a food hub with restaurants and outdoor seating to create a food destination/venue in the neighborhood; a pedestrian paseo to increase landscaping, greening of the block, and opportunities for gathering and play space; a direct connection between Laney College and the Lake Merritt BART Station; pedestrian improvements that involve wider sidewalks, curb bulbs and ramps, and high visibility crosswalks; and community rooms and gathering spaces within the residential building.</p>	



Environmental Assessment Factor	Impact Code	Impact Evaluation
		<p><b>Conclusion</b></p> <p>The applicant will comply with City of Oakland SCAs, as well as mitigations to reduce impacts on environmental justice communities and has included community conscious elements in the project design as a result of their public outreach efforts. Additionally, the project would have the benefit of providing affordable housing options to vulnerable populations, to include seniors, Special Needs, and formerly Homeless households. It would also provide community gathering spaces and greening for the neighborhood. Based on the analysis above, and the public outreach efforts of the project applicant, the proposed project would not result in a disproportionately high and adverse impact on environmental justice communities in the study area.</p> <p><b>Source Documentation:</b> Attachment N and</p> <p>Alameda County Department of Environmental Health. 2022. Voluntary Remedial Action Agreement No. RO0003559-2022-10-03. Alameda, CA.</p> <p>California Department of Toxic Substances Control. 2024. EnviroStor. Available online at: <a href="http://envirostor.dtsc.ca.gov/public">http://envirostor.dtsc.ca.gov/public</a>.</p> <p>City of Oakland. 2023. Oakland General <a href="https://www.oaklandca.gov/topics/read-the-housing-element">Plan, Housing Element</a>. Available online at: <a href="https://www.oaklandca.gov/topics/read-the-housing-element">https://www.oaklandca.gov/topics/read-the-housing-element</a></p> <p>State Water Resources Control Board. 2024. <a href="http://geotracker.waterboards.ca.gov">GeoTracker</a>. Available online at: <a href="http://geotracker.waterboards.ca.gov">http://geotracker.waterboards.ca.gov</a></p> <p>U.S. Census Bureau. 2022. American Community Survey (ACS) 5-Year <a href="https://data.census.gov/">Estimates, 2018-2022</a>. Available online at: <a href="https://data.census.gov/">https://data.census.gov/</a></p> <p>U.S. Environmental Protection Agency. 2024. Superfund National Priorities List (NPL) <a href="https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=33cebcdfdd1b4c3a8b51d416956c41f1">Map Where You Live</a>. Available online at: <a href="https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=33cebcdfdd1b4c3a8b51d416956c41f1">https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=33cebcdfdd1b4c3a8b51d416956c41f1</a></p>
<b>Community Facilities and Services</b>		
Educational and Cultural Facilities	(2) No Impact Anticipated	The residential units associated with the project would be reserved for senior households (55+), as well as Special Needs and formerly Homeless households. Families are not the primary demographic target. As such, school-aged children would not be expected to reside at the property site. Even if there were school-aged children



Environmental Assessment Factor	Impact Code	Impact Evaluation
		<p>in Building B, the number of students would be negligible and would not substantially increase enrollment at nearby schools.</p> <p>The City of Oakland and the San Francisco Bay Area is rich in culture and opportunities for cultural experiences. Located within Oakland’s Chinatown, the project site is within walking distance of the Oakland Asian Cultural Center, the Oakland Public Library Asian Branch, Laney College, and the Oakland Museum of California. In addition, other cultural facilities within five miles of the project site include cinemas, theaters and music venues, and galleries. The project’s location at the Lake Merritt BART Station also offers opportunities for cultural enrichment outside the immediate area.</p> <p>There are no adverse impacts to educational and cultural facilities identified.</p> <p><b>Source Documentation:</b></p> <p>Site Visit</p> <p>City of Oakland City Planning Commission Decision Letter 052021, PLN 20038, PLN20038-ER-1, PLN20108; Lake Merritt BART TOD Project, which contains the 2021 Lake Merritt BART Station Redevelopment Project CEQA Checklist</p>
<b>Commercial Facilities</b>	(2) No Impact Anticipated	<p>The project proposes approximately 97 units of affordable housing, targeted for senior households (55+), as well as Special Needs and formerly Homeless households. The building would also include approximately 3,235 square feet of ground-floor commercial/retail land use. Approximately 354 square feet of that ground floor space would be dedicated to a community-serving limited-service restaurant, and the remainder would be used for a commercial kitchen.</p> <p>Retail and commercial services in the immediate area surrounding the project site are limited. However, the project site is within the Oakland Chinatown District and thus within walking distance of a wide range of retail and commercial services. The closest supermarket is approximately 0.3 mile from the site. The closest pharmacy is approximately 0.4 mile.</p> <p>Public transit is available in the project area. There are multiple AC Transit bus stops, as well as BART, that can be taken to and from the site. In addition, the City provides a door-to-door paratransit service for elderly and disabled residents over the age of 18. Due to the abundance of public transit opportunities available on the project site, as well as the retail and commercial space that is part of the proposed project, commercial facilities serving the project</p>



Environmental Assessment Factor	Impact Code	Impact Evaluation
		<p>site are anticipated to be adequate, and no project-related adverse impacts would occur.</p> <p><b>Source Documentation:</b></p> <p>Site Visit</p> <p>City of Oakland City Planning Commission Decision Letter 052021, PLN 20038, PLN20038-ER-1, PLN20108; Lake Merritt BART TOD Project, which contains the 2021 Lake Merritt BART Station Redevelopment Project CEQA Checklist</p>
<p><b>Health Care and Social Services</b></p>	<p>(2) No Impact Anticipated</p>	<p>The nearest hospital to the project site is Alta Bates Summit Medical Center at 350 Hawthorne Avenue, approximately 1.8 miles north of the project site. There are various other health care facilities including health clinics, urgent care, and specialty services in the area that project residents would be able to access including Asian Health Services at 101 8<sup>th</sup> Street (200 feet west), Chenming &amp; Margaret Hu Medical Center at 818 Webster Street (0.4 mile west), and Hong Fook Adult Day Health Center at 275 14<sup>th</sup> Street (0.4 mile north).</p> <p>Alameda County Social Services Agency provides state and federally mandated benefits and services to low-income residents in Oakland and Alameda County. Such benefits and services include protective services, public health and immunizations, and other social services, such as mental health services, CalFresh (food stamps) program administration, nutritional services (such as operation of food pantries), Medi-Cal, and veterans' services. Other social service providers in the Oakland area include Family Bridges, Center for Third World Organizing, and Rebuilding Together Oakland.</p> <p>The project would not represent a significant change to the demographics of the area or on area social services as it serves the existing population. There would be no adverse impacts.</p> <p><b>Source Documentation:</b></p> <p>Site Visit</p> <p>City of Oakland City Planning Commission Decision Letter 052021, PLN 20038, PLN20038-ER-1, PLN20108; Lake Merritt BART TOD Project, which contains the 2021 Lake Merritt BART Station Redevelopment Project CEQA Checklist</p> <p>Alameda County Social Services Agency. n.d. Services. <a href="https://www.alamedacountysocialservices.org/index.page">https://www.alamedacountysocialservices.org/index.page</a></p>



Environmental Assessment Factor	Impact Code	Impact Evaluation
<p><b>Solid Waste Disposal/ Recycling</b></p>	<p>(2) No Impact Anticipated</p>	<p>Solid waste from the project site would be conveyed to and disposed of at the nearest large landfill, which is the Altamont Landfill and Resource Recovery Center in Livermore, CA. The Altamont Landfill has a total permitted capacity of 124 million cubic yards and has a remaining capacity (according to CalRecycle) of 65 million cubic yards with a cease operations date of December 2070. The Altamont Landfill is also a permitted asbestos containing waste disposal site, with a maximum permitted throughput of 2,000 tons per day.</p> <p>Further, the City’s solid waste and recycle program provides services to manage solid waste and divert waste from landfills. Specifically, the City’s program offers free bulky item drop off and curbside pick-up, composting, recycling, and construction and demolition debris recycling programs.</p> <p>The project would be required to comply with the City’s construction and demolition debris recycling ordinance (Municipal Code Chapter 15.34), which requires submittal of a plan to divert at least 50 percent of the construction waste generated by the Project from landfill disposal. The project would also be required to comply with the City of Oakland Recycling Space Allocation Ordinance (Planning Code Chapter 17.118) to ensure the provision of adequate, accessible, and convenient locations for the collection and storage of recyclable materials.</p> <p>Given the existing capacity of the Altamont Landfill, and required State and local solid waste disposal and diversion standards, no project-related adverse impacts would occur.</p> <p>The City has adopted Uniformly Applied Development Standards imposed as SCAs, listed below, that apply to green building and recycling. Application of these standards and implementation of these measures would reduce impacts to not adverse.</p> <p><u>SCA Required:</u></p> <p><i>RE-1: Construction and Demolition Waste Reduction and Recycling</i></p> <p>The project applicant shall comply with the City of Oakland Construction and Demolition Waste Reduction and Recycling Ordinance (chapter 15.34 of the Oakland Municipal Code) by submitting a Construction and Demolition Waste Reduction and Recycling Plan (WRRP) for City review and approval, and shall implement the approved WRRP. Projects subject to these requirements include all new construction, renovations/ alterations/modifications with construction values of \$50,000 or more (except R-3 type construction), and all demolition (including</p>





Environmental Assessment Factor	Impact Code	Impact Evaluation
		<p>soft demolition) except demolition of type R-3 construction. The WRRP must specify the methods by which the project will divert construction and demolition debris waste from landfill disposal in accordance with current City requirements. The WRRP may be submitted electronically at <a href="http://www.reenhalosystems.com">www.reenhalosystems.com</a> or manually at the City's Green Building Resource Center. Current standards, FAQs, and forms are available on the City's website and in the Green Building Resource Center.</p> <p><i>RE-2: Recycling Collection and Storage Space</i></p> <p>The project applicant shall comply with the City of Oakland Recycling Space Allocation Ordinance (chapter 17.118 of the Oakland Planning Code). The project drawings submitted for construction-related permits shall contain recycling collection and storage areas in compliance with the Ordinance. For residential projects, at least two cubic feet of storage and collection space per residential unit is required, with a minimum of ten cubic feet. For nonresidential projects, at least two cubic feet of storage and collection space per 1,000 square feet of building floor area is required, with a minimum of ten cubic feet.</p> <p><b>Source Documentation:</b></p> <p>City of Oakland City Planning Commission Decision Letter 052021, PLN 20038, PLN20038-ER-1, PLN20108; Lake Merritt BART TOD Project, which contains the 2021 Lake Merritt BART Station Redevelopment Project CEQA Checklist</p> <p>California Department of General Services (DGS). n.d. CALGreen. <a href="https://www.dgs.ca.gov/BSC/CALGreen">https://www.dgs.ca.gov/BSC/CALGreen</a>.</p> <p>CalRecycle. 2024. SWIS Facility/Site Activity Details, Altamont Landfill &amp; Resource Recovery. <a href="https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/7?siteID=7">https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/7?siteID=7</a></p> <p>City of Oakland. n.d. Solid Waste and Recycling Program. <a href="https://www.oaklandca.gov/topics/waste-recycling#services">https://www.oaklandca.gov/topics/waste-recycling#services</a></p>
<b>Waste Water / Sanitary Sewers</b>	(2) No Impact Anticipated	<p>The City owns and operates a wastewater collect-on system that serves approximately 400,000 - 650,000 people and includes 101,000 service connections. The collection system encompasses approximately 933 miles of gravity sewer mains, approximately 1 mile of pressurized sewer mains, and 11 wastewater pump/lift stations. The system also contains approximately 1,000 miles of private sewer laterals owned and maintained by private property owners.</p> <p>The wastewater is conveyed to the East Bay Municipal Utility District's (EBMUD's) wastewater interceptor system, which</p>



Environmental Assessment Factor	Impact Code	Impact Evaluation
		<p>transports it to EBMUD’s main wastewater treatment plant for treatment. This treatment plant serves approximately 740,000 people, collecting wastewater from multiple cities along the eastern shore of the San Francisco Bay. The treated effluent is ultimately discharged to San Francisco Bay. EBMUD provides secondary treatment for a maximum flow of 168 million gallons per day (MGD). Primary treatment is provided for up to 320 MGD. Storage basins provide plant capacity for a short-term hydraulic peak of 415 MGD. On average, about 63 million gallons of wastewater are treated daily, well within its designed capacity. Based on an average wastewater generation rate of 200 gpd per residential unit, the net increase of wastewater generated by the project would be approximately .02 MGD. The proposed additional wastewater generated would be adequately handled by the existing sanitary sewer system.</p> <p>Development of the project would increase demand at the wastewater treatment plant; however, implementation of SCAs requiring stormwater control during and after construction would address any potential impacts</p> <p>The City has adopted Uniformly Applied Development Standards imposed as SCAs, listed below, that apply to sanitary sewers.</p> <p><u>SCA Required:</u></p> <p><i>SS-1: Sanitary Sewer System</i></p> <p>The project applicant shall prepare and submit a Sanitary Sewer Impact Analysis to the City for review and approval in accordance with the City of Oakland Sanitary Sewer Design Guidelines. The Impact Analysis shall include an estimate of pre-project and post-project wastewater flow from the project site. In the event that the Impact Analysis indicates that the net increase in project wastewater flow exceeds City-projected increases in wastewater flow in the sanitary sewer system, the project applicant shall pay the Sanitary Sewer Impact Fee in accordance with the City's Master Fee Schedule for funding improvements to the sanitary sewer system.</p> <p><b>Source Documentation:</b></p> <p>City of Oakland City Planning Commission Decision Letter 052021, PLN 20038, PLN20038-ER-1, PLN20108; Lake Merritt BART TOD Project, which contains the 2021 Lake Merritt BART Station Redevelopment Project CEQA Checklist</p> <p>City of Oakland. n.d. Sanitary Sewers. <a href="https://www.oaklandca.gov/topics/sanitary-sewers">https://www.oaklandca.gov/topics/sanitary-sewers</a></p>



Environmental Assessment Factor	Impact Code	Impact Evaluation
		East Bay Municipal Utility District (EBMUD). n.d. Wastewater treatment <a href="https://www.ebmud.com/wastewater/collection-treatment/wastewater-treatment">https://www.ebmud.com/wastewater/collection-treatment/wastewater-treatment</a>
<b>Water Supply</b>	(2) No Impact Anticipated	<p>Regional water supplies are provided by the East Bay Municipal Utility District (EBMUD). EBMUD’s water supply begins at the Mokelumne River watershed in the Sierra Nevada and extends 90 miles to the East Bay. EMBUD’s Urban Water Management Plan (UWMP), prepared in 2020, helps EBMUD make the best use of limited water supplies through water conservation and recycling and developing long-term projects. The UWMP is a long-range planning document updated every five years to support long-term resource planning and water supply sustainability. The plan assesses supply and demand; provides an overview of the conservation program, recycled water program, and groundwater plan; and includes the Water Shortage Contingency Plan.</p> <p>The UWMP states that while the number of accounts (i.e., water users) has increased steadily since the 1970s, the average daily water demand has not increased correspondingly. EBMUD’s water supply is adequate to meet existing and projected demand through 2040 with successful implementation of water recycling and conservation programs. Outside of drought events, water demand remains relatively stable due to water recycling and conservation programs, customer rationing (droughts), and water efficiency requirements in new construction (required through implementation of the California Green Building Standards Code – Part 11, Title 24 California Code of Regulations [CALGreen]).</p> <p>Based on an average water demand factor of 350 gpd per residential unit, the increase with the project would generate an estimated additional water demand of approximately 0.034 million gallons per day. The proposed additional water demanded would be adequately handled by EBMUD. While the project would increase projected demand for water, the UWMP has already accounted for the project as part of the overall development program anticipated in the LMSAP. Therefore, EBMUD would have sufficient water supply to meet the projected demand through 2040 and there would be no adverse impacts.</p> <p>The City has adopted Uniformly Applied Development Standards imposed as SCAs that apply to utility and service systems and water conservation measures. Application of these standards and implementation of these measures would further ensure that impacts related to water supply would be not adverse.</p>



Environmental Assessment Factor	Impact Code	Impact Evaluation
		<p><u>SCAs Required:</u></p> <p><i>WS-1: Recycled Water</i></p> <p>Pursuant to section 16.08.030 of the Oakland Municipal Code, the project applicant shall provide for the use of recycled water in the project for feasible recycled water uses unless the City determines that there is a higher and better use for the recycled water, the use of recycled water is not economically justified for the project, or the use of recycled water is not financially or technically feasible for the project. Feasible recycled water uses may include, but are not limited to, landscape irrigation, commercial and industrial process use, and toilet and urinal flushing in non-residential buildings. The project applicant shall contact the New Business Office of the East Bay Municipal Utility District (EBMUD) for a recycled water feasibility assessment by the Office of Water Recycling. If recycled water is to be provided in the project, the project drawings submitted for construction-related permits shall include the proposed recycled water system and the project applicant shall install the recycled water system during construction.</p> <p><i>WS-2: Water Efficient Landscape Ordinance (WELo)</i></p> <p>The project applicant shall comply with California’s Water Efficient Landscape Ordinance (WELo) in order to reduce landscape water usage. For the specific ordinance requirements, see the link below:</p> <p><a href="http://www.water.ca.gov/wateruseefficiency/landscapeordinance/docs/Title%2023%20extract%20-%20Official%20CCR%20pages.pdf">http://www.water.ca.gov/wateruseefficiency/landscapeordinance/docs/Title%2023%20extract%20-%20Official%20CCR%20pages.pdf</a></p> <p>For any landscape project with an aggregate (total noncontiguous) landscape area equal to 2,500 sq. ft. or less. The project applicant may implement either the Prescriptive Measures or the Performance Measures, of, and in accordance with the California’s Model Water Efficient Landscape Ordinance. For any landscape project with an aggregate (total noncontiguous) landscape area over 2,500 sq. ft., the project applicant shall implement the Performance Measures in accordance with the WELo.</p> <p>Prescriptive Measures: Prior to construction, the project applicant shall submit the Project Information (detailed below) and documentation showing compliance with Appendix D of California’s Model Water Efficient Landscape Ordinance (see page 38.14(g) in the link above).</p>



Environmental Assessment Factor	Impact Code	Impact Evaluation
		<p>Performance Measures: Prior to construction, the project applicant shall prepare and submit a Landscape Documentation Package for review and approval, which includes the following:</p> <ul style="list-style-type: none"> <li>a. Project Information:               <ul style="list-style-type: none"> <li>i. Date,</li> <li>ii. Applicant and property owner name,</li> <li>iii. Project address,</li> <li>iv. Total landscape area,</li> <li>v. Project type (new, rehabilitated, cemetery, or home owner installed),</li> <li>vi. Water supply type and water purveyor,</li> <li>vii. Checklist of documents in the package,</li> <li>viii. Project contacts, and</li> <li>ix. Applicant signature and date with the statement: “I agree to comply with the requirements of the water efficient landscape ordinance and submit a complete Landscape Documentation Package.”</li> </ul> </li> <li>b. Water Efficient Landscape Worksheet               <ul style="list-style-type: none"> <li>i. Hydrozone Information Table</li> <li>ii. Water Budget Calculations with Maximum Applied Water Allowance (MAWA) and Estimated Total Water Use</li> </ul> </li> <li>c. Soil Management Report</li> <li>d. Landscape Design Plan</li> <li>e. Irrigation Design Plan, and</li> <li>f. Grading Plan</li> </ul> <p>Upon installation of the landscaping and irrigation systems, and prior to the final of a construction-related permit, the Project applicant shall submit a Certificate of Completion (see page 38.6 in the link above) and landscape and irrigation maintenance schedule for review and approval by the City. The Certificate of Compliance shall also be submitted to the local water purveyor and property owner or his or her designee.</p> <p><b>Source Documentation:</b></p> <p>City of Oakland City Planning Commission Decision Letter 052021, PLN 20038, PLN20038-ER-1, PLN20108; Lake</p>



Environmental Assessment Factor	Impact Code	Impact Evaluation
		<p>Merritt BART TOD Project, which contains the 2021 Lake Merritt BART Station Redevelopment Project CEQA Checklist</p> <p>East Bay Municipal Utility District (EBMUD). n.d. Wastewater treatment Urban Water Management Plan. <a href="https://www.ebmud.com/water/about-your-water/water-supply-urban-water-management-plan">https://www.ebmud.com/water/about-your-water/water-supply-urban-water-management-plan</a></p>
<p><b>Public Safety - Police, Fire and Emergency Medical</b></p>	<p>(2) No Impact Anticipated</p>	<p><b>Police</b></p> <p>The Oakland Police Department (OPD) provides police services to the area. The site is located in Beat 03X within Area 1. The nearest station is located at 455 7th St, approximately 0.6 miles west.</p> <p>The project would not present any unique features or operational aspects that could reasonably be expected to result in an increased need for police facilities. The OPD is already serving the property, and the increased population of an estimated 279 residents represents a small fraction of the total growth anticipated within the OPD service areas and would not preclude OPD from meeting their service goals or require the construction of new or expanded police facilities. Police services are based on citywide needs, and it is expected some of the new residents at the project site could locate from within the City. Therefore, although the demand for police services would incrementally increase, it is not expected that the project would require construction or expansion of law enforcement facilities or the number of sworn officers. There would be no adverse impacts.</p> <p><b>Fire and Emergency Medical</b></p> <p>Emergency fire and medical services are provided to the project site by the Oakland Fire Department (OFD). The nearest fire station is Fire Station No. 12 located at 822 Alice Street, approximately 0.2 mile west.</p> <p>The project would be required to adhere to applicable State and local building and fire code requirements that would be incorporated during project construction and operation. While the project would increase population at the project site by an estimated 279 people (approximately 0.09 percent of the anticipated population increase by 2050 projected by ABAG for the County) the project would not generate an unusual demand for fire protection to the extent that new or altered fire stations would be necessary, given the nearby services are available. There would be no adverse impacts.</p> <p>During construction, there is a potential for activities to interfere with emergency vehicle access. A condition of project approval for the horizontal improvements for Block 1, such as street, sidewalk,</p>





Environmental Assessment Factor	Impact Code	Impact Evaluation
		<p>and utility upgrades, is a phasing plan for their implementation to ensure adequate emergency vehicle access to the satisfaction of the City and BART.</p> <p><b>Source Documentation:</b></p> <p>City of Oakland City Planning Commission Decision Letter 052021, PLN 20038, PLN20038-ER-1, PLN20108; Lake Merritt BART TOD Project, which contains the 2021 Lake Merritt BART Station Redevelopment Project CEQA Checklist</p>
<p><b>Parks, Open Space and Recreation</b></p>	<p>(2) No Impact Anticipated</p>	<p>The project site is located in the LMSAP area and nearby several parks, open space, and recreation areas including Wilma Chan Park (approximately 500 feet west), Lincoln Square Park (approximately 0.3 mile northwest), and Lake Merritt (approximately 0.4 mile away). Additionally, public transportation options available from Lake Merritt BART Station and nearby AC Transit stops would connect project site residents to recreation facilities located throughout the City of Oakland and Alameda County.</p> <p>Because of the proximity of nearby park, open space, and recreational areas and because the LMSAP includes the creation of new parks and open spaces, as well as improved access to regional parks, the project would not result in substantial new demand or deterioration of existing parks, open space or recreational areas. Further, the project would provide approximately 2,562 square feet for two community rooms/lounges and the outdoor roof deck, which would further offset the limited demand on area recreational facilities that would be generated by the project. In addition, a public accessible paseo, totaling approximately 16,300 square feet, is also included as part of the proposed project for aggregation purposes. The paseo would unify and visually link the three blocks, from Laney College on the east with the proposed project and with the Lake Merritt BART Station Plaza and the Wilma Chan Park, to create a well-design, high-quality open space corridor. The paseo would also include space for community events and public art. Therefore, there are no adverse impacts identified.</p> <p><b>Source Documentation:</b></p> <p>Site Visit</p> <p>City of Oakland City Planning Commission Decision Letter 052021, PLN 20038, PLN20038-ER-1, PLN20108; Lake Merritt BART TOD Project, which contains the 2021 Lake Merritt BART Station Redevelopment Project CEQA Checklist</p>



<b>Environmental Assessment Factor</b>	<b>Impact Code</b>	<b>Impact Evaluation</b>
<b>Transportation and Accessibility</b>	(1) Minor Beneficial Impact	<p>The proposed project would be constructed on the same parcel as the Lake Merritt BART Station entrance, which provides regional connectivity throughout the Bay Area via rail transit. No vehicle parking would be constructed onsite as part of the proposed project. A secure bicycle parking room on the ground floor would be provided for residents, with a capacity for 54 bicycles, comprised of 49 long-term and 5 short-term spaces. An additional six bicycle parking spaces, four long-term and two short-term, would be provided for commercial uses.</p> <p><b>Traffic Impacts</b></p> <p>The project may result in a minor adverse impact to local traffic both in the short term and long term. Short-term traffic impacts are associated with project construction, while long-term traffic impacts are associated with the project’s operational phase (i.e., when the proposed building is occupied).</p> <p>During project construction, short-term traffic impacts are anticipated due to temporary lane closures and possible detours.</p> <p>After construction, it is anticipated that the project may result in limited vehicle trips during its operational phase. As stated above, the project would not construct any new parking, and would instead emphasize alternative modes of transportation such as transit and bicycle usage. Regardless, residents, visitors, and delivery/service vehicles would result in new vehicle trips. As part of the project’s Lake Merritt Redevelopment Project 2021 CEQA Checklist, a Transportation Impact Review (TIR) was completed (Fehr &amp; Peers 2020).</p> <p>According to the project’s TIR, the proposed project (Building B within the greater planning context of the station) would result in approximately 250 daily vehicle trips, of which 12 trips would occur in the weekday AM peak hour, and 19 would occur in the weekday PM peak hour. The TIR evaluated the intersection level of service (LOS) that would result from implementation of the Lake Merritt BART Station Redevelopment Project, by adding project trips to existing intersection traffic movements at ten study intersections, which included each intersection corner of Block 1. Under existing conditions, all intersections operated at LOS A or B in the AM peak hour and at LOS C or better in the PM peak hour. Under existing conditions plus the full redevelopment project, all intersections continued to operate at LOS C or better during the AM and PM peak hours. The only change in LOS at the four Block 1 intersections occurred at 9<sup>th</sup> Street/Fallon Street during the PM peak hour where existing conditions operated at LOS A and plus project conditions operated at LOS B. Because the plus project</p>



Environmental Assessment Factor	Impact Code	Impact Evaluation
		<p>conditions accounted for the full redevelopment project and resulted in no adverse change to intersection operations, the proposed project would likewise result in no significant effect on circulation at the Block 1 intersections.</p> <p><b>Transportation</b></p> <p><u>Parking</u></p> <p>As stated above, the project would not construct any new parking spaces. The project area includes existing street parking and several public parking lots, including the 925 Fallon Street public parking lot to the north of the project site.</p> <p><u>Pedestrian</u></p> <p>There is an existing sidewalk network in the project area, as well as striped and signalized crosswalks. The proposed project would integrate with this existing pedestrian network. Public realm improvements included as conditions of project approval at the intersections and street corners would improve pedestrian safety and circulation (see Project Description).</p> <p><u>Transit</u></p> <p>The proposed project would be built adjacent to and integrated with the Lake Merritt BART Station, which supports regional transportation throughout the Bay Area. Additionally, there is an AC Transit bus stop on the west side of Block 1 between proposed Buildings A and B. A condition of project approval for Block 1 improvements is all horizontal improvements, such as street, sidewalk, and utility upgrades, shall include a phasing plan to ensure uninterrupted AC Transit service and provision of adequate emergency vehicle access to the satisfaction of AC Transit, the City, and BART. In addition, subject to City staff discretion and BART approval, the existing concrete canopy at this bus stop would be replaced with ADA-accessible bus shelters on the east side of Oak Street between 8<sup>th</sup> and 9<sup>th</sup> Streets if feasible. The existing pedestrian network described above would facilitate access between the proposed building, the Lake Merritt BART Station, and AC Transit bus stop. To further expand transit service, a condition of project approval is the provision of monthly transit passes to each dwelling unit. These conditions of approval will ensure transit accessibility and operations. Therefore, the proposed project would not result in an adverse effect; rather, the transit enhancements would be beneficial.</p> <p><u>Bicycle</u></p> <p>The proposed project would construct a secure bicycle parking room on the ground floor with a capacity for 54 bicycles,</p>



<b>Environmental Assessment Factor</b>	<b>Impact Code</b>	<b>Impact Evaluation</b>
		<p>comprised of 49 long-term and 5 short-term spaces. An additional six bicycle parking spaces, four long-term and two short-term, would be provided for commercial uses. There are existing Class II bike lanes on the city streets adjacent to the project site, which connect to Oakland’s larger bicycle network. These provisions are consistent with Oakland’s 2019 Bicycle Master Plan (“Let’s Bike Oakland”). In addition, conditions of project approval for Block 1 include implementation of bicycle improvements along the streets adjoining the block</p> <p><b>Accessibility</b></p> <p>The proposed project would be constructed in accordance with the Americans with Disabilities Act (ADA). The existing sidewalk network in the project area includes ADA-compliant curb ramps, which would not be affected by the proposed project. Conditions of approval for Block 1 include dual-directional curb-ramps at the intersection corners, high-visibility crosswalks, sidewalk improvements with minimum pedestrian clear widths, and, if feasible and acceptable to the City, BART, and AC Transit, replacement of the existing concrete bus shelter on the east side of Block 1 with ADA-compliant bus stops closer to the corners.</p> <p>The City has adopted Uniformly Applied Development Standards imposed as SCAs that address circulation, alternative means of transportation, and accessibility that would reduce the effects of the project on transportation and accessibility impacts.</p> <p><b>Conclusion</b></p> <p>The proposed project would result in a limited number of vehicle trips (approximately 250 daily trips) that would affect traffic conditions, this effect on the roadway network operations is consistent with the 2014 LMSAP EIR and the 2021 CEQA Checklist analyses of the project’s transportation impacts. In addition, as described earlier in the project description, the project approvals by the City in July 2022 required the transportation-related public improvements below as conditions of approval for development for the proposed project. These conditions were not part of the original plans submitted by the applicant but would be required of the project and would reduce transportation impacts by enhancing accessibility, safety, and use of alternative modes of transportation.</p> <ul style="list-style-type: none"> <li>• Dual-directional, ADA-accessible curb-ramps at the intersection corners adjacent to development associated with Phase 1.1 at 8<sup>th</sup> and Fallon Streets, 8<sup>th</sup> and Oak Streets, and 9<sup>th</sup> and Fallon Streets;</li> </ul>



Environmental Assessment Factor	Impact Code	Impact Evaluation
		<ul style="list-style-type: none"> <li>• High-visibility crosswalks at the intersection corners identified above;</li> <li>• Concrete bulb-outs at the intersection corners identified above;</li> <li>• At the intersection corner of 9<sup>th</sup> and Fallon Streets, advance stop bars (i.e., solid white lines striped in advance of crosswalks so the drivers stop further back from the crosswalks) on the west and south approaches of the intersection;</li> <li>• At the intersection corner of 8<sup>th</sup> and Fallon Streets, advance stop bars and elimination of one of the two left-turn lanes on the northbound Fallon Street approach;</li> <li>• At the intersection of 8<sup>th</sup> and Oak Streets, leading pedestrian intervals (i.e., providing pedestrians the opportunity to enter the crosswalk at an intersection before vehicles are given a green light);</li> <li>• Sidewalk improvements that generally provide a minimum pedestrian clear width of 8 feet;</li> <li>• On-street passenger loading (including ADA-designated passenger loading) and associated sidewalk, curb improvements, and striping;</li> <li>• ADA-designated on-street parking spaces;</li> <li>• A one-way westbound Class 2B buffered bicycle lane on the north side of 8<sup>th</sup> Street between Fallon and Oak Streets;</li> <li>• A one-way southbound Class 4 separated bikeway, at the roadway level, on the west side of Fallon Street between 8<sup>th</sup> and 9<sup>th</sup> Streets;</li> <li>• Amenities such as short-term bicycle parking and dockless scooter corrals along the project frontage sidewalks on 8<sup>th</sup> Street and Fallon Street; and</li> <li>• Siting of bicycle parking along the project frontage sidewalks identified above to not conflict with the minimum pedestrian clear width areas or with the minimum of 48-inch clear distance at the curb to ensure access from the accessible passenger loading zones or parking spaces to the sidewalk.</li> <li>• Provision of a permanently available monthly transit benefit to each dwelling unit in an amount equal to either one-half the prices of an Adult 31-day AC Transit Pass or an AC Transit EasyPass,</li> </ul> <p>In addition, application of the City’s standards and measures contained in the SCAs, listed below, would further lessen effects,</p>



Environmental Assessment Factor	Impact Code	Impact Evaluation
		<p>so that the project would not result in a significant adverse effect on transportation.</p> <p><u>SCAs Required:</u></p> <p><i>TRA-1: Construction Activity in the Public Right-of-Way</i></p> <p>a. Obstruction Permit Required</p> <p>The project applicant shall obtain an obstruction permit from the City prior to placing any temporary construction-related obstruction in the public right-of-way, including City streets, sidewalks, bicycle facilities, and bus stops.</p> <p>b. Traffic Control Plan Required</p> <p>In the event of obstructions to vehicle or bicycle travel lanes, bus stops, or sidewalks, the project applicant shall submit a Traffic Control Plan to the City for review and approval prior to obtaining an obstruction permit. The project applicant shall submit evidence of City approval of the Traffic Control Plan with the application for an obstruction permit. The Traffic Control Plan shall contain a set of comprehensive traffic control measures for auto, transit, bicycle, and pedestrian accommodations (or detours, if accommodations are not feasible), including detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. The Traffic Control Plan shall be in conformance with the City’s Supplemental Design Guidance for Accommodating Pedestrians, Bicyclists, and Bus Facilities in Construction Zones. The project applicant shall implement the approved Plan during construction.</p> <p>c. Repair of City Streets</p> <p>The project applicant shall repair any damage to the public right-of-way, including streets and sidewalks, caused by project construction at his/her expense within one week of the occurrence of the damage (or excessive wear), unless further damage/excessive wear may continue; in such case, repair shall occur prior to approval of the final inspection of the construction-related permit. All damage that is a threat to public health or safety shall be repaired immediately.</p> <p><i>TRA-2: Bicycle Parking</i></p> <p>The project applicant shall comply with the City of Oakland Bicycle Parking Requirements (chapter 17.118 of the Oakland Planning Code). The project drawings submitted for construction-related permits shall demonstrate compliance with the requirements.</p>





Environmental Assessment Factor	Impact Code	Impact Evaluation
		<p><i>TRA-3: Transportation Improvements</i></p> <p>The project applicant shall implement the recommended on- and off-site transportation-related improvements contained within the Transportation Impact Review for the project (e.g., signal timing adjustments, restriping, signalization, traffic control devices, roadway reconfigurations, transportation demand management measures, and transit, pedestrian, and bicyclist amenities). The project applicant is responsible for funding and installing the improvements, and shall obtain all necessary permits and approvals from the City and/or other applicable regulatory agencies such as, but not limited to, Caltrans (for improvements related to Caltrans facilities) and the California Public Utilities Commission (for improvements related to railroad crossings), prior to installing the improvements. To implement this measure for intersection modifications, the project applicant shall submit Plans, Specifications, and Estimates (PS&amp;E) to the City for review and approval. All elements shall be designed to applicable City standards in effect at the time of construction and all new or upgraded signals shall include these enhancements as required by the City. All other facilities supporting vehicle travel and alternative modes through the intersection shall be brought up to both City standards and ADA standards (according to Federal and State Access Board guidelines) at the time of construction. Current City Standards call for, among other items, the elements listed below:</p> <ol style="list-style-type: none"> <li>a. 2070L Type Controller with cabinet accessory</li> <li>b. GPS communication (clock)</li> <li>c. Accessible pedestrian crosswalks according to Federal and State Access Board guidelines with signals (audible and tactile)</li> <li>d. Countdown pedestrian head module switch out</li> <li>e. City Standard ADA wheelchair ramps</li> <li>f. Video detection on existing (or new, if required)</li> <li>g. Mast arm poles, full activation (where applicable)</li> <li>h. Polara Push buttons (full activation)</li> <li>i. Bicycle detection (full activation)</li> <li>j. Pull boxes</li> <li>k. Signal interconnect and communication with trenching (where applicable), or through existing conduit (where applicable), 600 feet maximum</li> </ol>



Environmental Assessment Factor	Impact Code	Impact Evaluation
		<p>l. Conduit replacement contingency</p> <p>m. Fiber switch</p> <p>n. PTZ camera (where applicable)</p> <p>o. Transit Signal Priority (TSP) equipment consistent with other signals along corridor</p> <p>p. Signal timing plans for the signals in the coordination group</p> <p>q. Bi-directional curb ramps (where feasible, and if project is on a street corner)</p> <p>r. Upgrade ramps on receiving curb (where feasible, and if project is on a street corner)</p> <p><i>TRA-4: Transportation Impact Fee</i></p> <p>The project applicant shall comply with the requirements of the City of Oakland Transportation Impact Fee Ordinance (chapter 15.74 of the Oakland Municipal Code).</p> <p><b>Source Documentation:</b></p> <p>City of Oakland Conditions of Approval and City Planning Commission Decision Letter 052021, PLN 20038, PLN20038-ER-1, PLN20108; Lake Merritt BART TOD Project, which contains the 2021 Lake Merritt BART Station Redevelopment Project CEQA Checklist</p>
<b>Natural Features</b>		
<b>Unique Natural Features, Water Resources</b>	(2) No Impact Anticipated	<p>The project site is in the fully developed urban area of Downtown Oakland. As such, nearly the entire project site is covered by impervious surfaces, except for limited decorative landscaping. There are no unique, natural or water resources. Therefore, there are no effects on these resources.</p> <p><b>Source Documentation:</b></p> <p>City of Oakland City Planning Commission Decision Letter 052021, PLN 20038, PLN20038-ER-1, PLN20108; Lake Merritt BART TOD Project, which contains the 2021 Lake Merritt BART Station Redevelopment Project CEQA Checklist</p>
<b>Vegetation, Wildlife</b>	(2) No Impact Anticipated	<p>A field survey to assess biological resources was conducted for the City's 2021 Lake Merritt BART Station Redevelopment Project CEQA Checklist, and no special-status plant or wildlife species, including those listed as rare, threatened or endangered by the Federal and/or State resource agencies with the exception of a double-crested cormorant, were observed. All the bird species identified during the 2020 field survey, including double-crested cormorants as well as many other common bird species, are</p>



Environmental Assessment Factor	Impact Code	Impact Evaluation
		<p>protected by the Migratory Bird Treaty Act and have the potential to nest in the landscape trees and shrubs in the project area. Additionally, the trees could be occupied by special status roosting bats that are protected by state and federal regulations.</p> <p>In addition to the prior environmental documentation, the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) tool was applied to identify other endangered, threatened, or candidates species that could occur in the project vicinity. The results identified 12 animal species and one plant species. The birds, reptiles, amphibians, fish, insects, and plants identified require significant vegetation cover, marshlands, chaparral environments, or sources of water for their habitat, none of which are present at or near the project site. Based on the USFWS IPaC Database Search, there are no critical habitats within the project site (see Attachment F: USFWS IPaC Database Search).</p> <p>As described earlier under the discussion of the Endangered Species Act of 1973, the City has adopted Uniformly Applied Development Standards, imposed as SCAs, listed below, that would reduce effects to potentially affected vegetation and wildlife species during construction.</p> <p><i>BIO-1: Avoid and Minimize Impacts on Special-Status Roosting Bats in Trees</i></p> <p><i>BIO-2: Tree Removal During Bird Breeding Season</i></p> <p><i>BIO-3: Tree Permit</i></p> <p><b>Source Documentation:</b> Attachment F and Site Visit</p> <p>City of Oakland. 2014. Lake Merritt Station Area Plan EIR. SCH # 2012032012. <a href="https://www.oaklandca.gov/topics/lake-merritt-station-area-plan-environmental-impact-report">https://www.oaklandca.gov/topics/lake-merritt-station-area-plan-environmental-impact-report</a>. Accessed January 2024.</p> <p>City of Oakland City Planning Commission Decision Letter 072222, PLN20108-PUDFDP-01, 51 9<sup>th</sup>, Sheet L2.0.</p> <p>City of Oakland_City Planning Commission Decision Letter 072222, PLN20108-PUDFDP-02, 51 9<sup>th</sup> and 107- 8<sup>th</sup> St – Horizontal Improvements. City of Oakland. 2014. Lake Merritt Station Area Plan EIR. SCH # 2012032012. <a href="https://www.oaklandca.gov/topics/lake-merritt-station-area-plan-environmental-impact-report">https://www.oaklandca.gov/topics/lake-merritt-station-area-plan-environmental-impact-report</a>. Accessed January 2024.</p> <p>City of Oakland City Planning Commission Decision Letter 052021, PLN 20038, PLN20038-ER-1, PLN20108; Lake</p>



Environmental Assessment Factor	Impact Code	Impact Evaluation
		Merritt BART TOD Project, which contains the 2021 Lake Merritt BART Station Redevelopment Project CEQA Checklist
<b>Other Factors</b>	(1) Minor Beneficial Impact	<p>The project will provide much needed affordable housing for seniors, those with special needs, and homeless populations. The project will provide a safe, clean, and sanitary place for lower-income households and will be beneficial to both residents and the community.</p> <p><b>Source Documentation:</b> Attachment F and City of Oakland. 2014. Lake Merritt Station Area Plan EIR. SCH # 2012032012. <a href="https://www.oaklandca.gov/topics/lake-merritt-station-area-plan-environmental-impact-report">https://www.oaklandca.gov/topics/lake-merritt-station-area-plan-environmental-impact-report</a>. Accessed January 2024. City of Oakland City Planning Commission Decision Letter 052021, PLN 20038, PLN20038-ER-1, PLN20108; Lake Merritt BART TOD Project, which contains the 2021 Lake Merritt BART Station Redevelopment Project CEQA Checklist</p>
<b>Climate and Energy</b>		
<b>Climate Change Impacts</b>	(2) No Impact Anticipated	<p><b>Climate Change Impacts on the Project</b></p> <p>Climate change may affect the frequency and severity of natural hazards and may also alter site suitability factors. FEMA calculates risk indices in their National Risk Index for 18 natural hazards: avalanche, coastal flooding, cold wave, drought, earthquake, hail, heat wave, hurricane, ice storm, landslide, lightning, riverine flooding, strong wind, tornado, tsunami, volcanic activity, wildfire, and winter weather. According to the National Risk Index, the natural hazards with a relatively moderate, relatively high, or very high risk to impact the proposed project site are coastal flooding (relatively moderate), earthquakes (very high), riverine flooding (relatively moderate), and tsunami (relatively moderate).</p> <p>The only natural hazard with a very high risk is earthquakes. Earthquake hazards are addressed in the Hazards and Nuisances including Site Safety and Noise Section of this Environmental Assessment and are not considered to be exacerbated by climate change. The remaining natural hazards are coastal flooding, riverine flooding, and tsunamis, which are considered to have relatively moderate risks. These natural hazards would not require additional design measures beyond the building standards already required by the California Building Code (CBC), with which the proposed project must comply.</p> <p>According to the NOAA Sea Level Rise viewer, which estimates areas of the nation’s coast that may be inundated under various</p>



Environmental Assessment Factor	Impact Code	Impact Evaluation
		<p>climate change scenarios, the project site would not be inundated by coastal flooding even with ten feet of sea level rise above the mean higher high water.<sup>14</sup> For reference, the 2100 high scenario for Alameda County forecasts 6.17 feet of sea level rise by 2100 (see Attachment P).</p> <p><b>Project Contributions to Climate Change</b></p> <p>Per HUD guidance and Executive Order 14008, it is federal policy to incorporate climate considerations into decision-making and build resilience against the impacts of climate change. While there is no mass-emission based threshold recommended by HUD or CEQ for evaluating GHG emissions, consistent with EO 13990, CEQ issued interim NEPA guidance which recommends NEPA reviews to quantify proposed actions’ GHG emissions, place GHG emissions in appropriate context, and disclose the relevant GHG emissions.</p> <p>The 2021 CEQA Checklist evaluated GHG emissions impacts for the entire Lake Merritt BART Station Redevelopment Project and estimated that the project would generate approximately 4,916 MT CO<sub>2</sub>e/yr, or 2.3 MT CO<sub>2</sub>e per year per service population, which was below the recommended BAAQMD threshold at the time of the analysis (4.6 MT CO<sub>2</sub>e per year per service population). Since the scale and intensity of the proposed Building B has not changed from what was evaluated in the 2021 CEQA Checklist and the proposed project is a part of the proposed development under the Lake Merritt BART Station Redevelopment Project, the emissions associated with the proposed project would be less than the total emissions estimated for Lake Merritt BART Station Redevelopment Project.</p> <p>In July 2020, the City of Oakland City Council adopted the 2030 Equitable Climate Action Plan (ECAP). The 2030 ECAP establishes actions that the City and its partners will take to equitably reduce Oakland’s climate emissions and adapt to a changing climate. The ECAP was developed pursuant to the City’s adopted 2030 GHG emission reduction target of 56 percent relative to 2005 levels, as well as Oakland’s 2018 Climate Emergency and Just Transition Resolution. Oakland’s City Council also adopted a 2045 Carbon Neutrality Goal, calling for a dramatic reduction in Oakland’s GHG emissions and “deep decarbonization” of the building and transportation sectors by 2045.</p> <p>Furthermore, the project site is located within the Downtown and Jack London Square Priority Development Area designated by</p>

<sup>14</sup> The mean higher high water (MHHW) is the arithmetic mean of the higher high water heights of the tide observed over a specific 19-year Metonic cycle (NOAA 2000).



Environmental Assessment Factor	Impact Code	Impact Evaluation
		<p>Plan Bay Area 2050. Plan Bay Area 2050 is a long-range strategic plan that meets the requirements for a Sustainable Communities Strategy by identifying transportation networks and forecasting development in the region which will reduce GHG emissions from passenger vehicles to achieve GHG emission reduction targets approved by the CARB. As defined in Plan Bay Area 2050, a Priority Development Area (PDA) is a geographic area generally near existing job centers or frequent transit that are locally identified by housing and job growth. Focusing new development in Priority Development Areas affords residents and employees the opportunity to walk, bike, or take transit to work easily, thereby reducing GHG emissions associated with personal vehicle use and contributing to achieving the plan’s GHG reduction targets. Because the proposed project would be constructed within a Priority Development Area and provide affordable housing for residents with Area Median Incomes ranging from 30% - 60%, the proposed project would further, and not conflict with, the GHG reduction targets in Plan Bay Area 2050. This would be consistent with ECAP actions related to transportation and land use.</p> <p>The City has adopted Uniformly Applied Development Standards, imposed as SCAs, that reduce effects on climate change and address alternative transportation facilities (bicycles and BART), construction equipment emissions, transportation demand management, construction waste reduction and recycling, as well as California Green Building Standards. Compliance with these SCAs would reduce climate change effects to be not adverse.</p> <p><b>Conclusion</b></p> <p>The proposed project would not exacerbate natural hazards that may increase in frequency and intensity due to climate change or place residents at abnormally high risk to exposure to these hazards. Implementation of the City’s SCAs, listed below, would ensure that the proposed project would not have an adverse effect with respect to climate change impacts.</p> <p><u>SCAs Required:</u></p> <p><i>CLI-1: Project Compliance with the Equitable Climate Action Plan (ECAP) Consistency Checklist</i></p> <p>The project applicant shall implement all the measures in the Equitable Climate Action Plan (ECAP) Consistency Checklist that was submitted during the Planning entitlement phase.</p> <p>a. For physical ECAP Consistency Checklist measures to be incorporated into the design of the project, the measures shall be included on the drawings submitted for construction-related permits.</p>





Environmental Assessment Factor	Impact Code	Impact Evaluation
		<p>b. For physical ECAP Consistency Checklist measures to be incorporated into the design of the project, the measures shall be implemented during construction.</p> <p>c. For ECAP Consistency Checklist measures that are operational but not otherwise covered by these SCAs, including but not limited to the requirement for transit passes or additional Transportation Demand Management measures, the applicant shall provide notice of these measures to employees and/or residents and post these requirements in a public place such as a lobby or work area accessible to the employees and/or residents.</p> <p><i>AIR-2: Criteria Air Pollutant Controls – Construction Related</i></p> <p><i>TRA-2: Bicycle Parking</i></p> <p><i>RE-1: Construction and Demolition Waste Reduction and Recycling</i></p> <p><i>WS-2: Water Efficient Landscaping Ordinance</i></p> <p><i>ENE-1: Green Building Requirements</i></p> <p>a. Compliance with Green Building Requirements During Plan-Check</p> <p>The project applicant shall comply with the requirements of the California Green Building Standards (CALGreen) mandatory measures and the applicable requirements of the City of Oakland Green Building Ordinance (chapter 18.02 of the Oakland Municipal Code).</p> <p>i. The following information shall be submitted to the City for review and approval with the application for a building permit:</p> <ul style="list-style-type: none"> <li>• Documentation showing compliance with Title 24 of the current version of the California Building Energy Efficiency Standards.</li> <li>• Completed copy of the final green building checklist approved during the review of the Planning and Zoning permit.</li> <li>• Copy of the Unreasonable Hardship Exemption, if granted, during the review of the Planning and Zoning permit.</li> <li>• Permit plans that show, in general notes, detailed design drawings, and specifications as necessary, compliance with the items listed in subsection (ii) below.</li> <li>• Copy of the signed statement by the Green Building Certifier approved during the review of the Planning and Zoning permit that the project complied with the requirements of the Green Building Ordinance.</li> </ul>



Environmental Assessment Factor	Impact Code	Impact Evaluation
		<ul style="list-style-type: none"> <li>• Signed statement by the Green Building Certifier that the project still complies with the requirements of the Green Building Ordinance, unless an Unreasonable Hardship Exemption was granted during the review of the Planning and Zoning permit.</li> <li>• Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.</li> </ul> <p>ii. The set of plans in subsection (i) shall demonstrate compliance with the following:</p> <ul style="list-style-type: none"> <li>• CALGreen mandatory measures.</li> <li>• Compliance with the appropriate and applicable checklist approved during the Planning entitlement process.</li> <li>• All green building points identified on the checklist approved during review of the Planning and Zoning permit, unless a Request for Revision Plan-check application is submitted and approved by the Bureau of Planning that shows the previously approved points that will be eliminated or substituted.</li> </ul> <p>The required green building point minimums in the appropriate credit categories.</p> <p>b. Compliance with Green Building Requirements During Construction</p> <p>The project applicant shall comply with the applicable requirements of CALGreen and the Oakland Green Building Ordinance during construction of the Project.</p> <p>The following information shall be submitted to the City for review and approval:</p> <ul style="list-style-type: none"> <li>i. Completed copies of the green building checklists approved during the review of the Planning and Zoning permit and during the review of the building permit.</li> <li>ii. Signed statement(s) by the Green Building Certifier during all relevant phases of construction that the project complies with the requirements of the Green Building Ordinance.</li> <li>iii. Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.</li> </ul>



Environmental Assessment Factor	Impact Code	Impact Evaluation
		<p>c. Compliance with Green Building Requirements After Construction</p> <p>Prior to the finalizing the Building Permit, the Green Building Certifier shall submit the appropriate documentation to City staff and attain the minimum required point level.</p> <p><b>Source Documentation:</b> Attachment P and</p> <p>City of Oakland City Planning Commission Decision Letter 052021, PLN 20038, PLN20038-ER-1, PLN20108; Lake Merritt BART TOD Project, which contains the 2021 Lake Merritt BART Station Redevelopment Project CEQA Checklist</p> <p>City of Oakland City Planning Commission Decision Letter 072222, PLN20108-PUDFDP-01, 51 9<sup>th</sup></p> <p>National Oceanic and Atmospheric Administration. 2000. <i>Tidal Datums and Their Applications</i>. <a href="https://tidesandcurrents.noaa.gov/publications/tidal_datums_and_their_applications.pdf">https://tidesandcurrents.noaa.gov/publications/tidal_datums_and_their_applications.pdf</a>. Accessed January 15, 2024.</p> <p>City of Oakland. 2023. CEQA Thresholds of Significance Guidelines. <a href="https://cao-94612.s3.us-west-2.amazonaws.com/documents/CEQA-Thresholds-of-Significance-9-26-23.pdf">https://cao-94612.s3.us-west-2.amazonaws.com/documents/CEQA-Thresholds-of-Significance-9-26-23.pdf</a>. Accessed February 26, 2024.</p>
Energy Efficiency	(2) No Impact Anticipated	<p><b>Location and Siting</b></p> <p>The proposed project is within close proximity to transit, shopping and services, schools, and employment locations. The proposed project is on land owned by BART that is part of the Lake Merritt BART Station. This site provides residents with reliable, convenient, and cost-effective public transportation. The project site is in an urban area with food markets, pharmacies, ATMs and banks, auto repair facilities, and other commercial and retail establishments within a 1-mile radius. Additionally, the proposed project would include a community room and offices with space to host support services for residents.</p> <p><b>Project Energy Consumption</b></p> <p>The City of Oakland has adopted a Green Building Ordinance (Oakland Municipal Code Chapter 18.02) which imposes Green Building conditions of approval on residential construction projects. The applicant is required to comply with California Green Building Standards (CALGreen) mandatory measures for residential new construction and score a minimum of 23 points on the GreenPoint Rated checklist and be certified by Build It Green.</p>



Environmental Assessment Factor	Impact Code	Impact Evaluation
		<p>Furthermore, as a transit-oriented development with access to the Lake Merritt BART Station on the same block as the proposed project, public transportation would be accessible, reducing the need for automobile trips and the associated fuel use. The proposed project would also be required which would encourage alternative modes of transportation, and reduce transportation-related energy use. In addition, all ECAP Checklist items are incorporated into the design of the project. The ECAP Checklist items include energy efficiency measures in the areas of material consumption and waste, building energy consumption, and transportation.</p> <p>The City has adopted Uniformly Applied Development Standards, imposed as SCAs, that address air emissions, transportation, and utilities. Compliance with these SCAs would improve energy efficiency and potential effects to be not adverse.</p> <p><b>Conclusion</b></p> <p>As part of a transit-oriented development, the proposed project is optimally located in close proximity to transit, shopping and services, schools, and employment locations, thereby reducing energy consumption for transportation. Additionally, the proposed project will be constructed in compliance with applicable standards and ordinances related to building energy and water conservation. The proposed project is designed to achieve a GreenPoint rating for a gold level certification at a minimum. Implementation of the City’s SCAs, listed below, would ensure that the proposed project would not have an adverse effect related to energy efficiency.</p> <p><u>SCAs Required:</u></p> <p><i>ENE-1: Green Building Requirements</i></p> <p><i>CLI-1. Project Compliance with the Equitable Climate Action Plan (ECAP) Consistency Checklist</i></p> <p><b>Source Documentation:</b></p> <p>City of Oakland City Planning Commission Decision Letter 052021, PLN 20038, PLN20038-ER-1, PLN20108; Lake Merritt BART TOD Project, which contains the 2021 Lake Merritt BART Station Redevelopment Project CEQA Checklist</p> <p>City of Oakland City Planning Commission Decision Letter 072222, PLN20108-PUDFDP-01, 51 9<sup>th</sup></p>



### **Additional Studies Performed:**

- Phase I Environmental Site Assessment (Attachment D1)
- Phase I Environmental Site Assessment (Attachment D2)
- Corrective Action Plan (Attachment D3)
- National Historic Preservation Act Section 106 Study (Attachment I)
- Noise Analysis – HUD Noise Assessment Worksheets (Attachment J1)
- Environmental Justice Assessment (Attachment N)
- Geotechnical Investigation Report (Attachment O2)

**Field Inspection** (Date and completed by): Jay Rehor, February 2024; Rod Jeung, January, March, April 2024

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

Data sources are provided in the preceding sections that present the analysis of compliance and assessment factors.

### **List of Permits Obtained**

The City of Oakland Planning Commission approved the final development plan and for the entire Lake Merritt BART Station Redevelopment Project which included the proposed Lake Merritt BART Senior Affordable Housing Project (Building B) (PLN2018-PUDF01) on July 20, 2022 at a public hearing that was advertised and attended by community members. Prior approvals included the application materials for the preliminary development plan in November 2020; and the May 19, 2021 Planning Commission approval of environmental compliance pursuant to the California Environmental Quality Act, recommendation for approval of a Tree Removal Permit application (T2000021), approval of the preliminary development plan for a Planned Unit Development, approval of a major conditional use permit, approval of a minor variance for off-street loading, approval of the vesting tentative tract map no. 8560 and 8577, and approval of the standard conditions of approval and relevant mitigation measures from prior environmental documents that apply to the proposed project.

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

### **Public Outreach** [24 CFR 50.23 & 58.43]:

EBALDC has led extensive community engagement efforts to help shape the proposed project, the desired ground-floor uses, and ways to activate the street level and enhance access to the Lake Merritt BART Station. Engagement efforts included stakeholder meetings and interviews, community design workshops, and community surveys. The entire Lake Merritt BART Station Redevelopment Project which included the proposed Lake Merritt BART Senior Affordable Housing Project (Building B) was also discussed at the Design Review Committee of the City Planning Commission on April 14, 2021. The results of these efforts include: a food hub with restaurants and outdoor seating to create a food destination/venue in the neighborhood; a pedestrian paseo to increase landscaping, greening of the block,



and opportunities for gathering and play space; a direct connection between Laney College and the Lake Merritt BART Station; pedestrian improvements that involve wider sidewalks, curb bulbs and ramps, and high visibility crosswalks; and community rooms and gathering spaces within the residential building.

With respect to NEPA environmental compliance, the proposed Lake Merritt BART Senior Affordable Housing Project (Building B) results in a Finding of No Significant Impact that will be published in the local newspaper and circulated to public agencies, interested parties, and landowners of parcels located within the project's Area of Potential Effects. Information about where the public may find the Environmental Review Record pertinent to the project will be included in the FONSI Notice. As part of Section 106 of the National Historic Preservation Act, Native American tribal consultation was also solicited and as a result, meetings and information sharing occurred with the Lisjan Nation.

Additional information on the project and its evolution is available on the City's website at: <https://www.oaklandca.gov/projects/lake-merritt-bart-transit-oriented-development-project>

### **Cumulative Impact Analysis [24 CFR 58.32]:**

The entire Lake Merritt BART Station Redevelopment Project site is identified as an opportunity site, or a site most likely to redevelop, in the 2014 LMSAP EIR. The LMSAP encompasses approximately 315 acres of area within a half-mile radius of the Lake Merritt BART Station and provides the geographic context and analysis for the cumulative analysis of the proposed Lake Merritt BART Senior Affordable Housing Project that is the subject of this EA and other projects whose effects could combine with those of the proposed project due to their locational proximity, timing, and ability to affect similar resources. The proposed senior housing project is within the impact envelope of the 25-year Development Program analyzed by the 2014 LMSAP EIR, and is consistent with the development density established by existing zoning and General Plan policies for the site. Further, as demonstrated in the 2021 CEQA Checklist for the entire Lake Merritt BART Station Redevelopment Project, the proposed senior housing project would not result in any new significant environmental impacts, result in any substantial increases in the significance of previously identified effects, or necessitate implementation of additional or considerably different mitigation measures than those identified in the 2014 LMSAP EIR, nor render any mitigation measures or alternatives found not to be feasible. The proposed project also incorporates applicable mitigation measures and City of Oakland SCAs identified in the 2014 LMSAP EIR. With implementation of the mitigation measures identified in this EA, as well as the applicable mitigation measures and SCAs adopted by the City in its review of entire Lake Merritt BART Station Redevelopment Project in July 2022, the proposed senior housing project would not result in a substantial increase in the severity of previously identified significant impacts in the 2014 LMSAP EIR.

Based on the above considerations, the 2014 LMSAP provides a relevant context for cumulative development in the project area. The proposed Lake Merritt BART Senior Affordable Housing Project (Building B) is a relatively small development (involving a 0.26-acre site, 97 units housing an estimated 279 persons, up to 15 employees, and 250 daily vehicle trips), compared to the LMSAP that covers 315 acres, would accommodate 4,900 new dwelling units housing 9,900 persons, 4,100 jobs, and generate approximately 26,800 new daily trips.<sup>15</sup> The inclusion of the paseo and a portion of the West Plaza for aggregation purposes would likewise not contribute substantial new construction or operational impacts,

<sup>15</sup> City of Oakland. 2014. Lake Merritt Station Area Plan EIR. SCH # 2012032102. Draft EIR: <https://oaklandca.s3.us-west-1.amazonaws.com/government/o/PBN/oak043804.pdf>; and Final EIR: <https://cao-94612.s3.us-west-2.amazonaws.com/documents/Final-Environmental-Impact-Report-FEIR-July-28-2014.pdf> Accessed February 2024.





**U.S. Department of Housing  
and Urban Development**

451 Seventh Street, SW  
Washington, DC 20410  
[www.hud.gov](http://www.hud.gov)  
[espanol.hud.gov](http://espanol.hud.gov)

since these project components repave existing pavement, replace existing landscaping, and enhance pedestrian circulation. Although the proposed Building B component would contribute to the effects reported in the LMSAP EIR, given the size and intensity of the proposed project relative to the LMSAP, the proposed project would not contribute considerably to any significant cumulative impacts resulting from successive or multiple individual projects that are related geographically and functionally within the LMSAP boundaries.

This entire Lake Merritt BART Station Redevelopment Project, including the Lake Merritt BART Senior Affordable Housing Project (Building B), has been approved by the City of Oakland as to design and use as of 2022 and thus has been considered as an “approved project” in subsequent cumulative impacts analysis of later projects. No negative cumulative impact is anticipated.

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

No Action Alternative [24 CFR 58.40(e)]: Under a No Action Alternative, there would be no changes to the existing project site, a surface parking lot for BART. The environmental consequences of the proposed Lake Merritt BART Senior Affordable Housing Project (Building B) described in this Environmental Assessment would not occur. The affordable housing units and the transit-oriented development of site would not be constructed as envisioned by the City and BART in the 2014 Lake Merritt Station Area Plan and would be delayed until an undetermined future date when another application could be submitted and approved by the City. The approvals and permits obtained over the past four years would not be used.

## **Summary of Findings and Conclusions:**

The proposed project will not result in adverse environmental effects, provided that the project applicant complies with the Standard Conditions of Approval and mitigation measures. The Lake Merritt BART Senior Affordable Housing Project (Building B) will fulfill City, state, and HUD objectives to increase the housing stock for lower-income households, seniors, and formerly homeless populations.



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

\* The Standard Conditions of Approval were initially and formally adopted by the Oakland City Council on November 3, 2008 (Ordinance No. 12899 C.M.S.), pursuant to Public Resources Code section 21083.3 and CEQA Guidelines section 15183 (and now section 15183.3), and incorporate development policies and standards from various adopted plans, policies, and ordinances (such as the Oakland Planning and Municipal Codes, Oakland Creek Protection, Stormwater Management and Discharge Control Ordinance, Oakland Tree Protection Ordinance, Oakland Grading Regulations, National Pollutant Discharge Elimination System (NPDES) requirements, Housing Element and other General Plan Element-related mitigation measures, California Building Code, Uniform Fire Code, Energy and Climate Action Plan, Complete Streets Policy, and Green Building Ordinance, among others), which have been found to substantially mitigate environmental effects.

Where there are peculiar circumstances associated with a project or project site that will result in significant environmental impacts despite implementation of the Standard Conditions of Approval, mitigation measures have been identified to reduce the impact to be not adverse.

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



**Mitigation Measures and Conditions for the Lake Merritt BART Senior Affordable Housing Project (Building B)**

Law, Authority, or Factor	Mitigation Measures
Clean Air	<p><b>AIR-1: Dust Controls – Construction Related</b></p> <p>The project applicant shall implement all of the following applicable dust control measures during construction of the project:</p> <ul style="list-style-type: none"> <li>a) Water all exposed surfaces of active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever feasible.</li> <li>b) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).</li> <li>c) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.</li> <li>d) Limit vehicle speeds on unpaved roads to 15 miles per hour.</li> <li>e) All excavation, grading, and/or demolition activities (if any) shall be suspended when average wind speeds exceed 20 mph.</li> <li>f) All trucks and equipment, including tires, shall be washed off prior to leaving the site.</li> <li>g) Unpaved roads providing access to sites located 100 feet or further from a paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel.</li> <li>h) All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.</li> </ul> <p><b>AIR-2: Criteria Air Pollutant Controls - Construction and Operation Related</b></p> <p>The project applicant shall implement all of the following applicable basic and enhanced control measures for criteria air pollutants during construction of the project as applicable:</p> <ul style="list-style-type: none"> <li>a) Idling times on all diesel-fueled commercial vehicles over 10,000 lbs. shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code of Regulations). Clear signage to this effect shall be provided for construction workers at all access points.</li> <li>b) Idling times on all diesel-fueled off-road vehicles over 25 horsepower shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes and fleet operators must develop a written</li> </ul>



Law, Authority, or Factor	Mitigation Measures
	<p>policy as required by Title 23, Section 2449, of the California Code of Regulations (“California Air Resources Board Off-Road Diesel Regulations”).</p> <p>c) All construction equipment shall be maintained and properly tuned in accordance with the manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. Equipment check documentation should be kept at the construction site and be available for review by the City and the Bay Area Air Quality District as needed.</p> <p>d) Portable equipment shall be powered by grid electricity if available. If electricity is not available, propane or natural gas generators shall be used if feasible. Diesel engines shall only be used if grid electricity is not available and propane or natural gas generators cannot meet the electrical demand.</p> <p>e) Low VOC (i.e., ROG) coatings shall be used that comply with BAAQMD Regulation 8, Rule 3: Architectural Coatings.</p> <p>f) All equipment to be used on the construction site shall comply with the requirements of Title 13, Section 2449, of the California Code of Regulations (“California Air Resources Board Off-Road Diesel Regulations”) and upon request by the City (and the Air District if specifically requested), the project applicant shall provide written documentation that fleet requirements have been met.</p> <p><b>AIR-3: Toxic Air Contaminant Controls-Construction Related</b></p> <p><i>a. Particulate Matter Reduction Measures</i></p> <p>The project applicant shall implement appropriate measures during construction to reduce potential health risks to sensitive receptors due to exposure to diesel particulate matter (DPM) and particulate matter less than 2.5 microns in diameter (PM<sub>2.5</sub>) in exhaust and fugitive emissions from construction activities. The project applicant shall choose to implement I or both ii and iii:</p> <p>i. The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with current guidance from the California Air Resources Board (CARB), the Office of Environmental Health and Hazard Assessment, and the Bay Area Air Quality Management District (BAAQMD) to determine the health risk to sensitive receptors exposed to DPM and PM<sub>2.5</sub> from exhaust and fugitive emissions from project construction. The HRA shall be based on project-specific construction schedule, equipment, and activity data. Estimated project-level health risks shall be compared to the City’s health risk significance thresholds for projects. The HRA shall be submitted to the City (and the Air District if specifically requested) for review and approval. If the HRA concludes that the health risk is at or below the City’s health risk significance thresholds for projects, then DPM and PM<sub>2.5</sub> reduction measures are not required. If the HRA concludes that the health risk exceeds the City’s health risk significance thresholds for projects, DPM and PM<sub>2.5</sub> reduction measures shall be identified to reduce the health risk to below the City’s health risk significance thresholds as set forth under subsection b below. Identified DPM and PM<sub>2.5</sub></p>



Law, Authority, or Factor	Mitigation Measures
	<p>reduction measures shall be submitted to the City for review and approval prior to the issuance of building permits and the approved DPM and PM<sub>2.5</sub> reduction measures shall be implemented during construction.</p> <p>-or-</p> <p>ii. The project applicant shall incorporate the following health risk reduction measures into the project to reduce TAC emissions from construction equipment. These features shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City:</p> <ul style="list-style-type: none"> <li>• All off-road diesel equipment shall be equipped with the most effective Verified Diesel Emission Control Strategies (VDECS) available for the engine type (Tier 4 engines automatically meet this requirement) as certified by CARB. The equipment shall be properly maintained and tuned in accordance with manufacturer specifications. This shall be verified through an equipment inventory submittal and Certification Statement that the Contractor agrees to compliance and acknowledges that a significant violation of this requirement shall constitute a material breach of contract.</li> <li>• Where access to grid-powered electricity is available, portable diesel engines shall be prohibited and electric engines shall be used for concrete/industrial saws, sweepers/scrubbers, aerial lifts, welders, air compressors, fixed cranes, forklifts, cement and mortar mixers, pressure washers, and pumps.</li> </ul> <p>Any other best available technology that reduces emissions offered at the time that future projects are reviewed may be included in the construction emissions minimization plan (e.g., alternative fuel sources, etc.). -and-</p> <ul style="list-style-type: none"> <li>• The project applicant shall implement all enhanced control measures included in AIR-1 (Dust Controls – Construction Related).</li> </ul> <p><b>AIR-4: Reduce Exposure to Air Pollution (Toxic Air Contaminants)</b></p> <p><i>a. Health Risk Reduction Measures</i></p> <p>The project applicant shall incorporate appropriate measures into the project design in order to reduce the potential health risk due to exposure to toxic air contaminants. The project applicant shall choose <b>one</b> of the following methods:</p> <p>i. The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with California Air Resources Board (CARB) and Office of Environmental Health and Hazard Assessment requirements and in accordance with Bay Area Air Quality Management District (BAAQMD) CEQA guidance for HRAs to determine the health risk of exposure of project residents/occupants/users to air pollutants and the exposure of existing off-site sensitive receptors to project-generated TAC emissions. The HRA shall be based on project-specific activity data. Estimated project-level health risks shall be compared to the City’s health risk significance thresholds for projects. The HRA shall be submitted to the City for review and approval. If the HRA concludes that</p>



Law, Authority, or Factor	Mitigation Measures
	<p>the health risk is at or below the City’s health risk significance thresholds for projects, then health risk reduction measures are not required. If the HRA concludes that the health risk exceeds the City’s health risk significance thresholds for projects, health risk reduction measures shall be identified to reduce the health risk below the City’s health risk significance thresholds. Identified risk reduction measures shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City. The approved risk reduction measures shall be implemented during construction and/or operations as applicable.</p> <p>- or -</p> <p>ii. The project applicant shall incorporate the following health risk reduction measures into the project. These features shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City:</p> <ul style="list-style-type: none"> <li>• Installation of mechanical ventilation systems to reduce cancer risks and Particulate Matter (PM) exposure for residents and other sensitive populations in the project that are in close proximity to sources of air pollution. Mechanical ventilation systems shall be capable of achieving the protection from particulate matter (PM<sub>2.5</sub>) equivalent to that associated with a MERV-16 filtration (as defined by American Society of Heating, Refrigerating, and Air-Conditioning Engineers standard 52.2). As part of implementing this measure, an ongoing maintenance plan for the building’s HVAC air filtration system shall be required.</li> <li>• Where appropriate, install passive electrostatic filtering systems, especially those with low air velocities (i.e., 1 mph).</li> <li>• Phasing of residential developments when proposed within 500 feet of freeways such that homes nearest the freeway are built last, if feasible.</li> <li>• The project shall be designed to locate sensitive receptors as far away as feasible from the source(s) of air pollution. Operable windows, balconies, and building air intakes shall be located as far away from these sources as feasible. If near a distribution center, residents shall be located as far away as feasible from a loading dock or where trucks concentrate to deliver goods.</li> <li>• Sensitive receptors shall be located on the upper floors of buildings, if feasible.</li> <li>• Planting trees and/or vegetation between sensitive receptors and pollution source, if feasible. Trees that are best suited to trapping PM shall be planted, including one or more of the following: Pine (<i>Pinus nigra</i> var. <i>maritima</i>), Cypress (<i>X Cupressocyparis leylandii</i>), Hybrid poplar (<i>Populus deltoids X trichocarpa</i>), and Redwood (<i>Sequoia sempervirens</i>).</li> <li>• Sensitive receptors shall be located as far away from truck activity areas, such as loading docks and delivery areas, as feasible.</li> </ul>





Law, Authority, or Factor	Mitigation Measures
	<ul style="list-style-type: none"> <li>• Existing and new diesel generators shall meet CARB’s Tier 4 emission standards, if feasible.</li> <li>• Emissions from diesel trucks shall be reduced through implementing the following measures, if feasible:               <ul style="list-style-type: none"> <li>• Installing electrical hook-ups for diesel trucks at loading docks.</li> <li>• Requiring trucks to use Transportation Refrigeration Units (TRU) that meet Tier 4 emission standards.</li> <li>• Requiring truck-intensive projects to use advanced exhaust technology (e.g., hybrid) or alternative fuels.</li> <li>• Prohibiting trucks from idling for more than two minutes.</li> <li>• Establishing truck routes to avoid sensitive receptors in the project. A truck route program, along with truck calming, parking, and delivery restrictions, shall be implemented.</li> </ul> </li> </ul> <p><i>b. Maintenance of Health Risk Reduction Measures</i></p> <p>The project applicant shall maintain, repair, and/or replace installed health risk reduction measures, including but not limited to the HVAC system (if applicable), on an ongoing and as-needed basis. Prior to occupancy, the project applicant shall prepare and then distribute to the building manager/operator an operation and maintenance manual for the HVAC system and filter including the maintenance and replacement schedule for the filter.</p>
<p><b>Contamination and Toxic Substances</b></p>	<p><b>HAZ-1: Compliance with Approved Corrective Action Plan</b></p> <p>The project applicant shall implement the actions in the Final CAP and comply with the conditions stipulated by ACDEH in its conditional approval of the Final CAP. The boundaries of the area to be excavated shall be established using survey equipment and marked in the field prior to selective removal of surface asphalt and soil excavation to the targeted depth. Soil segregation and management recommendations for the corrective action activities shall be implemented as detailed in the Final CAP.</p> <p>A CAP Completion Report shall be prepared following completion of corrective action activities and once the corrective action objectives have been met at the site. This report shall present a summary of the targeted hazardous soil removal and earthwork, dust control, any sampling and analytical testing during construction, disposal documentation (hazardous waste manifests and weight tickets) and completed corrective action activities during construction.</p> <p><b>HAZ-2: Regulatory Permits and Authorization from Other Agencies</b></p> <p>The project applicant shall obtain all necessary regulatory permits and authorizations from applicable resource/regulatory agencies including, but not limited to, the Regional Water Quality Control Board, Bay Area Air Quality Management District, Bay Conservation and Development Commission, California Department of Fish and Wildlife, U. S. Fish and Wildlife Service, and Army Corps of Engineers and shall</p>



Law, Authority, or Factor	Mitigation Measures
	<p>comply with all requirements and conditions of the permits/authorizations. The project applicant shall submit evidence of the approved permits/authorizations to the City, along with evidence demonstrating compliance with any regulatory permit/authorization conditions of approval.</p> <p><b>HAZ-3: Hazardous Materials Related to Construction</b></p> <p>The project applicant shall ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to minimize potential negative effects on groundwater, soils, and human health. These shall include, at a minimum, the following:</p> <ol style="list-style-type: none"> <li>a. Follow manufacture’s recommendations for use, storage, and disposal of chemical products used in construction;</li> <li>b. Avoid overtopping construction equipment fuel gas tanks;</li> <li>c. During routine maintenance of construction equipment, properly contain and remove grease and oils;</li> <li>d. Properly dispose of discarded containers of fuels and other chemicals;</li> <li>e. Implement lead-safe work practices and comply with all local, regional, state, and federal requirements concerning lead (for more information refer to the Alameda County Lead Poisoning Prevention Program); and</li> <li>f. If soil, groundwater, or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the project applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notifying the City and applicable regulatory agency(ies) and implementation of the actions described in the City’s Standard Conditions of Approval, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate.</li> </ol> <p><b>HAZ-4: Hazardous Building Materials and Site Contamination</b></p> <p><i>a. Hazardous Building Materials Assessment</i></p> <p>The project applicant shall submit a comprehensive assessment report to the Bureau of Building, signed by a qualified environmental professional, documenting the presence or lack thereof of asbestos-containing materials (ACMs), lead- based paint, polychlorinated biphenyls (PCBs), and any other building materials or stored materials classified as hazardous materials by State or federal law. If lead-based paint, ACMs, PCBs, or any other building materials or stored materials classified as hazardous materials are present, the project applicant shall submit specifications prepared and signed by a qualified environmental professional, for the stabilization and/or removal of the identified hazardous materials in accordance with all applicable laws and</p>



Law, Authority, or Factor	Mitigation Measures
	<p>regulations. The project applicant shall implement the approved recommendations and submit to the City evidence of approval for any proposed remedial action and required clearances by the applicable local, state, or federal regulatory agency.</p> <p><i>b. Environmental Site Assessment Required</i></p> <p>The project applicant shall submit a Phase I Environmental Site Assessment report, and Phase II Environmental Site Assessment report if warranted by the Phase I report, for the project site for review and approval by the City. The report(s) shall be prepared by a qualified environmental assessment professional and include recommendations for remedial action, as appropriate, for hazardous materials. The project applicant shall implement the approved recommendations and submit to the City evidence of approval for any proposed remedial action and required clearances by the applicable local, state, or federal regulatory agency.</p> <p><i>c. Health and Safety Plan Required</i></p> <p>The project applicant shall submit a Health and Safety Plan for the review and approval by the City in order to protect project construction workers from risks associated with hazardous materials. The Project applicant shall implement the approved Plan.</p> <p><i>d. Best Management Practices (BMPs) Required for Contaminated Sites</i></p> <p>The project applicant shall ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to minimize potential soil and groundwater hazards. These shall include the following:</p> <ul style="list-style-type: none"> <li>i. Soil generated by construction activities shall be stockpiled on-site in a secure and safe manner. All contaminated soils determined to be hazardous or non-hazardous waste must be adequately profiled (sampled) prior to acceptable reuse or disposal at an appropriate off-site facility. Specific sampling and handling and transport procedures for reuse or disposal shall be in accordance with applicable local, state, and federal requirements.</li> <li>ii. Groundwater pumped from the subsurface shall be contained on-site in a secure and safe manner, prior to treatment and disposal, to ensure environmental and health issues are resolved pursuant to applicable laws and policies. Engineering controls shall be utilized, which include impermeable barriers to prohibit groundwater and vapor intrusion into the building.</li> </ul>
<p><b>Historic Preservation</b></p>	<p><b>CUL-1: Construction Monitoring by Interested Native American Tribe(s)</b></p> <p>A cultural resources sensitivity training program will be provided to all construction personnel active on the project site during ground-disturbing activities. The training will be provided prior to the initiation of ground-disturbing activities. The training will be developed and conducted in coordination with a qualified archaeologist meeting the U.S. Secretary of Interior guidelines for professional archaeologists and a representative or representatives from the consulting Native American tribe(s). The program will include relevant information regarding sensitive cultural resources, including applicable regulations, protocols for avoidance, and consequences of</p>



Law, Authority, or Factor	Mitigation Measures
	<p>violating State laws and regulations. The worker cultural resources awareness program will also describe appropriate avoidance and minimization measures for resources that have the potential to be located on the project site and will outline what to do and whom to contact if any potential archaeological or tribal resources or artifacts are encountered. The program will also underscore the requirement for confidentiality and culturally appropriate treatment of any finds of significance to Native Americans, consistent with Native American tribal values.</p> <p>The applicant shall provide a qualified archaeologist meeting the U.S. Secretary of Interior guidelines for professional archaeologists and a representative or representatives from the consulting Native American tribe(s) to monitor the site during ground-disturbing activities. Monitors will be responsible for working with construction personnel and identifying cultural resources, including tribal cultural resources, that may be uncovered during ground disturbance for the foundation piles. If unanticipated cultural materials are unearthed, the monitors will have the authority to immediately halt work to allow the Tribal monitor to inspect and assess the materials, determine whether additional analysis of the find is warranted, and whether construction can proceed without further analysis.</p> <p><b>CUL-2: Archaeological and Paleontological Resources – Discovery During Construction</b></p> <p>Pursuant to CEQA Guidelines section 15064.5(f), in the event that any historic or prehistoric subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant shall notify the City and consult with a qualified archaeologist or paleontologist, as applicable, to assess the significance of the find. In the case of discovery of paleontological resources, the assessment shall be done in accordance with the Society of Vertebrate Paleontology standards. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined unnecessary or infeasible by the City. Feasibility of avoidance shall be determined with consideration of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted. Work may proceed on other parts of the project site while measures for the cultural resources are implemented.</p> <p>In the event of data recovery of archaeological resources, the project applicant shall submit an Archaeological Research Design and Treatment Plan (ARDTP) prepared by a qualified archaeologist for review and approval by the City. The ARDTP is required to identify how the proposed data recovery program would preserve the significant information the archaeological resource is expected to contain. The ARDTP shall identify the scientific/historic research questions applicable to the expected resource, the data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. The ARDTP shall include the analysis and specify the curation and storage methods. Data recovery, in general, shall be limited to the portions of the archaeological resource that could be impacted by the proposed project. Destructive data recovery methods</p>



Law, Authority, or Factor	Mitigation Measures
	<p>shall not be applied to portions of the archaeological resources if nondestructive methods are practicable. Because the intent of the ARDTP is to save as much of the archaeological resource as possible, including moving the resource, if feasible, preparation and implementation of the ARDTP would reduce the potential adverse impact to less than significant. The project applicant shall implement the ARDTP at his/her expense.</p> <p>In the event of excavation of paleontological resources, the project applicant shall submit an excavation plan prepared by a qualified paleontologist to the City for review and approval. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by a qualified paleontologist, as appropriate, according to current professional standards and at the expense of the project applicant.</p> <p><b>CUL-3: Archaeologically Sensitive Areas – Pre-Construction Measures</b></p> <p>The project applicant shall implement Provision A (Intensive Pre-Construction Study) <u>and</u> Provision B (Construction ALERT Sheet) concerning archaeological resources. If Native American archaeological resources are identified or suspected in a project site, the City shall consult with a Native American representative(s) registered with the Native American Heritage Commission that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3.</p> <p><i>Provision A: Intensive Pre-Construction Study</i></p> <p>The project applicant shall retain a qualified archaeologist to conduct a site-specific, intensive archaeological resources study for review and approval by the City prior to soil-disturbing activities occurring on the project site. The purpose of the site-specific, intensive archaeological resources study is to identify early the potential presence of history-period archaeological resources on the project site. At a minimum, the study shall include:</p> <ol style="list-style-type: none"> <li>a. Subsurface presence/absence studies of the project site. Field studies may include, but are not limited to, auguring and other common methods used to identify the presence of archaeological resources.</li> <li>b. report disseminating the results of this research.</li> <li>c. Recommendations for any additional measures that could be necessary to mitigate any adverse impacts to recorded and/or inadvertently discovered cultural resources.</li> </ol> <p>If the results of the study indicate a high potential presence of historic-period archaeological resources on the project site, or a potential resource is discovered, the project applicant shall hire a qualified archaeologist to monitor any ground disturbing activities on the project site during construction and prepare an ALERT sheet pursuant to Provision B below that details what could potentially be found at the project site. Archaeological monitoring would include briefing construction personnel about the type of artifacts that may be present (as referenced in the ALERT sheet, required per Provision B below) and the procedures to follow if any artifacts are encountered, field recording and sampling in accordance with the Secretary of</p>



Law, Authority, or Factor	Mitigation Measures
	<p>Interior’s Standards and Guidelines for Archaeological Documentation, notifying the appropriate officials if human remains or cultural resources are discovered, and preparing a report to document negative findings after construction is completed if no archaeological resources are discovered during construction.</p> <p><i>Provision B: Construction ALERT Sheet</i></p> <p>The project applicant shall prepare a construction “ALERT” sheet developed by a qualified archaeologist for review and approval by the City prior to soil-disturbing activities occurring on the project site. The ALERT sheet shall contain, at a minimum, visuals that depict each type of artifact that could be encountered on the project site. Training by the qualified archaeologist shall be provided to the project’s prime contractor, any project subcontractor firms (including demolition, excavation, grading, foundation, and pile driving), and utility firms involved in soil-disturbing activities within the project site.</p> <p>The ALERT sheet shall state, in addition to the basic archaeological resource protection measures contained in other standard conditions of approval, all work must stop and the City’s Environmental Review Officer contacted in the event of discovery of the following cultural materials: concentrations of shellfish remains; evidence of fire (ashes, charcoal, burnt earth, fire-cracked rocks); concentrations of bones; recognizable Native American artifacts (arrowheads, shell beads, stone mortars [bowls], humanly shaped rock); building foundation remains; trash pits, privies (outhouse holes); floor remains; wells; concentrations of bottles, broken dishes, shoes, buttons, cut animal bones, hardware, household items, barrels, etc.; thick layers of burned building debris (charcoal, nails, fused glass, burned plaster, burned dishes); wood structural remains (building, ship, wharf); clay roof/floor tiles; stone walls or footings; or gravestones. Prior to any soil-disturbing activities, each contractor shall be responsible for ensuring that the ALERT sheet is circulated to all field personnel, including machine operators, field crew, pile drivers, and supervisory personnel. The ALERT sheet shall also be posted in a visible location at the project site.</p> <p><b>CUL-4: Human Remains – Discovery During Construction</b></p> <p>Pursuant to CEQA Guidelines section 15064.5(e)(1), in the event that human skeletal remains are uncovered at the project site during construction activities, all work shall immediately halt and the project applicant shall notify the City and the Alameda County Coroner. If the County Coroner determines that an investigation of the cause of death is required or that the remains are Native American, all work shall cease within 50 feet of the remains until appropriate arrangements are made. In the event that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of section 7050.5 of the California Health and Safety Code. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance, and avoidance measures (if applicable) shall be completed expeditiously and at the expense of the project applicant.</p>





Law, Authority, or Factor	Mitigation Measures
<p><b>Noise Abatement and Control</b></p>	<p><b>NOI-1: Noise Control Measures for Interior Noise Levels in Residential Units</b></p> <p>In order to achieve HUD’s 45 dB interior noise threshold, the window assemblies for Building B on Levels 2 through 6, where residential units are planned, shall be designed to achieve the minimum STC ratings illustrated in Figure 11 (reproduced below). These STC ratings shall be included in the construction specifications and drawings. For Level 7, because of the greater vehicle traffic noise along its southern façade due to the elevated I-880 freeway, all window assemblies where residential units are planned shall be designed to achieve a higher minimum STC rating as shown in Figure 11. This minimum STC rating shall be included in the construction specifications and drawings.</p> <p style="text-align: center;">STC RATING DIAGRAM - LEVEL 7 <span style="border: 1px solid black; border-radius: 50%; padding: 2px;">5</span>  <math>1/32'' = 1'-0''</math></p> <p style="text-align: center;">STC RATING DIAGRAM - LEVEL 3-6 (TYP) <span style="border: 1px solid black; border-radius: 50%; padding: 2px;">4</span>  <math>1/32'' = 1'-0''</math></p> <p style="text-align: center;">STC RATING DIAGRAM - LEVEL 2 <span style="border: 1px solid black; border-radius: 50%; padding: 2px;">3</span>  <math>1/32'' = 1'-0''</math></p>



Law, Authority, or Factor	Mitigation Measures
	<p><b>NOI-2: Noise Control Measures for Outdoor Rooftop Deck</b></p> <p>In order to achieve HUD’s 65 dB noise threshold for outdoor spaces, the rooftop deck shall be designed with a partition surrounding the rooftop deck with the following specifications:</p> <ul style="list-style-type: none"> <li>• the partition shall be made of 3/8-inch thick tempered glass, or comparable material and construction, as identified by an acoustical engineer and approved by the City, to achieve the outdoor noise threshold;</li> <li>• the partition, if constructed with glass, shall be laminated to provide additional noise attenuation; and</li> <li>• the partition shall be at least 6 feet tall, as measured from the ground elevation of the rooftop deck, to block line-of-sight for rooftop deck users from the vehicular traffic noise sources.</li> </ul> <p><b>NOI-3: Mechanical Ventilation</b></p> <p>Mechanical ventilation must be provided to units where windows must be closed to maintain a relatively noise-free environment.</p> <p><b>NOI-4: Exposure to Community Noise</b></p> <p>The project applicant shall submit a Noise Reduction Plan prepared by a qualified acoustical engineer for City review and approval that contains noise reduction measures (e.g., sound-rated window, wall, and door assemblies) to achieve an acceptable interior noise level in accordance with the land use compatibility guidelines of the Noise Element of the Oakland General Plan. The applicant shall implement the approved Plan during construction. To the maximum extent practicable, interior noise levels shall not exceed the following:</p> <ol style="list-style-type: none"> <li>a. 45 dBA: Residential activities, civic activities, hotels</li> <li>b. 50 dBA: Administrative offices; group assembly activities</li> <li>c. 55 dBA: Commercial activities</li> <li>d. 65 dBA: Industrial activities</li> </ol> <p><b>NOI-5: Exposure to Vibration</b></p> <p>The project applicant shall submit a Vibration Reduction Plan prepared by a qualified acoustical consultant for City review and approval that contains vibration reduction measures to reduce groundborne vibration to acceptable levels per Federal Transit Administration (FTA) standards. The applicant shall implement the approved Plan during construction. Potential vibration reduction measures include, but are not limited to, the following:</p> <ol style="list-style-type: none"> <li>a. Isolation of foundation and footings using resilient elements such as rubber bearing pads or springs, such as a “spring isolation” system that consists of resilient spring supports that can support the podium or residential foundations. The specific system shall be selected so that it can properly support the structural loads, and provide adequate filtering of groundborne vibration to the residences above.</li> </ol>



Law, Authority, or Factor	Mitigation Measures
	<p>b. Trenching, which involves excavating soil between the railway and the project so that the vibration path is interrupted, thereby reducing the vibration levels before they enter the project’s structures. Since the reduction in vibration level is based on a ratio between trench depth and vibration wavelength, additional measurements shall be conducted to determine the vibration wavelengths affecting the project. Based on the resulting measurement findings, an adequate trench depth and, if required, suitable fill shall be identified (such as foamed styrene packing pellets [i.e., Styrofoam] or low-density polyethylene).</p>
<p><b>Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff</b></p>	<p><b>GEO-1: Construction-Related Permit(s)</b> The project applicant shall obtain all required construction-related permits/approvals from the City. The project shall comply with all standards, requirements and conditions contained in construction-related codes, including but not limited to the Oakland Building Code and the Oakland Grading Regulations, to ensure structural integrity and safe construction.</p> <p><b>GEO-2: Soils Report</b> The project applicant shall submit a soils report prepared by a registered geotechnical engineer for City review and approval. The soils report shall contain, at a minimum, field test results and observations regarding the nature, distribution and strength of existing soils, and recommendations for appropriate grading practices and project design. The project applicant shall implement the recommendations contained in the approved report during project design and construction.</p> <p><b>HYD-1: Erosion and Sedimentation Control Measures for Construction</b> The project applicant shall implement Best Management Practices (BMPs) to reduce erosion, sedimentation, and water quality impacts during construction to the maximum extent practicable. At a minimum, the project applicant shall provide filter materials deemed acceptable to the City at nearby catch basins to prevent any debris and dirt from flowing into the City’s storm drain system and creeks.</p> <p><b>HYD-2: NPDES C.3 Stormwater Requirements for Regulated Projects</b> <i>a. Post-Construction Stormwater Management Plan Required</i> The project applicant shall comply with the requirements of Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES). The project applicant shall submit a Post-Construction Stormwater Management Plan to the City for review and approval with the project drawings submitted for site improvements, and shall implement the approved Plan during construction. The Post-Construction Stormwater Management Plan shall include and identify the following:</p> <ul style="list-style-type: none"> <li>i. Location and size of new and replaced impervious surface;</li> <li>ii. Directional surface flow of stormwater runoff;</li> <li>iii. Location of proposed on-site storm drain lines;</li> </ul>



Law, Authority, or Factor	Mitigation Measures
	<p>iv. Site design measures to reduce the amount of impervious surface area;</p> <p>v. Source control measures to limit stormwater pollution;</p> <p>vi. Stormwater treatment measures to remove pollutants from stormwater runoff, including the method used to hydraulically size the treatment measures; and</p> <p>vii. Hydromodification management measures, if required by Provision C.3, so that post-project stormwater runoff flow and duration match pre-project runoff.</p> <p><i>b. Maintenance Agreement Required</i></p> <p>The project applicant shall enter into a maintenance agreement with the City, based on the Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement, in accordance with Provision C.3, which provides, in part, for the following:</p> <p>i. The project applicant accepting responsibility for the adequate installation/construction, operation, maintenance, inspection, and reporting of any on-site stormwater treatment measures being incorporated into the project until the responsibility is legally transferred to another entity; and</p> <p>ii. Legal access to the on-site stormwater treatment measures for representatives of the City, the local vector control district, and staff of the Regional Water Quality Control Board, San Francisco Region, for the purpose of verifying the implementation, operation, and maintenance of the on-site stormwater treatment measures and to take corrective action if necessary.</p> <p>The maintenance agreement shall be recorded at the County Recorder’s Office at the applicant’s expense.</p> <p><b>SD-1 Storm Drain System</b></p> <p>The project storm drainage system shall be designed in accordance with the City of Oakland’s Storm Drainage Design Guidelines. To the maximum extent practicable, peak stormwater runoff from the project site shall be reduced by at least 25 percent compared to the pre-project condition.</p>
<p><b>Hazards and Nuisances including Site Safety and Noise</b></p>	<p><b>GEO-1: Construction-Related Permit(s)</b></p> <p>The project applicant shall obtain all required construction-related permits/approvals from the City. The project shall comply with all standards, requirements and conditions contained in construction-related codes, including but not limited to the Oakland Building Code and the Oakland Grading Regulations, to ensure structural integrity and safe construction.</p> <p><b>GEO-2: Soils Report</b></p> <p>The project applicant shall submit a soils report prepared by a registered geotechnical engineer for City review and approval. The soils report shall contain, at a minimum, field test results and observations regarding the nature, distribution and strength of existing soils, and recommendations for appropriate grading practices and project</p>



Law, Authority, or Factor	Mitigation Measures
	<p>design. The project applicant shall implement the recommendations contained in the approved report during project design and construction.</p> <p><b>GEO-3 Adherence to Geotechnical Recommendations</b></p> <p>The project applicant will adhere to the recommendations contained in the geotechnical investigation, prepared by Langan Engineering and Environmental Services, Inc., dated December 4, 2023. The recommendations are intended to comply with state, City of Oakland, and BART design requirements and building standards addressing geotechnical hazards related to earthwork, including site preparation, subgrade preparation, and fill placement; utilities; temporary and permanent slopes; foundations; below-grade wall design; floor slab; pavement design, including asphalt pavement, concrete pavement, and interlocking pavement; concrete flatwork; drainage; seismic design; construction monitoring; and corrosion potential. The geotechnical recommendations and design specifications shall be reflected in the detailed construction plans for the proposed project, as reviewed and approved by the City and BART.</p>
	<p><b>NOI-6: Construction Days/Hours</b></p> <p>The project applicant shall comply with the following restrictions concerning construction days and hours:</p> <ol style="list-style-type: none"> <li>a. Construction activities are limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, except that pier drilling and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m.</li> <li>b. Construction activities are limited to between 9:00 a.m. and 5:00 p.m. on Saturday. In residential zones and within 300 feet of a residential zone, construction activities are allowed from 9:00 a.m. to 5:00 p.m. only within the interior of the building with the doors and windows closed. No pier drilling or other extreme noise generating activities greater than 90 dBA are allowed on Saturday.</li> <li>c. No construction is allowed on Sunday or federal holidays.</li> </ol> <p>Construction activities include, but are not limited to, truck idling, moving equipment (including trucks, elevators, etc.) or materials, deliveries, and construction meetings held on-site in a non-enclosed area.</p> <p>Any construction activity proposed outside of the above days and hours for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case-by-case basis by the City, with criteria including the urgency/emergency nature of the work, the proximity of residential or other sensitive uses, and a consideration of nearby residents'/occupants' preferences. The project applicant shall notify property owners and occupants located within 300 feet at least 14 calendar days prior to construction activity proposed outside of the above days/hours. When submitting a request to the City to allow construction activity outside of the above days/hours, the project applicant shall submit information concerning the type and duration of proposed construction activity and the draft public notice for City review and approval prior to distribution of the public notice.</p>



Law, Authority, or Factor	Mitigation Measures
	<p><b>NOI-7: Construction Noise</b></p> <p>The project applicant shall implement noise reduction measures to reduce noise impacts due to construction. Noise reduction measures include, but are not limited to, the following:</p> <ol style="list-style-type: none"> <li>a. Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds) wherever feasible.</li> <li>b. Except as provided herein, impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used, if such jackets are commercially available, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever such procedures are available and consistent with construction procedures.</li> <li>c. Applicant shall use temporary power poles instead of generators where feasible.</li> <li>d. Stationary noise sources shall be located as far from adjacent properties as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or use other measures as determined by the City to provide equivalent noise reduction.</li> <li>e. The noisiest phases of construction shall be limited to less than 10 days at a time. Exceptions may be allowed if the City determines an extension is necessary and all available noise reduction controls are implemented.</li> </ol> <p><b>NOI-8: Extreme Construction Noise</b></p> <p><i>a. Construction Noise Management Plan Required</i></p> <p>Prior to any extreme noise generating construction activities (e.g., pier drilling, pile driving and other activities generating greater than 90 dBA), the project applicant shall submit a Construction Noise Management Plan prepared by a qualified acoustical consultant for City review and approval that contains a set of site-specific noise attenuation measures to further reduce construction impacts associated with extreme noise generating activities. The project applicant shall implement the approved Plan during construction. Potential attenuation measures include, but are not limited to, the following:</p> <ol style="list-style-type: none"> <li>i. Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings;</li> <li>ii. Implement “quiet” pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;</li> </ol>





Law, Authority, or Factor	Mitigation Measures
	<p>iii. Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;</p> <p>iv. Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for example and implement such measure if such measures are feasible and would noticeably reduce noise impacts; and</p> <p>v. Monitor the effectiveness of noise attenuation measures by taking noise measurements.</p> <p><i>b. Public Notification Required</i></p> <p>The project applicant shall notify property owners and occupants located within 300 feet of the construction activities at least 14 calendar days prior to commencing extreme noise generating activities. Prior to providing the notice, the project applicant shall submit to the City for review and approval the proposed type and duration of extreme noise generating activities and the proposed public notice. The public notice shall provide the estimated start and end dates of the extreme noise generating activities and describe noise attenuation measures to be implemented.</p> <p><b>NOI-9: Project-Specific Construction Noise Reduction Measures</b></p> <p>The project applicant shall submit a Construction Noise Management Plan prepared by a qualified acoustical consultant for City review and approval that contains a set of site-specific noise attenuation measures to further reduce construction noise impacts on the seven properties on the south side of 8<sup>th</sup> Street between Oak and Fallon Streets. These include five residential receptors and several businesses at addresses 2-8<sup>th</sup> Street through 93-8<sup>th</sup> Street The project applicant shall implement the approved Plan during construction.</p> <p><b>NOI-10: Construction Noise Complaints</b></p> <p>The project applicant shall submit to the City for review and approval a set of procedures for responding to and tracking complaints received pertaining to construction noise, and shall implement the procedures during construction. At a minimum, the procedures shall include:</p> <p>a. Designation of an on-site construction complaint and enforcement manager for the project;</p> <p>b. A large on-site sign near the public right-of-way containing permitted construction days/hours, complaint procedures, and phone numbers for the project complaint manager and City Code Enforcement unit;</p> <p>c. Protocols for receiving, responding to, and tracking received complaints; and</p> <p>d. Maintenance of a complaint log that records received complaints and how complaints were addressed, which shall be submitted to the City for review upon the City’s request.</p>



Law, Authority, or Factor	Mitigation Measures
	<p><b>NOI 11: Operational Noise</b></p> <p>Noise levels from the project site after completion of the project (i.e., during project operation) shall comply with the performance standards of chapter 17.120 of the Oakland Planning Code and chapter 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the City.</p>
<p><b>Energy Consumption</b></p>	<p><b>ENE-1: Green Building Requirements</b></p> <p><i>a. Compliance with Green Building Requirements During Plan-Check</i></p> <p>The project applicant shall comply with the requirements of the California Green Building Standards (CALGreen) mandatory measures and the applicable requirements of the City of Oakland Green Building Ordinance (chapter 18.02 of the Oakland Municipal Code).</p> <p>i. The following information shall be submitted to the City for review and approval with the application for a building permit:</p> <ul style="list-style-type: none"> <li>- Documentation showing compliance with Title 24 of the current version of the California Building Energy Efficiency Standards.</li> <li>- Completed copy of the final green building checklist approved during the review of the Planning and Zoning permit.</li> <li>- Copy of the Unreasonable Hardship Exemption, if granted, during the review of the Planning and Zoning permit.</li> <li>- Permit plans that show, in general notes, detailed design drawings, and specifications as necessary, compliance with the items listed in subsection (ii) below.</li> <li>- Copy of the signed statement by the Green Building Certifier approved during the review of the Planning and Zoning permit that the project complied with the requirements of the Green Building Ordinance.</li> <li>- Signed statement by the Green Building Certifier that the project still complies with the requirements of the Green Building Ordinance, unless an Unreasonable Hardship Exemption was granted during the review of the Planning and Zoning permit.</li> <li>- Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.</li> </ul> <p>ii. The set of plans in subsection (i) shall demonstrate compliance with the following:</p> <ul style="list-style-type: none"> <li>- CALGreen mandatory measures.</li> <li>- Compliance with the appropriate and applicable checklist approved during the Planning entitlement process.</li> </ul>



Law, Authority, or Factor	Mitigation Measures
	<ul style="list-style-type: none"> <li>- All green building points identified on the checklist approved during review of the Planning and Zoning permit, unless a Request for Revision Plan-check application is submitted and approved by the Bureau of Planning that shows the previously approved points that will be eliminated or substituted.</li> </ul> <p>The required green building point minimums in the appropriate credit categories.</p> <p><i>b. Compliance with Green Building Requirements During Construction</i></p> <p>The project applicant shall comply with the applicable requirements of CALGreen and the Oakland Green Building Ordinance during construction of the Project.</p> <p>The following information shall be submitted to the City for review and approval:</p> <ol style="list-style-type: none"> <li>i. Completed copies of the green building checklists approved during the review of the Planning and Zoning permit and during the review of the building permit.</li> <li>ii. Signed statement(s) by the Green Building Certifier during all relevant phases of construction that the project complies with the requirements of the Green Building Ordinance.</li> <li>iii. Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.</li> </ol> <p><i>c. Compliance with Green Building Requirements After Construction</i></p> <p>Prior to the finalizing the Building Permit, the Green Building Certifier shall submit the appropriate documentation to City staff and attain the minimum required point level.</p>
<p><b>Solid Waste Disposal / Recycling</b></p>	<p><b>RE-1: Construction and Demolition Waste Reduction and Recycling</b></p> <p>The project applicant shall comply with the City of Oakland Construction and Demolition Waste Reduction and Recycling Ordinance (chapter 15.34 of the Oakland Municipal Code) by submitting a Construction and Demolition Waste Reduction and Recycling Plan (WRRP) for City review and approval, and shall implement the approved WRRP. Projects subject to these requirements include all new construction, renovations/alterations/modifications with construction values of \$50,000 or more (except R-3 type construction), and all demolition (including soft demolition) except demolition of type R-3 construction. The WRRP must specify the methods by which the project will divert construction and demolition debris waste from landfill disposal in accordance with current City requirements. The WRRP may be submitted electronically at <a href="http://www.greenhalosystems.com">www.greenhalosystems.com</a> or manually at the City's Green Building Resource Center. Current standards, FAQs, and forms are available on the City's website and in the Green Building Resource Center.</p> <p><b>RE-2: Recycling Collection and Storage Space</b></p> <p>The project applicant shall comply with the City of Oakland Recycling Space Allocation Ordinance (chapter 17.118 of the Oakland Planning Code). The project drawings submitted for construction-related permits shall contain recycling collection and storage areas in compliance with the Ordinance. For residential projects, at least two cubic feet of storage and collection space per residential unit is required, with a</p>



Law, Authority, or Factor	Mitigation Measures
	<p>minimum of ten cubic feet. For nonresidential projects, at least two cubic feet of storage and collection space per 1,000 square feet of building floor area is required, with a minimum of ten cubic feet.</p>
<p><b>Waste Water/Sanitary Sewers</b></p>	<p><b>SS-1: Sanitary Sewer System</b> The project applicant shall prepare and submit a Sanitary Sewer Impact Analysis to the City for review and approval in accordance with the City of Oakland Sanitary Sewer Design Guidelines. The Impact Analysis shall include an estimate of pre-project and post-project wastewater flow from the project site. In the event that the Impact Analysis indicates that the net increase in project wastewater flow exceeds City-projected increases in wastewater flow in the sanitary sewer system, the project applicant shall pay the Sanitary Sewer Impact Fee in accordance with the City's Master Fee Schedule for funding improvements to the sanitary sewer system.</p>
<p><b>Water Supply</b></p>	<p><b>WS-1: Recycled Water</b> Pursuant to section 16.08.030 of the Oakland Municipal Code, the project applicant shall provide for the use of recycled water in the project for feasible recycled water uses unless the City determines that there is a higher and better use for the recycled water, the use of recycled water is not economically justified for the project, or the use of recycled water is not financially or technically feasible for the project. Feasible recycled water uses may include, but are not limited to, landscape irrigation, commercial and industrial process use, and toilet and urinal flushing in non-residential buildings. The project applicant shall contact the New Business Office of the East Bay Municipal Utility District (EBMUD) for a recycled water feasibility assessment by the Office of Water Recycling. If recycled water is to be provided in the project, the project drawings submitted for construction-related permits shall include the proposed recycled water system and the project applicant shall install the recycled water system during construction.</p> <p><b>WS-2: Water Efficient Landscape Ordinance (WELO)</b> The project applicant shall comply with California's Water Efficient Landscape Ordinance (WELO) in order to reduce landscape water usage. For the specific ordinance requirements, see the link below: <a href="http://www.water.ca.gov/wateruseefficiency/landscapeordinance/docs/Title%203%20extract%20-%20Official%20CCR%20pages.pdf">http://www.water.ca.gov/wateruseefficiency/landscapeordinance/docs/Title%203%20extract%20-%20Official%20CCR%20pages.pdf</a> For any landscape project with an aggregate (total noncontiguous) landscape area equal to 2,500 sq. ft. or less, the project applicant may implement either the Prescriptive Measures or the Performance Measures, of, and in accordance with the California's Model Water Efficient Landscape Ordinance. For any landscape project with an aggregate (total noncontiguous) landscape area over 2,500 sq. ft., the project applicant shall implement the Performance Measures in accordance with the WELO.</p>



Law, Authority, or Factor	Mitigation Measures
	<p><i>Prescriptive Measures:</i> Prior to construction, the project applicant shall submit the Project Information (detailed below) and documentation showing compliance with Appendix D of California’s Model Water Efficient Landscape Ordinance (see page 38.14(g) in the link above).</p> <p><i>Performance Measures:</i> Prior to construction, the project applicant shall prepare and submit a Landscape Documentation Package for review and approval, which includes the following:</p> <ul style="list-style-type: none"> <li>a. Project Information: <ul style="list-style-type: none"> <li>i. Date,</li> <li>ii. Applicant and property owner name,</li> <li>iii. Project address,</li> <li>iv. Total landscape area,</li> <li>v. Project type (new, rehabilitated, cemetery, or home owner installed),</li> <li>vi. Water supply type and water purveyor,</li> <li>vii. Checklist of documents in the package, and</li> <li>ix. Applicant signature and date with the statement: “I agree to comply with the requirements of the water efficient landscape ordinance and submit a complete Landscape Documentation Package.”</li> </ul> </li> <li>b. Water Efficient Landscape Worksheet <ul style="list-style-type: none"> <li>i. Hydrozone Information Table</li> <li>ii. Water Budget Calculations with Maximum Applied Water Allowance (MAWA) and Estimated Total Water Use</li> </ul> </li> <li>c. Soil Management Report</li> <li>d. Landscape Design Plan</li> <li>e. Irrigation Design Plan, and</li> <li>f. Grading Plan</li> </ul> <p>Upon installation of the landscaping and irrigation systems, and prior to the final construction-related permit, the Project applicant shall submit a Certificate of Completion (see page 38.6 in the link above) and landscape and irrigation maintenance schedule for review and approval by the City. The Certificate of Compliance shall also be submitted to the local water purveyor and property owner or his or her designee.</p>



Law, Authority, or Factor	Mitigation Measures
<p><b>Transportation and Accessibility</b></p>	<p><b>TRA-1: Construction Activity in the Public Right-of-Way</b></p> <p><i>a. Obstruction Permit Required</i></p> <p>The project applicant shall obtain an obstruction permit from the City prior to placing any temporary construction-related obstruction in the public right-of-way, including City streets, sidewalks, bicycle facilities, and bus stops.</p> <p><i>b. Traffic Control Plan Required</i></p> <p>In the event of obstructions to vehicle or bicycle travel lanes, bus stops, or sidewalks, the project applicant shall submit a Traffic Control Plan to the City for review and approval prior to obtaining an obstruction permit. The project applicant shall submit evidence of City approval of the Traffic Control Plan with the application for an obstruction permit. The Traffic Control Plan shall contain a set of comprehensive traffic control measures for auto, transit, bicycle, and pedestrian accommodations (or detours, if accommodations are not feasible), including detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. The Traffic Control Plan shall be in conformance with the City’s Supplemental Design Guidance for Accommodating Pedestrians, Bicyclists, and Bus Facilities in Construction Zones. The project applicant shall implement the approved Plan during construction.</p> <p><i>c. Repair of City Streets</i></p> <p>The project applicant shall repair any damage to the public right-of way, including streets and sidewalks, caused by project construction at his/her expense within one week of the occurrence of the damage (or excessive wear), unless further damage/excessive wear may continue; in such case, repair shall occur prior to approval of the final inspection of the construction-related permit. All damage that is a threat to public health or safety shall be repaired immediately.</p> <p><b>TRA-2: Bicycle Parking</b></p> <p>The project applicant shall comply with the City of Oakland Bicycle Parking Requirements (chapter 17.118 of the Oakland Planning Code). The project drawings submitted for construction-related permits shall demonstrate compliance with the requirements.</p> <p><b>TRA-3: Transportation Improvements</b></p> <p>The project applicant shall implement the recommended on- and off-site transportation-related improvements contained within the Transportation Impact Review for the project (e.g., signal timing adjustments, restriping, signalization, traffic control devices, roadway reconfigurations, transportation demand management measures, and transit, pedestrian, and bicyclist amenities). The project applicant is responsible for funding and installing the improvements, and shall obtain all necessary permits and approvals from the City and/or other applicable regulatory agencies such as, but not limited to, Caltrans (for improvements related to Caltrans facilities) and the California Public Utilities Commission (for improvements related to railroad crossings), prior to installing the improvements. To implement this</p>





Law, Authority, or Factor	Mitigation Measures
	<p>measure for intersection modifications, the project applicant shall submit Plans, Specifications, and Estimates (PS&amp;E) to the City for review and approval. All elements shall be designed to applicable City standards in effect at the time of construction and all new or upgraded signals shall include these enhancements as required by the City. All other facilities supporting vehicle travel and alternative modes through the intersection shall be brought up to both City standards and ADA standards (according to Federal and State Access Board guidelines) at the time of construction. Current City Standards call for, among other items, the elements listed below:</p> <ul style="list-style-type: none"> <li>a. 2070L Type Controller with cabinet accessory</li> <li>b. GPS communication (clock)</li> <li>c. Accessible pedestrian crosswalks according to Federal and State Access Board guidelines with signals (audible and tactile)</li> <li>d. Countdown pedestrian head module switch out</li> <li>e. City Standard ADA wheelchair ramps</li> <li>f. Video detection on existing (or new, if required)</li> <li>g. Mast arm poles, full activation (where applicable)</li> <li>h. Polara Push buttons (full activation)</li> <li>i. Bicycle detection (full activation)</li> <li>j. Pull boxes</li> <li>k. Signal interconnect and communication with trenching (where applicable), or through existing conduit (where applicable), 600 feet maximum</li> <li>l. Conduit replacement contingency</li> <li>m. Fiber switch</li> <li>n. PTZ camera (where applicable)</li> <li>o. Transit Signal Priority (TSP) equipment consistent with other signals along corridor</li> <li>p. Signal timing plans for the signals in the coordination group</li> <li>q. Bi-directional curb ramps (where feasible, and if project is on a street corner)</li> <li>r. Upgrade ramps on receiving curb (where feasible, and if project is on a street corner)</li> </ul> <p><b>TRA-4: Transportation Impact Fee</b></p> <p>The project applicant shall comply with the requirements of the City of Oakland Transportation Impact Fee Ordinance (chapter 15.74 of the Oakland Municipal Code).</p>



Law, Authority, or Factor	Mitigation Measures
<b>Vegetation, Wildlife</b>	<p><b>BIO-1: Avoid and Minimize Impacts on Special-Status Roosting Bats in Trees</b> To avoid and minimize impacts on special-status roosting bats in trees, the project applicant shall comply with the following requirements:</p> <ul style="list-style-type: none"> <li>a) A qualified biologist (as defined by California Department of Fish and Wildlife) who is experienced with bat surveying techniques (including auditory sampling methods), behavior, and roosting habitat shall conduct a pre-construction habitat assessment of the subject tree to characterize potential bat habitat and identify potentially active roost sites.</li> <li>b) Trees with potential bat roosting habitat or active bat roost sites shall follow a two-step removal process which shall occur outside of the bat maternity roosting season and period of winter torpor (April 15 to August 15, and October 15 to March 1).</li> <li>c) On the first day and under supervision of the qualified biologist, tree branches and limbs not containing cavities or fissures in which bats could roost shall be cut using chainsaws or other handheld equipment.</li> <li>d) On the following day and under the supervision of the qualified biologist, the remainder of the tree may be trimmed or removed, either using chainsaws or other equipment (e.g., excavator or backhoe).</li> <li>e) All felled trees shall remain on the ground for at least 24 hours prior to chipping, off-site removal, or other processing to allow any bats to escape, or be inspected once felled by the qualified biologist to ensure no bats remain within the tree and/or branches. The tree will be removed on or after the third day.</li> </ul> <p><b>BIO-2 Tree Removal During Bird Breeding Season</b> To the extent feasible, removal of any tree and/or other vegetation suitable for nesting of birds shall not occur during the bird breeding season of February 1 to August 15 (or during December 15 to August 15 for trees located in or near marsh, wetland, or aquatic habitats). If tree removal must occur during the bird breeding season, all trees to be removed shall be surveyed by a qualified biologist to verify the presence or absence of nesting raptors or other birds. Pre-removal surveys shall be conducted within 15 days prior to the start of work and shall be submitted to the City for review and approval. If the survey indicates the potential presence of nesting raptors or other birds, the biologist shall determine an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged. The size of the nest buffer will be determined by the biologist in consultation with the California Department of Fish and Wildlife, and will be based to a large extent on the nesting species and its sensitivity to disturbance. In general, buffer sizes of 200 feet for raptors and 50 feet for other birds should suffice to prevent disturbance to birds nesting in the urban environment, but these buffers may be increased or decreased, as appropriate, depending on the bird species and the level of disturbance anticipated near the nest.</p>



Law, Authority, or Factor	Mitigation Measures
	<p><b>BIO-3 Tree Permit</b></p> <p><i>a. Tree Permit Required</i></p> <p>Pursuant to the City’s Tree Protection Ordinance (OMC chapter 12.36), the project applicant shall obtain a tree permit and abide by the conditions of that permit.</p> <p><i>b. Tree Protection During Construction</i></p> <p>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:</p> <ul style="list-style-type: none"> <li>i. Before the start of any clearing, excavation, construction, or other work on the site, every protected tree deemed to be potentially endangered by said site work shall be securely fenced off at a distance from the base of the tree to be determined by the project’s consulting arborist. Such fences shall remain in place for duration of all such work. All trees to be removed shall be clearly marked. A scheme shall be established for the removal and disposal of logs, brush, earth and other debris which will avoid injury to any protected tree.</li> <li>ii. Where proposed development or other site work is to encroach upon the protected perimeter of any protected tree, special measures shall be incorporated to allow the roots to breathe and obtain water and nutrients. Any excavation, cutting, filling, or compaction of the existing ground surface within the protected perimeter shall be minimized. No change in existing ground level shall occur within a distance to be determined by the project’s consulting arborist from the base of any protected tree at any time. No burning or use of equipment with an open flame shall occur near or within the protected perimeter of any protected tree.</li> <li>iii. No storage or dumping of oil, gas, chemicals, or other substances that may be harmful to trees shall occur within the distance to be determined by the project’s consulting arborist from the base of any protected trees, or any other location on the site from which such substances might enter the protected perimeter. No heavy construction equipment or construction materials shall be operated or stored within a distance from the base of any protected trees to be determined by the project’s consulting arborist. Wires, ropes, or other devices shall not be attached to any protected tree, except as needed for support of the tree. No sign, other than a tag showing the botanical classification, shall be attached to any protected tree.</li> <li>iv. Periodically during construction, the leaves of protected trees shall be thoroughly sprayed with water to prevent buildup of dust and other pollution that would inhibit leaf transpiration.</li> <li>v. If any damage to a protected tree should occur during or as a result of work on the site, the project applicant shall immediately notify the Public Works Department and the project’s consulting arborist shall make a recommendation to the City Tree Reviewer as to whether the damaged tree can be preserved. If, in the professional opinion of the Tree Reviewer, such tree cannot be preserved in a healthy state, the Tree Reviewer shall require replacement of any tree removed with another tree or</li> </ul>



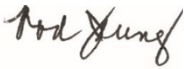
Law, Authority, or Factor	Mitigation Measures
	<p>trees on the same site deemed adequate by the Tree Reviewer to compensate for the loss of the tree that is removed.</p> <p>vi. All debris created as a result of any tree removal work shall be removed by the project applicant from the property within two weeks of debris creation, and such debris shall be properly disposed of by the project applicant in accordance with all applicable laws, ordinances, and regulations.</p> <p>c. <i>Tree Replacement Plantings</i></p> <p>Replacement plantings shall be required for tree removals for the purposes of erosion control, groundwater replenishment, visual screening, wildlife habitat, and preventing excessive loss of shade, in accordance with the following criteria:</p> <p>i. No tree replacement shall be required for the removal of nonnative species, for the removal of trees which is required for the benefit of remaining trees, or where insufficient planting area exists for a mature tree of the species being considered.</p> <p>ii. Replacement tree species shall consist of <i>Sequoia sempervirens</i> (Coast Redwood), <i>Quercus agrifolia</i> (Coast Live Oak), <i>Arbutus menziesii</i> (Madrone), <i>Aesculus californica</i> (California Buckeye), <i>Umbellularia californica</i> (California Bay Laurel), or other tree species acceptable to the Tree Division.</p> <p>iii. Replacement trees shall be at least twenty-four (24) inch box size, unless a smaller size is recommended by the arborist, except that three fifteen (15) gallon size trees may be substituted for each twenty-four (24) inch box size tree where appropriate.</p> <p>iv. Minimum planting areas must be available on site as follows:</p> <ul style="list-style-type: none"> <li>- For <i>Sequoia sempervirens</i>, three hundred fifteen (315) square feet per tree;</li> <li>- For other species listed, seven hundred (700) square feet per tree.</li> </ul> <p>v. In the event that replacement trees are required but cannot be planted due to site constraints, an in lieu fee in accordance with the City’s Master Fee Schedule may be substituted for required replacement plantings, with all such revenues applied toward tree planting in city parks, streets and medians.</p> <p>vi. The project applicant shall install the plantings and maintain the plantings until established. The Tree Reviewer of the Tree Division of the Public Works Department may require a landscape plan showing the replacement plantings and the method of irrigation. Any replacement plantings which fail to become established within one year of planting shall be replanted at the project applicant’s expense.</p>



## Determination:


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

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

Preparer Signature:  Date: \_\_\_\_\_

Name/Title/Organization: Rod Jeung, Associate VP, AECOM Technical Services, Inc.

Edward Manasse, Deputy Director of Planning and Alternate NEPA Certifying Officer:

Certifying Officer Signature:  Date: 6/6/24  
Edward Manasse (Jun 6, 2024 10:59 PDT)

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





# Lake Merritt Sr Housing EA May-2024 (rev 1)

Final Audit Report

2024-06-06

Created:	2024-06-06 (Pacific Daylight Time)
By:	Heather Klein (HKlein@oaklandca.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAA14x4wrSaOrqWOjE2CdG9Dy3ZRMxpKDda

## "Lake Merritt Sr Housing EA May-2024 (rev 1)" History

-  Document created by Heather Klein (HKlein@oaklandca.gov)  
2024-06-06 - 10:39:57 AM PDT - IP address: 8.44.165.131
-  Document emailed to Edward Manasse (EManasse@oaklandca.gov) for signature  
2024-06-06 - 10:41:28 AM PDT
-  Document e-signed by Edward Manasse (EManasse@oaklandca.gov)  
Signature Date: 2024-06-06 - 10:59:58 AM PDT - Time Source: server- IP address: 209.232.103.117
-  Agreement completed.  
2024-06-06 - 10:59:58 AM PDT



City of  
Oakland

Powered by  
Adobe  
Acrobat Sign