

316 12th STREET PROJECT

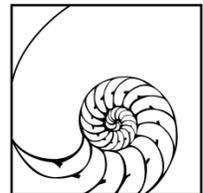
CEQA ANALYSIS

Prepared for:

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Appendix 1 **Department of Parks and Recreation Historic Resources Inventory for the King Block,** City of Oakland Cultural Heritage Survey, 1982

Appendix 2 **316 12th Street - Historical Project Evaluation,** Preservation Architecture, February 22, 2021

Appendix 3: **Geotechnical Investigation - Proposed Building Addition and Renovation at 316 12th Street,** Rockridge Geotechnical, July 23, 2019

Appendix 4: **2030 ECAP Consistency Checklist,** OWow Development, February 24, 2021

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316 12th Street CEQA Analysis – Project Overview

Pursuant to California Resources Code Sections 21083.3, 21094.5.5, and 21159.21, and CEQA Guidelines Sections 15183, 15183.3 and 15132

Project Title:	316 12 th Street Project
Lead Agency	City of Oakland Bureau of Planning 250 Frank H. Ogawa Plaza, Suite 2114 Oakland, CA 94612
City Contact Person:	Michele Morris, Planner III City of Oakland Bureau of Planning mmorris2@oaklandca.gov
Project Location:	316 12 th Street Assessor's Parcel No. 002-0063-007-00
Project Applicant's Name and Address:	OWow Development 411 2 nd Street, Oakland, CA 94607 Attn: Jeremy Harris (858) 449-5270 jeremy@OWOW.com
General Plan Designation:	Central Business District
Zoning:	Lake Merritt Station Area District, Mixed-4 Commercial Zone (D-LM-4)
Lot Size:	9,453 square feet
Plan Area:	Lake Merritt Station Area Plan
Requested Permits	Regular Design Review; Density Bonus Concession

I - Executive Summary

OWow, as owner and applicant, is seeking approval from the City of Oakland to construct 27 new residential units, including three low-income units, on top of an existing approximately 9,500 square foot, two-story tall building at 316 12th Street, mid-block between Webster Street and Harrison Street. The Project site is an approximately 0.22-acre (9,453 square-foot) parcel on the historic King Block of downtown Oakland, within the Lake Merritt Station Area Plan. The existing two-story building at 316 12th Street most recently contained a retail space (Shu Fung Rosewood Furniture) in an open-design, one story with a partial mezzanine space at the second level.

On June 3, 2020 the City granted Small Project Design Review approval to remodel the interior of this building, add an internal second story floor, and to repair and restore the front elevation of this historic building. These approvals included construction of two new office lobbies on the ground floor, repair and restoration of the front and rear façades, replacement of a roll-up door at the rear, and adding a new interior elevator. This project was found to conform to the Small Project Design Review Criteria checklist and to all applicable zoning regulations. Building permits were obtained, and demolition and new construction pursuant to this approval was underway as of August 2020. Pursuant to the approved building permits, the interior and roof of the former retail space has been removed but the exterior walls have been retained, including the façade on 12th Street and the rear alley facade. Inside this existing building space, the applicant is adding a Type IV-cross-laminate timber structural system within the exterior walls. The exterior facades of the building are being rehabilitated, and a 2nd floor is being added to make this existing building a two-story tall space. The first floor would remain as ground floor retail, and the new 2nd floor would be added as office space.

Pursuant to this Project, the same structural system would be continued above the existing building to support three additional floors of new construction. The new construction would include nine residential units on each of three new floors, for a total of 27 new residential units. These upper floors would be set back from the existing front façade on 12th Street, and the setback on the 2nd floor roof would provide a private open space deck. A new elevator and staircases at each end of the building would provide access to the upper floors, and a central corridor would provide access to each unit.

Of particular relevance to the following CEQA document, the Project site is one of five attached brick commercial buildings and an alley that were all built between 1904 and 1922, together fully occupying the block bounded by 12th, Webster, 13th and Harrison Streets. As a group, this small district, known as the King Block, has been determined eligible for listing on the National Register of Historic Places and the California Register of Historic Resources, is rated in the Oakland Cultural Heritage Survey as an Area of Primary Importance (API), and is therefore on Oakland's Local Register of Historical Resources. All properties within the King Block, including the Project site, are historic resources pursuant to CEQA, either individually or as contributors to the historic district.

This California Environmental Quality Act (CEQA) Analysis evaluates the potential environmental effects of the Project, and in particular the Project's potential effects on historic resources. Specifically, this analysis uses CEQA streamlining and/or tiering provisions under CEQA Guidelines Section 15183 and 15183.3 to tier from the program-level analyses completed by the City of Oakland for the Lake Merritt Station Area Plan's Environmental Impact Report (LMSAP EIR), as certified by the City in 2014. That 2014 LMSAP EIR analyzed environmental impacts associated with adoption and implementation of the Area Plan, including new growth and development contemplated pursuant to that Area Plan. The Project would be required to implement all City of Oakland Standard Conditions of Approval (SCAs) and any

applicable mitigation measures identified in the LMSAP EIR (which are included as **Attachment A** to this CEQA Analysis for the Project) to avoid or reduce potential impacts.

Based on the information and conclusions set forth in this document and its Attachments, this CEQA Analysis concludes with findings of consistency with Section 15183 as a project consistent with an existing community plan for which an EIR was prepared (see **Attachment B**), and 15183.3 as a “qualified” urban infill project meeting the eligibility requirements and performance standards provided in CEQA Guidelines Appendix M (see **Attachment C**). This CEQA Analysis demonstrates that the environmental analysis provided in the LMSAP EIR previously analyzed the potential environmental effects associated with this Project and none of the criteria requiring preparation of subsequent or supplemental environmental review under CEQA Guidelines Sections 15162 or 15163, including no new or substantially more severe effects on historic resources, is present. In addition, this CEQA analysis supports a Class 32 Urban Infill CEQA Exemption for the Project (see **Attachment D**).

No additional environmental documentation or analysis is required.

II - Background

The following describes the program EIRs that constitute the Prior EIRs considered in this CEQA Checklist. Each of the following documents is hereby incorporated by reference, and can be obtained from the City of Oakland Bureau of Planning, at 250 Frank H. Ogawa Plaza, Suite 2114, Oakland, California, 94612, or online at: <https://www.oaklandca.gov/resources/current-environmental-review-ceqa-eir-documents-2011-2021>

Applicable Program EIRs

General Plan Land Use and Transportation Element EIR

The 1998 Land Use and Transportation Element of the General Plan (LUTE) as amended, identifies land use policies throughout the City of Oakland and sets forth an action program to implement the land use policy through development controls and other strategies.

The Project is consistent with the development assumptions and the land use classification for the site as provided under the LUTE (See **Attachment B**), and would help to implement several key objectives and policies of the LUTE, including:

- The Project would help the City meet its objectives related to expanding Oakland's job base and economic strength (LUTE Objective I/C1) by providing opportunities for new short- and long-term employment associated with the construction and operation of the Project.
- The Project would enhance the identity of downtown Oakland and its distinctive districts (LUTE Objective D1) by improving the existing underutilized conditions of the Project site.
- The Project would facilitate the construction of housing units in the downtown (LUTE Policy N3.1), which is considered a high priority for the City. The Project would result in the addition of needed housing units as part of infill development that is consistent with the General Plan.
- The Project would result in a compatible mixed-use development (LUTE Policy N7.1), consistent with the density, scale, design and desired character of surrounding development.

1998 LUTE EIR

The City certified the EIR for the LUTE in 1998. The 1998 LUTE EIR is designated as a Program EIR under CEQA Guidelines Section 15168, and thus provides the basis for use of Community Plan Consistency provisions under CEQA Guidelines Section 15183. The 1998 LUTE EIR is also the basis for use of the Qualified Infill streamlined review provisions under CEQA Guidelines Section 15183.3. As such, subsequent activities under the LUTE are subject to the requirements of the applicable CEQA sections. Applicable mitigation measures identified in the 1998 LUTE EIR are largely the same as those identified in the other Prior EIRs prepared after the 1998 LUTE EIR, either as mitigation measures or newer Standard Conditions of Approval (SCAs).

A summary of the environmental effects identified in the LUTE EIR include the following:

- No impacts were identified in the 1998 LUTE EIR for Agricultural and Forestry Resources or Mineral Resources.

- The 1998 LUTE EIR found less than significant impacts for the following resources: Aesthetics (scenic resources, light and glare); Air Quality (clean air plan consistency, roadway emissions in Downtown, energy use emissions, local/regional climate change); Biological Resources; Cultural Resources (historic context/settings, architectural compatibility); Energy; Geology and Seismicity; Hydrology and Water Quality; Land Use (conflicts in mixed use projects and near transit); Noise (roadway noise Downtown and citywide, multi-family near transportation/transit improvements); Population and Housing (exceeding household projections, housing displacement from industrial encroachment); Public Services (water demand, wastewater flows, stormwater quality, parks services); and Transportation and Circulation (transit demand).
- The 1998 LUTE EIR determined that development consistent with the LUTE could result in impacts that would be reduced to less than significant levels with implementation of mitigation measures. Mitigation is required for the following resource topics: Aesthetics (views, architectural compatibility and shadow only); Air Quality (construction dust [including particulate matter less than 10 microns in diameter] and odor nuisance); Cultural Resources (except as noted below as less than significant); Hazards and Hazardous Materials; Land Use (use and density incompatibilities); Noise (use and density incompatibilities, including from transit/transportation improvements); Population and Housing (induced growth, policy consistency/clean air plan); Public Services (except as noted below as significant); and Transportation and Circulation (intersection operations Downtown).
- Significant unavoidable impacts were identified for the following environmental resources in the 1998 LUTE EIR: Air Quality (regional emissions, roadway emissions Downtown); Noise (construction noise and vibration in Downtown); Public Services (fire safety); Transportation and Circulation (roadway segment operations); Wind Hazards; and Policy Consistency (clean air plan).

Due to the potential for significant unavoidable impacts, a Statement of Overriding Considerations was adopted as part of the City's approvals.

General Plan Housing Element and EIR Analysis

The City has twice amended its General Plan to adopt updates to its Housing Element. The Project would be consistent with the 2007-2014 Housing Element and the 2015-2023 Housing Element of the General Plan by introducing new housing units within the downtown, specifically in proximity to transit (Housing Element Policy 7.3).

2010 Housing Element EIR and 2014 Addendum

The City certified an EIR for the 2007-2014 Housing Element in 2010, and approved an Addendum to the 2010 EIR for the 2015-2023 Housing Element in 2014.

The 2010 Housing Element Update EIR is designated a Program EIR under State CEQA Guidelines Sections 15168. Thus, the 2010 Housing Element Update EIR and its 2014 Addendum provide the basis for use of Community Plan Consistency provisions under CEQA Guidelines Section 15183. The Housing Element Update EIR and its 2014 Addendum is also the basis for use of the Qualified Infill streamlined review provisions under CEQA Guidelines Section 15183.3. As such, subsequent activities under the Housing Element that involve housing are subject to requirements under each of these applicable CEQA sections. Applicable mitigation measures and SCAs identified in the 2010 Housing Element Update EIR and its 2014 Addendum are considered in the analysis of this document, and the Project is required to

implement all applicable mitigation measures and SCAs as identified in the 2010 Housing Element Update EIR and its 2014 Addendum.

A summary of the environmental effects identified in the 2010 Housing Element EIR and 2014 Addendum include the following:

- No impacts were identified for Agricultural and Forestry Resources or Mineral Resources.
- Less than significant impacts were identified for the following resources in the 2010 Housing Element Update EIR: Hazards and Hazardous Materials (emergency plans and risk via transport/disposal); Hydrology and Water Quality (flooding/flood flows, and inundation by seiche, tsunami, or mudflow); Land Use (except for no impact regarding community division or conservation plans); Population and Housing (except for no impact regarding growth inducement); Public Services and Recreation (except as noted above, and no impact regarding new recreation facilities); and Utilities and Service Systems (landfill, solid waste, and energy capacity only, and no impact regarding energy standards).
- The 2010 Housing Element Update EIR, including its Initial Study Checklist, determined that housing developed pursuant to the Housing Element could result in impacts that would be reduced to a less than significant level with the implementation of mitigation measures and/or City of Oakland Standard Conditions of Approval (SCAs). Mitigation is required for the following resource topics: Aesthetics (visual character/quality and light/glare only); Air Quality (except as noted above); Biological Resources; Cultural Resources; Geology and Soils; Greenhouse Gas Emissions; Hazards and Hazardous Materials (except as noted above, with no impacts regarding airport/airstrip hazards and emergency routes); Hydrology and Water Quality (except as noted above); Noise; Public Services (police and fire only); and Utilities and Service Systems (except as noted above).
- Significant unavoidable impacts were identified for the following environmental resources in the 2010 Housing Element Update EIR: Air Quality (toxic air contaminant exposure) and Transportation and Circulation (traffic delays).

Due to the potential for significant unavoidable impacts, a Statement of Overriding Considerations was adopted as part of the City's approvals.

The 2014 Addendum to the 2010 EIR for the 2015–2023 Housing Element found that adoption of the updated Housing Element would not generate new impacts, or substantially increase the severity of any impacts beyond those addressed in the 2010 Housing Element Update EIR.

Lake Merritt Station Area Plan and EIR Analysis

The Project site is located within the boundaries of the Lake Merritt Station Area Plan (LMSAP), which was approved by the City in November 2014.¹ The LMSAP encompasses approximately 286 acres, generally including the neighborhoods within a half-mile radius of the Lake Merritt BART Station. The LMSAP seeks to, “connect the many existing assets in this unique and vibrant area, to create a destination and a highly livable, vibrant, pedestrian-oriented, safe, healthy, and economically diverse neighborhood.” Over the next 25 years, the LMSAP anticipates, “accommodating up to 4,900 new

¹ City of Oakland, 2014, Lake Merritt Station Area Plan, 2014

housing units, 4,100 new jobs, 404,000 square feet of additional retail, and 1,230,000 square feet of office uses.” Key objectives of the LMSAP include:

- Increasing use of non-automobile modes of transportation and reducing auto use
- Increasing the housing supply, particularly near the BART stations
- Increasing jobs and improving access to jobs along transit corridors
- Supporting the cultural and demographic diversity of existing businesses and residents
- Providing an impetus for, and streamlining of, development projects and specific public improvements

The Project site is located within the Upper Chinatown subarea of the LMSAP, for which new zoning was established. This applicable zoning is the Lake Merritt Station Area District Mixed - 4 Commercial Zone (D-LM-4). The intent of the D-LM-4 Zone is to designate areas appropriate for a wide range of residential, commercial and compatible light industrial activities. The development standards of this zoning district permit and encourage mixed-use developments that provide for residential use above active storefront retail. These zoning standards also establish a maximum building height of a 45-foot building base with an 85-foot maximum, and require no building setbacks. The proposed Project is consistent with these zoning standards (see **Attachment B**).

The LMSAP specifically indicates that, “all new development under the Plan will be in the form of infill development” (i.e., the redevelopment of existing sites). The Project proposes to redevelop an existing building, and would be generally consistent with the overall land use pattern anticipated pursuant to the LMSAP. The LMSAP emphasizes transit-oriented development that will have the effect of reducing travel trips and increasing the proportion of trips taken by transit, on foot and by bike. The Project site fronts onto 12th Street, which the LMSAP defines as a Transit-Preferred Street. It is also only one-half block from a major bus stop at 12th and Harrison, and two and one-half blocks from the 12th Street BART Station and the 12th Street Bus Rapid Transit line. The Project supports the LMSAP’s strategy for long-term regional growth that minimizes transportation, air quality, climate change and other environmental impacts.

2014 Lake Merritt Station Area Plan EIR

The City also certified the EIR for the LMSAP in November of 2014.² The analysis in the Lake Merritt Station Area Plan EIR (LMSAP EIR) applies to the Project, and provides the basis for its qualification for Section 15183 and Section 15183.3 CEQA streamlining provisions. The LMSAP EIR is hereby incorporated by reference, and can be obtained from the City of Oakland Bureau of Planning at 250 Frank H. Ogawa Plaza, Suite 2114, Oakland, California 94612, and is also posted on the City’s website at:

<https://www.oaklandca.gov/topics/lake-merritt-station-area-plan-environmental-impact-report>

The LMSAP EIR is a program EIR, providing a planning level analysis of the environmental impacts associated with adoption and implementation of the LMSAP. Specifically, it evaluates the physical and land use changes that could result from the reasonably foreseeable maximum development assumed under the LMSAP. As specified in CEQA Guidelines Section 15168, the LMSAP EIR is a program EIR appropriate for an Area Plan or Specific Plan, where the degree of specificity in the EIR corresponds to

² City of Oakland, 2014, Lake Merritt Station Area Plan EIR, 2014

the degree of specificity in the underlying activity described in the EIR. Preparation of a planning-level or program EIR simplifies the task of preparing subsequent project-level environmental documents for future projects pursuant to the Area Plan, for which the details were currently unknown. Where feasible and where an adequate level of detail was available such that the potential environmental effects could be understood and analyzed, the LMSAP EIR provides a level of analysis that eliminates or minimizes the need for subsequent CEQA review of certain projects that could occur pursuant to the Area Plan.

The LMSAP EIR allows for flexibility in future development, in terms of the precise mix of newly developed land uses and their location within the LMSAP. As noted in the LMSAP EIR Project Description, “While the CEQA analysis herein is based on the development quantities set forth in the reasonably foreseeable maximum development, the intent of the proposed Plan and this EIR is to provide as much flexibility as possible in terms of the precise mix of newly developed land uses and their location within the Planning Area, while conforming to this CEQA analysis and thresholds. . . this EIR evaluates the impacts of the reasonably foreseeable maximum development program, and as long as the actual buildout stays within the impact envelope, there can be a mix-and-match between various land uses”.³

A summary of the environmental effects identified in the LMSAP EIR include the following:

- No impacts were identified for Agricultural or Forestry Resources, or Mineral Resources
- The 2014 Lake Merritt Station Area Plan EIR and its Initial Study identified less than significant impacts for the following impact categories and topics: Land Use (adjacent land uses and land use policy); Parks and Recreation (expansion of existing park facilities on environment and increase demand for facilities); Aesthetics (shadow, conflict with existing policies); Noise (in excess of applicable standards); Hydrology and Water Quality
- The 2014 Lake Merritt Station Area Plan EIR (including its Initial Study Checklist) determined that development consistent with the Area Plan would result in impacts that would be reduced to a less than significant level with implementation of mitigation measures and/or Standard Conditions of Approval (SCAs) for the following impact categories and topics: Aesthetics (degradation of existing visual character, adverse effects on scenic vistas, new light or glare); Air Quality (conflicts with the Bay Area Clean Air Plan); Cultural Resources (archaeological, human remains, paleontological); Greenhouse Gas and global climate change (generation of greenhouse gas emissions); Hazards and Hazardous Materials; Geology and Soils; Hydrology and Water Quality (flooding, runoff in excess of existing capacity, groundwater depletion); Noise (use and density incompatibilities, interior noise levels, violation of noise ordinance); Utilities and Public Services (impacts on existing stormwater, solid waste, and wastewater facilities); Biological Resources (fish or wildlife species, riparian habitat, wetlands, trees); and Transportation/Circulation (intersection operations in the downtown)
- The 2014 Lake Merritt Station Area Plan EIR identified significant and unavoidable impacts for the following environmental impact categories and topics: Transportation/Circulation (roadway segment operations); Air quality (exposure of sensitive receptors to TACs, cumulative impacts); and Cultural Resources (changes to historic resources). The Lake Merritt Station Area Plan EIR’s findings related to potentially significant and unavoidable impacts to historic resources did not

³ City of Oakland, LMSAP Draft EIR, November 2013, page 2-32

pertain to the Project site or to the King Block, and no specific analysis of the King Block was included in that prior EIR.

Due to the potential for significant unavoidable impacts, a Statement of Overriding Considerations was adopted as part of the City's approvals of the Lake Merritt Station Area Plan.

City of Oakland – Standard Conditions of Approval

The City of Oakland established its Standard Conditions of Approval and Uniformly Applied Development Standards (SCAs) in 2008, and they have been amended and revised several times since then.⁴ The City's SCAs are incorporated into projects as conditions of approval regardless of a project's environmental determination. The SCAs incorporate policies and standards from various adopted plans, policies, and ordinances (such as the Oakland Planning and Municipal Codes, Oakland Creek Protection Ordinance, Stormwater Water Management and Discharge Control Ordinance, Oakland Protected Trees Ordinance, Oakland Grading Regulations, National Pollutant Discharge Elimination System [NPDES] permit requirements, Housing Element-related mitigation measures, California Building Code and Uniform Fire Code, among others), which have been found to substantially mitigate environmental effects. The SCAs are adopted as requirements of an individual project when it is approved by the City, and are designed to, and will substantially mitigate environmental effects.

Consistent with the requirements of CEQA, a determination of whether the Project would have a significant impact was made prior to the approval of the Project and, where applicable, SCAs and/or mitigation measures in the Prior EIR has been identified to mitigate those impacts. In some instances, exactly how the measures/conditions identified will be achieved awaits completion of future studies, an approach that is legally permissible where measures/conditions are known to be feasible for the impact identified; where subsequent compliance with identified federal, state, or local regulations or requirements apply; where specific performance criteria are specified and required; and where the Project commits to developing measures that comply with the requirements and criteria identified.

SCAs that would apply to the Project are listed in **Attachment A** to this document, which is incorporated by reference into this CEQA Analysis. Because the SCAs are mandatory City requirements, the impact analysis for the Project assumes that they will be imposed and implemented, which the Project applicant has agreed to do, or to ensure that they are implemented as part of the Project. If this CEQA Checklist or its attachments inaccurately identifies or fails to list an applicable mitigation measure or SCA, that mitigation measure or SCA remains applicable to the Project.

⁴ The most recent set of SCAs was published by the City of Oakland in January 2021, including amendments consistent with the City's adoption of the 2030 Equity and Climate Action Plan (ECAP) in July 2020 and subsequent implementation tools as approved by the Planning Commission in December of 2020.

III - Document Purpose, CEQA Determination and CEQA Findings

Purpose

The purpose of this document is to evaluate CEQA compliance of the proposed Project at 316 12th Street. The 2014 LMSAP EIR analyzed the environmental impacts of development located within the LMSAP boundaries. The LMSAP EIR anticipated that the environmental review of specific development projects within the development envelope assumed in the LMSAP would be streamlined in accordance with CEQA.

The analysis in this environmental review document is intended to support a determination of whether the 316 12th Street Project (Project), on separate and independent bases, qualifies for CEQA streamlining pursuant to CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning); and/or for CEQA streamlining pursuant to CEQA Guidelines Section 15183.3 (as a Qualified In-fill Project). In addition, this CEQA checklist is also intended to demonstrate whether the Project qualifies, on a separate and independent basis, for a CEQA exemption per CEQA Guidelines Section 15332 (Class 32 CEQA Categorical Exemption for In-fill Development Projects), and to address whether any exceptions to this CEQA Exemption under CEQA Guidelines Section 15300.2 (Exceptions), are triggered by the Project.

- **Community Plan Exemption.** Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan or Zoning) allow for streamlined environmental review for projects that are “consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.” Section 15183(c) specifies that “if an impact is not peculiar to the parcel or to the proposed project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards..., then an EIR need not be prepared for the project solely on the basis of that impact.” The analysis in the Prior EIRs - the 1998 LUTE EIR, the 2010 Housing Element Update EIR and its 2014 Addendum, and 2014 LMSAP EIR - are applicable to the Project and represent the Prior EIRs providing the basis for use of the Community Plan Exemption.
- **Qualified Infill Streamlining.** Public Resources Code Section 21094.5 and CEQA Guidelines Section 15183.3 (Streamlining for Infill Projects) allow streamlining for certain qualified infill projects by limiting the topics subject to review at the project level, if the effects of infill development have been addressed in a planning level decision, or by uniformly applicable development policies. Infill projects are eligible if they are located in an urban area on a site that either has been previously developed or that adjoins existing qualified urban uses on at least 75 percent of the site’s perimeter; satisfy the performance standards provided in CEQA Guidelines Appendix M; and are consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy. No additional environmental review is required if the infill project would not cause any new specific effects or more significant effects, or if uniformly applicable development policies or standards would substantially mitigate such effects. The analysis in the Prior EIRs is applicable to the Project and represent the Prior EIRs providing the basis for use of Qualified Infill Streamlining under CEQA Guidelines Section 15183.3.

- **Class 32 Categorical Exemption.** Public Resources Code Section 21159.21 and CEQA Guidelines Section 15300 to Section 15333 includes a list of classes of projects that have been determined to not have a significant effect on the environment and as a result, are exempt from review under CEQA. Among the classes of projects that are exempt from CEQA review are those projects that are specifically identified as urban in-fill development. CEQA Guidelines Section 15332 (Class 32) consists of projects characterized as in-fill development when meeting the following conditions: a) the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; b) the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; c) the project site has no value as habitat for endangered, rare or threatened species; d) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and e) the site can be adequately served by all required utilities and public services.

This environmental review document is intended to assist the City of Oakland in its determination of the appropriate CEQA documentation for the Project. It does not address every applicable CEQA topic or significance threshold, but focuses on those issues most pertinent to the City's assessment of the appropriate CEQA documentation, and whether a General Plan Consistency Project and/or an In-fill Development Project exemption, and/or streamlining or tiering from a Prior Program EIR is viable for the Project.

Determination

The information presented in this environmental review document supports that the Project meets all requirements under CEQA Guidelines Section 15183 (see Attachment B) and 15183.3 (see Attachment C), and that none of the criteria under CEQA Sections 15162 or 15163 requiring preparation of a subsequent or supplemental EIR is present. As a result, the Project qualifies for CEQA exemptions and streamlining under CEQA Guidelines Section 15183 and Section 15183.3, as well as a CEQA exemption under CEQA Guidelines Section 15332 (see Attachment D).

Summary of CEQA Findings

An evaluation of the Project is provided in the CEQA Checklist in Section V of this document. This Checklist provides an evaluation that concludes that the Project would not substantially increase the severity of any significant impacts identified in the Prior EIRs, nor would it result in new significant impacts that were not previously identified. Specifically (and as discussed in detail in the following Checklist) the Project, together with the previous Small Project Design Review approval for the ground level remodel project, would not result in a new significant effect on historic resources, either individually or as a cumulative effect on the King Block historic district.

The Project is consistent with the development density and land use standards established by the City of Oakland General Plan and zoning, and any potential environmental impacts associated with its development were adequately analyzed and covered by the analysis in the applicable Prior EIRs - the 1998 LUTE EIR, the 2010 General Plan Housing Element Update EIR and its 2014 Addendum, and the 2014 Lake Merritt Station Area Plan EIR.

The Project would be required to comply with the applicable mitigation measures identified in the Prior EIRs (as modified, and in some cases wholly replaced to reflect the City's current standard language and

requirements of its SCAs), as well as any additional, currently effective City of Oakland SCAs (see Attachment A to this document for a full list of applicable City of Oakland SCAs). With implementation of applicable SCAs, the Project would not result in a substantial increase in the severity of significant impacts previously identified in the applicable Prior EIRs, or in any new significant impacts that were not previously identified in any of those Prior EIRs.

In accordance with California Public Resources Code Sections 21083.3, 21094.5, and 21159.21, and CEQA Guidelines Sections 15183, 15183.3, 15332, and as set forth in the CEQA Analysis below, the Project qualifies for one or more streamlining provisions and exemptions, because the following findings can be made:

- **Community Plan Exemption.** The Project would not result in significant impacts that: 1) are peculiar to the project or project site; 2) were not previously identified as significant Project-level, cumulative or offsite effects in the applicable Prior EIRs - the 1998 LUTE EIR, the 2010 General Plan Housing Element Update EIR and its 2014 Addendum and the 2014 LMSPA EIR; or 3) were previously identified as significant effects but, as a result of substantial new information not known at the time the Prior EIRs were certified, would increase in severity beyond that described in those Prior EIRs. Therefore, the Project would meet the criteria of Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 and no further environmental review is required.
- **Qualified Infill Streamlining.** The Project would not cause any new specific effects on the environment that were not already analyzed in the applicable Prior EIRs - the 1998 LUTE EIR, the 2010 General Plan Housing Element Update EIR and its 2014 Addendum, and the 2014 LMSPA EIR. Further, the Project would not cause any new specific effects on the environment that are more significant than previously analyzed in these Prior EIRs. The effects of the Project have been addressed in the Prior EIRs, and no further environmental documents are required in accordance with Public Resources Code Section 21094.5 and CEQA Guidelines Section 15183.3.
- **Class 32 Exemption:** The following analysis demonstrates that the Project is consistent with Criteria 15332 (a), (b), (c), (d), and (e), and that no exceptions per CEQA Guidelines Section 15300.2 apply to the Project that have not been previously identified and mitigated under the City of Oakland's Prior EIRs.

Overall, based on an examination of the analysis, findings, and conclusions of the 1998 LUTE EIR, the 2010 General Plan Housing Element Update EIR and its 2014 Addendum, and the 2014 LMSAP EIR (all of which are summarized in the CEQA Checklist in Section VI of this document), the potential environmental impacts associated with the Project have been adequately analyzed and covered in the Prior EIRs. Therefore, no further review or analysis under CEQA is required.

Each of the above findings provides a separate and independent basis for CEQA compliance.



Ed Manasse
Environmental Review Officer

8/2/2021

Date:

IV - Project Description

The Project would construct a three-story residential addition on top of an existing commercial building, which occupies an entire parcel at 316 12th Street (the Project site), mid-block between Harrison Street and Webster Street in downtown Oakland (see **Figure 1**).

Project Setting

Location

The Project site is located in an urban context within downtown Oakland, on a block within the urban street grid defined by 13th and 12th Streets, and Harrison and Webster Streets. The Project is surrounded by zero-lot line commercial development, with adjacent buildings on the same block ranging from two to five one-stories high, and with a mid-block alley between Harrison and Webster. Primary land uses around the Project site include mixed commercial and retail (including restaurants, hair and nail salons), mixed-use commercial and apartments, and surface parking lots and parking garages. The majority of buildings in the immediate vicinity of the Project site are older, and two or more stories in height. Medium to high-rise buildings exist in all directions in the surrounding area.

Regional access is provided by I-580, I-880, and I-980, and the area is well served by several Alameda–Contra Costa Transit (AC Transit) bus routes, all within 0.25 mile of the Project site. Broadway (which is less than 0.25 mile from the Project site) is designated as a High Quality Transit Corridor. The Bay Area Rapid Transit District’s 12th Street/City Center BART station is within 0.25 mile west of the Project site, and the Lake Merritt BART station is less than a 0.5-mile walk to the southeast from the Project site.

Surrounding Uses

The Project site is located in the Upper Chinatown District of the Lake Merritt Station Area Plan (see **Figure 2**), an active urban neighborhood with a wide range of uses that include residential, office, schools and recreational space, with retail and restaurants in many ground floor spaces. According to the Lake Merritt Station Area Plan, the Project site is also within a Pedestrian Transition District, an area that is currently mostly housing or commercial uses, and which is intended to provide for a gradual transition to a pedestrian area by promoting ground-floor storefronts and other active uses on the ground floor of new buildings. Snow Park and Lake Merritt lie within 0.5 mile of the Project site.

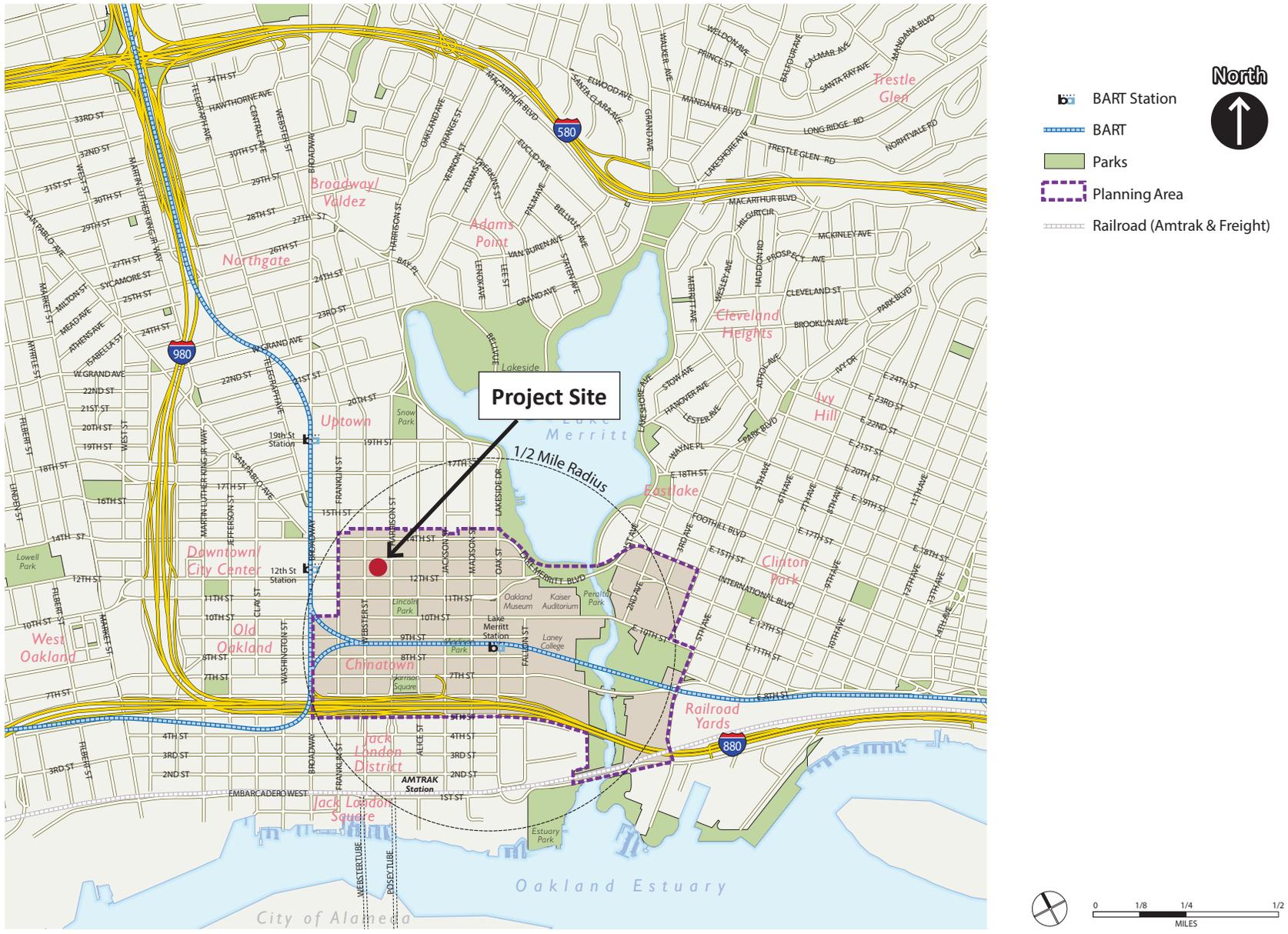


Figure 1
Project Site Location

Source: Lake Merritt Station Area Plan

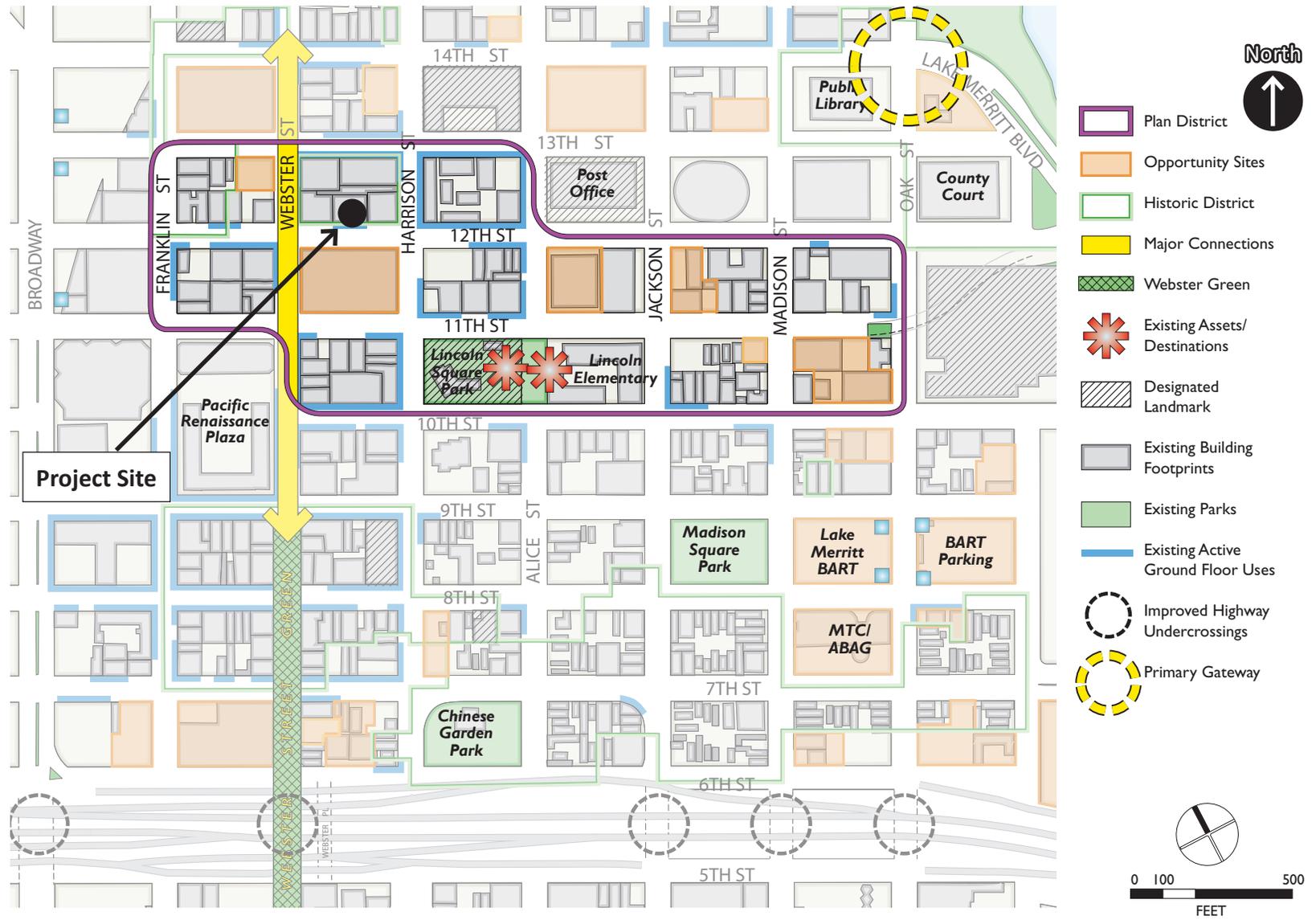


Figure 2 - Project Site Context, Upper Chinatown Area of Lake Merritt Station Area Plan

Source: Lake Merritt Station Area Plan

Historic Context

The Project site is located within the King Building Group Historic District, a National Register-eligible commercial block developed between 1904 and 1922. The King Block is a group of five adjoining buildings and a center alley that, as a whole, is identified as a historic district formally determined eligible for listing on the National Register of Historic Places (National Register) and therefore listed on the California Register of Historic Resources (California Register). Since the early 1980s it has been identified by the Oakland Planning Department as an Area of Primary Importance (API). Based on these criteria, the King Block district and each of its contributing properties is a historic resource as recognized pursuant to CEQA. The existing building on the Project site is rated C1+ (individually “secondary importance or superior example”, contributor to an Area of Primary Importance) pursuant to the OCHS. The C rating indicates that this building in isolation might not be considered individually eligible for listing on the National Register or the California Register, but as a component of the district it is a historic resource. The Project does not propose to demolish this existing building, but rather proposes to retain the existing exterior of the building. Due to its potential historic characteristics, this CEQA Analysis includes a complete assessment of this building, and the potential impacts of the Project on historic resources.

Project Site

The Project site is a rectangular site of approximately 9,453 square feet, consisting of an existing 26-foot tall commercial building fronting onto 12th Street. The Project site is mid-block between Webster Street and Harrison Street, and is surrounded by multi-story commercial and mixed-use building, as well as other urban uses. A sidewalk exists on 12th Street in front of the Project site, and a rear alley exists at the back (north) of the parcel, connecting through the block from Webster to Harrison Streets. The Project site is immediately adjacent to other mixed buildings on the east and west.

Immediately across 12th Street from the Project site, a seven-story building containing residential units, commercial space and parking is under construction. Other redevelopment projects (built, under construction or recently constructed) are also in the area.

General Plan and Zoning Designations

The Oakland General Plan designates the Project site and vicinity as Central Business District (CBD), as shown on **Figure 3**. The intent of the CBD designation is to encourage, support and enhance the downtown area as a high-density, mixed-use urban center of regional importance. The CBD classification includes a mix of large-scale offices, commercial, urban high-rise residential, institutional, open space, cultural, educational, arts, entertainment, service, community facilities and visitor uses.

The Project site is zoned Lake Merritt Station Area District Mixed-4 Commercial Zone (D-LM-4), as also shown on Figure 3. The intent of the D-LM-4 zoning district is to designate areas of the Lake Merritt Station Area Plan that are appropriate for a wide range of residential, commercial and compatible light industrial activities. The Project site is within Height Area LM-85 (Mid-Low), which limits building heights to 85 feet. The maximum non-residential floor area ratio (FAR) is 5.0, and the maximum allowable residential density is one dwelling unit per 225 square feet of lot area, or one rooming unit per 110 square feet of lot area. For mixed-use projects, OMC Table 17.101G.04 provides that the allowable intensity is measured according to both the maximum non-residential FAR and the maximum residential density allowed by the zone, using the total lot area to calculate both figures.

Description of Project

On June 3, 2020 the City granted Small Project Design Review approval to remodel the interior of the existing building at 316 12th Street, and to repair and restore the front elevation of this historic building. These approvals included the removal and replacement of one storefront bay, construction of two new office lobbies on the ground floor, repair and restoration of the front and rear façades, replacement of a roll-up door at the rear, and adding a new interior elevator. That remodel project was found to conform to the Small Project Design Review Criteria checklist and to all applicable zoning regulations.⁵ Building permits were obtained, and construction pursuant to these building permits was underway as of August 2020. Pursuant to this prior approval, the interior of the former retail space has been removed, but the exterior walls retained, including the existing building façade on 12th Street and the rear alley facade. Inside this existing building space, the applicant is adding a Type IV-cross-laminate timber structural system within the exterior walls. The front and rear (alley) facades of the existing building are being rehabilitated, and a full second floor is being added within the two-story tall space (see **Figure 4**). The first floor will remain as ground floor retail, and the second floor is to be office space.

Pursuant to the Project, the structural system would be continued to support three additional floors of new construction. The three new stories would include 27 new residential dwelling units, including three low-income units, supported by a deck on top of the existing building. The first floor would remain as ground floor retail space, and would also include a building lobby, stairwell and elevator access to the floors above, a mechanical room and trash/recycling space, and a bicycle storage area. The second floor addition would function as a mezzanine providing space for office use. The existing building space would remain flush with adjacent buildings to the east and west, and the rear alley would remain.

The new residential construction (see **Figure 5**) would include seven residential dwelling units and two efficiency units on each floor, with three new floors added to the building, for a total of 27 new residential units. Residents would access the building from the ground level entrances along the Project's 12th Street frontage. On each of the three upper floors, there would be 6 one-bedroom units, 1 two-bedroom unit, and 2 efficiency units (or 10 bedrooms per floor, 30 bedrooms total, see **Figure 6**). A new elevator and staircases at each end of the building would provide access to the upper floors, and a central corridor would provide access to each unit.

The upper three floors would be set back from the existing front façade on 12th Street by approximately 14 feet (with the exception of the staircase above the westerly storefront bay, which would be set back by 6 feet from the existing front façade), and the setback on the roof of the 2nd floor would provide a private open space deck. Along the rear of the building facing the rear alley, the upper floors would be setback from the alley such that the roof of the second floor would provide an approximately 10-foot wide outdoor deck as additional private open space. The upper floors would provide a fire separation between the existing buildings to the east and west, and an open light well along the easterly side. **Table 1** summarizes the proposed development.

⁵ City of Oakland, Small Project Design Review Approval, letter from Michele Morris (for) Robert Merkamp, Zoning Manager, June 3, 2020



Figure 5
Project Rendering along 12th Street Frontage

Source: OWOW Design, July 23, 2021

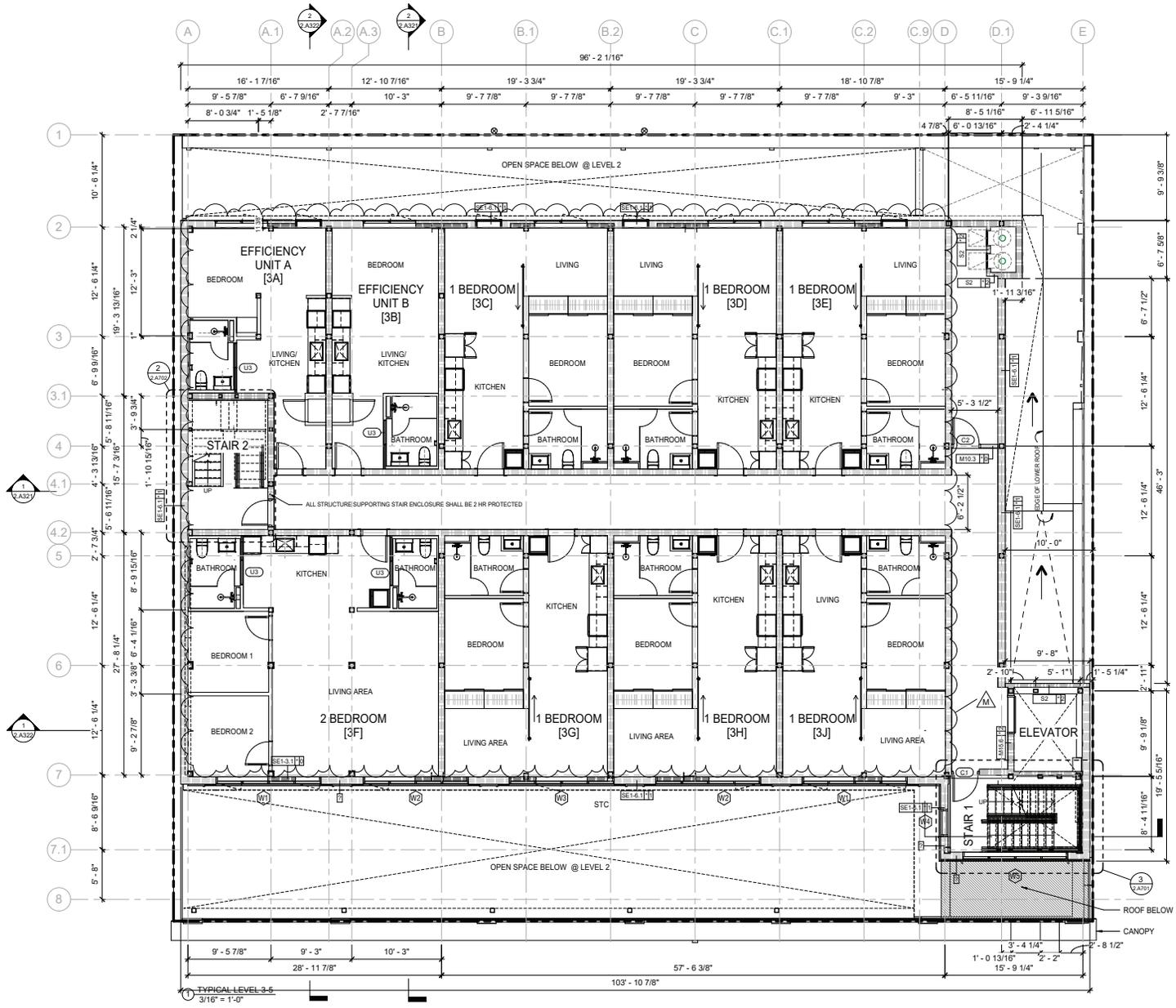


Figure 6
Residential Floor Plan (Typical, Levels 3, 4 and 5)

Source: OWow Design, June 23, 2021

Table 1: Project Development Summary

Description	Existing Building	Proposed Project
Lot Area	9,453 square feet (sf) (0.22 acre)	9,453 sf (0.22 acre)
Building Height	approximately 25' (26' to top of parapet wall)	approximately 25' to building base, 55'-9" to upper roof, and 64'-9" to the elevator bay at the roof
Gross Building Area	9,451 sf (full lot cover, 1 floor with partial mezzanine in a 2-story building space)	Level 1 = 8,608 sf Level 2 = 8,695 sf Level 3 = 6,540 sf Level 4 = 6,540 sf Level 5 = <u>6,540 sf</u> Total: 36,923 sf
Retail (GLFA)	9,451	7,204 sf
Office (GLFA)		6,591 sf
Residential Area (GLFA)		14,484 sf
Dwelling Units		27 total dwelling units, 30 total bedrooms
Private Open Space		1,225 sf (2 nd floor terraces and decks)
Vehicle Parking	None	None
Bicycle Parking Spaces		7 long-term / 2 short-term

Source: OWow, Design drawings dated 06-17-2021

Relying on the Lake Merritt Station Area Plan's estimate of approximately 2 persons per dwelling unit, the Project is estimated to have a total population of 54 new residents.⁶ The approximately 8,600 net square feet of remodeled retail space could accommodate approximately 24 employees at 350 sf per employee, and the approximately 8,700 net square feet of office space could accommodate approximately 21 employees at 400 sf per employee.

No vehicle parking would be provided for the Project, and none is required. Per Planning Code requirements, the Project would be required to provide seven long-term and one short-term bike parking spaces. The Project proposes to include seven long-term bike parking spaces within the ground floor of the building, and two short-term spaces at the front sidewalk on 12th Street, meeting these Code requirements.

⁶ LMSAP EIR estimates a total increase of 9,879 persons and a total of 4,900 new housing units, for an average of 2.0 persons per housing unit, page 3.1-43

New on-site utilities would include electricity, domestic water, wastewater and storm drainage, and all utilities would connect with existing utility mains within the adjacent street rights-of-way. The applicant intends to use the natural gas lines that exist in the existing building to serve the existing lower floors, but the new addition (the Project) will not add any new natural gas connections, per the No-New Natural Gas ordinance. All on-site utilities would be designed in accordance with applicable codes and current engineering practices. The Project would also incorporate green building features such as energy-efficient lighting, would be GreenPoint-rated in compliance with the City's Green Building Ordinance, and has a goal of achieving a LEED Silver certification.

Affordability

The Project applicant proposes to provide 10 percent of the total units, or 3 of the Project's 27 dwelling units, as affordable to low-income households. Pursuant to OMC Section 17.107, the City shall grant a density bonus of up to 20 percent when an applicant agrees to construct at least 10 percent of its total dwelling units for lower income households, and may offer one incentive or concession to otherwise applicable development standards (including a reduction in development standards for required open space), which results in a direct cost reduction and facilitates construction of affordable housing.

The Project applicant is not seeking a density bonus for the Project, but has requested one concession that would allow for a 50 percent reduction in required open space. Pursuant to OMC Section 17.101G.060, the Project would otherwise be required to provide 75 square feet of open space per unit (or a total of 2,025 square feet), and the requested 50 percent reduction would result in a requirement for at least 1,012 square feet of open space. The Project provides 1,225 square feet of private open space (as outdoor deck space), which exceeds the 50 percent reduction in open space request.

Project Construction

The Project is currently in the design phase of development and no details are as-yet available regarding the actual construction schedule. For this analysis, however, construction work is expected to span less than 12 months. Street frontages and parking lanes may need to be used at times for deliveries and removal of materials and equipment, subject to City review and approvals.

Project Approvals

The Project requires the following actions and approvals, including without limitation:

- Regular Design Review for new building construction (three floors of residential use)
- Density Bonus concession for a 50 percent reduction in required open space as an incentive for providing 10 percent of its units as affordable to low-income households
- Encroachment permits for construction work within and close to public rights-of-way (Chapter 12.08 of the Oakland Municipal Code)
- Building permits
- East Bay Municipal Utilities District – Approval of new service requests and water meter installation

- Bay Area Air Quality Management District – compliance with Regulation 11, Rule 2 pertaining to asbestos in structures
- Alameda County Department of Environmental Health – acceptance of soil vapor barrier and/or additional mitigation strategy

V - CEQA Checklist

The analysis in this CEQA Checklist provides a summary of the potential environmental impacts that may result from the Project. The analysis in this CEQA Checklist also summarizes the impacts and findings of the certified Prior EIRs that are applicable. These Prior EIRs are referred to collectively throughout this CEQA Checklist as the “Prior EIRs”, and include the 1998 Land Use and Transportation Element EIR (1998 LUTE EIR), the 2010 General Plan Housing Element Update EIR and its 2014 Addendum (2014 Housing Element EIR Addendum), and the Lake Merritt Station Area Plan EIR (2014 LMSAP EIR). Given the timespan between the preparations of these Prior EIRs, there are variations in the specific environmental topics addressed, and in the significance criteria. However, the overall environmental effects identified in each are largely the same.

Several SCAs would apply to the Project because of the Project’s characteristics. Application of these SCAs is triggered because the City is considering discretionary actions for the Project. Most of the SCAs that are identified for the Project were identified in the 2014 LMSAP EIR. The City of Oakland has revised its SCAs over time, and the most current SCAs (as of January 2021) are identified in this CEQA Checklist. All mitigation measures identified in the Prior EIRs that would apply to the Project (all of which have now been superseded by SCAs) are also identified.

This CEQA Checklist hereby incorporates by reference the discussion and analysis of all potential environmental impact topics as presented in the Prior EIRs. This CEQA Checklist provides a determination of whether the Project would result in:

- Equal or Less Severity of Impact Previously Identified in the Prior EIRs
- Substantial Increase in Severity of Previously Identified Significant Impact in the Prior EIRs, and/or
- New Significant Impact.

Where the severity of the impact of the Project would be the same as or less than the severity of the impact described in the Prior EIR, the checkbox for “Equal or Less Severity of Impact” is checked. If the checkbox for “Substantial Increase in Severity” or “New Significant Impact” were checked, the Project would result in significant impacts that are:

- Peculiar to project or project site (per CEQA Guidelines Sections 15183 or 15183.3)
- Not identified in the Prior EIRs, including offsite and cumulative impacts (per CEQA Guidelines Section 15183);
- Due to substantial changes in the Project (per CEQA Guidelines Section 15162 and 15168)
- Due to substantial changes in circumstances under which the Project will be undertaken (per CEQA Guidelines Sections 15162 and 15168), and/or
- Due to substantial new information not known at the time the Prior EIRs were certified (per CEQA Guidelines Sections 15162, 15168, 15183, or 15183.3)

None of these conditions were found for the Project, as demonstrated throughout the following CEQA Checklist and in its supporting attachments, which specifically describe how the Project meets the criteria and standards specified in the CEQA Guidelines sections identified above.

Aesthetics, Shadow, and Wind

Impact Topics	LMSAP EIR Findings	Project			
		Relationship to LMSAP EIR Findings		Applicable SCAs or Mitigation Measures	Level of Significance
		Equal or Less Severe	New or Substantial Increase in Severity		
Scenic Vistas or Resources	LTS (Less than Significant)	■	□	–	LTS
Visual Character or Quality	LTS	■	□	SCA Aesthetics-1: Trash and Blight Removal SCA Aesthetics-2: Graffiti Control SCA Aesthetics-3: Landscape Plan	LTS
Light or Glare	LTS w/SCA	■	□	SCA Aesthetics-4: Lighting	LTS w/ SCA
Shadows	LTS	■	□	–	LTS
Wind	-	■	□	–	LTS

Prior EIR Findings

Scenic vistas, scenic resources, visual character, light and glare, and shadow impacts were analyzed in each of the Prior EIRS, and were found to be less than significant. The 2014 Housing Element EIR Addendum cited applicable SCAs that would ensure less than significant visual quality effects. The 1998 LUTE EIR identified mitigation measures that are functionally equivalent to current SCAs to reduce certain potential effects to less than significant. The 1998 LUTE EIR also identified significant and unavoidable impacts regarding wind hazards.

LMSAP Findings

The 2014 LMASP EIR determined that, with implementation of SCAs, impacts from new development occurring under the LMSAP related to aesthetics would be less than significant. Individual projects would be subject to the design guidelines outlined in the LMSAP, and would be required to comply with the height limits identified in the LMSAP. The LMSAP did not analyze potential wind hazards, determining that such analysis shall be undertaken for specific projects as applicable, pursuant to the City of Oakland’s thresholds of significance.

Project Analysis

The Project site is located in an urbanized area with no significant scenic vistas or designated or eligible scenic highways in the vicinity. Development of the Project would add three stories of residential space on top of an existing commercial building, and the residential building would be taller than most other buildings on this block, with the exception of the adjacent King Building at the corner of 12th and Harrison. The Project represents an infill development that would provide an overall positive improvement to the existing visual character of the area. The Project would be contemporary in design and include amenities such as streetscape landscaping, open space landscaping and lighting. The Project would create new sources of light and glare, but these new sources would not be substantial and would be similar to existing light and glare conditions in the vicinity.

Development of the Project would not result in shadows on any public or quasi-public park, lawn, garden or open space, as there are none adjacent to the Project site. The 69-foot tall building would cast shadows on the adjacent area, including shadows cast into adjacent buildings within the historic King Block. However, these shadows would not be cast on historic resources with light sensitive features and would not materially impair the historic significance of these properties. Consistent with the findings of the LMSAP, the Project's potential shadow impacts would be less than significant.

At 69 feet tall, the Project would not be subject to the requirement of a wind analysis. There would be no impact related to wind.

Standard Conditions of Approval

The Project is subject to all applicable City's SCAs related to air quality, as listed below.

- **SCA Aesthetics-1: Trash and Blight Removal** (applies to all projects)
- **SCA Aesthetics -2: Graffiti Control** (applies to all projects)
- **SCA Aesthetics -3: Landscape Plan** (applies to all projects requiring a landscape plan, including projects establishing one or more new residential units, excluding secondary units), and
- **SCA Aesthetics -4: Lighting** (applies to all projects containing new exterior lighting)

Consistent with the findings of the LMSAP EIR, the Project's potential impacts on scenic vistas, scenic resources, visual character, and light and glare would be less than significant with implementation of City of Oakland SCAs required of the Project to discourage blight, graffiti defacement and ensure continued compliance with applicable landscaping and lighting requirements.

Conclusions

Based on an examination of the analysis, findings and conclusions of the Prior EIRs, implementation of the Project would not substantially increase the severity of any significant aesthetic impacts identified in these Prior EIRs, nor would it result in new significant impacts related to aesthetics or visual resources that were not previously identified. The Prior EIRs did not identify any mitigation measures related to aesthetics or visual resources that would apply to the Project, and none would be needed. The SCAs identified above and listed in Attachment A at the end of this CEQA Checklist pertaining to aesthetics would apply to the Project, as would any additional Project-specific conditions of approval resulting from the City's Design Review process.

Air Quality

Impact Topics	LMSAP EIR Findings	Project			
		Relationship to LMSAP EIR Findings		Applicable SCAs or Mitigation Measures	Level of Significance
		Equal or Less Severe	New or Substantial Increase in Severity		
Consistency with Clean Air Plan	LTS	■	□	-	LTS
Criteria Air Pollutant Emissions - Construction	NA	■	□	SCA AIR-1 Dust Controls – Construction Related SCA AIR-2 Criteria Air Pollutant Controls – Construction-Related	LTS w/SCAs
Criteria Air Pollutant Emissions - Operational	NA	■	□	--	LTS
Toxic Air Contaminants – Construction	LTS with SCAs	■	□	SCA AIR-1 Dust Controls – Construction Related SCA AIR-2 Criteria Air Pollutant Controls – Construction-Related SCA AIR-5: Asbestos in Structures	LTS w/SCAs
Toxic Air Contaminants – Operational	LTS with SCAs	■	□	SCA Air-4, Stationary Sources of Air Pollution - Toxic Air Contaminants --	LTS w/SCAS
Exposure to Toxic Air Contaminants	Non-CEQA			SCA Air-3, Exposure to Air Pollution - Toxic Air Contaminants:	Non-CEQA

Prior EIR Findings

Construction and Operational Emissions, and Odors

The 1998 LUTE EIR identified mitigation measures capable of lowering operational emissions from new development to levels of less than significant, but concluded that increased criteria pollutants from cumulative regional traffic would be significant and unavoidable. The Housing Element Update EIR and its 2014 Addendum found that increased criteria pollutant emissions from construction activity and operations resulting from new housing would be less than significant with implementation of all applicable City of Oakland SCAs. The Housing Element Update EIR and its 2014 Addendum also found

SCAs to be effective in addressing potentially significant effects regarding dust and particulate matter, odors, and consistency with the applicable regional Clean Air Plan.

Toxic Air Contaminants

The 1998 LUTE EIR did not quantify or address cumulative health risks. The Housing Element Update EIR and its 2014 Addendum identified significant and unavoidable impacts regarding cumulative health risks, even with consideration of all applicable SCAs.

LMSAP Findings

The 2014 LMSAP EIR found less than significant impacts regarding consistency with the Bay Area 2010:

- The LMSAP EIR found that the rate of increase in vehicle trips would be less than the rate of increase in population as attributable to the LMSAP. Thus, the LMSAP was not found to fundamentally conflict with primary goals of the Clean Air Plan, resulting in a less than significant impact.
- The LMSAP EIR did not quantitatively assess criteria air pollutants emissions from individual project construction activities or from operations of individual projects pursuant to the Area Plan. Rather, the LMSAP EIR concluded that the LMSAP would not fundamentally conflict with the Bay Area Clean Air Plan (CAP) because the LMSAP demonstrates reasonable efforts to implement emission control measures contained in the CAP, and because the projected rate of increase in vehicle trips attributed to the LMSAP would be less than the projected rate of increase in population.
- The LMSAP EIR found that construction activities at individual project sites would produce exhaust emissions containing toxic air contaminants, and that these emissions could potentially result in elevated concentrations of DPM and PM_{2.5} at nearby receptors, potentially leading to an increase in the risk of cancer or other health impacts. The LMSAP EIR did not quantitatively assess TAC emissions from individual construction projects, but did determine that implementation of SCAs that require use of construction-related best management practices would reduce construction-related TAC emissions to a less than significant level.
- The LMSAP EIR did not identify any specific stationary sources of toxic air pollution as being proposed as part of the LMSAP, but did indicate that individual development projects may include new stationary sources of TACs, such as emergency diesel generators, gasoline dispensing facilities or boilers. The LMSAP EIR found that operators of back-up diesel generators or other stationary sources of TACs would be required to obtain a permit and an Authority to Construct from the BAAQMD, who would evaluate emissions based on size, and require Best Available Control Technology (if warranted) pursuant to BAAQMD's New Source Review regulations.
- The LMSAP EIR analyzed impacts associated with potential exposure of new sensitive receptors to health risks from toxic air contaminants, including diesel DPM and gaseous TAC emissions, finding that, with implementation of City SCAs, the exposure of new residents to DMP could be reduced to less than significant levels, but risk from gaseous TACs may be significant and unavoidable.

Project Analysis

Significance Thresholds

The following is a list the City of Oakland's CEQA Significance Thresholds relevant to potential air quality impacts of the Project. According to these thresholds, a project would have a significant effect on the environment if it would:

1. Result in average daily emissions of 54 pounds per day of ROG, NOX, or PM2.5 or 82 pounds per day of PM10 during project construction
2. Result in average daily emissions of 54 pounds per day of ROG, NOX, or PM2.5 or 82 pounds per day of PM10; or result in maximum annual emissions of 10 tons per year of ROG, NOX, or PM2.5 or 15 tons per year of PM10 during project operation
3. Contribute to carbon monoxide (CO) concentrations exceeding the California Ambient Air Quality Standards
4. For new sources of toxic air contaminants (TACs), expose sensitive receptors to substantial levels of TACs during either project construction or project operation
5. Expose new sensitive receptors to substantial ambient levels of toxic air contaminants (TACs), and/or
6. Frequently and for a substantial duration, create or expose sensitive receptors to substantial objectionable odors affecting a substantial number of people

Consistency with the Clean Air Plan

The Project is consistent with the following development policies and standards of the Lake Merritt Station Area Plan, which were found in the LMSAP EIR to not fundamentally conflict with relevant control strategies included in the CAP:

- the Project is consistent with the land use strategy of establishing a mixed-use, higher-density, transit-oriented and walkable community
- the Project is consistent with Design Guidelines that seek to further ensure the quality of the pedestrian realm and complement land use and circulation strategies
- The Project is well served with both bus and rail transit, and provides housing and employment near these assets
- The Project would be required to implement the City's SCAs for emissions reductions and exposure to air pollution, thereby implementing CAP recommendations for land use compatibility
- The Project implements parking management strategies by not providing any parking in this transit-served area, implementing parking strategies consistent with regional air quality management goals ⁷

⁷ As referenced in the LMSAP EIR, page 3.3-26

Construction Period Criteria Pollutant Emissions

Construction activities for the Project would result in emissions of fugitive dust and criteria pollutants, including reactive organic gasses (ROG) nitrogen oxides (NOx) and particulate matter (PM10 and PM2.5) on a temporary and intermittent basis. Construction-related emissions from the Project are not peculiar because the Project would use standard construction equipment such as loaders, backhoes, cranes and haul trucks, similar to other projects under construction in Oakland. The site's proximity to sensitive receptors is also typical of other construction sites in this urbanized area. The Bay Area Air Quality Management District (BAAQMD) has published screening criteria for air quality emissions resulting from construction.⁸ Those projects that do not exceed the screening criteria are presumed to have less than significant air quality effects. The construction-period criteria pollutant emissions screening criteria for mid-rise apartment projects is 240 dwelling units. The Project (at 27 dwelling units) is far lower than the applicable construction screening level size for construction-period criteria pollutant emissions, and thus would not exceed threshold levels. Implementation of SCAs requiring criteria air pollutant controls and dust control measures (see below) would further reduce construction-period fugitive dust and criteria pollutant emissions.

Construction Period TAC Emissions

Construction activities associated with the Project would generate construction-related TAC emissions (specifically DPM) from on-road haul trucks and off-road equipment exhaust emissions. Due to the variable nature of construction activity, the generation of TAC emissions would be temporary, especially considering the short amount of time such equipment is typically within an influential distance to expose sensitive receptors to substantial TAC concentrations. There is nothing particular or unusual about the Project that would cause it to generate uncharacteristically high DPM or PM2.5 emissions during construction. Construction-related TAC emissions from the Project will be reduced to a less than significant level with implementation of required City of Oakland SCA (see below).

Operational Criteria Pollutants

The BAAQMD has published screening criteria for air quality emissions typically resulting from project operations. Those projects that do not exceed the screening criteria are presumed to have less than significant air quality effects. The BAAQMD's operational emissions screening criteria for mid-rise apartment projects is 494 dwelling units. The Project (at only 27 dwelling units) would not exceed applicable operational screening level sizes for criteria pollutants, and thus would not exceed threshold levels. Impacts related to operational criteria pollutant emissions would be less than significant.

Operational TAC Emissions

The Project's new residential uses would not result in significant concentrations of TAC emissions. The Project will likely require an on-site backup generator for the building's elevator, and implementation of City SCAs pertaining to stationary source emissions from back-up generators would apply. The Project's operations would not be a substantial source of toxic air contaminants, would not pose a health risk to others, and its impacts related to TAC emission would be less than significant.

⁸ BAAQMD, CEQA Guidelines, May 2017

TAC Exposure

The LMSAP included a programmatic screening-level health risk assessment for the entire LMSAP planning area. That assessment included TAC emission from mobile sources on I-880 and local, highly traveled roadways, as well as known stationary sources of TAC emission from within the planning area. As shown on **Figure 7**, the LMSAP EIR identifies a cancer risk buffer along the I-880 freeway (which varies in width from 400 feet to the south and 750 feet to the north), PM_{2.5} buffers along heavily traveled roadways including Harrison Street near the Project site, and five different stationary sources of TAC emissions within a distance of 1,000 from the Project site. These stationary sources include emergency diesel generators and gasoline dispensing facilities, and two of these stationary source within 1,000 feet of the Project site were identified as emitting TAC at levels that exceed risk thresholds. The Project site's immediate adjacency to the Harrison Street roadway buffer for PM_{2.5} emissions, combined with additional TAC emissions from stationary sources, indicates a high likelihood that ambient air quality at the Project site may exceed certain health risk thresholds.⁹

Pursuant to the City SCAs, project applicants may choose to prepare a project-specific health risk analysis to determine relative health risks to future residents and mitigate accordingly, or may choose to install MERV-13 air filters or passive electrostatic filtering systems as part of the Project's HVAC system, as well as other potentially applicable design measures to reduce the impact on indoor air quality within the Project. The Project applicant has chosen to install the MERV-13 air filters and other measures as may apply to comply with this SCA. Installation of these air filters will remove TAC emissions from indoor air to a level such that health risks would be reduced to less than significant levels¹⁰

Standard Conditions of Approval

The Project is subject to all applicable City's SCAs related to air quality, as listed below.

- **SCA Air-1: Dust Controls - Construction Related** (applies to all projects involving construction activities, does not include Enhanced Controls for the Project)
- **SCA Air-2: Criteria Air Pollutant Controls - Construction Related** (applies to all projects involving construction activities, does not include Enhanced Controls for the Project)
- **SCA Air-3: Exposure to Air Pollution - Toxic Air Contaminants** (applies to all projects that meet applicable criteria, including projects that involve new residential dwelling units, excluding secondary units)

⁹ This conclusion is further substantiated by a separate project-specific health risk analysis prepared for a separate project, the W12 Mixed-Use Project at 301 12th Street, directly across 12th Street from the Project site. That separate analysis concluded that the cumulative cancer risks for new receptors (residents) of that project would be below the cancer risk significance criteria of 100 in one million, but that cumulative PM_{2.5} concentrations would exceed 0.8 micrograms per cubic meter (µg/m³) if unabated, finding this to be a significant impact (City of Oakland, W12 Mixed Use Project CEQA Analysis, July 2016). The large parking garage at the EBMUD offices at 12th and Franklin was the primary source of mobile TAC emissions for the W12 project, and that parking garage is within 1,000 feet of the Project site as well.

¹⁰ This conclusion is also consistent with the conclusions of the health risk analysis conducted at the W12 Project, across 12th Street from the Project site.

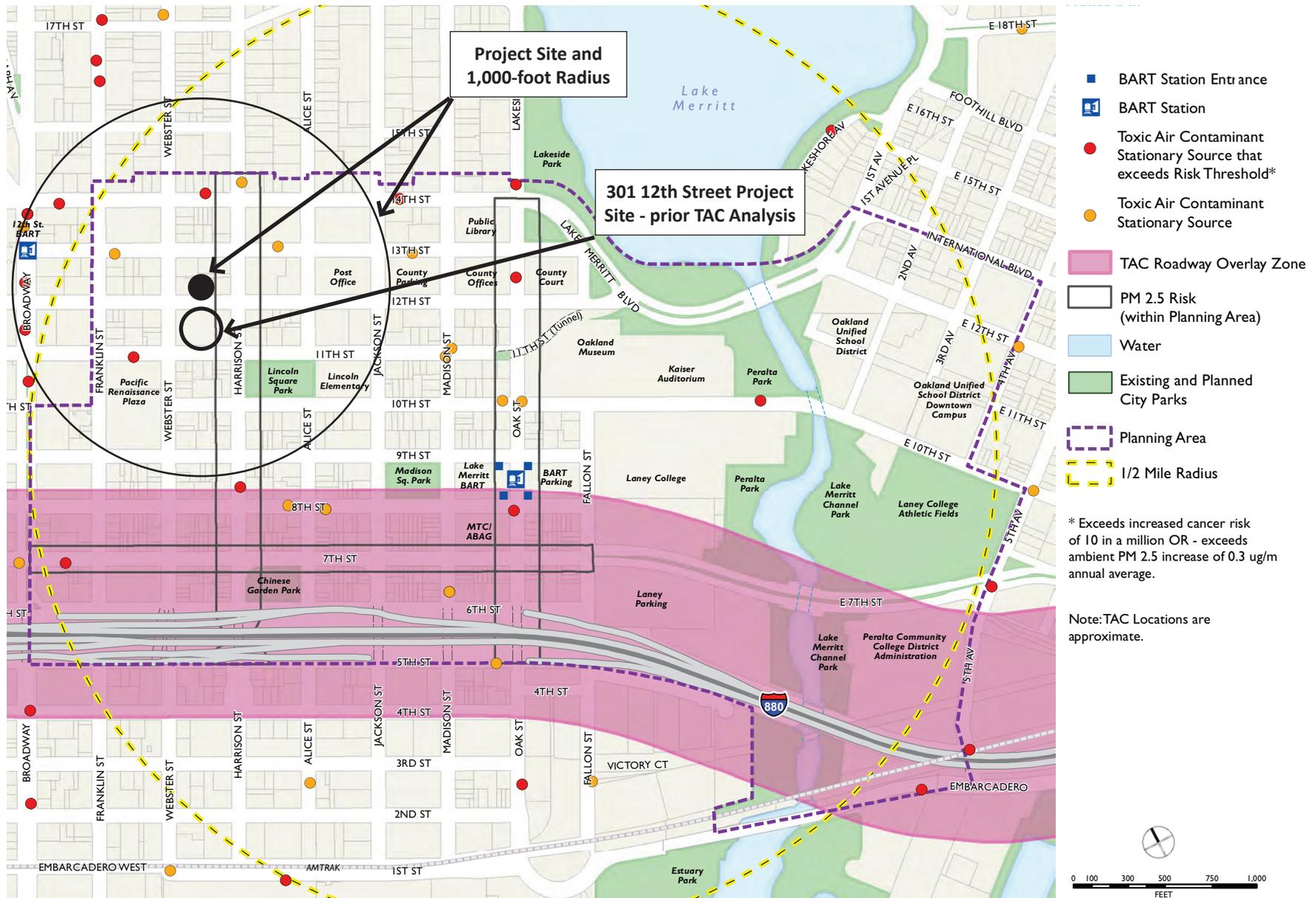


Figure 7
Project Site in Relation to TAC Emission Sources

Source: Lake Merritt Station Area Plan

- **SCA Air-4: Stationary Sources of Air Pollution - Toxic Air Contaminants** (applies to all projects that involve a stationary pollutant source requiring a permit from BAAQMD, including but not limited to back-up diesel generators)

Based on the age of the existing building, the Project applicant may also be required to implement **SCA Air-5, Asbestos in Structures**, which applies to all projects involving either the renovation of structures known to contain, or that may contain asbestos.

Conclusions

Based on an examination of the analysis, findings and conclusions of the Prior EIRs, implementation of the Project would not substantially increase the severity of any significant air quality impact identified in these Prior EIRs, nor would it result in new significant impacts related to air quality that were not previously identified. The Prior EIRs did not identify any mitigation measures related to air quality that would apply to the Project, and none would be needed. The SCAs identified above and listed in Attachment A at the end of this CEQA Checklist pertaining to air quality would apply to the Project, and would reduce air quality impacts to less than significant levels.

Biological Resources

Impact Topics	LMSAP EIR Findings	Project			
		Relationship to LMSAP EIR Findings		Applicable SCAs or Mitigation Measures	Level of Significance
		Equal or Less Severity	New or Substantial Increase in Severity		
Special-Status Species, Wildlife Corridors, Riparian/ Sensitive Habitat, Wetlands	LTS	■	□	–	LTS
Tree and Creek Protection	LTS	■	□	–	LTS

Prior EIR Findings

The Housing Element Update EIR and its 2014 Addendum identified less than significant impacts related to biological resources with implementation of all applicable of City of Oakland SCAs, and no mitigation measures were indicated. The LUTE EIR determined impacts to habitat for special status species, resource conservation areas, special status plants and wildlife, and the loss of mature trees would be less than significant. The LUTE EIR did not identify any mitigation measures pertaining to biological resources.

LMSAP Findings

The LMSAP EIR identified 12 special-status plant and animal species that are known to have the potential to occur within the LMSAP, but that Lake Merritt and the Lake Merritt Channel are the only places that are particularly sensitive for these biological resources. According to the Lake Merritt Station Area Plan EIR, the entire Plan Area is located within an urbanized area of Oakland and, “. . . with the exception of areas adjacent to Lake Merritt, the Lake Merritt Channel and the Oakland Estuary, the area is generally paved or developed with buildings, and provides virtually no habitat for plants other than weedy plants or plants used for landscaping. Wildlife species using urban land must be able to tolerate the presence of humans and their activities, and are typically generalists capable of utilizing the limited food sources available. The exceptions include red-tailed hawks, Cooper’s hawks and peregrine falcons.”

Project Analysis

The Project site consists of an existing building in a densely developed area. There is no vegetation on-site or in the immediate vicinity.

The Project is absent of suitable habitat for endangered, rare or threatened plant and animal species based on proximity of streets and development, the lack of protective cover, and no street trees present along this segment of 12th Street. Special-status species are not expected to inhabit or use the Project site because of a lack of suitable habitat, prior disturbance and the current level of human activity. No tree removal is required by the Project. Therefore, the Project site has no value as habitat for endangered, rare or threatened species.

The site does not contain vegetation or hydrology conditions suitable for sustaining wetlands, nor are any known special status species or sensitive habitats, including those that could support migratory fish or birds, located on the site.

The Project site does not contain any trees, and no trees would be removed as part of the Project. The site is not adjacent to a creek. Although part of the Project's exterior is glass, the Project is not located immediately adjacent to a substantially vegetated park larger than one acre, or a substantial body of water. The Project would include a small open space area on the podium deck, with vegetation in containers including potted trees and shrubs, which would not be considered a substantial vegetated green roof or substantially vegetated area. Therefore, the City's SCA related to tree removal and tree permits, creek permits, and/or bird collision reduction measures would not be required for the Project.

Applicable Mitigation Measures and/or SCAs

Given the lack of biological resources at the Project site, and that there are no existing trees at the site, no mitigation measures or SCAs related directly to biological resources apply to the Project.

Conclusion

Based on an examination of the analysis, findings and conclusions of the Prior EIRs, the Project would not result in any new or more severe significant impacts related to biological resources than those identified in those Prior EIRs. The Prior EIRs did not identify any mitigation measures related to biological resources that would apply to the Project, and none would be needed. No SCAs pertaining to biological resources apply to the Project.

Cultural Resources

Impact Topics	LMSAP EIR Findings	Project			
		Relationship to LMSAP EIR Findings		Applicable SCAs or Mitigation Measures	Level of Significance
		Equal or Less Severity	Substantial Increase in Severity		
Historical Resources	SU	■	□	SCA Noise-6: Vibration Impacts on Adjacent Structures or Vibration-Sensitive Activities	LTS w/SCA
Archaeological, Paleontological, and Tribal Resources and Human Remains	LTS with SCAs	■	□	SCA Cultural-1: Archaeological and Paleontological Resources – Discovery During Construction SCA Cultural-2: Human Remains – Discovery During Construction	LTS w/SCAs

Prior EIR Findings

The 1998 LUTE EIR identified potentially significant impacts to historic and archaeological resources, and identified mitigation measures to reduce these impacts to less than significant. The Housing Element Update EIR and its 2014 Addendum determined that, with implementation of all City of Oakland SCAs and Housing Element policies, impacts to historic, archaeological and paleontological resources, and human remains, would not be significant impact.

LMSAP EIR Findings

Historic Resources

The LMSAP includes a portion of Oakland’s densely historic central business district, containing approximately 187 properties that appear to meet the City of Oakland’s criteria for significant historic resources. These resources include four sites listed on the National Register and two sites listed on the State Register; 10 City of Oakland Landmark buildings or sites; 27 other City-designated historic properties; 44 properties that are rated “A” or “B” on the Oakland Cultural Heritage Survey; 121 properties that are Potential Designated Historic Properties (PDHPs) within City-designated Areas of Primary Importance (API); and 108 properties that are listed in the California Historic Property Directory and given a rating of 1-5 (which the City of Oakland considers potentially significant).

The LMSAP EIR identified three of these historic properties as potential development sites (or Opportunity Sites) under the LMSAP; the Kaiser Auditorium; the OUSD Administration Building at 125 2nd Avenue; and the Ether Moore Building at 121 East 11th Street. These sites were viewed by the LMSAP EIR as large publicly owned sites with underutilized public buildings, most vulnerable to potential redevelopment that could result in adverse effects on historic resources. The LMSAP found that reasonably foreseeable maximum development under the proposed LMSAP could result in the future demolition, destruction, relocation or alteration of other historic resources that meet the City of Oakland’s resource significance thresholds, but no site-specific analysis or conclusions were identified

for any sites other than the three Opportunity Sites noted above (i.e., no definitive analysis of the King Block was conducted in the LMSAP).

The LMSAP EIR did identify a number of policies and design guidelines that are included in the LMSAP that could serve to mitigate potential impacts to historic resources (e.g., DG-58: Contribute to Historic Districts, DG-59: Complement and Reinforce the Scale, DG-60: Complement and Reinforce the Street Wall, DG-61: Complement and Reinforce Building Articulation, DG-62: Complement and Reinforce Architectural Details, DG-63: Building Form, and DG-67: Adaptive Reuse, and DG-68: Preservation). With implementation of these LMSAP Design Guidelines, individual impacts to existing historic buildings could be reduced to less than significant levels.

The LMSAP EIR identifies the King Building Group (the group of buildings occupying the full block between 12th and 13th Street, and between Harrison and Webster Street, including the Project site) as an Area of Primary Importance (API), and the Project site is identified as a historic resource and as a contributor to the King Building Group historic district.

Cultural Resources

The LMSAP EIR found that planning area to include six recorded archaeological resources, and the area is considered to have a high potential for having additional unrecorded Native American resources. However, ground-disturbing activities associated with the Project are expected to be limited. The building's footings and slab foundation already exist, and most new construction (other than new utility trenching) will occur above ground level. In the unlikely event that the limited ground-disturbing activities associated with the Project do uncover previously unknown cultural resources, implementation of existing State and federal laws, as well as City of Oakland General Plan policies and SCAs, will ensure that this potential impact is less than significant. The LMSAP EIR indicates that paleontological sensitivity of the geologic units underlying the LMSAP is considered to be low to moderate.

Project Analysis

Information for the following section of this Checklist has been derived from two primary sources:

- City of Oakland Cultural Heritage Survey (OCHS), *Department of Parks and Recreation Historic Resources Inventory for the King Block*, as assessed in 1982 (see **Appendix 1**), and
- Preservation Architecture, *316 12th Street - Oakland Historical Project Evaluation*, February 22, 2021 (see **Appendix 2**)

Historic Resources

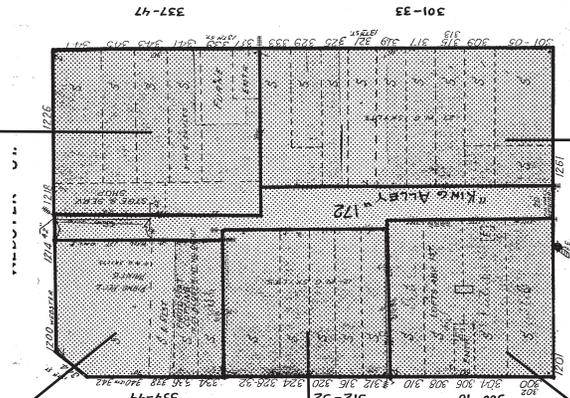
*Setting*¹¹

The Project site is located on 12th Street, mid-block between Webster Street and Harrison Street. This entire city block fronting onto both 12th Street and 13th Street is known as the King Block. The King Block is a group of five adjoining buildings and a center alley, as described below (see **Figure 8**).

¹¹ The following information regarding the King Block is derived from the Oakland Cultural Heritage Survey (OCHS) Department of Parks and Recreation Historic Resources Inventory form for the King Block, as assessed in 1982.



13th and Webster (OCHS rating B*/1+)



King Block Historic District (API)



13th and Harrison (OCHS rating C/1+)



12th and Webster (OCHS rating B-/1+)



Project Site at 316 12th Street (OCHS rating C/1+)



12th and Harrison (OCHS rating A/1+)

Figure 8
Buildings that Contribute to the King Block Historic District

- King Block:** The 1982 Oakland Cultural Heritage Survey describes the King Block historic district as, “ a group of five attached brick commercial buildings and an alley, built between 1904 and 1922, together fully occupying the block bounded by 12th, Webster, 13th and Harrison Streets.” The OCHS further describes the King Block as, “an early example in Oakland of a modern Chicago-influenced commercial block, and of a design treatment that successfully organizes the public facades of large corner buildings. The buildings show the influence of early skyscrapers and Chicago commercial buildings in their skeletal articulation and expansive window areas. Their straightforwardness and economy of structure and ornament are typical of the uncluttered business-like character of many early 20th century commercial buildings.” As a group, the King Block has been determined eligible for listing on the National Register of Historic Places and is therefore on the California Register (status code 2) and a CEQA resource. The OCHS rates the King Block as an Area of Primary Importance (API), and therefore is on Oakland’s Local Register of Historical Resources as defined for environmental review purposes pursuant to the Historic Preservation Element’s Policy 3.8. All individual properties within the API are also on the Local Register and also considered CEQA resources. Individual buildings within the King Block are briefly described below (more detail can be found in Appendix 1).
- 300-310 12th Street/1201 Harrison Street (Charles H. King Building):** The Charles H. King building was constructed in 1904, its architect was A.W. Smith, and the builder was Ben O. Johnson. The Charles H. King Building is an attached four-story brick masonry building at the northwest corner of 12th and Harrison Streets. The Charles H. King Building appears to be individually eligible for the National Register and State Register as a locally early example of its type, for the quality of its design, and for its association with Charles H. King. It also appears eligible for the National and State Register as a contributor to the King Block. The OCHS rates this building as A/1+, meaning it is individually a historic resource of highest importance, and also a historic resource as the primary contributor to the King Block API.
- 312-332 12th Street (Project Site):** This building was constructed in 1913, its architect was C.W. Dickey, and the builder was P.J. Walker. The 1982 Oakland Cultural Heritage Survey describes this building as, “a one-story mid-block building with painted pressed brick surfaces in a six-bay enframed window-wall composition.” The building at 312-332 12th Street (the Project site) appears eligible for the National and State Register as a contributory element in the King Block. The OCHS rates this building as C/1+, meaning that it is individually a building of secondary importance, but is a historic resource as a contributor to the King Block API. Based on the City General Plan Historic Resource Element’s definition of historic resources, the “1+” rating defines the Project site as being on Oakland’s Local Register of Historical Resources and therefore a historical resource for purposes of CEQA.¹²
- 334-44 12th Street/200-14 Webster Street (Dietz Building):** This building was constructed in 1922, and its architect was William Knowles. The 1982 Oakland Cultural Heritage Survey describes this building as, “a two-story building on a corner lot, with canted corner, ground floor stores and second floor offices. The facades are clad in pressed brick, painted yellow, with glazed cream terra cotta trim.” The Dietz Building appears' eligible for the National and State Register as a contributory element in the King Block. The OCHS rates this building as a B-/1+, meaning it

¹² Historic Preservation Element of the Oakland General Plan, Policy 3.8.

is individually a historic resource of major importance, and also a historic resource as a contributor to the King Block API.

- 337-47 13th Street/1218-26 (Gates Stable Co. Building): This building was constructed in 1906-07, its original architect and builder are unknown, but later conversion was built by P.J. Walker Co. The 1982 Oakland Cultural Heritage Survey describes this building as, “a two-story corner building with Renaissance/ Baroque ornamentation, originally designed as a stable in 1906-07, but converted to stores and offices in 1912-13.” The Gates Stables Company Building appears individually eligible for inclusion in the National and State Register as an unusual example of a former stable structure, for the quality of its design, and for its association with Charles H. King. It also appears eligible for inclusion in the National and State Register as a contributory element in the King Block. The OCHS rates this building as B*/1+, meaning it is individually a historic resource of major importance, and also a historic resource as a contributor to the King Block API.
- 301-33 13th Street/1231 Harrison Street (J.H. King Building): This building was constructed in 1916, its original architect is C.W. Dickey and J.J. Donovan, and its builder was Schnebly-Hostraiser. The 1982 Oakland Cultural Heritage Survey describes this building as, “a one-story and mezzanine arcade on a corner lot, with ten bays on the 13th Street side and five bays on Harrison Street. The restrained ornamentation is Renaissance/Baroque.” The J.H. King Building appears eligible for the National and State Register as a contributory element in the King Block, and the OCHS rates this buildings as C/1+, meaning that it is individually a building of secondary importance, but is a historic resource as a contributor to the King Block API.
- King Alley: The 1982 Oakland Cultural Heritage Survey describes this alley as, “a narrow concrete-paved delivery corridor passing through the center of the block bounded by 12th, Webster, 13th and Harrison Streets and paralleling 12th and 13th Streets. The sides are formed by the backs of the commercial buildings facing 12th and 13th Streets. The walls are common brick, in some cases painted.” The alley appears eligible for inclusion in the National and State Register as a contributory element in the King Block, and the OCHS rates the alley as C/1+, meaning that it is individually of secondary historic importance, but is a historic resource as a contributor to the King Block API.

The King Block is identified as a historic district, formally determined eligible for listing on the National Register of Historic Places (National Register) and the California Register of Historic Resources (California Register). Since the early 1980s, the King Block has been identified by the Oakland Planning Department as an Area of Primary Importance (API). Based on these criteria, the King Block is a historic district, and each of its contributing properties (including the Project site) is a historic resource as recognized pursuant to CEQA.

The existing building on the Project site is individually rated pursuant to the OCHS as a “C1+” (of secondary importance or a superior example, and a contributor to an API). The C rating indicates that this building in isolation might not be considered individually eligible for listing on the National Register or the California Register, but as a component of the King Block district it is a historic resource pursuant to CEQA.

Thresholds of Significance for Historic Resources

According to the City’s Thresholds of Significance and CEQA Guidelines Appendix G, the Project would have a significant environmental impact if it were to cause a substantial adverse change in the

significance of a historical resource, as established pursuant to Section 15064.5 of the CEQA Guidelines. CEQA Guidelines Section 15064.5 include procedures for identifying, analyzing and disclosing potential adverse impacts to historical resources. These CEQA Guidelines define a “historical resource” as a resource that meets any of the following criteria:

- A resource listed in, or determined to be eligible for listing in, the NRHP or CRHR.
- A resource included in a local register of historical resources (see below), as defined in Section 5020.1(k) of the Public Resources Code (PRC), unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
- A resource identified as significant (e.g., rated 1-5) in a historical resource survey meeting the requirements of PRC Section 5024.1(g) (Department of Parks and Recreation [DPR] Form 523), unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
- Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California, provided the determination is supported by substantial evidence in light of the whole record. Generally, a resource is considered “historically significant” if it meets the criteria for listing on the CRHR.

The Historic Preservation Element of the City of Oakland General Plan (Policy 3.8: Definition of “Local Register of Historical Resources”) identifies the following types of properties that constitute the City of Oakland’s Local Register of Historical Resources:

- All Designated Historic Properties, and
- Those Potential Designated Historic Properties (PDHPs) that have an existing rating of “A” or “B”, and those PDHPs located within an Area of Primary Importance,¹³
- Oakland Landmarks,
- S-7 Preservation Combining Zone properties, and
- Preservation Study List properties.

The Historic Preservation Element of the City of Oakland General Plan policies also provide guidance for identifying, designating and preserving Oakland’s cultural resources. These policies seek to minimize significant impacts to historical resources. Historic Preservation Element policies that are relevant to the proposed Project are listed below.

Policy 3.1 Avoid or Minimize Adverse Historic Preservation Impacts Related to Discretionary City Actions: This City will make reasonable efforts to avoid or minimize adverse effects on the

¹³ Potential Designated Historic Properties (PDHPs) are properties with an OCHS existing or contingency rating of C or higher or properties that are contributors or potential contributors to an API (rating of 1+ or 1*) or ASI (rating of 2+ or 2*). PDHPs warrant consideration for preservation but do not necessarily meet the threshold for historical resources under CEQA. Only those PDHPs with an OCHS rating of A or B, or located within an API (i.e., those on the Local Register) are automatically considered historical resources under CEQA.

Character-Defining Elements of existing or Potential Designated Historic Properties (PDHPs), which could result from private or public projects requiring discretionary actions.

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

According to CEQA and City thresholds, a project that may cause a 'substantial adverse change' in the significance of an historic resource is a project that may have a significant effect on the environment. Substantial adverse change is defined as, physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historic resource would be 'materially impaired'. The significance of an historical resource is materially impaired when a project demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for inclusion in the California Register of Historical Resources."

The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings provides standards and guidance for reviewing proposed work on historic properties. The Standards for the Treatment of Historic Properties are a useful analytic tool for understanding and describing the potential impacts of substantial changes to historic resources. Projects that comply with the Standards for the Treatment of Historic Properties benefit from a regulatory presumption that they would have a less than significant adverse impact on a historic resource. Projects that do not comply with the Standards for the Treatment of Historic Properties may cause either a substantial or less than substantial adverse change in the significance of a historic resource. The Secretary of the Interior offers four sets of standards to guide the treatment of historic properties. The standards that are applicable to the Project are the Standards for Rehabilitation, which acknowledge the need to alter or add to a historic building to meet continuing or new uses while retaining the building's historic character.

Based on these thresholds and definitions, the Project site is an historic resource. It is a PDHP that is located within, and is a contributor to an Area of Primary Importance (i.e., the King Block historic district). The following analysis examines whether the Project may cause a substantial adverse change in the significance of this individual historic resource or the surrounding historic district, either individually or cumulatively, as a result of alterations to the resource or its immediate surroundings such that the significance of this historic resource would be materially altered in an adverse manner. The following analysis relies on the Secretary of the Interior's Standards for the Rehabilitation of Historic Properties as the analytic tool for assessing the Project's potential to result in a substantial adverse changes. Finally, this analysis provides a conclusion as to whether the design of the Project matches or is compatible with, but not necessarily identical to, the property's existing or historical design.

Definition of the Project

The Project does not propose to demolish the historic building at 316 12th Street (identified in the OCHS as 312-332 12th Street), but does propose certain modifications to this building and new construction above this building, specifically adding three stories of new residential use.

Relative to the exterior of the existing building on the Project site (hereafter, the existing building), the previously permitted and currently ongoing work (i.e., not the Project, but considered with the Project on a cumulative basis) includes the following:¹⁴

- At the front elevation, the historic façade and storefront is retained. Ongoing repairs and rehabilitation include the reversal of previous, non-historic alterations (e.g., security gates and signage), and repair, restoration and rehabilitation of an existing, previously altered storefront, revealing and restoring the original storefront bay design;¹⁵
- At the rear alley, ongoing work includes cleaning and retention of the existing building’s exterior brick wall, including the retention of existing graffiti (not for historic purposes), the repair of existing doors and windows, and the replacement of a non-historic loading door,
- At the top, removal of the roof (which had a distinctive method of construction, but which was only experienced inside the building).

The Project (the currently proposed three-story residential addition and interior alterations to provide lobby space and staircase/elevator access to the upper floors) would include the following additional work:

- Retaining the existing exterior building walls, and
- Adding three levels of residential units on top of the existing building.

Character-Defining Features of the King Block API

The King Block API consists of six individual historic resources, including its five contiguous buildings plus the alley, together comprising the whole of the King Block. Of those resources, the King Building at the corner of 12th and Harrison is rated an A, of highest importance. The two buildings at the Webster Street corners are rated B, of major importance. The two other buildings (including the existing building at the Project site) and the alley are rated C, of secondary importance but contributors to the district. The King Block API record identifies the following unifying associations and characteristics of the King Block:

- Five contiguous buildings plus the alley
- Association with the Charles H. King family
- An early Oakland example of a modern, Chicago-influenced commercial block, with an urban design that successfully organizes the public facades of large corner buildings, and buildings that show the influence of early sky-scrapers and Chicago commercial buildings in their skeletal articulation and expansive window areas

¹⁴ 316 12th Street, Oakland, CA; OWOW Design, “Tenant Upgrade,” 14 sheets dated 5/27/2020.

¹⁵ The current (June 2021) design is a modification to a previously proposed February 2021 design, which had proposed conversion of the westernmost storefront bay as a new interior staircase with an exterior design that matched the upper three-story addition. The current June 2021 design instead pulls the staircase deeper into the internal portion of the building, and thus is able to retain all of the six storefront bays.

- Design treatments that organize the public facades of large corner buildings, skeletal articulation plus expansive window areas, a series of matching storefronts, and black tile splash blocks on all of the buildings at the base of storefronts, and
- Relative to the API, the alley is generally identified as a unifying feature, with common brick wall surfaces, a tight enclosure, and a rhythm of segmentally arched tripartite doors and windows.

Character-Defining Features of the Project Site

The existing building on Project site is a tall one-story with mezzanine, mid-block commercial structure fronting southward on 12th Street, and with a secondary northward frontage at the mid-block alley. The existing building is directly adjoined at its east and west sides by two other buildings that comprise the King Block, the King Building to the east and the Dietz Building to the west. The following characteristics of the Project site's existing building include:

- One and one-half story mid-block building
- Painted pressed-brick surfaces
- Six-bay enframed window wall composition
- Similar storefronts in all bays, each with tile splashes below and wood sash clerestory windows with clathri (sunburst) lights above
- Full-height framing piers
- Wood cornice with dentils and modillion blocks
- Large stucco panels above each storefront bay
- Smaller painted panels (stucco, set on the bias) set into brickwork above piers, and
- Pier caps

All but the first of these characteristics pertain only to the 12th Street façade. A number of typical characteristics are also described at the alley façade, including common brick wall surfaces, a tight enclosure, and the rhythm of segmentally arched tripartite doors and windows.

Several existing features at the front of the existing building are not original/early to the building, and so are not character defining features, including:

- The actual storefront entry doors and windows that occupy the historic storefront bays, and rolling security gates;
- Signage covering transoms above storefronts;
- Exposed hardware at masonry wall and parapet bracing;
- Rear doors and gates;
- Miscellaneous equipment (lighting, conduits, control boxes, etc.).
- Mid-20th century ledgerrock facing on lower part of piers

Several previous exterior alterations also include removal of metal at clerestories to reveal original wood/glass clerestory windows, and earthquake damage at the ends of the brick-faced parapet.

Evaluation of the Project's Effects

The following evaluates the Project relative to the Secretary of the Interior's Standards for the Treatment of Historic Properties to determine whether changes to the building would materially alter the character-defining features of the building or the King Block historic district.¹⁶ Whereas the Project will alter and add to an existing historic resource, the appropriate treatment and evaluation standard for the Project is that of Rehabilitation, defined under the Secretary of the Interior's Standards for the Treatment of Historic Properties as, "*When repair and replacement of deteriorated features are necessary; when alterations or additions to the property are planned for a new or continued use; and when its depiction at a particular period of time is not appropriate, Rehabilitation may be considered as a treatment.*" The ten Standards for Rehabilitation are each listed and addressed below.

1. *Will the property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships?*

Overall, the major extent of the existing building corresponding to the original design will be retained as a commercial use. Inside the building, the space behind the easternmost bay will be converted to a building entry and lobby with service spaces behind, and the interior space behind the westernmost storefront will be converted to an interior stair lobby. Relative to the proposed adaptive reuse of the building, all identified character-defining forms, features and materials are to be retained, with the exception of the one easternmost storefront bay. The remainder of the interior space of the subject building will continue as a commercial use.

Relative to the individual resource and its adaptive reuse, the new interior uses and the proposed new three-story residential addition on the top will not require any substantial changes to the resource's identified character-defining forms, features or and materials (see **Figure 9**). The Project includes retention of the original six-bay enframed window wall composition of the front façade, including its tile splashes below and wood sash clerestory windows with sunburst lights above. The full-height framing piers will be retained, including their painted brick surfaces, their pier caps and their mid-century ledgerock bases. The wood cornice and each of the stucco panels that are above each storefront bay will also be retained and restored. The elemental change in the use of portions of the property has no potential adverse effect on the materials, features, spaces and spatial relationships of the subject building, or the broader API.

As neither the subject building nor the API will be detrimentally altered or removed as a consequence of the proposed Project, the Project meets Standard 1.

¹⁶ Preservation Architecture, February 2021



Figure 9
Retained Character-defining Historic Features of Existing Building

Source: OWOW Design, July 23, 2021

3. *Will the historic character of a property be retained and preserved? Will the removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property be avoided?*

The Project will retain all of the subject building's identified character-defining forms, features and materials, and in the few instances where existing materials are damaged beyond repair, they will be replicated or replaced in-kind. There are no severely damaged or missing features or materials that do not have an existing counterpart. The existing doors, window system and window glazing at the street front are not original, and will be replaced with new materials, the same within each bay. As is in evidence at the existing storefronts, changes in these street-front materials are necessary and common over time.

Overall, the Project will retain the identified historic character and characteristics of the building and the API. As such, the Project meets Standard 2.

4. *Will each property be recognized as a physical record of its time, place, and use? Will changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, be undertaken?*

The proposed new three-story addition is of contemporary but compatible design, and does not attempt to falsely imitate the historic features of the existing building or create a false sense of historical development that might otherwise appear contrived or conjectural. With the exception of minor replacement of damaged materials with in-kind or replicated elements, and the replacement of doors, sashes and window glazing within each of the storefront bays (each bay to have the same new materials) no other new materials will be added to the existing historic façade.

As such, the Project meets Standard 3.

5. *Will changes to a property that have acquired historic significance in their own right be retained and preserved?*

The identified existing historic character and characteristics of the existing building and the surrounding King Block are all from the period of origin (1904-1922), with the possible exception of the tile splashes and the ledgerrock stone clad piers (which are likely mid-century changes and are nonetheless proposed to be retained).

Consequently, the Project meets Standard 4.

6. *Will distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize the property be preserved?*

The Project will retain all of the existing building's identified character-defining forms, features and materials. All six storefronts will be retained, including the starburst detail of the transom windows, and the splash tiles (to be replaced in kind if retention or repair is not possible). Overall, the Project retains the distinctive materials and finishes of the building and the API.

The Project meets Standard 5.

7. *Will deteriorated historic features be repaired rather than replaced? Where the severity of deterioration requires replacement of a distinctive feature, will the new features match the old in*

design, color, texture, and where possible, materials? Will replacement of missing features be substantiated by documentary and physical evidence?

The Project proposes to repair and rehabilitate the existing historic features of the building, including the painted pressed-brick surfaces, tile splashes below each storefront bay, the wood sash clerestory windows with sunburst lights above each storefront bay, the full-height framing piers, the wood cornice with dentils and modillion blocks, the stucco panels above each storefront bay and those set into brickwork above piers, and the pier caps and tall ledgerock stone bases of each pier. In those few instances where existing materials are missing or severely deteriorated beyond repair, in-kind replacement or replicates will be used, based on existing matching examples. There are no severely damaged or missing features or materials that do not have an existing counterpart. Missing or damaged elements may include finish bricks, wood and glass clerestories, stucco panels inset into brickwork above piers, and rear windows.

As such, the proposed project meets Standard 6.

8. *Will chemical or physical treatments, if appropriate, be undertaken using the gentlest means possible? Will treatments that cause damage to historic materials be used?*

The Project will clean, repair and refinish historic exterior elements and materials to rehabilitate their architectural and material integrity. This work includes repairing and repainting stucco panels and inlays, cleaning and sealing original finish brick and stone, cleaning and repairing splash tiles, and repairing wood and glass clerestory windows. The Project documents indicate that all such treatments will be consistent with the Standards, so the Project also meets Standard 7.

9. *Will archeological resources be protected and preserved in place? If such resources must be disturbed, will mitigation measures be undertaken?*

The Project will involve only minor disturbance to the ground, as exterior footings foundations and slab concrete slab floor already exist. It is expected that hand-excavation will be conducted for footings within the existing crawlspace,¹⁷ such that disturbance of potentially buried archeological resources is highly unlikely, and the Project meets Standard 8.

10. *Will new additions, exterior alterations or related new construction destroy historic materials, features, and spatial relationships that characterize the property or the district? Will the new work be differentiated from the old and be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment?*

The three-story residential vertical addition atop the 316 12th Street building is setback from both front and rear facades. The setback from the front of the building is approximately 16 feet across each of the five westerly storefront bays, and the new building is setback from the front of the existing building's most eastern storefront bay (for a distance of approximately 17 feet) by approximately 6 feet, to accommodate an internal staircase. The upper three-story addition is setback from the rear alley façade by 10 feet. Elevator and stair penthouses atop and at each end of the recessed addition rise another 5 feet above the top wall of the three-story addition. As the proposed vertical three-story addition is set

¹⁷ Rockridge Geotechnical, Geotechnical Investigation - Proposed Addition and Renovation at 316 12th Street, July 2019, page 11

back, the design is deferential to and in the background from the street and alley facades of the subject and neighboring buildings within the API.

The proposed three-story vertical addition stands above the subject building as well as the surrounding buildings, with the exception of the primary four-story King Building, which is the eastern adjoining building. The mid-block three-story addition will be visible from a range of perspectives from adjacent streets, though predominantly from 12th Street, yet will be largely concealed from the east and southeast by the four-story King Building at the corner.

The exterior walls of the proposed addition are proposed to be clad in stucco and stone with metal accents and cornice, and with metal window framing. As a whole, the forms, geometry and external materials of the addition are geometrically and materially compatible with the historic geometries and materials of the subject building. Specifically, the three-story addition includes the following design details and solutions (see **Figure 10**):

- The new internal staircase within the easterly portion of the building is enclosed within a stairwell area that is recessed from the front lower-level façade, such that the first floor retains its primary visual position, including at the easterly storefront adjacent to the King Building.
- Spandrel glass on the side windows of the stairwell help reduce potential glare during nighttime hours for those residences facing the street frontage.
- The windows of the upper-level stairwell have a transom-like window feature that matches the rest of the residential windows.
- The brick veneer on the façade of the stairs connects well to the residential elevations.
- The I-beam detailing and abstract cornice at the top of the new addition complement the architecture of the lower levels and the adjacent King Building

Overall, the Project does not destroy historic materials, features or spatial relationships that characterize the building and API. The form and placement of the new work is differentiated, yet its geometry and materials are referent of and highly compatible with the historic materials. With respect to the integrity of the subject resources (based on the aspects of integrity under the *National Register of Historic Places Bulletin 15*):

- The Project will cause no erosion of the King Block's historic location, setting, feeling or association;
- The Project will cause no erosion of the integrity of the King Block's historic design, materials and workmanship, and will not disrupt the retained historic design integrity of the overall block or any of its buildings.

Consequently, the Project meets *Standard 9*.



Brick veneer on the façade connects well to lower building materials

Transom-like window features that match throughout

Internal staircase enclosed within a stairwell recessed from the front, lower-level façade

Figure 10
Project Design Features and Materials in Relation to Historic Context

Source: OWow Design, July 23, 2021

12. *Will new additions and adjacent or related new construction be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired?*

If the proposed new addition were to be removed in the future, the essential forms, elements, materials and spatial relationships of the existing building and the remainder of the API would remain, so the Project meets Standard 10.

Historic Integrity Considerations

The following provides an evaluation of the historic integrity of both the existing building and the API, with respect to their identified basis of significance of these resources (based on the aspects of integrity pursuant to the National Register of Historic Places Bulletin).

- Location and Setting: The King Block and its primary and contributing resources retain their location and setting.
- Feeling and Association: The King Block is largely physically intact, and the district continues to be a cluster of small, dense, multi-use commercial buildings in downtown Oakland. Despite a lack of investment and upkeep over time, the buildings on the King Block retain their expression of the aesthetic and historic sense of the time period in which they were constructed, thereby retaining integrity of feeling and association. The Project will not erode the block's historic feeling or association, but rather will provide for rehabilitation and active reuse of the building, potentially resuscitating a small yet central part of the block.
- Design, Materials and Workmanship: The overall historic design of the block, with its five buildings and central alley, is generally intact. At a finer scale, the most prominent King Building has retained its front facades largely intact, whereas the materials and workmanship on other building storefronts within the district have experienced alterations over time. However, the historic design, materials and associated workmanship of the block and of each of its buildings remain generally intact, even if partly obscured. As assessed above, the Project will cause no further erosion of the integrity of the building's historic design, materials and workmanship, thus having no materially adverse effect on the design, materials or workmanship of the surrounding API. The Project will rehabilitate the existing building, and in so doing will incrementally strengthen these aspects of integrity within the API. The King Block would retain all other elements of its historic location and setting, and would retain its remaining historic design, materials and workmanship. The Project will not detrimentally affect the extant historic integrity of the King Block or the individual building at 316 12th Street.

Summary Conclusions

The Project's current design is the result of coordination with City staff, the City's Landmark Preservation Advisory Board and a subcommittee of that Board convened specifically for this project. The current Project design represents an evolution of design details as arrived at based on this coordination and input. The current Project design not only pertains to the new three-floor addition, but also takes into consideration the cumulative effects of the new addition plus previously permitted modifications to the previously permitted lower level of the building. Overall, the design is contextual and fits well within the historic district, while being clearly contemporary. The design is compatible with, but is not identical to the property's existing or historical design. By meeting each of the Secretary of Interior Standards for Rehabilitation as discussed above, the Project will not materially impair in an adverse manner those physical characteristics of the existing building or the district that convey their

respective historical significance, and no substantial adverse change to the existing building or the King Block historic district will result.

Cumulative Historic Effects

Pursuant to CEQA Guidelines Section 15130, a cumulative effect is described as, “an impact that is created as a result of the combination of a project together with other projects, causing related impacts” and “where the project’s incremental effect is cumulatively considerable”. A cumulatively considerable impact is further defined in CEQA Guidelines Section 15065 as “the incremental effects of an individual project that are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.”

The City of Oakland has received applications and pre-applications for other projects on the same King Block as the Project, including an application for development of a tower building at the corner of 13th and Harrison and a pre-application for a hotel on Webster Street between 12th and 13th Streets. These other projects may have individually caused impacts to historic resources, and together with this Project, may have caused cumulatively considerable impacts to the King Block historic district. However, the application for the tower development at 13th and Harrison has been withdrawn, and the previous pre-application for the hotel project on Webster Street has been inactive for more than one year. As such, these other projects are not considered current projects or probable future projects. There are no other known probable future projects within or adjacent to the King Block on file with the City. As such, there is no known cumulative scenario whereby the effects of the Project may combine with the effects of other past projects, current projects or probable future projects that might result in cumulatively considerable impacts to the historic resources of the King Block API.

Standard Conditions of Approval

Given that the Project adjoins two historic structures, one on each side of the Project site, the Project will be subject to City of Oakland SCA Noise-4, which addresses potentially damaging vibration levels during construction activity:

- **SCA Noise-6: Vibration Impacts on Adjacent Structures or Vibration-Sensitive Activities** (applies to all projects involving construction that includes the use of heavy off-road equipment to perform earthwork in close proximity to adjacent properties that contain buildings near the adjoining property line or adjacent to vibration sensitive activities where vibration could substantially interfere with normal operations)

Cultural Resource Effects

As indicated in the LMSAP EIR, the NWIC concludes that there is a high potential of identifying unrecorded Native American Resources in the general area around Lake Merritt and the downtown, due to the area’s physical setting and geological characteristics. There are no known or recorded archaeological, cultural or tribal cultural resources identified at the Project site. The Project’s excavation and grading activities are very limited, as the exterior foundation footings and concrete slab already exist, and excavation needed for interior piers will be limited to the upper two feet below ground surface, below the existing building’s crawl space. Although very unlikely, there may be potential for construction activities associated with the Project to adversely affect buried cultural or archeological resources.

Standard Conditions of Approval

The Project is subject to all applicable City's SCAs related to cultural resources, as listed below.

- ***SCA Cultural-1: Archaeological and Paleontological Resources – Discovery during Construction*** (applies to all projects the involve construction)
- ***SCA Cultural-2: Human Remains – Discovery during Construction*** (applies to all projects the involve construction)

With implementation of these City SCAs, potential impacts to currently unknown or buried cultural resources would be reduced to less than significant levels.

Conclusions

Based on an examination of the analysis, findings and conclusions of the Prior EIRs, implementation of the Project would not substantially increase the severity of any significant historic or cultural resource impacts identified in the Prior EIRs, nor would it result in new significant impacts related to historic or cultural resources that were not previously identified. The Prior EIRs did not identify any mitigation measures related to historic or cultural resources that would apply to the Project, and none would be needed. The Project has been designed to meet Secretary of Interior Standards for historic building rehabilitation, and adherence to existing regulatory requirements and City SCAs will be required for the Project. The SCAs identified above and listed in Attachment A at the end of this CEQA Checklist pertaining to cultural resources would apply to the Project and would reduce impacts to cultural resources to less than significant levels.

Geology, Soils, and Geologic Hazards

Impact Topics	LMSAP EIR Findings	Project			
		Relationship to LMSAP EIR Findings		Applicable SCAs or Mitigation Measures	Level of Significance
		Equal or Less Severity	Substantial Increase in Severity		
Seismic Hazards and Unstable Soil	LTS with SCAs	■	□	SCA Geology-1: Construction-Related Permits SCA Geology-2: Soils Report	LTS w/SCAs
Soil Erosion	LTS with SCAs	■	□	SCA Hydrology-1: Erosion and Sedimentation Control Measures for Construction	LTS w/SCAs

Prior EIR Findings

The Housing Element Update EIR and its 2014 Addendum determined that impacts related to geology, soils and geotechnical hazards would be less than significant with implementation of all applicable City of Oakland SCAs, and no further mitigation measures were identified. The LUTE EIR determined potential impacts related to ground failure and other earthquake-related hazards would be less than significant. Additionally, the LUTE EIR determined that, with implementation of regulatory requirements, the LUTE would result in a less than significant impact related to geologic hazards, landslides, expansive soils and soil erosion. The LUTE EIR did not identify any mitigation measures related to geology and soils.

LMSAP EIR Findings

The LMSAP EIR determined that, with implementation of all applicable SCAs, the impacts associated with new development and redevelopment pursuant to the LMSAP related to seismic hazards and unstable soils would be less than significant.

Project Analysis

A geotechnical study was performed for the Project site to evaluate subsurface conditions and to develop preliminary conclusions and recommendations regarding the geotechnical aspects of the Project:

- Rockridge Geotechnical, *Geotechnical Investigation - Proposed Building Addition and Renovation at 316 12th Street*, July 23, 2019 (**Appendix 3**)

The following information is derived from this geotechnical study, which relied on available geotechnical data of the surrounding area and limited subsurface exploration.

Ground Shaking, Surface Rupture, Liquefaction and Associated Hazards and Landslides

Because the project site is in a seismically active region, the Geotechnical Report evaluated the potential for earthquake-induced geologic hazards including ground shaking, ground surface rupture, liquefaction, lateral spreading, and cyclic densification. The following conclusions are based on a review of available geotechnical and geological information of the site and vicinity, and field investigations conducted at the site:

- The seismicity of the site is governed by the activity of the Hayward Fault, although ground shaking from future earthquakes on other faults, including the San Andreas, San Gregorio, and Calaveras faults will also be felt at the site. Strong to very strong ground shaking could occur at the site during a large earthquake on one of the nearby faults.
- The site is not within an Earthquake Fault Zone as defined by the Alquist-Priolo Earthquake Fault Zoning Act, and no known active or potentially active faults exist on the site. The risk of fault offset at the site from a known active fault is very low. The remote possibility exists for future faulting in areas where no faults previously existed, but the risk of surface faulting and consequent secondary ground failure from previously unknown faults is very low.
- Based on soil conditions encountered below the design high groundwater level during the performance of dynamic penetrometer tests (DPTs) at the site, and cone penetration tests (CTPs) at nearby locations, soils underlying the site consist of dense to very dense sand and very stiff to hard clay. The Geotechnical Report concludes that this soil is not susceptible to liquefaction because of its cohesion or high relative density, and the potential for liquefaction to occur at the site is nil. The results of site investigations and nearby investigations also indicate that sand and silty sand encountered above the groundwater table are sufficiently dense to resist cyclic densification, and the potential for ground surface settlement resulting from cyclic densification at the site is also nil.
- The site is flat and would not be subject to instability resulting from a landslide.

From a geotechnical standpoint, the Geotechnical Report concludes that “the Project’s proposed improvements can be constructed as planned. The primary geotechnical concern is ensuring the footings are bottomed on suitable bearing material below the existing fill.” For design in accordance with the 2016 California Building Code, the Geotechnical Report recommends seismic design parameters in accordance with Seismic Design Category D, for Risk Categories I, II and III.

Foundation Support

The Geotechnical Report concludes that the Project’s proposed addition may be supported on conventional spread footings, bottomed on medium-dense to very-dense Merritt sand. Continuous footings should be at least 18 inches wide, and isolated spread footings should be at least 24 inches wide. Footings should be bottomed on medium-dense to dense Merritt sand at least 24 inches below ground surface in the crawl space of the existing building. The Geotechnical Report anticipates that up to 18-inches of loose existing fill may be present at the bottom of the footing excavations, and where this fill is encountered, it should be over-excavated to reach native Merritt sand. The soil to be excavated for the new footings is expected to consist of sand with variable silt and clay content. Due to overhead restrictions and proximity to existing foundations, limited access or hand excavation equipment should be used.

Erosion or Loss of Topsoil

The Project requires no grading, and underlying site preparation activities necessary for construction of the Project (installation of a concrete sub-slab and vertical support columns) has already been completed. The Project would not expose underlying soils to water erosion.

Other Geology and Soils Hazards

There are no known wells, pits, swamps, mounds, tank vaults, or unmarked sewer lines located below the surface of the site that would be disturbed by project development, and there is no evidence to suggest that the site had been previously used as a landfill. The site would continue to be served by existing municipal sewage systems. There would be no impact related to this topic.

Standard Conditions of Approval

The Project is subject to all applicable City's SCAs related to geology, as listed below.

- **SCA Geology-1: Construction-Related Permits** (applies to all projects requiring a construction-related permit)
- **SCA Geology-2: Soils Report** (applies to all projects involving a grading permit per OMC section 15.04.660. Other SCA applicable to projects located in an Earthquake Fault Zone or a Seismic Hazards Zone do not apply to the Project)

Conclusions

Based on an examination of the analysis, findings and conclusions of the Prior EIRs, implementation of the Project would not substantially increase the severity of any significant geological impacts identified in the Prior EIRs, nor would it result in new significant impacts related to geology and geologic hazards that were not previously identified. The Prior EIRs did not identify any mitigation measures related to geology that would apply to the Project, and none would be needed. Adherence to existing regulatory requirements and City SCAs will be required for the Project. The SCAs identified above and listed in Attachment A at the end of this CEQA Checklist pertaining to geology would apply to the Project and would reduce geologic impacts to less than significant levels.

Greenhouse Gases and Climate Change

Impact Topics	LMSAP EIR Findings	Project			
		Relationship to LMSAP EIR Findings		Applicable SCAs or Mitigation Measures	Level of Significance
		Equal or Less Severity	Substantial Increase in Severity		
GHG Emissions	LTS with SCAs	■	□	GHG-1: Project Compliance with the ECAP Consistency Checklist	LTS w/ SCAs
Consistency with Applicable GHG Plans	LTS with SCAs	■	□	GHG-1	LTS w/SCAs

Prior EIR Findings

Climate change and greenhouse gas emissions were not expressly addressed in the 1998 LUTE EIR. The Housing Element Update EIR and its 2014 Addendum found that GHG impacts associated with new housing development would be less than significant with implementation of all applicable City of Oakland SCAs, and no further mitigation measures were found to be necessary.

LMSAP EIR Findings

The LMSAP EIR included an analysis of GHG emissions attributed to new development and redevelopment pursuant to the LMSAP, and impacts analyses, and found that GHG impacts would be less than significant with implementation of all applicable City of Oakland SCAs. No additional mitigation measures were determined to be necessary. The LMSAP EIR determined that development occurring under the LMSAP would not generate GHG emissions, either directly or indirectly, that would have a significant impact on the environment at the Plan level or at the project-specific level. The estimate of GHG emissions resulting from the LMSAP's net new service population was found to be less than the applicable annual significance threshold, and implementation of the LMSAP would not fundamentally conflict with an applicable plan, policy, or regulation adopted for the purposes of reducing GHG emissions. The LMSAP EIR did determine that development of individual projects under the LMSAP would be subject to all applicable regulatory requirements adopted for the purpose of reducing GHG emissions.

Project Analysis

2030 Equity and Climate Action Plan (ECAP)

In July of 2020, the Oakland City Council adopted the 2030 ECAP with the intention that additional policies and ordinances would be adopted to implement some of the 2030 ECAP strategies. The 2030 ECAP sets forth a detailed, equitable path toward cost-effectively reducing Oakland's local GHG emissions by a minimum of 56% below baseline 2005 GHG emission levels by 2030, transitioning away from fossil fuel dependence, removing carbon from the atmosphere through local projects, and ensuring

that all of Oakland's communities are resilient to the foreseeable impacts of climate change by 2030. The current statewide goal pursuant to SB 32 is to reduce California's GHG emissions to 40 percent below 1990 levels by 2030. Oakland's adopted 2030 reductions target of 56% below Oakland's 2005 GHG emission reaches beyond that of the State's 40% target. The 2030 ECAP contains not only deeper targets, but also qualitatively different and more focused actions than those contained in the previous 2020 Energy and Climate Action Plan, including a major focus on building de-carbonization and energy resilience, fully removing natural gas from the built environment and installing energy storage systems where appropriate and feasible. The City's 2030 ECAP does not have a specific numeric threshold for GHG emissions from individual projects. Instead, in December 2020, the City Planning Commission adopted an ECAP Checklist that every project applicant undertaking CEQA review must complete to show consistency with the 2030 ECAP, thereby establishing the following thresholds of significance.

Thresholds of Significance

The Project would have a significant impact on the environment if it would:

1. For a project involving a stationary source, produce total emissions of more than 10,000 metric tons of CO₂e annually (stationary sources are projects that require a BAAQMD permit to operate).
2. For a project involving a land use development, fail to demonstrate consistency with the 2030 Equitable Climate Action Plan adopted by the City Council on July 28, 2020 (land use developments are projects that do not require a BAAQMD permit to operate). Consistency with the 2030 ECAP can be shown by either:
 - a) Commit to all of the GHG emissions reductions strategies described on the ECAP Consistency Checklist, or
 - b) Comply with the GHG Reduction Standard Condition of Approval that requires a project-level GHG Reduction Plan quantifying how alternative reduction measures will achieve the same or greater emissions than would be achieved by meeting the ECAP Consistency Checklist.
3. For projects that involve both a stationary source and a land use development, calculate each component separately and compare to the applicable threshold.

The Project applicants have completed an ECAP Consistency Checklist (see **Appendix 4**), which answers affirmatively to all applicable Checklist questions, meaning that the Project fully intends to comply with the City's 2030 ECAP, and will incorporate all 2030 ECAP Consistency Checklist items into the Project's design, construction and operation. The ECAP Consistency Checklist and respective answers (as further explained) is provided in **Table 2**.

Table 2: ECAP Consistency Checklist

Yes No

- 1. Is the proposed project substantially consistent with the City’s over-all goals for land use and urban form, and/or taking advantage of allowable density and/or floor area ratio (FAR) standards in the City’s General Plan?

The Project is consistent with the City’s General Plan and zoning controls, and maximizes the residential density that can be achieved at the site while maintaining compatibility with the site’s historic character within the King Block Historic District. Additionally, 10 percent of the Project’s units are to be made available for low-income households, and a concession is requested to reduce the applicable open space requirements in order to provide the maximum density that can be achieved at the site.

Yes No

- 2. For developments in “Transit Accessible Areas” as defined in the Planning Code, would the project provide: i) less than half the maximum allowable parking, ii) the minimum allowable parking, or iii) take advantage of available parking reductions?

The Project site is located within a “Transit Accessible Areas” as defined in the Planning Code. The Project has access to the 12th Street BART Station within 1/4 mile of the site, and to the Lake Merritt BART Station and the 19th Street BART Station within ½ mile. A BUS Rapid Transit bus stop was recently installed directly in front of the building. The site’s applicable zoning does not require any parking, and none is provided. The Project provides 2 short-term bike spaces (2 spaces are required) and provides the required 7 long-term bike parking spaces.

Yes No

- N/A 3. For projects including structured parking, would the structured parking be designed for future adaptation to other uses? (Examples include, but are not limited to: the use of speed ramps instead of sloped floors)

This criteria is not applicable because the Project is not providing an on-site car parking, and therefore no structured parking.

Yes No

- N/A 4. For projects that are subject to a Transportation Demand Management Program, would the project include transit passes for employees and/or residents?

The Project would not generate more than 50 peak hour trips and therefore is not subject to TDM requirements

Yes No

- 5. For projects that are not subject to a Transportation Demand Management Program, would the project incorporate one or more of the optional Transportation Demand Management measures that reduce dependency on single-occupancy vehicles? (Examples include but are not limited to transit passes or subsidies to employees and/or residents; carpooling; vanpooling; or shuttle programs; on-site car-share program; guaranteed ride home programs)

The Project will provide transit passes to residents, consistent with OMC Section 17.116.105, which requires transit passes be included as part of new development projects located within the Downtown

Yes No

- N/A 6. Does the project comply with the Plug-In Electric Vehicle (PEV) Charging Infrastructure requirements (Chapter 15.04 of the Oakland Municipal Code), if applicable?

The Project does not include any parking, so the requirement of providing a percentage of parking stalls with electric charging is not applicable.

Yes **No**

- 7. Would the project reduce or prevent the direct displacement of residents and essential businesses? (For residential projects, would the project comply with SB 330, if applicable? For projects that demolish an existing commercial space, would the project include comparable square footage of neighborhood serving commercial floor space)

The existing building on the site has been vacant for the last 2 years, and the prior tenant was a furniture storage business with minimal employees. No existing businesses or residents are being displaced. The Project addition does not reduce or adjust the employment potential of the lower commercial spaces, and the 27 new apartments will add new housing opportunities, with 10% of those units made available to low-income households.

Yes **No**

- 8. Would the project prioritize sidewalk and curb space consistent with the City’s adopted Bike and Pedestrian Plans? (The project should not prevent the City’s Bike and Pedestrian Plans from being implemented. For example, do not install a garage entrance where a planned bike path would be, unless otherwise infeasible due to Planning Code requirements, limited frontage or other constraints)

The Project does not include parking or a parking garages and no curb cuts for vehicle access are provided. Storefronts span the entire street frontage of the building, and the addition of apartments above is recessed back from the property lines and will have no effect on the sidewalk or curb spaces.

Yes **No**

- 9. Does the project not create any new natural gas connections/hook-ups?

The Project’s proposed design does not include any new gas meters or new natural gas hook-ups that are subject to the City Council’s approval of No-Natural Gas ordinance, applicable to all newly constructed buildings that have not received planning approval prior to December 2020.

Yes **No**

- 10. Does the project comply with the City of Oakland Green Building Ordinance (Chapter 18.02 of the Oakland Municipal Code), if applicable?

The Project is designed to meet all applicable Green Building requirements. As included in the Project application, the design of the first two floors of commercial/office space is on track to certify as LEED Silver (at a minimum), and the upper floor residential units will comply with all Green Point Rating requirements of the Oakland Green Building Ordinance.

Yes **No**

- N/A 11. For retrofits of City-owned or City-controlled buildings, would the project be all-electric, eliminate gas infrastructure from the building, and integrate energy storage wherever technically feasible and appropriate?

The Project is not a retrofit of City-owned or City-controlled buildings.

Yes **No**

- 12. Would the project reduce demolition waste from construction and renovation and facilitate material reuse in compliance with the Construction Demolition Ordinance (Chapter 15.34 of the Oakland Municipal Code)?

The Project would comply with the Construction Demolition Ordinance by providing a minimum of 75% diversion of construction and demolition waste (including Alternative Daily Cover).

Yes **No**

NA 13. For City projects: Have opportunities to eliminate/minimize fossil fuel dependency been analyzed in project design and construction?

The Project is not a City project. However, opportunities to eliminate/minimize fossil fuel dependency have been included in the Project's design. No car parking is provided, the Project will provide transit passes to future residents and bike parking that meets or exceeds City standards, and the Project is accessible to public transit, including 3 BART stations within 1/2 mile and a Bus Rapid Transit line just installed on 12th Street. The Project uses mostly wood construction, a renewable resource in place of concrete and steel, which would have added fossil fuel dependency. The Project is all electric, so is not dependent on natural gas systems.

Yes **No**

NA 14. For new projects in the Designated Very High Wildfire Severity Zone: Would the project incorporate wildfire safety requirements such creation of defensible space around the house, pruning, clearing and removal of vegetation, replacement of fire-resistant plants, as required in the Vegetation Management Plan?

The Project is not located in a Very High Fire Hazard Severity Zone.

Yes **No**

■ 15. Would the project replace a greater number of trees than will be removed in compliance with the Tree Preservation Ordinance (Chapter 12.36 of the Oakland Municipal Code) and Planning Code if applicable and feasible given competing site constraints?

The Project will not remove any trees, nor will it add any new street trees. The site constraints do not allow for a new street tree to be planted while still providing the clearances required by Public Works and PG&E.

Yes **No**

■ 16. Does the project comply with the Creek Protection, Stormwater Management and Discharge Control Ordinance (Chapter 13.16 of the Oakland Municipal Code), as applicable?

The Project is not a creek-fronting parcel, and is exempt from the NPDES C.3 requirements, but has a fully compliant storm water system designed to meet the needs of the Project, consistent with applicable SCAs.

Whereas the Project is a development project, and the Project applicants have completed the ECAP Consistency Checklist that qualitatively demonstrates compliance with the Checklist items as part of the Project's design (or alternatively demonstrates to the City's satisfaction why certain items are not applicable), the Project is considered in compliance with the City's CEQA GHG threshold of significance, and its GHG impacts would be less than significant.

Standard Conditions of Approval

The Project is subject to applicable City of Oakland SCAs related to hazardous materials, as listed below.

- ***GHG-1: Project Compliance with the Equitable Climate Action Plan (ECAP) Consistency Checklist***

The Project applicants have completed the Checklist pursuant to SCA GHG-1, demonstrating their intent to fully comply with the ECAP Consistency Checklist. Therefore, compliance with SCA GHG-2 pertaining to the preparation of a GHG Reduction Plan is not required.

Conclusions

Based on an examination of the analysis, findings and conclusions of the Prior EIRs, the Project would not result in any new or more severe significant impacts related to GHG emissions than those identified in those Prior EIRs. The Prior EIRs did not identify any mitigation measures related to GHG emissions that would apply to the Project, and none would be needed. No additional SCAs pertaining to GHG emissions, other than full compliance with the ECAP Consistency Checklist (above) apply to the Project.

Hazards and Hazardous Materials

Impact Topics	LMSAP EIR Findings	Project			
		Relationship to LMSAP EIR Findings		Applicable SCAs or Mitigation Measures	Level of Significance
		Equal or Less Severity	Substantial Increase in Severity		
Hazardous Materials during Construction	LTS with SCAs	■	□	SCA Hazards-1: Hazardous Materials Related to Construction SCA Hazards-2: Hazardous Building Materials and Site Contamination SCA-Hazards-3: Regulatory Permits and Authorizations from Other Agencies SCA Air-5: Asbestos in Structures	LTS w/ SCAs
Use, Exposure, Storage, & Disposal of Hazardous Materials	LTS with SCAs	■		-	LTS
Exposure to Hazardous Materials in the Subsurface, Cortese List	LTS with SCAs	■	□	SCA Hazards-2: Hazardous Building Materials and Site Contamination	LTS w/SCAs
Airports, Emergency Response or Evacuation, Wildfire Hazards	LTS with SCAs	■	□	SCA Trans--1: Construction Activity in the Public Right-of-Way	LTS w/ SCAs

Prior EIR Findings

The 1998 LUTE EIR identified mitigation measures to reduce potentially significant effects related to the exposure of workers and the public to hazardous substances to levels of less than significant. These mitigation measures are now incorporated into applicable City of Oakland SCAs. The Housing Element Update EIR and its 2014 Addendum found less than significant impacts associated with hazards and hazardous materials, including risk of upset in proximity to schools, and consistencies with emergency response/evacuation plans, with required implementation of all applicable City of Oakland SCAs.

LMSAP EIR Findings

The LMSAP EIR determined that, with implementation of all required SCAs, all impacts resulting from new development and redevelopment within the LMSAP related to hazards and hazardous materials would be less than significant.

Subsurface investigations conducted at the property immediately across 12th Street from the Project site (at 301 12th Street) have confirmed a release of volatile organic compounds (VOCs, in particular trichloroethylene – or TCE) and petroleum hydrocarbons, to the subsurface. This release has affected soil, soil vapor and groundwater beneath that site, and has also affected groundwater off-site. The Project site (at 316 12th Street) is downgradient from the 310 12th Street site, and groundwater below the Project site has potentially been affected by this off-site release. To address these conditions, a Response Plan has been prepared for the 301 12th Street property, which includes the following key response activities at that other site:

- removal of an UST and hydraulic lift
- Zero-Valent Iron (ZVI) source area injection
- mass excavation to a depth of 13.5 feet to address impacted soils and as part of construction of a sub-surface garage, and deeper excavation below 13.5 feet of "hot spots" (if any), potentially to the depth of the shallow water table level
- installation, operation and maintenance of soil vapor extraction and passive venting systems beneath the building foundation at 301 12th Street, and
- installation of a vapor barrier

The Response Plan for the 301 12th Street property also includes an off-site Response Plan, inclusive of a number of possible response actions to be implemented off-site, based on actual conditions (including quarterly groundwater monitoring) and land uses, and contingent response actions that may include continued and expanded groundwater monitoring, collection of site characterization data, and additional groundwater treatment.

A potential exposure pathway from these off-site contaminants is via indoor air, where VOCs volatilizing from groundwater have the potential to migrate beneath off-site structures and into indoor air via vapor intrusion. Multiple elements of the project at 301 12th Street are intended to reduce the significance of this pathway. Off-site vapor intrusion into indoor air at off-site locations from the 310 12th Street site were considered, “a minor pathway based on off-site soil vapor data, which indicates that concentrations of TCE and other VOCs downgradient of 310 12th Street (i.e., below the 12th Street right-of-way and at the Project site) fall below ‘trigger levels’ for further investigation of indoor air quality.”¹⁹

Project Analysis

Cortese List

In California, a regulatory database that lists hazardous materials sites provided by numerous federal, state and local agencies are consolidated in the “Cortese List”, pursuant to Government Code Section

¹⁸ California Department of Toxic Substances Control (DTSC), *Addendum to the Lake Merritt Station Area Plan EIR*, August 10, 2017, accessed at: https://www.envirostor.dtsc.ca.gov/public/community_involvement_documents?global_id=60002362&document_folder=+4747776627

¹⁹ *Ibid*, page 8 pertaining to Off-Site Exposure Pathways

65962.5. The Cortese List is located on the California Environmental Protection Agency's (Cal EPA) website, and is a compilation of the following regulatory agency lists:

- The California Department of Toxic Substances Control's (DTSC's) list of Hazardous Waste and Substances Sites, available on the DTSC EnviroStor database
- The California State Water Resources Control Board's (SWRCB) or San Francisco Regional Water Quality Control Board's (RWQCB) list of leaking underground storage tanks (LUSTs), underground storage tanks (UST), and Spills, Leaks, Investigations and Cleanup (SLIC) sites, as listed on the SWRCB GeoTracker database
- Solid waste disposal sites identified by SWRCB, with waste constituents above hazardous waste levels outside the waste management unit
- "Active" Cease and Desist Order (CDO) and Cleanup and Abatement Order (CAO) sites from the SWRCB, and
- Hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code, as identified by DTSC and listed on the EnviroStor database

Phase I Environmental Site Assessment -2018

A Phase 1 Environmental Site Assessment (ESA) was prepared for the Project site in 2018 (see **Appendix 5**). That Phase I ESA concluded that the Project site was not included on any of the data resources that provide information regarding facilities or sites meeting the "Cortese List" requirements.²⁰

The 2018 Phase I ESA did not identify any Recognized Environmental Conditions (i.e., no presence or likely presence of any hazardous substances or petroleum products) in, on, or at the Project site, and did not identify any Controlled RECs at the site (no past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority, with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls). Other environmental considerations discussed generally in the Phase I ESA but that did not qualify as RECs include the likely presence of asbestos-containing materials (ACMs) and lead-based paint (LBP).

The 2018 Phase I ESA for the Project site also included a review of reasonably ascertainable information for nearby properties, including regulatory databases, and files for nearby release sites and/or historical documentation to determine if potential vapor-phase migration concerns from offsite locations may be present, which could impact the Project site. Based on this review of available resources, the Phase I ESA found that contamination of VOCs at the south adjoining property (located at 301 12th Street) was known to be present in the soil gas, soil, groundwater and indoor air, above regulatory guidelines. A Supplemental Groundwater Investigation report dated December 21, 2016 indicated a TCE plume had migrated from this adjacent property, across 12th Street, and impacted the Project site. Based on the

²⁰ The Phase I ESA did find that the site was reported to have been a small quantity generator of hazardous waste in 1995 (accumulating less than 1,000 kg of hazardous waste at any time), and the facility was also listed as a large quantity generator of "other inorganic solid waste" in 2018. No violations were reported. According to the regulatory database, this site is identified as a Facility Index System/Facility Registry System (FINDS) and Enforcement & Compliance History Information (ECHO) site in association with the above listings. These listings are not part of the listing of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Information on the EPA website ECHO indicates that the facility is currently in compliance, with no outstanding violations.

documented VOC contamination which has migrated onto the Project site property, the inferred groundwater flow direction (toward the Project site), the Phase I ESA concluded that the release at this offsite location had impacted the Project site. In an effort to further evaluate the potential vapor-phase migration concern, the Phase I ESA conducted a screening level model to assess the potential for vapor intrusion. The results of this screening tool indicated that the potential for vapor-phase migration may significantly impact the Project site, and further assessment was recommended.

Phase II ESA

A Phase II ESA was conducted in May of 2020 to evaluate vapor-phase migration concerns and the potential for vapor intrusion into the existing building (Pangea Environmental Services [PES], **Appendix 6**). Available records of vapor-phase conditions were reviewed, and indoor air at the Project site was sampled. Based on several monitoring wells installed off-site and directly in front of the Project site, trichloroethylene (TCE), which is the primary compound of concern, was found in groundwater approximately 20 feet below the surface. The Phase II ESA included 24-hour indoor air sampling for TCE from one location inside the existing building, and two ambient air sampling locations (sampling conducted in April, 2020). The air samples were analyzed for the compound of concern (TCE) by EPA Method TO-15 SIM. The laboratory reported that, "TCE concentrations in all three samples were non-detect (<0.18 µg/m³ and <0.19 µg/m³). No TCE was detected above the 2019 indoor air Tier 1 ESL of 0.48 µg/m³ applicable for residential site use, as established by the San Francisco RWQCB. This sampling indicates the known TCE from the off-site source does not represent a vapor intrusion concern for the subject site."²¹

In a follow-up letter to the Phase II ESA (**Appendix 7**), PES noted that the primary concern at the Project site is the potential for vapor intrusion into the Project site's existing building, which has had a wooden floor (not a slab) for almost a century. According to this letter, "The improvement to this building pursuant to a prior building permit includes installation of a concrete slab, which will help mitigate potential TCE vapor intrusion. Because no slab was present to conduct sub-slab gas sampling at the site, Pangea performed indoor air sampling as the next best alternative method for evaluating potential vapor intrusion concerns. If indoor air had exceeded applicable screening levels, Pangea would have recommended installation of a VMS system consisting of a passive sub-slab ventilation system. Because no TCE was detected in indoor air, a sub-slab ventilation vapor mitigation system does not appear necessary, especially since the concrete slab will also provide mitigation of any potential vapors."

However, according to the City Building Permit plans for remodel of the existing building,²² installation of the new concrete slab under the existing building did include an under-slab vapor barrier, and updated plans²³ provide additional details indicating that the slab-on-grade requirements for the new concrete slab within the existing building included a vapor barrier under the slab, to be ASTM E1745 Class A; 15 mils minimum thickness, "Stego-Wrap Vapor Barrier (15mil)" or approved equivalent.

²¹ Pangea Environmental Services, Inc. (PES), *Phase II Environmental Site Assessment Report for 316 12th Street*, May 2020

²² OWow Design, Slab On Grade Details, Sheet 1.A820, dated 05/05/20

²³ OWow Design, Updated Plans, Sheet 1.S1, dated 06/09/20

ACDEH Coordination

In April of 2021 and pursuant to City direction, the Project applicant applied to the Alameda County Department of Environmental Health (ACDEH) for a Preliminary Site Review. According to that application, the applicant requested a discussion to, “review the current data and confirm there are no risks coming from the immediate vicinity historical uses, review the Drago Wrap I sub-slab venting system, and determine if additional action or contingency mitigations are required.”²⁴ Pursuant to that Site Review Request, a SWRCB Geotracker file has been established, identified as a Non-Case Information (Info) status, pending review (Alameda County CASE #: RO0003498).²⁵

On July 19, 2021, PES (the Project applicants Environmental Consultant) submitted to ACDEH for their review and comment, a proposed Workplan for additional site investigations. According to communications between ACDEH and the City of Oakland,²⁶ ACDEH is providing regulatory oversight for the investigation of volatile organic compounds (VOCs) discovered in soil vapor beneath the building at the Project, and the developer will be conducting additional field investigations (pursuant to that Workplan) to help inform decisions regarding remediation of source areas and/or mitigation measures, including installation of vapor mitigation systems beneath the building to protect occupants of the new building from potential vapor intrusion risk. ACDEH’s target date for an approved Corrective Action Plan (CAP) is mid-August, at which time ACDEH anticipates issuance of a conditional approval letter (similar to other letters issued for redevelopment projects that ACDEH and the City of Oakland are coordinating on) to facilitate entitlement and redevelopment of the Project. Based on preliminary review, mitigation requirements for the Project may include, but are not limited to installation of vapor intrusion engineering controls, a de-pressurization system, making the existing vapor system active, adding a retro-coat epoxy topical coating to the existing slab, and installing SVE wells for long-term monitoring.

ACDEH also requested that the City of Oakland, “continue with the CEQA process concurrently with the development of the CAP to facilitate entitlement by the end of August, so that remedial activities can commence during site redevelopment.”

Hazardous Building Materials

Pursuant to SCA Hazard-2 - Hazardous Building Materials Assessment, the Project applicant is required to 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. The Phase I ESA prepared for the Project assessed the potential for ACM based the USEPA Guidance Document: Managing Asbestos in Place - A Building Owner's Guide to Operations and Maintenance Programs for Asbestos-Containing Matter.²⁷ The Phase I ESA concluded that, due to the age of the existing building on the Project site,

²⁴ Alameda County Department of Environmental Health Local Oversight Program, Service Request Application - Preliminary Site Review, requested by 316 12th Street LLC, April 14, 2021

²⁵ SWRCB Geotracker website, accessed at: https://geotracker.waterboards.ca.gov/profile_report?global_id=T10000016999

²⁶ Email communications from Dilan Roe (Chief, Land & Water Division ACDEH) to Heather Klein and Michele Morris (City of Oakland), July 19, 2021

²⁷ Vista Environmental Consulting, *Limited Asbestos/Lead Sampling – Walls/Ceilings/Carpet Mastic, Lead Waste Characterization*, December 2018

there is a potential that asbestos-containing materials (ACMs) and lead-based paint are likely present in building.

Also pursuant to SCA Hazard-2, if lead-based paint, ACMs, PCBs, or any other building materials or stored materials classified as hazardous materials are present, the Project applicant is required to 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 must 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 prior to approval of demolition, grading or building permits. The Phase I ESA recommended that the property owner develop and implement an O&M Plan for the property, which stipulates the identification, assessment, repair and maintenance of building materials to protect the health and safety of construction workers, the building occupants, visitors to the site and the environment. The Phase I ESA recommends that the property owner consult with a certified Lead Risk Assessor to determine options for control of possible LBP hazards.

Stringent local and State regulations may apply to LBP in association with building demolition/renovations and worker/occupant protection. Construction activities that disturb materials or paints containing any amount of lead may be subject to certain requirements of the OSHA lead standard contained in 29 CFR 1910.1025 and 1926.62.

Other Concerns

The Project would not change the surrounding streets or roadways, or limit emergency access or evacuation plans. The Project would not result in changes to the main evacuation arteries identified in the Oakland General Plan Safety Element. During the construction phase, the Project may result in partial obstruction of the public right-of-way, potentially resulting in a temporary hazard to passing pedestrians, bicyclists and motor vehicles. These potential hazards would be fully addressed in construction document prepared pursuant to SCA Trans-6, Construction Activity in the Public Right-of-Way.

The Project site is not within an Airport Land Use Plan Area, nor is it within two miles of a public airport, public use airport, or a private airstrip, and it would not result in any airport or aircraft-related safety hazards. The Project site is not within a Fire Hazard Severity Zone or subject to significant wildfire hazard. The Project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires.

Standard Conditions of Approval

The Project is subject to applicable City of Oakland SCAs related to hazardous materials, as listed below.

- **SCA Hazard-1: Hazardous Materials Related to Construction** (applies to all projects involving construction activities)
- **SCA Hazards-2: Hazardous Building Materials and Site Contamination** (as applies to all projects involving redevelopment or change of use of a historically industrial or commercial site.
- **SCA Hazards-3: Regulatory Permits and Authorizations from Other Agencies** (as may apply to all projects requiring a permit or authorization from any regional, state, or federal resource or permitting agency).

Pursuant to SCA Hazards-2 and Hazards-3, the Project applicant is in coordination with ACDEH for regulatory oversight and approvals as necessary to address soil vapor beneath the building. Pursuant to these SCA's no building permits will be issued for the Project until such time as the Project applicant demonstrates to the City that all requirements and approvals by ACDEH have been obtained, and assurances that any necessary remedial activities will commence during site redevelopment under the regulatory oversight of ACDEH.

Conclusions

Based on an examination of the analysis, findings and conclusions of the Prior EIRs, implementation of the Project would not substantially increase the severity of any significant impact related to hazardous material or other known hazards as identified in these Prior EIRs, nor would it result in new significant impacts related to hazards that were not previously identified. The Prior EIRs did not identify any mitigation measures related to hazards or hazardous materials that would apply to the Project, and none would be needed. The SCAs identified above and listed in Attachment A at the end of this CEQA Checklist pertaining to air quality would apply to the Project, and would reduce impacts related to hazards and hazardous materials to less than significant levels.

Hydrology and Water Quality

Impact Topics	LMSAP EIR Findings	Project			
		Relationship to LMSAP EIR Findings		Applicable SCAs or Mitigation Measures	Level of Significance
		Equal or Less Severity	New or Substantial Increase in Severity		
Water Quality & Drainage	LTS with SCAs	■	□	SCA Hydrology-1: Erosion and Sedimentation Control Measures for Construction SCA Hydrology-2: Site Design Measures to Reduce Stormwater Runoff SCA Hydrology-3: Source Control Measures to Limit Stormwater Pollution SCA Hydrology-4, NPDES C.3 Stormwater Requirements for Small Projects	LTS w/ SCAs
Use of Groundwater	LTS	■	□	–	LTS
Flooding & Substantial Risk from Flooding	LTS	■	□	–	LTS
Consistency with Creek Protection	LTS	■	□	–	LTS

Prior EIR Findings

The 1998 LUTE EIR acknowledged that areas considered for new development under that EIR could potentially occur within a 100-year flood boundary. Adherence to existing regulatory requirements would address potentially significant effects regarding flooding, and no mitigation measures were warranted. The Housing Element Update EIR and its 2014 Addendum found that hydrology and water quality impacts associated with new housing would be less than significant, primarily based on required adherence to existing regulatory requirements, many of which are incorporated in the City of Oakland’s SCAs.

LMSAP EIR Findings

The LMSAP EIR determined that, with implementation of SCAs, impacts associated with new development and redevelopment projects pursuant to the LMSAP related to hydrology and water quality, groundwater and flooding would be less than significant. Specifically, the LMSAP concluded the following:

- The LMSAP EIR found that both construction and permanent development patterns have the potential to affect water quality. At the time the LMSAP was certified, construction sites of one acre or more were required to prepare and implement a Stormwater Pollution Prevention Plan pursuant to the General Construction Permit, and all construction projects were subject to applicable City of Oakland SCAs. The LMSAP EIR found that new development pursuant to the LMSAP would occur on sites that are already paved or developed, and would not be expected to increase in the amount of impervious surface in the planning area, with no consequent increase in stormwater runoff as a new source of water quality pollutants. The LMSAP EIR found that City of Oakland SCAs that require that Low Impact Development (LID) and Stormwater Pollution Prevention Plans would reduce potential violations of water quality standards to less than significant.
- The LMSAP EIR found that development pursuant to the LMSAP could potentially result in increased erosion or siltation, but that these potential effects would be minimized because new development would take place on already-urbanized sites, and will be required to implement erosion control measures pursuant to existing regulations and SCAs that would reduce this potential impact to less than significant levels.
- The LMSAP EIR found that both construction and permanent development Intensification of the urban environment has the potential to result in increased runoff, which could be the source of additional polluted runoff. However, new development would take place on already urbanized sites, and will be required to adhere to all existing regulations and SCAs that would reduce this potential impact to less than significant. The LMSAP EIR determined that the Area Plan will not result in other substantial sources of potential water quality degradation.
- The LMSAP EIR found that the LMSAP would not directly alter the course or increase the rate or amount of flow in a creek. Potential indirect impacts that could result in substantial alteration of drainage patterns and resulting erosion, siltation or flooding would be reduced to a less than significant levels by adherence to existing regulations and SCAs. The EIR also concluded that the LMSAP would reinforce the City's Creek Protection Ordinance by extending the parkland corridor along Lake Merritt Channel.

Project Analysis

Significance Thresholds

The following is a list the City of Oakland's CEQA Significance Thresholds relevant to potential water quality impacts of the Project. According to these thresholds, a project would have a significant effect on the environment if it would:

4. Violate any water quality standards or waste discharge requirements
5. Result in substantial erosion or siltation on- or off-site that would affect the quality of receiving waters
6. Create or contribute substantial runoff which would be an additional source of polluted runoff, or otherwise substantially degrade water quality

7. Substantially alter the existing drainage of the site including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion, siltation, or flooding on- or off-site, or
8. Fundamentally conflict with elements of the City of Oakland Creek Protection Ordinance (OMC Chapter 13.16) intended to protect hydrologic resources. Although there are no specific, numeric/quantitative criteria to assess impacts, factors to be considered in determining significance include whether there is substantial degradation of water quality through (a) discharging a substantial amount of pollutants into a creek; (b) significantly modifying the natural flow of the water or capacity; (c) depositing substantial amounts of new material into a creek or causing substantial bank erosion or instability; or (d) substantially endangering public or private property or threatening public health or safety.

Violation of Water Quality Standards

The Project site is currently developed and has 100 percent impervious surface (rooftop). The Project would not increase the amount of impervious surface or increase stormwater runoff, and would not substantially increase runoff as a source of polluted runoff from the site. The Project site is approximately 9,450 square feet in size, less than the 10,000 square-foot project size considered to be a Regulated Project under the current NPDES C.3 requirements. As a smaller site, the Project is still subject to regulatory requirements and City SCAs for smaller projects, which encourage site design measures that reduce the amount of stormwater runoff and that limit pollution in stormwater runoff. With implementation of these SCA requirements, the Project would not result in any violation of water quality standards.

Erosion

The Project consists of redevelopment of an existing developed site. On-site ground disturbance is limited to approximately 160 square feet within the boundaries of the site, and is unlikely to require a grading permit. Construction associated with the Project would be staged from the rear alley, and the Project does propose to remove and replace the sidewalk and portions of the street along 12th Street for utility trenching. Soils would be exposed during this construction period. The Project will be subject to City SCAs requiring implementation of BMPs to reduce erosion, sedimentation and water quality impacts, such as providing filter materials at nearby catch basins to prevent any debris and dirt from flowing into the City's storm drain system and creeks. The Project's preliminary Erosion Control Plan includes straw wattle/fiber rolls for sediment retention, and other appropriate BMPs to reduce erosion and sedimentation associated with the temporary concrete washout area, construction entrance area and other construction areas in the rear alley.

Increased Runoff

The Project site is located in an urbanized area and is currently 100 percent covered with impervious surface. The Project would not increase the amount of impervious surface on the site, would not increase the rate or volume of surface stormwater runoff, and would not increase the volume of potentially polluted runoff. This impact would be less than significant.

Altering Existing Drainage or Conflicting with the Creek Protection Ordinance

The Project site is in a highly urbanized environment. Lake Merritt, which is the nearest surface water body, is approximately 0.4 mile to the east and is separated from the Project site by urban development. There are no other lakes, creeks or other surface waters in the immediate proximity. The Project site is

not located near any creeks and is not subject to the City of Oakland Creek Protection Ordinance. The Project site is served by the City's existing stormwater system and downstream conveyance channels that will receive runoff from the Project.

Standard Conditions of Approval

The Project is subject to all applicable City's SCAs related to water quality, as listed below.

- **SCA Hydrology -1: Erosion and Sedimentation Control Measures for Construction – Non-Grading Permit** (applies to all projects involving construction activities, except projects requiring a grading permit, or that are located on a hillside property, or that require a Category III or IV Creek Protection Permit, in which case other SCAs would apply instead)
- **SCA Hydrology-2: Site Design Measures to Reduce Stormwater Runoff** (applies to all projects that create or replace any amount of impervious surface, except projects considered Regulated Projects under the NPDES C.3 requirements, which have more extensive requirements)
- **SCA Hydrology-3: Source Control Measures to Limit Stormwater Pollution** (applies to all projects, except projects considered Regulated Projects under the NPDES C.3 requirements, which have more extensive requirements)
- **SCA Hydrology-4: NPDES C.3 Stormwater Requirements for Small Projects** (applies to all projects that create or replace at least 2,500 square feet, but less than 10,000 square feet of new or existing impervious surface)

Conclusions

Based on an examination of the analysis, findings and conclusions of the Prior EIRs, implementation of the Project would not substantially increase the severity of any significant impact related to hydrology or water quality as identified in these Prior EIRs, nor would it result in new significant hydrology or water quality impact that was not previously identified. The Prior EIRs did not identify any mitigation measures related to hydrology or water quality that would apply to the Project, and none would be needed. The SCAs identified above and listed in Attachment A at the end of this CEQA Checklist pertaining to hydrology and water quality apply to the Project, and would reduce impacts related to hydrology or water quality to less than significant levels.

Land Use, Plans, and Policies

Impact Topics	LMSAP EIR Findings	Project			
		Relationship to LMSAP EIR Findings		Applicable SCAs or Mitigation Measures	Level of Significance
		Equal or Less Severity	Substantial Increase in Severity		
Division of an Existing Community/Inconsistencies with Adjacent Land Uses	LTS	■	□	–	LTSI
Conflict with Land Uses / Land Use Plans	LTS	■	□	–	LTS

Prior EIR Findings

The Housing Element Update EIR and its 2014 Addendum found that impacts related to land use, and plans and policies would be less than significant, and no mitigation measures were warranted. The 1998 LUTE EIR identified a significant and unavoidable effect associated with inconsistencies with policies of the applicable Clean Air Plan, resulting from increases in criteria pollutants associated with increased regional traffic. The LUTE EIR identified mitigation measures that largely align with current City of Oakland SCAs, pertaining to requirements for preparation of Transportation Demand Management (TDM) plans.

LMSAP EIR Findings

The LMSAP EIR determined that impacts from new development pursuant to the LMSAP would have less than significant impacts related to land use and planning. No mitigation measures were required, and no City of Oakland SCAs were identified that would apply to the Project. The LMSAP EIR concluded that compliance with the LUTE would ensure that development pursuant to the LMSAP would not conflict with surrounding land uses, and would not conflict with plans, policies and regulations adopted for the purpose of mitigating an environmental effect.

Project Analysis

The Project would add three floor of residential use on top of an existing retail/commercial building, resulting in a mixed-use building. The Project would be adjacent to other office and retail development on the King Block, across the street from a larger mixed-use development project at 301 12th Street, and in an area comprised of office, retail and other mixed-use development. The residential addition would be consistent and compatible with nearby land uses, and would not physically divide an established community.

As discussed in the Aesthetics, Shadow and Wind portion of this Checklist, the Project would not result in a significant impact with respect to aesthetics, views or shadows. The Project would not result in a

fundamental conflict with adjacent land uses, including adjacent historic resources (see detailed discussion under the Cultural Resources portion of this Checklist).

The Project would not conflict with an applicable land use plan, policy or regulation of an agency with jurisdiction over the Project site. The Project represents a residential addition to an existing commercial building located within the downtown Oakland Central Business District, where the General Plan's intent is to encourage, support and enhance the downtown area as a high-density, mixed-use urban center, including a mix of large-scale offices, commercial, urban high-rise residential, institutional, open space, cultural, educational, arts, entertainment, service, community facilities and visitor uses.

Pursuant to the approval of the LMSAP in 2014, the Project site is zoned Lake Merritt Station Area District Mixed-4 Commercial Zone (D-LM-4).

- The intent of the D-LM-4 zoning district is to designate areas that are appropriate for a wide range of residential, commercial and compatible light industrial activities, such as the Project.
- The D-LM-4 zone restricts residential uses from within 30 feet of the front lot line on the ground floor, with the exception of pedestrian entrances. The Project's proposed residential uses are not proposed to be located on the ground floor, other than the pedestrian entrance that leads to residential uses on the upper three floors.
- The Project site is within Height Area LM-85 (Mid-Low), which limits building heights to 85 feet, whereas the Project has a maximum height of 69 feet.
- The maximum non-residential floor area ratio (FAR) is 5.0. As more fully detailed in Attachment B, the Project's commercial and office uses comprise a total of 13,831 square feet, representing a commercial FAR of approximately 1.47, substantially lower than the 5.0 maximum.
- The maximum allowable residential density in the D-LM-4, LM-85 zone is one dwelling unit per 225 square feet of lot area, or one rooming units per 110 square feet of lot area. On the 9,453 square-foot property, the zoning would potentially permit as many as 42 dwelling units on the site, whereas only a total of 27 units are proposed, well within the residential densities allowed under the Planning Code, but also within a building mass that is consistent and compatible with the surrounding historic district.

The Project would be a mixed-use residential, office and retail building located less than a quarter mile from the 12th Street BART station.

Conclusions

Based on an examination of the analysis, findings and conclusions of the Prior EIRs, implementation of the Project would not substantially increase the severity of any significant land use impacts as identified in the Prior EIRs, nor would it result in new significant land use impact that was not previously identified. The Prior EIRs did not identify any mitigation measures related to land use that would apply to the Project, and none would be needed. No SCAs pertaining to land use apply to the Project, and the Project's land use impacts would be less than significant.

Noise

Impact Topics	LMSAP EIR Findings	Project			
		Relationship to LMSAP EIR Findings		Applicable SCAs or Mitigation Measures	Level of Significance
		Equal or Less Severity	Substantial Increase in Severity		
Construction Noise and Vibration	LTS with SCA	■	□	SCA Noise-1: Construction Days/Hours) SCA Noise-2: Construction Noise) SCA Noise-3: Extreme Construction Noise SCA Noise-6: Vibration Impacts on Adjacent Structures or Vibration-Sensitive Activities	LTS w/ SCAs
Operational Noise and Vibration	LTS with SCAs	■	□	SCA Noise-5: Operational Noise	LTS w/ SCAs
Permanent Increase in Ambient Noise	LTS	■	□	-	LTS
Noise Exposure / Compatibility	Non-CEQA	■	□	SCA Noise-4: Exposure to Community Noise	Non-CEQA

Prior EIR Findings

The 1998 LUTE EIR identified mitigation measures to address potential noise conflicts between different land uses. The 1998 LUTE EIR identified a significant and unavoidable impact related to construction noise and vibration in the Downtown, even after the incorporation of identified mitigation measures. The Housing Element Update EIR and its 2014 Addendum identified less than significant noise impacts with incorporation of SCAs.

LMSAP EIR Findings

The LMSAP EIR determined that, with implementation of all applicable SCAs, noise associated with both construction activities and operational noise from new development would be less than significant. The LMSAP EIR determined that, while activities occurring under the LMSAP could expose existing residential uses near construction activity to noise levels exceeding the General Plan standards, all individual development construction projects pursuant to the LMSAP were found to be temporary in nature and less than significant with implementation of all applicable SCAs. The LMSAP EIR also determined that operation-period noise impacts associated with new development pursuant to the LMSAP would not be significant, and that implementation of applicable SCAs would ensure this conclusion for each new development project.

Project Analysis

Significance Thresholds

The following is a list the City of Oakland's CEQA Significance Thresholds relevant to potential noise impacts of the Project. According to these thresholds, a project would have a significant effect on the environment if it would:

1. Generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. For purposes of this EIR, this threshold is further defined as follows:
 - a. Temporary Construction Noise. Construction noise impacts would be considered significant if project construction were to exceed the City of Oakland's Construction or Demolition Noise Performance Standards as indicated in Table 13-4, for activities that occur for more than 10 days (i.e., 65 dBA at residential uses during weekday daytime hours and 55 dBA during daytime hours on weekends). The City allows for an exemption if an acoustical analysis is performed that identifies recommend measures to reduce potential impacts.
 - b. Operational Noise. A significant impact would be identified if project operations were to exceed the noise level standards specified in Table 13-5, adjusted down by 5 dBA to account for noise sources consisting primarily of speech or music.
 - c. Permanent Noise. A significant permanent noise increase would occur if the noise level increase is 5 dBA Ldn or greater, with a future ambient noise level of less than 60 dBA Ldn - or if the noise level increase is 3 dBA Ldn or greater, with a future ambient noise level of 60 dBA Ldn or greater.
2. Generate excessive groundborne vibration or groundborne noise levels.
3. For a project located within an airport land use plan, in the vicinity of a private airstrip, or where such a plan has not been adopted within two miles of a public airport or public use airport, if the project would expose people residing or working in the project area to excessive noise levels.

The Project is not located within the vicinity of a private airstrip or a public airport and would not expose people residing or working in the area to excessive aircraft noise levels. Therefore, impacts related to this threshold would not occur.

Construction Noise and Vibration

The Project would result in construction noise and vibration at levels similar to most other mid-rise construction projects within the Lake Merritt Station Plan Area. There is nothing unique or peculiar about the Project or its construction that would suggest that the Project would have greater construction noise or vibration impacts than other typical mid-rise construction projects as analyzed in the LMSAP EIR, and the Project would be required to implement all applicable SCAs to reduce construction noise. As determined in the LMSAP EIR, the Project's construction noise would be temporary and reduced to less than significant levels with implementation of all applicable SCAs (SCAs Noise-1 through Noise-3).

The Project's construction activities are unlikely to involve use of heavy impact tools or construction methods, as its foundation already exists and the structure does not require drilled or driven piles.

However, given the immediate adjacency of multiple historic buildings on this block, including two historic buildings that adjoin the existing building, the Project will be required to implement SCA Noise-4 to protect these adjacent historic buildings from potentially destructive construction-period vibrations.

Operational Noise

The Project would include stationary sources of operational noise such as mechanical heating, ventilating, and air conditioning (HVAC) equipment that is standardized for noise reduction, as well as an emergency generator for the elevator. Stationary equipment would operate within the restrictions of the City's Noise Ordinance (Chapter 17.120.050 of the City of Oakland Planning Code), which specifies the maximum sound level received at residential, public open spaces and commercial land uses. Compliance with SCAs would ensure compliance with the noise limits of the City's Noise Ordinance, and would result in a less than significant operational noise impacts from these noise sources.

Permanent Increase in Ambient Traffic Noise

Although the Project does not include any parking, the City's Transportation Impact Review Guidelines (TIRG) suggest that traffic generated by such a project should assume similar levels of trip generation as projects that do include parking, to account for possible car ownership (just parked in other places) or trips provided by transportation networks (i.e., Uber, Lyft, etc.). Based on ITE trip generation rates for apartments (ITE land use codes 220), less a non-auto trip reduction of 47 percent (based on 2011 American Community Survey for Downtown Oakland), the Project can be expected to generate approximately 78 total daily trips, 6 am peak hour trips and 7 pm peak hour trips. This small number of new trips represents such a small fraction of the more than 12,000 daily trips that currently occur along 12th Street and the more than 32,000 daily trips that occur along Harrison Street as to be an unnoticeable (less than significant) increase in permanent ambient traffic noise.

Noise/Land Use Compatibility

The LMSAP EIR included traffic noise measurements conducted in 2012, and a projection of ambient traffic noise anticipated to occur under a cumulative year 2035 scenario based on existing traffic and new traffic expected to be generated as a result of implementation of the LMSAP. That analysis found traffic noise along 12th Street in 2012 to be between 65 and 67 dBA LDN, and projected ambient noise levels of between 68 to 70 dBA Ldn by year 2035. Similarly, that 2012 analysis found traffic noise along Harrison Street in 2012 to be between 62 and 63 dBA LDN, and projected ambient noise levels of between 67 to 70 dBA Ldn by year 2035.²⁸ The City's Land Use Compatibility standards find residential use (such as the Project) in such noise environments (i.e., over 65 dBA Ldn) is considered conditionally acceptable, provided that noise reduction measures (e.g., sound-rated window, wall, and door assemblies) are able to achieve an acceptable interior noise level of 45 dBA Ldn. Accordingly, the Project will be required to implement SCA Noise-6 to demonstrate acceptable interior noise levels within the residences.

²⁸ These projections of traffic noise are similar to other more recent studies, which found that ambient traffic noise levels on 12th Street to be approximately 65 dBA Leq (W12 Project CEQA Analysis, 2016), and recent noise measurements along Harrison Street which found noise levels of 68 dBA Ldn (City of Oakland).

Standard Conditions of Approval

The Project is subject to all applicable City's SCAs related to construction noise, construction vibrations and operational noise, as listed below.

- **SCA Noise-1: Construction Days/Hours** (applies to all projects involving construction)
- **SCA Noise-2: Construction Noise** (applies to all projects involving construction)
- **SCA Noise-3: Extreme Construction Noise** (applies to all projects involving construction, specific to extreme noise generating activities (e.g., pier drilling, pile driving and other activities generating greater than 90dBA)
- **SCA Noise-4: Vibration Impacts on Adjacent Structures or Vibration-Sensitive Activities** (applies to all projects involving construction that includes the use of heavy off-road equipment to perform earthwork in close proximity to adjacent properties that contain buildings near the adjoining property line or adjacent to vibration sensitive activities where vibration could substantially interfere with normal operations)
- **SCA Noise-5: Operational Noise** (applies to all projects)
- **SCA Noise-6: Exposure to Community Noise** (applies to all projects for which a noise study was performed during the project review process, and the project exposure to community noise is Conditionally Acceptable, Normally Unacceptable or Clearly Unacceptable per the land use compatibility guidelines of the Noise Element of the Oakland General Plan)

Conclusions

The SCAs applying to construction noise are comprehensive in their content and for practical purposes represent all feasible measures available to reduce construction noise. With implementation of SCAs Noise-1 through Noise-4 during construction, impacts related to excessive construction noise would be reduced to less than significant, consistent with the conclusions of the LMSAP EIR.

Based on an examination of the analysis, findings and conclusions of the Prior EIRs, implementation of the Project would not substantially increase the severity of any significant noise or vibration impacts as identified in these Prior EIRs, nor would it result in a new significant noise or vibration impact that was not previously identified. The Prior EIRs did not identify any mitigation measures related to noise that would apply to the Project, and none would be needed. The SCAs identified above and listed in Attachment A at the end of this CEQA Checklist pertaining to noise apply to the Project, and would reduce impacts related to Noise and vibration to less than significant levels.

Population and Housing

Impact Topics	LMSAP EIR Findings	Project			
		Relationship to LMSAP EIR Findings		Applicable SCAs or Mitigation Measures	Level of Significance
		Equal or Less Severity	Substantial Increase in Severity		
Population Growth	LTS	■	□		LTS
Displacement of Housing and People	LTS	■	□	–	LTS

Prior EIR Findings

The 1998 LUTE EIR identified mitigation measures to address unanticipated employment growth as compared to regional ABAG projections), but no other mitigation measures were determined to be warranted. The Housing Element Update EIR and its 2014 Addendum found less than significant impacts related to population and housing, as well as employment.

LMSAP EIR Findings

The LMSAP EIR found that new development pursuant to the LMSAP would result in less than significant impacts related to population and housing, and no mitigation measures or SCAs were required. The LMSAP EIR assumed that the amount of growth in households and population that would pursuant to the LMSAP would be in line with regional growth projections (including ABAG's 2009 growth forecast for 2035), and would not result in unplanned population growth.

Project Analysis

Development of the Project would not result in the removal of any residences or businesses, and would not cause displacement of any existing residents, employees or businesses.

Development of the Project would increase the number of residents within the Downtown/Lake Merritt area; however, this increase would not be considered substantial, and would not induce additional population growth beyond that growth which was planned for and analyzed in the Prior EIR, including the Housing Element EIR and its 2014 Addendum and LMSPA EIR. Population growth as predicted in these Prior EIRs is also consistent with ABAG projections of household growth within the City.

Conclusion

Based on an examination of the analysis, findings and conclusions of the Prior EIRs, implementation of the Project would not substantially increase the severity of any significant impacts related to population or housing as identified in the Prior EIRs, nor would it result in a new significant population or housing impact that was not previously identified. The Prior EIRs did not identify any mitigation measures related to population or housing that would apply to the Project, and none would be needed.

Public Services, Parks, and Recreation Facilities

Impact Topics	LMSAP EIR Findings	Project			
		Relationship to LMSAP EIR Findings		Applicable SCAs or Mitigation Measures	Level of Significance
		Equal or Less Severity	Substantial Increase in Severity		
Public Services	LTS w/ SCAs	■	□	SCA Services-1: Capital Improvements Impact Fee	LTS
Parks and Recreation	LTS	■	□	–	LTS

Prior EIR Findings

The 1998 LUTE EIR identified a significant and unavoidable impact for fire safety, with mitigation measures pertaining to the North Oakland Hills area. The 1998 LUTE EIR also identified a significant and unavoidable impact regarding increased student enrollment, particularly in Downtown (and the Waterfront), and did not find mitigation measures that would reduce this effect to less than significant. The Housing Element Update EIR and its 2014 Addendum identified less than significant public services and recreation impacts, except that impacts related to police and fire protection were found to be less than significant with incorporation of SCAs and mitigation measures, as previously identified in the 1998 LUTE EIR.

LMSAP EIR Findings

The LMSAP EIR determined that the increase in demand for public services (i.e., fire, police, and schools), and park and recreation services, that would result from development pursuant to the LMSAP would be less than significant. That EIR concluded that the Oakland Police Department and Fire Department would adjust service capacity as needed, and that the City is responsible for coordinating service provisions to adjust to the expected increase in demand for these services. New development, including the Project, is required to adhere to appropriate building and fire code requirements to be incorporated into new construction. The LMSAP area is exceptionally well served by libraries, and the LMSAP itself includes the creation of new parks and open spaces, and plans for improved access to the regional parks system. Potential impacts to public services were found to be less than significant with implementation of SCAs. No mitigation measures or SCAs were required regarding recreation.

Project Analysis

The Project would create a minor incremental demand on public services, but the Project site is located in an urban area already served by public services and recreation facilities. The Project will adhere to all applicable building and fire code requirements as part of its construction, and will not represent a substantial new demand on fire safety services, and the Project's final designs would be subject to

Oakland Fire Department review as to fire safety. Project contributions to school impact fees would offset any impacts to school facilities from the Project.

Conditions of Approval

Consistent with the findings of the LMSAP EIR, impacts related to public services would be less than significant, but would still require implementation of the following City of Oakland SCA:

- ***SCA Services-1: Capital Improvements Impact Fee*** (applies to all projects subject to the Capital Improvements Impact Fee Ordinance per OMC chap. 15.74)

Conclusion

Based on an examination of the analysis, findings and conclusions of the Prior EIRs, implementation of the Project would not substantially increase the severity of any significant impacts related to public services or recreation as identified in the Prior EIRs, nor would it result in a new significant public service or recreation impact that was not previously identified. The Prior EIRs did not identify any mitigation measures related to public services or recreation that would apply to the Project, and none would be needed. The SCAs identified above and listed in Attachment A at the end of this CEQA Checklist pertaining to public services applies to the Project, and would further reduce the less than significant impacts related to population and housing.

With implementation of SCA Services-1, cumulative impacts related to cumulative, citywide public services would be further reduced, consistent with the conclusions of the Prior EIRs.

Transportation and Circulation

Impact Topics	LMSAP EIR Findings	Project			
		Relationship to LMSAP EIR Findings		Applicable SCAs or Mitigation Measures	Level of Significance
		Equal or Less Severity	Substantial Increase in Severity		
Conflict with Circulation Plans	SU	■	□	SCA Trans-1: Construction Activity in the Public Right-of-Way SCA Trans-2: Bicycle Parking SCA Trans-3: Transportation Impact Fee	LTS
Substantial Additional VMT ^a	NA ^a	■	□	–	LTS
Induced Traffic	NA ^a	■	□	–	LTS

^a The City of Oakland has replaced Level of Service impact analysis with VMT-based analysis. LMSAP EIR findings were for potential Level of Service impacts.

Prior EIR Findings

The Prior EIRs considered for this analysis identified significant and unavoidable traffic impacts regarding intersection and/or roadway segment operations. Various mitigation measures and City of Oakland SCAs are identified for specific intersection improvements. Other transportation/circulation impacts were identified in each of the Prior EIRs were either found to be reduced to less than significant levels with implementation of City of Oakland SCAs and/or mitigation measures, or less than significant. The Housing Element EIR and Addendum identified significant and unavoidable traffic impacts at roadway segments, as well as railroad crossing safety impacts, even after implementation of identified mitigation measures.

LMSAP EIR Findings

The LMSAP EIR evaluated level of service (LOS) impacts at 45 intersections and 10 freeway segments within the vicinity of the LMSAP. For most intersections, projected traffic conditions under the Existing plus Project (LMSAP) scenario were found to be mitigated to less than significant levels with implementation of identified mitigation measures. However, traffic impacts were found to be significant and unavoidable at First Avenue/International Boulevard, Oak Street/10th Street, Oak Street/Sixth Street, and Jackson Street/Fifth Street. LOS impacts on the segment of the I-880 freeway from Oak Street to Fifth Street were also found to be significant and unavoidable.

Under Cumulative the 2035 Plus Project scenario, significant and unavoidable impacts were identified at a total of 13 intersections. The LOS on the roadway segment of Oak Street from 2nd Street to Embarcadero was also found to be significant and unavoidable. Several SCAs related to transportation and circulation were identified as required for subsequent projects developed pursuant to the LMSAP.

Project Analysis

Significance Thresholds

The following analysis focuses on those CEQA significance thresholds currently used by the City of Oakland for assessing potential transportation impacts. Since the time of certification of the LMSAP EIR, the City of Oakland has replaced Level of Service impact analysis (as was prepared for the LMSAP EIR) with VMT-based analysis. Accordingly, the City of Oakland's Transportation Impact Review Guidelines (TIRG) now defines a project as having a significant effect related to transportation if it would:

1. Cause substantial additional VMT per capita, per service population, or other appropriate efficiency measure; or
2. Conflict with a plan, ordinance, or policy addressing the safety or performance of the circulation system, including transit, roadways, bicycle lanes, and pedestrian paths (except for automobile level of service or other measures of vehicle delay); or
3. Substantially induce additional automobile travel by increasing physical roadway capacity in congested areas (i.e., by adding new mixed-flow lanes) or by adding new roadways to the network.

Vehicle Trip Generation

Table 3 summarizes the automobile trip generation for the Project, based on the methodology recommended in the City's Traffic Impact Review Guidelines (TIRG). The Project is estimated to generate 78 daily, 6 AM peak hour, and 7 M peak hour automobile trips. The Project trip generation based on the TIRG process may overestimate the actual automobile trips generated by the Project because the Project would not provide any on-site automobile parking spaces. However, there are several parking facilities in the vicinity of the Project that are open to the public and can be used by the Project residents, employees, customers, and visitors. Although many of these public parking facilities currently operate at or near capacity on most weekdays, this analysis assumes that parking would be available to Project residents and visitors who choose to drive. Therefore, this analysis uses the TIRG-based trip generation to present a more conservative estimate of the automobile trips generated by the Project.

As indicated in the Project Description, the City previously approved a building permit for the rehabilitation of the existing commercial building on site, and this previously approved permit is not a part of the Project. The trip generation assumptions for the Project therefore only apply to the residential addition of 27 dwelling units.

Table 3: Project Vehicle Trip Generation

<u>Land Use</u>	<u>Units</u>	<u>ITE Code</u>	<u>Daily</u>	<u>Weekday AM Peak Hour</u>			<u>Weekday PM Peak Hour</u>		
				<u>In</u>	<u>Out</u>	<u>Total</u>	<u>In</u>	<u>Out</u>	<u>Total</u>
Residential	27	221	147	3	7	10	7	5	12
Non-Auto Adjustment (-47%)			-69			-4			-5
Net New Project Trips			78			6			7

ITE Trip Generation (10th Edition) land use category 221 (Multi-Family Housing [Mid-Rise]):

Daily: $T = 5.45 * X$

AM Peak Hour: $T = 0.36 * X$ (26% in, 74% out)

PM Peak Hour: $T = 0.44 * X$ (61% in, 39% out)

46.9% reduction is based on the City of Oakland's Transportation Impact Review Guidelines for developments within 0.5 miles of a BART Station

Vehicle Miles Traveled (VMT)

According to City of Oakland TIRG, Section 5.4: VMT Screening Criteria, VMT impacts would be less than significant for a project if any of the identified screening criteria outlined below are met:

- **Small Projects:** If the project generates fewer than 100 vehicle trips per day
- **Low-VMT Areas:** If the project meets map-based screening criteria by being located in an area that exhibits below threshold VMT, defined as being 15 percent or more below the regional average VMT
- **Near Transit Stations:** If the project is located in a Transit Priority Area or within one-half mile of a Major Transit Corridor or stop, and satisfies the following; a) has a Floor Area Ratio (FAR) of more than 0.75; b) includes less parking for use by residents, customers, or employees of the project than other typical nearby uses, or no more than required by the City (if parking minimums pertain to the site), or no more that allowed without a conditional use permit (if minimums and/or maximums pertain to the site); and c) is consistent with the applicable Sustainable Communities Strategy (as determined by the lead agency, with input from the MTC).

Small Project: Although the Project does not include any parking, the City's Transportation Impact Review Guidelines (TIRG) suggest that traffic generated by such a project should assume similar levels of trip generation as projects that do include parking, to account for trips provided by transportation networks (i.e., Uber, Lyft, etc.). Based on ITE trip generation rates for apartments (ITE land use codes 221), the Project's daily trip generation rate is 5.45 daily trip per unit, or 147 total daily trips. Based on its downtown Oakland location, the Project would be assumed to have a non-auto trip reduction rate of 47 percent (based on 2011 American Community Survey for Downtown Oakland), and the Project would be expected to generate approximately 78 total daily trips, which is fewer than 100 vehicle trips per day. The Project meets the Small Project screening criteria, and VMT impacts of the Project are presumed to be less than significant.

Low VMT Area: According to maps prepared by MTC, the Project site is located in TAZ #968, which has an average VMT rate of 2.87 VMT per capita. The VMT threshold (at least 15 percent below the regional

year 2030 average of 14.4 VMT per capita) is 12.24 VMT per capita. At 2.87 VMT per capita, the Project meets the map-based screening criteria for low VMT, and VMT impacts of the Project are presumed to be less than significant.

Near Transit: The Project site is located less than one-quarter mile walk from the 12th Street/City Center BART station, has a FAR of approximately 3.6 (i.e., greater than 0.75), does not include any parking, and is located in an area identified as a Transit-Priority Development Area. Based on these screening criteria, VMT impacts of the Project are presumed to be less than significant.

As indicated above, the Project meets all three of the VMT screening criteria, and only needs to meet one of these criteria to be presumed to have a less than significant VMT impact.

Potential Conflict with Transit, Pedestrian and Bicycle Policies

The Project would not conflict with adopted plans, ordinances or policies addressing the safety and performance of the circulation system, including plans and policies related to transit, roadways, bicycle lanes and pedestrian paths. The City General Plan, the LMSAP and the City's Public Transit and Alternative Mode policies and Complete Streets policies all state a strong preference for encouraging the use of non-automobile transportation modes, such as transit, bicycling and walking. The Project would encourage the use of non-auto transportation modes by providing residential and retail uses in a dense, walkable urban environment that is well-served by both local and regional transit, and discourages vehicle use by not including any parking.

The Project would not make any modifications to existing pedestrian or bicycle facilities in the surrounding area, and would not adversely affect installation of planned future facilities. The Project would not adversely affect the longer-term plans of the LMSAP for 12th Street to become a Bus Rapid Transit (BTR) route. The Project site is located mid-block on 12th Street and would not preclude the planned construction of a pedestrian bulb-out at the corner of 12th Street and Harrison.

Increasing Physical Roadway Capacity

The Project would not modify the roadway network surrounding the Project site. It would not increase the physical roadway capacity or add new roadways to the network, and would not induce additional automobile traffic. This is a less than significant impact.

Applicable Standard Conditions of Approval

Although not required to mitigate a significant impact under CEQA, the Project applicant would be required to implement SCAs applicable to traffic and transportation.

- **SCA Transportation-1: Construction Activity in the Public Right-of-Way**
- **SCA Transportation-2: Bicycle Parking** (applies to all projects that require bicycle parking per chapter 17.117 of the Oakland Planning Code, including new residential units in multi-family dwellings)
- **SCA Transportation-3: Transportation Impact Fee** (applies to all projects subject to the Transportation Impact Fee Ordinance per OMC chap. 15.74)

Conclusions

Based on an examination of the analysis, findings and conclusions of the Prior EIRs, implementation of the Project would not substantially increase the severity of any significant transportation impacts as identified in these Prior EIRs, nor would it result in a new significant transportation impact that was not previously identified. Although the City has adopted VMT thresholds to replace the former LOS thresholds as used in the LMSAP EIR, the analysis presented above indicates that the Project screens-out as not having a significant impact related to VMT. The Prior EIRs did not identify any mitigation measures related to transportation that would apply to the Project, and none would be needed. The SCAs identified above and listed in Attachment A at the end of this CEQA Checklist pertaining to transportation apply to the Project, and would further reduce the Project's less than significant impacts related to transportation.

Utilities and Service Systems

Impact Topics	LMSAP EIR Findings	Project			
		Relationship to LMSAP EIR Findings		Applicable SCAs or Mitigation Measures	Level of Significance
		Equal or Less Severity	Substantial Increase in Severity		
Water, Wastewater and Stormwater Facilities	LTS with SCAs	■	□	SCA Utilities-2: Underground Utilities SCA Utilities-4: Green Building Requirements SCA Utilities-5: Water Efficient Landscape Ordinance	LTS
Solid Waste Services	LTS with SCAs	■	□	SCA Utilities-1: Construction and Demolition Waste Reduction and Recycling SCA Utilities-3: Recycling Collection and Storage Space	LTS
Energy	LTS with SCAs	■	□	SCA Utilities-4: Green Building Requirements	LTS

Prior EIR Findings

The 1998 LUTE EIR identified significant effects pertaining to these topics and identified mitigation measures that reduced the effects to less than significant. The 2014 Housing Element EIR Addendum found less-than-significant impacts related to water, wastewater, or stormwater facilities, solid waste and energy, finding no mitigation measures were warranted provided that all subsequent projects adhere to City of Oakland SCAs.

LMSAP EIR Findings

The LMSAP EIR identified less than significant impacts to utilities and service systems, with the implementation of City of Oakland SCAs in those instances where new infrastructure would be required to be constructed. The LMSAP EIR determined that the capacity of existing service systems would meet increased service demand associated with development assumed for the LMSAP - wastewater demand would not exceed wastewater treatment requirements or capacity, surface water runoff would not exceed the capacity of the storm drain system, water demand would not exceed available water supplies, and solid waste generated would not exceed landfill capacity.

Project Analysis

The Project is located in an urban area of downtown Oakland, and no new infrastructure would be required to serve the Project. The Project would marginally increase water and sewer demand, but the

Project's demands would not be any more substantial than those demand for water and sewer services previously identified in the LMSAP EIR. Consistent with City of Oakland SCA's, the Project will be required to meet Green Building and Water Efficient Landscape requirements to minimize cumulative water demands. The Project would not increase impervious surfaces over existing condition, and will not increase demands on stormwater infrastructure, but will still be required to implement City SCAs requiring stormwater control during and after construction. With the implementation of all applicable SCAs, the Project's less than significant impacts on water, sewer and storm drain infrastructure would be further reduced.

Solid waste from the Project would be hauled to the Altamont Landfill and Resource Facility, which has adequate capacity to accept the small amount of waste generated by the Project. The Project would be required to comply with City of Oakland SCAs pertaining to waste reduction and recycling, and the Project's less than significant impacts on solid waste services and infrastructure would be further reduced.

The Project would result in less than significant impacts related to energy standards and use through compliance with the standards of Title 24 of the California Code of Regulations. In addition, City of Oakland SCAs pertaining to compliance with the Green Building Ordinance would the Project to incorporate energy-conserving design measures to ensure the Project's impacts on energy infrastructure would remain less than significant.

Applicable Standard Conditions of Approval

Although not required to mitigate a significant impact under CEQA, the Project applicant would be required to implement SCAs applicable to utilities and service systems.

- **SCA Utilities-1: Construction and Demolition Waste Reduction and Recycling** (applies to all construction projects)
- **SCA Utilities-2: Underground Utilities** (applies to all construction projects)
- **SCA Utilities-3: Recycling Collection and Storage Space** (applies to all projects per chapter of 17.118 of the Oakland Planning Code, including new residential development of five or more units)
- **SCA Utilities-4: Green Building Requirements** (applies to multiple project types, including new construction of 3 or more multi-family dwelling units)
- **SCA Utilities-5: Water Efficient Landscape Ordinance** (applies to all new construction projects with an aggregate landscape area equal to or greater than 500 sq. ft.)

Conclusions

Based on an examination of the analysis, findings and conclusions of the Prior EIRs, implementation of the Project would not substantially increase the severity of any significant impacts to utilities or service systems as identified in the Prior EIRs, nor would it result in a new significant utility or service system impact that was not previously identified. The Prior EIRs did not identify any mitigation measures related to utilities that would apply to the Project, and none would be needed. The SCAs identified above and listed in Attachment A at the end of this CEQA Checklist pertaining to utilities apply to the Project, and would further reduce the Project's less than significant impacts related to utilities.

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Attachment A: Standard Conditions of Approval Monitoring and Reporting Program

This Standard Conditions of Approval and Mitigation Monitoring and Reporting Program (SCA MMRP) is based on the CEQA Analysis prepared for the 316 12th Street Project.

This SCAMMRP is in compliance with Section 15097 of the CEQA Guidelines, which requires that the Lead Agency “adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects.” The SCAMMRP lists those City Standard Conditions of Approval (“SCAs”) identified in the CEQA Analysis as measures that would minimize potential adverse effects that could result from implementation of the project, and to ensure these conditions are implemented and monitored. No mitigation measures beyond the identified SCAs have been indicated as warranted to address environmental impacts of the Project.

All applicable SCAs identified in the CEQA Analysis, which are consistent with the measures and conditions presented in the LMSAP EIR, are included herein. To the extent that there is any inconsistencies between the SCA and MM, the more restrictive conditions shall govern; to the extent any MM and/or SCA identified in the CEQA Analysis were inadvertently omitted, they are automatically incorporated herein by reference.

- The first column identifies the SCAs applicable to that topic in the CEQA Analysis.
- The second column identifies the monitoring schedule or timing applicable to the Project.
- The third column names the party responsible for monitoring the required action for the Project.

The Project sponsor is responsible for compliance with any recommendations in approved technical reports, and with all conditions of approval set forth herein at its sole cost and expense, unless otherwise expressly provided in a specific condition of approval, and subject to the review and approval of the City of Oakland. Overall monitoring and compliance will be the responsibility of the Planning and Zoning Division. Prior to the issuance of a demolition, grading, and/or construction permit, the project sponsor shall pay any applicable mitigation and monitoring fee to the City in accordance with the City’s Master Fee Schedule.

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
Aesthetics, Shadow and Wind			
<p>SCA Aesthetics-1: Trash and Blight Removal</p> <p>The project applicant and his/her successors shall maintain the property free of blight, as defined in chapter 8.24 of the Oakland Municipal Code. For nonresidential and multifamily residential projects, the project applicant shall install and maintain trash receptacles near public entryways as needed to provide sufficient capacity for building users.</p>	Ongoing	N/A	Bureau of Building
<p>SCA Aesthetics-2: Graffiti Control</p> <p>During construction and operation of the project, the project applicant shall incorporate best management practices reasonably related to the control of graffiti and/or the mitigation of the impacts of graffiti. Such best management practices may include, without limitation:</p> <ul style="list-style-type: none"> i. Installation and maintenance of landscaping to discourage defacement of and/or protect likely graffiti-attracting surfaces. ii. Installation and maintenance of lighting to protect likely graffiti-attracting surfaces. iii. Use of paint with anti-graffiti coating. iv. Incorporation of architectural or design elements or features to discourage graffiti defacement in accordance with the principles of Crime Prevention Through Environmental Design (CPTED). v. Other practices approved by the City to deter, protect, or reduce the potential for graffiti defacement. <p>The project applicant shall remove graffiti by appropriate means within seventy-two (72) hours. Appropriate means include:</p> <ul style="list-style-type: none"> i. Removal through scrubbing, washing, sanding, and/or scraping (or similar method) without damaging the surface and without discharging wash water or cleaning detergents into the City storm drain system. ii. Covering with new paint to match the color of the surrounding surface. iii. Replacing with new surfacing (with City permits if required). 	Ongoing	N/A	Bureau of Building
<p>SCA Aesthetics-3: Landscape Plan</p> <p><u>Landscape Plan Required</u>: The project applicant shall submit a final Landscape Plan for City review and approval that is consistent with the approved Landscape Plan. The</p>	Prior to approval of construction-related permit	Bureau of Planning	N/A

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>Landscape Plan shall be included with the set of drawings submitted for the construction-related permit and shall comply with the landscape requirements of chapter 17.124 of the Planning Code.</p> <p><u>Landscape Installation</u>: The project applicant shall implement the approved Landscape Plan unless a bond, cash deposit, letter of credit or other equivalent instrument acceptable to the Director of City Planning, is provided. The financial instrument shall equal the greater of \$2,500 or the estimated cost of implementing the Landscape Plan based on a licensed contractor's bid.</p> <p><u>Landscape Maintenance</u>: All required planting shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements. The property owner shall be responsible for maintaining planting in adjacent public rights-of-way. All required fences, walls, and irrigation systems shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.</p>	<p>Prior to building permit final</p> <p>Ongoing</p>	<p>Bureau of Planning</p> <p>N/A</p>	<p>Bureau of Building</p> <p>Bureau of Building</p>
<p>SCA Aesthetics-4: Lighting</p> <p>Proposed new exterior lighting fixtures shall be adequately shielded to a point below the light bulb and reflector to prevent unnecessary glare onto adjacent properties.</p>	Prior to building permit final	N/A	Bureau of Building
Air Quality			
<p>SCA Air-1: Dust Controls - Construction Related</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"> 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. 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). 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. Limit vehicle speeds on unpaved roads to 15 miles per hour. 	During Construction	N/A	Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<ul style="list-style-type: none"> e) All demolition activities (if any) shall be suspended when average wind speeds exceed 20 mph. f) All trucks and equipment, including tires, shall be washed off prior to leaving the site. g) Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel. 			
<p>SCA Air-2: Criteria Air Pollutant Controls - Construction Related</p> <p>The project applicant shall implement all of the following applicable basic control measures for criteria air pollutants during construction of the project as applicable:</p> <ul style="list-style-type: none"> a) Idling times on all diesel-fueled commercial vehicles over 10,000 lbs. shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code of Regulations). Clear signage to this effect shall be provided for construction workers at all access points. b) Idling times on all diesel-fueled off-road vehicles over 25 horsepower shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes and fleet operators must develop a written policy as required by Title 23, Section 2449, of the California Code of Regulations (“California Air Resources Board Off-Road Diesel Regulations”). c) All construction equipment shall be maintained and properly tuned in accordance with the manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. Equipment check documentation should be kept at the construction site and be available for review by the City and the Bay Area Air Quality District as needed. d) Portable equipment shall be powered by grid electricity if available. If electricity is not available, propane or natural gas generators shall be used if feasible. Diesel engines shall only be used if grid electricity is not available and propane or natural gas generators cannot meet the electrical demand. e) Low VOC (i.e., ROG) coatings shall be used that comply with BAAQMD Regulation 8, Rule 3: Architectural Coatings. f) All equipment to be used on the construction site shall comply with the requirements of Title 13, Section 2449, of the California Code of Regulations 	During Construction	N/A	Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
("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>SCA Air-3: Exposure to Air Pollution - Toxic Air Contaminants</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 one of the following methods:</p> <p>a. The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with California Air Resources Board (CARB) and Office of Environmental Health and Hazard Assessment requirements to determine the health risk of exposure of project residents/occupants/users to air pollutants. The HRA shall be submitted to the City for review and approval. If the HRA concludes that the health risk is at or below acceptable levels, then health risk reduction measures are not required. If the HRA concludes that the health risk exceeds acceptable levels, health risk reduction measures shall be identified to reduce the health risk to acceptable levels. Identified risk reduction measures shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City. The approved risk reduction measures shall be implemented during construction and/or operations as applicable.</p> <p>Or -</p> <p>b. The project applicant shall incorporate the following health risk reduction measures into the project. These features shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City:</p> <p>i. Installation of air filtration to reduce cancer risks and Particulate Matter (PM) exposure for residents and other sensitive populations in the project that are in close proximity to sources of air pollution. Air filter devices shall be rated MERV-13 or higher. As part of implementing this measure, an ongoing maintenance plan for the building's HVAC air filtration system shall be required.</p> <p>ii. Where appropriate, install passive electrostatic filtering systems, especially those with low air velocities (i.e., 1 mph).</p> <p>iii. Phasing of residential developments when proposed within 500 feet of freeways such that homes nearest the freeway are built last, if feasible.</p>	Prior to approval of construction-related permit	Bureau of Planning	Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring		
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<p>iv. 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.</p> <p>v. Sensitive receptors shall be located on the upper floors of buildings, if feasible.</p> <p>vi. 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>).</p> <p>vii. Sensitive receptors shall be located as far away from truck activity areas, such as loading docks and delivery areas, as feasible.</p> <p>viii. Existing and new diesel generators shall meet CARB's Tier 4 emission standards, if feasible.</p>			
<p>SCA Air-4: Stationary Sources of Air Pollution - Toxic Air Contaminants</p> <p>The project applicant shall incorporate appropriate measures into the project design in order to reduce the potential health risk due to on-site stationary sources of toxic air contaminants. The project applicant shall choose one of the following methods:</p> <p>a. The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with California Air Resources Board (CARB) and Office of Environmental Health and Hazard Assessment requirements to determine the health risk associated with proposed stationary sources of pollution in the project. The HRA shall be submitted to the City for review and approval. If the HRA concludes that the health risk is at or below acceptable levels, then health risk reduction measures are not required. If the HRA concludes the health risk exceeds acceptable levels, health risk reduction measures shall be identified to reduce the health risk to acceptable levels. Identified risk reduction measures shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City. The approved risk reduction measures shall be implemented during construction and/or operations as applicable.</p> <p>- or -</p>	Prior to approval of construction-related permit	Bureau of Planning	Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>b. The project applicant shall incorporate the following health risk reduction measures into the project. These features shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City:</p> <p>i. Installation of non-diesel fueled generators, if feasible, or;</p> <p>ii. Installation of diesel generators with an EPA-certified Tier 4 engine or engines that are retrofitted with a CARB Level 3 Verified Diesel Emissions Control Strategy, if feasible.</p>			
<p>SCA Air-5: Asbestos in Structures</p> <p>The project applicant shall comply with all applicable laws and regulations regarding demolition and renovation of Asbestos Containing Materials (ACM), including but not limited to California Code of Regulations, Title 8; California Business and Professions Code, Division 3; California Health and Safety Code sections 25915-25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, as may be amended. Evidence of compliance shall be submitted to the City upon request.</p>	Prior to approval of construction-related permit	Applicable regulatory agency with jurisdiction	Applicable regulatory agency with jurisdiction
Cultural Resources			
<p>SCA Cultural-1: Archaeological and Paleontological Resources – Discovery During Construction</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</p>	During construction	N/A	Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>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> <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>SCA Cultural-2: Human Remains – Discovery During Construction</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>	During construction	N/A	Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
Geology and Soils			
<p>SCA Geology-1: Construction-Related Permit(s)</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>	Prior to approval of construction-related permit	Bureau of Building	Bureau of Building
<p>SCA Geology-2: Soils Report</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>	Prior to approval of construction-related permit	Bureau of Building	Bureau of Building
GHG			
<p>SCA GHG-1: Project Compliance with the Equitable Climate Action Plan (ECAP) Consistency Checklist</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> <ol style="list-style-type: none"> 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. For physical ECAP Consistency Checklist measures to be incorporated into the design of the project, the measures shall be implemented during construction. 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>Prior to approval of construction-related permit.</p> <p>During construction</p> <p>Ongoing</p>	<p>Bureau of Planning</p> <p>Bureau of Planning</p> <p>N/A</p>	<p>Bureau of Planning</p> <p>Bureau of Building</p> <p>Bureau of Planning</p>

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
Hazards and Hazardous Materials			
<p>SCA Hazards-1: Hazardous Materials Related to Construction</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"> Follow manufacture’s recommendations for use, storage, and disposal of chemical products used in construction; Avoid overtopping construction equipment fuel gas tanks; During routine maintenance of construction equipment, properly contain and remove grease and oils; Properly dispose of discarded containers of fuels and other chemicals; 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 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. 	During construction	N/A	Bureau of Building
<p>SCA Hazards-2: Hazardous Building Materials and Site Contamination</p> <p><u>Hazardous Building Materials Assessment</u>: 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</p>	Prior to approval of demolition, grading, or building permits	Bureau of Building	Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>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><u>Environmental Site Assessment Required:</u> 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><u>Health and Safety Plan Required:</u> 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><u>Best Management Practices (BMPs) Required for Contaminated Sites:</u> The project applicant shall ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to minimize potential soil and groundwater hazards. These shall include the following:</p> <ol style="list-style-type: none"> a. 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. b. 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. 	<p>Prior to approval of construction-related permit</p> <p>Prior to approval of construction-related permit</p> <p>During construction</p>	<p>Applicable regulatory agency with jurisdiction</p> <p>Bureau of Building</p> <p>N/A</p>	<p>Applicable regulatory agency with jurisdiction</p> <p>Bureau of Building</p> <p>Bureau of Building</p>

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/Inspection
<p>SCA Hazards-3: Regulatory Permits and Authorizations from Other Agencies</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 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>	Prior to activity requiring permit/authorization from regulatory agency	Approval by applicable regulatory agency with jurisdiction; evidence of approval submitted to Bureau of Planning	Applicable regulatory agency with jurisdiction
Hydrology and Water Quality			
<p>SCA Hydrology-1: Erosion and Sedimentation Control Plan for Construction</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>	During construction	N/A	Bureau of Building
<p>SCA Hydrology-2: Site Design Measures to Reduce Stormwater Runoff</p> <p>Pursuant to Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES), the project applicant is encouraged to incorporate appropriate site design measures into the project to reduce the amount of stormwater runoff. These measures may include, but are not limited to, the following:</p> <ol style="list-style-type: none"> a. Minimize impervious surfaces, especially directly connected impervious surfaces and surface parking areas; b. Utilize permeable paving in place of impervious paving where appropriate; c. Cluster structures; d. Direct roof runoff to vegetated areas; e. Preserve quality open space; and f. Establish vegetated buffer areas. 	Ongoing	N/A	N/A

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>SCA Hydrology-3: Source Control Measures to Limit Stormwater Pollution</p> <p>Pursuant to Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES), the project applicant is encouraged to incorporate appropriate source control measures to limit pollution in stormwater runoff. These measures may include, but are not limited to, the following:</p> <ol style="list-style-type: none"> a. Stencil storm drain inlets “No Dumping – Drains to Bay;” b. Minimize the use of pesticides and fertilizers; c. Cover outdoor material storage areas, loading docks, repair/maintenance bays and fueling areas; d. Cover trash, food waste, and compactor enclosures; and e. Plumb the following discharges to the sanitary sewer system, subject to City approval: f. Discharges from indoor floor mats, equipment, hood filter, wash racks, and, covered outdoor wash racks for restaurants; g. Dumpster drips from covered trash, food waste, and compactor enclosures; h. Discharges from outdoor covered wash areas for vehicles, equipment, and accessories; i. Swimming pool water, if discharge to on-site vegetated areas is not feasible; and j. Fire sprinkler test water, if discharge to on-site vegetated areas is not feasible. 	Ongoing	N/A	N/A
<p>SCA Hydrology-4: NPDES C.3 Stormwater Requirements for Small Projects</p> <p>Pursuant to Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES), the project applicant shall incorporate one or more of the following site design measures into the project:</p> <ol style="list-style-type: none"> a. Direct roof runoff into cisterns or rain barrels for reuse; b. Direct roof runoff onto vegetated areas; c. Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas; d. Direct runoff from driveways and/or uncovered parking lots onto vegetated areas; e. Construct sidewalks, walkways, and/or patios with permeable surfaces; or f. Construct bike lanes, driveways, and/or uncovered parking lots with permeable surfaces. 	Prior to approval of construction-related permit	Bureau of Planning; Bureau of Building	Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
The project drawings submitted for construction-related permits shall include the proposed site design measure(s) and the approved measure(s) shall be installed during construction. The design and installation of the measure(s) shall comply with all applicable City requirements.			
Noise			
<p>SCA Noise-1: Construction Days/Hours</p> <p>The project applicant shall comply with the following restrictions concerning construction days and hours:</p> <ul style="list-style-type: none"> a. Construction activities are limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, except that pier drilling and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m. b. Construction activities are limited to between 9:00 a.m. and 5:00 p.m. on Saturday. In residential zones and within 300 feet of a residential zone, construction activities are allowed from 9:00 a.m. to 5:00 p.m. only within the interior of the building with the doors and windows closed. No pier drilling or other extreme noise generating activities greater than 90 dBA are allowed on Saturday. c. No construction is allowed on Sunday or federal holidays. <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>	During construction	N/A	Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>SCA Noise-2: Construction Noise</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> <p>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.</p> <p>b. Except as provided herein, impact tools (e.g., jackhammers, 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.</p> <p>c. Applicant shall use temporary power poles instead of generators where feasible.</p> <p>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.</p> <p>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.</p>	During construction	N/A	Bureau of Building
<p>SCA Noise-3: Extreme Construction Noise</p> <p><u>Construction Noise Management Plan Required:</u> Prior to any extreme noise generating construction activities (e.g., pier drilling, pile driving and other activities generating greater than 90dBA), the project applicant shall submit a Construction Noise Management Plan prepared by a qualified acoustical consultant for City review and approval that contains a set of site-specific noise attenuation measures to further reduce construction impacts associated with extreme noise generating activities. The project applicant shall implement the approved Plan during construction. Potential attenuation measures include, but are not limited to, the following:</p>	Prior to approval of construction-related permit	Bureau of Building	Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>i. Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings;</p> <p>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;</p> <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>b. Public Notification Required: The project applicant shall notify property owners and occupants located within 300 feet of the construction activities at least 14 calendar days prior to commencing extreme noise generating activities. Prior to providing the notice, the project applicant shall submit to the City for review and approval the proposed type and duration of extreme noise generating activities and the proposed public notice. The public notice shall provide the estimated start and end dates of the extreme noise generating activities and describe noise attenuation measures to be implemented.</p>	During construction	Bureau of Building	Bureau of Building
<p>SCA Noise-4: Exposure to Community Noise</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> <p>a. 45 dBA: Residential activities, civic activities, hotels</p> <p>b. 50 dBA: Administrative offices; group assembly activities</p> <p>c. 55 dBA: Commercial activities</p> <p>d. 65 dBA: Industrial activities</p>	Prior to approval of construction-related permit	Bureau of Planning	Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>SCA Noise-5: Operational Noise</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>	Ongoing	N/A	Bureau of Building
<p>SCA Noise-6: Vibration Impacts on Adjacent Structures or Vibration-Sensitive Activities</p> <p>The project applicant shall submit a Vibration Analysis prepared by an acoustical and/or structural engineer or other appropriate qualified professional for City review and approval that establishes pre-construction baseline conditions and threshold levels of vibration that could damage the adjacent structures. The Vibration Analysis shall identify design means and methods of construction that shall be utilized in order to not exceed the thresholds. The applicant shall implement the recommendations during construction.</p>	Prior to construction	Bureau of Building	Bureau of Building
Public Services			
<p>SCA Services-1: Capital Improvements Impact Fee</p> <p>The project applicant shall comply with the requirements of the City of Oakland Capital Improvements Fee Ordinance (chapter 15.74 of the Oakland Municipal Code).</p>	Prior to issuance of building permit	Bureau of Building	N/A
Transportation and Circulation			
<p>SCA TRANS-1: Construction Activity in the Public Right-of-Way</p> <p><u>Obstruction Permit Required:</u> 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 and sidewalks, bicycle facilities, and bus stops</p> <p><u>Traffic Control Plan Required:</u> In the event of obstructions to vehicle or bicycle travel lanes, 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</p>	<p>Prior to approval of construction-related permit</p> <p>Prior to approval of construction-related permit</p>	<p>Dept. of Transportation</p> <p>Dept. of Transportation</p>	<p>Dept. of Transportation</p> <p>Dept. of Transportation</p>

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>Guidance for Accommodating Pedestrians, Bicyclists, and Bus Facilities in Construction Zones. The project applicant shall implement the approved Plan during construction.</p> <p><u>Repair of City Streets</u>: 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>	Prior to building permit final	N/A	Dept. of Transportation
<p>SCA Transportation-2: Bicycle Parking</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>	Prior to approval of construction-related permit	Bureau of Planning	Bureau of Building
<p>SCA Transportation-3: Transportation Impact Fee</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>	Prior to issuance of building permit	Bureau of Building	N/A
Utilities and Service Systems			
<p>SCA Utilities-1: Construction and Demolition Waste Reduction and Recycling</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 www.greenhalosystems.com or manually at the City's Green Building Resource Center. Current standards, FAQs, and forms are available on the City's website and in the Green Building Resource Center.</p>	Prior to approval of construction-related permit	Public Works Department, Environmental Services Division	Public Works Department, Environmental Services Division

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>SCA Utilities-2: Underground Utilities</p> <p>The project applicant shall place underground all new utilities serving the project and under the control of the project applicant and the City, including all new gas, electric, cable, and telephone facilities, fire alarm conduits, street light wiring, and other wiring, conduits, and similar facilities. The new facilities shall be placed underground along the project's street frontage and from the project structures to the point of service. Utilities under the control of other agencies, such as PG&E, shall be placed underground if feasible. All utilities shall be installed in accordance with standard specifications of the serving utilities.</p>	During construction	N/A	Bureau of Building
<p>SCA Utilities-3: Recycling Collection and Storage Space</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>	Prior to approval of construction-related permit	Bureau of Planning	Bureau of Building
<p>SCA Utilities-4: Green Building Requirements</p> <p><u>Compliance with Green Building Requirements During Plan-Check:</u> 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>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"> • Documentation showing compliance with Title 24 of the current version of the California Building Energy Efficiency Standards. • Completed copy of the final green building checklist approved during the review of the Planning and Zoning permit. • Copy of the Unreasonable Hardship Exemption, if granted, during the review of the Planning and Zoning permit. 	Prior to approval of construction-related permit	Bureau of Building	N/A

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
the building permit for the project, the applicant shall submit to the Bureau of Planning the Certificate from the organization listed above demonstrating certification and compliance with the minimum point/certification level noted above.			
<p>SCA Utilities-5: Water Efficient Landscape Ordinance (WELO)</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: http://www.water.ca.gov/wateruseefficiency/landscapeordinance/docs/Title%2023%20Extract%20-%20Official%20CCR%20pages.pdf</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><u>Prescriptive Measures:</u> 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><u>Performance Measures:</u> Prior to construction, the project applicant shall prepare and submit a Landscape Documentation Package for review and approval, which includes the following</p> <p>a. Project Information:</p> <ol style="list-style-type: none"> i. Date, ii. Applicant and property owner name, iii. Project address, iv. Total landscape area, v. Project type (new, rehabilitated, cemetery, or home owner installed), vi. Water supply type and water purveyor, vii. Checklist of documents in the package, and viii. Project contacts 	Prior to approval of construction-related permit	Bureau of Planning	Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>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."</p> <p>b. Water Efficient Landscape Worksheet</p> <p> i. Hydrozone Information Table</p> <p> ii. Water Budget Calculations with Maximum Applied Water Allowance (MAWA) and Estimated Total Water Use</p> <p>c. Soil Management Report</p> <p>d. Landscape Design Plan</p> <p>e. Irrigation Design Plan, and</p> <p>f. Grading Plan</p> <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 Completion shall also be submitted to the local water purveyor and property owner or his or her designee.</p>			

Attachment B

Project Consistency with Community Plans or Zoning, Per CEQA Guidelines Section 15183

Section 15183(a) of the California Environmental Quality Act (CEQA) Guidelines states that “...projects which are consistent with the development density established by the existing zoning, community plan, or general plan policies for which an Environmental Impact Report (EIR) was certified shall not require additional environmental review, except as may be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.”

Proposed Project

The proposed Project would be located within the Lake Merritt Station Area Plan (LMSAP) planning area in downtown Oakland. The Project site is an approximately 0.22-acre parcel on the historic King Block of downtown Oakland, with a building address of 316 12th Street, mid-block between Webster Street and Harrison Street.

On June 3, 2020, the City granted Small Project Design Review approval to remodel the interior of the existing building on the site, and to repair and restore the front elevation of this historic building. The remodel was found to conform to the Small Project Design Review Criteria checklist and to all applicable zoning regulations. Building permits were obtained, and construction pursuant to this approval was underway as of August 2020. Pursuant to this prior approval, the interior and roof of the former retail space has been removed, but the exterior walls have been retained, including the existing building façade on 12th Street and the rear alley façade. Inside this existing building space, the applicant is adding a Type IV-cross-laminate timber structural system within the exterior walls. A 2nd floor is being added to make this existing building a two-story tall space.

Pursuant to this Project, the same structural system of the existing building would be continued above the existing building to support 3 additional floors of new construction. The new construction would include 9 residential units on each floor, with three new floors added to the building, for a total of 27 new residential units. These upper floors would be set back from the existing front façade on 12th Street, and the setback on the 2nd floor roof would provide a private open space deck. A new elevator and staircases at each end of the building would provide access to the upper floors, and a central corridor would provide access to each unit.

Project Consistency

The Project site is located within the boundaries of the Lake Merritt Station Area Plan (LMSAP), for which a programmatic EIR was prepared pursuant to CEQA, certified in November 2014. As determined by the City of Oakland Bureau of Planning, the proposed Project is permitted in the zoning district in which it is located, and is consistent with the bulk, density, and land uses envisioned in the LMSAP, as outlined below.

Land Use

Land Use - Central Business District: The land use designation for the site is Central Business District (CBD). The intent of the CBD designation is to encourage, support and enhance the downtown area as a high-density, mixed-use urban center of regional importance.

- The Project's proposed mixed of land uses (adding residential use above an existing commercial building) would be consistent with this General Plan designation.

Land Use - Mixed-4 Commercial Zone: The Project site is zoned Lake Merritt Station Area District Mixed-4 Commercial Zone (D-LM-4). The intent of the D-LM-4 zoning district is to designate areas of the LMSAP that are appropriate for a wide range of residential, commercial and compatible light industrial activities. In the D-LM-4 zone commercial activities permitted as-of-right include general food sales, full service restaurants, limited service restaurants and cafes and general retail sales. Alcohol beverage sales are conditionally permitted. Residential uses are a permitted use within the D-LM-4 zone, except that residential uses and activities may not be located within 30 feet of the front lot line on the ground floor of an existing principal building fronting a commercial corridor, or within 30 feet of the front lot line on the ground floor of a new principal building fronting a transitional commercial corridor, with the exception of incidental pedestrian entrances that lead to one of these activities elsewhere in the building.

- The Project's proposed mixed-use residential development with commercial use on the ground floor is consistent with the zoning.
- None of the Project's proposed residential uses are proposed to be located on the ground floor, other than the pedestrian entrance that leads to residential uses on the upper three floors. The proposed upper floor residential use within a mixed-use building is consistent with the zoning.

Development Standards

Building Height: The Project site is within Height Area LM-85, which limits the building base height at 45 feet, and maximum building height at 85 feet. Upper level setbacks from the building base are not required for buildings that do not exceeding 85 feet in height.

- The Project's design has a building base of 25 feet to the top of the existing 2nd floor, with a three-level addition on top of that, reaching a maximum height of 55'-9" to upper roof, and 64'-9" to the elevator bay at the roof. The proposed Project would comply with the building height allowed under the Planning Code.
- The Project's proposed design does not require a height exception, but does include a setback of the upper three levels of residential use, even though not required under the Planning Code.

Non-Residential FAR: The maximum non-residential floor area ratio (FAR) is 5.0 for the non-residential areas of the project site.

- The Project site is approximately 9,453 square feet, and therefore the maximum non-residential FAR allowed would be 47,265 square feet (9,453 x 5). The proposed Project would provide approximately 17,303 square feet of commercial retail/office space on the first and second floor, representing 37% of the allowable FAR. Therefore, the proposed Project would comply with the amount of non-residential FAR allowed under the Planning Code.

Residential Density: For mixed-use projects, OMC Table 17.101G.04 provides that the allowable intensity is measured according to both the maximum non-residential FAR and the maximum residential density allowed by the zone, using the total lot area to calculate both figures. The maximum residential density allowed in the D-LM-4 Zone in the LM-85 Height Area is 1 dwelling unit per 225 square feet of lot area, or 1 rooming unit per 110 square feet of lot area.

- The Project site is approximately 9,453 square feet, and therefore the maximum residential density would be 42 residential dwelling units (9,453/225). The Project proposed to develop a total of 27 residential dwelling units, which is well within the residential densities allowed under the Planning Code.

Open Space: OMC Section 17.101G.060 requires residential projects other than senior housing, affordable housing, rooming units, or residential units within a building on the Local Register of Historic Resources, to provide 75 square feet of open space per unit. At 27 dwelling units, this Code would require the Project, at 27 units, to provide a total of 2,025 square feet of open space.

- The Project applicant proposes to provide 10 percent of the total units, or 3 of the Project’s 27 dwelling units, as affordable to low-income households. Pursuant to OMC Section 17.107, the City shall grant a density bonus of up to 20 percent when an applicant agrees to construct at least 10 percent of its total dwelling units for lower income households, and may offer one incentive or concession to otherwise applicable development standards (including a reduction in development standards for required open space), which results in a direct cost reduction and facilitates construction of affordable housing. The Project applicant is not seeking a density bonus for the Project, but has requested one concession that would allow for a 50 percent reduction in required open space. The requested 50 percent reduction would result in a requirement for at least 1,012 square feet of open space. The Project provides 1,225 square feet of private open space (as outdoor deck space), which exceeds the 50 percent reduction in open space concession.

Policy Consistency

As **Tables B-1 and B-2** demonstrate, the Project would also be consistent with the relevant policies of the LUTE and LMSAP.

Table B-1: Evaluation of Consistency with General Plan LUTE Policies

Relevant Policies of the General Plan LUTE	Project Consistency
<p>Policy N3.1 Facilitating Housing Construction Facilitating the construction of housing units should be considered a high priority for the City of Oakland.</p>	<p>Consistent. The Project would involve redevelopment of the site to add 27 new housing units over existing ground floor commercial uses.</p>
<p>Policy N3.2 Encouraging Infill Development 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 of Oakland.</p>	<p>Consistent. The Project site is surrounded by development and represents an infill development opportunity.</p>

Policy N3.5 Encouraging Housing Development

The City should actively encourage development of housing in designated mixed housing type and urban housing areas through regulatory and fiscal incentives, assistance in identifying parcels that are appropriate for new development, and other measures

Policy N3.8 Required High-Quality Design

High-quality design standards should be required of all new residential construction. Design requirements and permitting procedures should be developed and implemented in a manner that is sensitive to the added costs of those requirements and procedures.

Policy N3.9 Orienting Residential Development

Residential developments should be encouraged to face the street and to orient their units to desirable sunlight and views, while avoiding unreasonably blocking sunlight and views for neighboring buildings, respecting the privacy needs of residents of the development and surrounding properties, providing for sufficient conveniently located on-site open space, and avoiding undue noise exposure.

Objective N4

Actively encourage the provision of affordable housing throughout the Bay Area.

Objective N6

Encourage a mix of housing costs, unit sizes, types, and ownership structures.

Policy N7.1 Ensuring Compatible Development

New residential development in Detached Unit and Mixed Housing Type areas should be compatible with the density, scale, design, and existing or desired character of surrounding development.

Policy N7.2 Defining Compatibility

Infrastructure availability, environmental constraints and natural features, emergency response and evacuation times, street width and function, prevailing lot size, predominant development type and height, scenic values, distance from public transit, and desired neighborhood character are among the factors that could be taken into account when developing and mapping zoning designations or determining compatibility. These factors should be balanced with the citywide need for additional housing.

Policy N9.7 Creating Compatible but Diverse Development

Consistent. The Project would involve redevelopment of the site to add 27 new housing units in an area designated by the General Plan as Central Business District.

Consistent. The Project would be designed pursuant to California Building Code and other applicable codes, and is subject to City Landmarks Preservation Advisory Board recommendations and Planning Commission Design Review approval.

Consistent. The Project would consist of construction of new residential uses atop an existing commercial building. The residential uses would face 12th Street and the alleyway at the rear of the building. Once constructed, the residential units would rise to approximately 56 feet, which is under the 85-foot height limit for the D-LM-4 zone. The residential development would provide private usable open space areas.

Consistent. The Project includes a mix of 3 two-bedroom and 18 one-bedroom dwelling units, and 6 efficiency units. Three of the Project’s units would be made affordable to low-income income households.

Consistent. The Project’s choice of materials, design features, and scale of development would be compatible with the existing character of surrounding development and adjacent historic resources.

Consistent. The Project’s design would be consistent with the values that define compatibility. The Project site is located near infrastructure for utilities, transit, and community services. The Project’s design would be consistent with existing community character In terms of height, scale, and development type, Once constructed, the residential units would rise to approximately 56 feet, which is under the 85-foot height limit for the D-LM-4 zone.

The proposed residential uses would be compatible with the Central Business District land use goals of the General Plan.

Consistent. The Project’s choice of materials, design features, and scale of development would be

Diversity in Oakland's built environment should be as valued as the diversity in population. Regulations and permit processes should be geared toward creating compatible and attractive development, rather than "cookie cutter" development.

compatible with existing character of surrounding development, and subject to Design Review approval by the City.

The Project's interior floor plans enable a diversity of tenant mix to accommodate a range of households and demographics.

Policy N11.4 Alleviating Public Nuisances

The City should strive to alleviate public nuisances and unsafe and illegal activities. Code Enforcement efforts should be given as high a priority as facilitating the development process. Public nuisance regulations should be designed to allow community members to use City codes to facilitate nuisance abatement in their neighborhood.

Consistent. The Project site would be redeveloped to accommodate new residential uses over existing ground floor commercial. No alcoholic beverage sales, adult entertainment, or other entertainment uses are proposed.

Table B-2: Evaluation of Consistency with Historic Preservation Element Policies

Relevant Goals of the Historic Preservation Element	Project Consistency
<p>Goal 1.1: Stress the positive community attributes expressed by well-maintained older properties.</p>	<p>Consistent: The Project's reuse and rehabilitation of the existing historic building will restore it as a well-maintained building that has the potential to resuscitate a small yet central part of the historic block, thereby improve the district's historic character and feeling.</p>
<p>Goal 1.2: Maintain and enhance throughout the City the historic character, distinct charm, and special sense of place provided by older properties.</p>	<p>Consistent: The Project will rehabilitate the existing building, and in so doing will incrementally strengthen the historic integrity of the building's historic design, materials and workmanship. The Project will not detrimentally affect, but will maintain and enhance the historic integrity of the King Block and of the individual building at 316 12th Street.</p>
<p>Goal 1.3: Establish and retain positive continuity with the past thereby promoting pride, a sense of stability and progress, and positive feelings for the future.</p>	<p>Consistent: The design of the new Project's addition is contextual and fits well within the historic district, while being clearly contemporary. The design is compatible with, but is not identical to the property's existing or historical design. No substantial adverse changes to the existing building or the King Block historic district will result.</p>
<p>Goal 1.4: Stabilize neighborhoods, enhance property values, conserve housing stock, increase public and private economic and financial benefits, and promote tourist trade and interest through preservation and quality maintenance of significant older properties.</p>	<p>Consistent: The Project's addition of residential use will enhance the property value and create financial benefits, and increase (even though only to a minor extent) the City's available housing stock.</p> <p>The Project proposes to repair and rehabilitate the existing historic building, except where missing or severely deteriorated elements preclude repair. Replacement features for deteriorated elements may include finish bricks, wood and glass clerestories, stucco panels inset into brickwork above</p>

piers, and rear windows. When required, in kind replacement is to be based on existing matching examples (as there are no severely damaged or missing features or materials that do not have existing counterparts).

Goal 1.5: Preserve and encourage a city of varied architectural styles and environmental character reflecting the distinct phases of Oakland's cultural, social, ethnic, economic, political, and architectural history.

Consistent: The King Block API consists of six individual historic resources, including its five contiguous buildings plus the alley, together comprising the whole of the King Block. The API is an early Oakland example of a modern, Chicago-influenced commercial block, with an urban design that successfully organizes the public facades of large corner buildings, and buildings that show the influence of early skyscrapers and Chicago commercial buildings in their skeletal articulation and expansive window areas. The existing building and its distinct architectural style will be retained and all identified character-defining forms, features and materials of the building are to be either retained, repaired or replaced in kind. No historic characteristics of the King Block API are directly affected by the Project.

Goal 1.6: Enrich the quality of human life in its educational, spiritual, social, and cultural dimensions through continued exposure to tangible reminders of the past.

Consistent: The existing building and the remainder of the King Block API and its distinct architectural style will be retained as a tangible reminder of a period of architectural importance in Oakland's history. The proposed new addition avoids imitation or conjectural features that would result in a contrived appearance, and the Project's proposed addition is of contemporary but compatible design and does not create a false sense of historical development.

Table B-3: Evaluation of Consistency with LMSAP Policies

Relevant Policies of the LMSAP	Project Consistency
<p>Policy LU-7: Diverse housing types. Ensure a diverse community by incentivizing a range of housing types, including housing for individuals and families of all sizes and all income levels.</p> <p>Affordable Housing Goal: Encourage between 15 percent to 28 percent of all new housing units in the Planning Area to be affordable, including units in mixed income developments and units in 100 percent affordable housing developments.</p>	<p>Consistent. The Project would involve redevelopment of the site to add 27 new dwelling units over existing ground floor commercial uses. The units would include a mix of 2-bedroom, 1-bedroom and efficiency units to provide for a range of housing for all income and family types. Three of the dwelling units (or 10% of the Project) would be made affordable to low-income households.</p>
<p>LU-19: King Block Alley Encourage redevelopment of the King Block alley as an active use space that creates a unique destination.</p>	<p>Consistent. The Project would consist of construction of new residential uses atop an existing commercial building adjacent to the King Block alley. The residential uses would face 12th Street, and would face the King Block alley at the rear of the building.</p>

CR4: Adaptive Re-use

Update the Planning and Building Code in order to promote the adaptive re-use of historic resources by allowing the relaxation of certain Building or Planning Code requirements that do not impact safety but which may make reuse more viable. Require that adaptive reuse of historic resources that meet the City of Oakland's CEQA thresholds to follow Secretary of the Interior standards.

Consistent. As demonstrated in the CEQA Checklist's Historic Resource assessment, the Project meets the City of Oakland's thresholds for less than significant impacts to historic resources, and its design and construction follow Secretary of the Interior Standards for Rehabilitation of an historic resource.

As demonstrated above, and in accordance with Section 15183 of the CEQA Guidelines, the proposed Project is consistent with the City of Oakland General Plan LUTE, the General Plan Historic Preservation Element, the LMSAP, and zoning standards as established pursuant to the LMSAP. It is consistent with the Project Description of the LMSAP as evaluated in the LMSAP EIR. In accordance with Section 15183 of the CEQA Guidelines, the proposed Project is eligible for consideration of CEQA streamlining provisions under California Public Resources Code Section 21083.3, and Section 15183 of the CEQA Guidelines as a Project Consistency with Community Plans or Zoning.

Attachment C

Infill Performance Standards, Per CEQA Guidelines Section 15183.3 (Appendix M)

California Environmental Quality Act (CEQA) Guidelines Section 15183.3(b) and CEQA Guidelines Appendix M establish eligibility requirements for projects to qualify as infill projects. The following Table C-1 demonstrates that the 316 12th Street Project satisfies each of the applicable requirements as a qualified urban infill project.

Table C-1: Project Infill Eligibility	
CEQA Eligibility Criteria	Eligible/Notes for Proposed Project
<p>1. Be located in an urban area on a site that either has been previously developed or that adjoins existing qualified urban uses on at least 75 percent of the site’s perimeter. For the purpose of this subdivision, “adjoin” means the infill project is immediately adjacent to qualified urban uses, or is only separated from such uses by an improved right-of-way. (CEQA Guidelines Section 15183.3[b][1])</p>	<p>The project site has been previously developed with commercial uses and adjoins existing urban uses, as described in the Project Description.</p>
<p>2. Satisfy the performance Standards provided in Appendix M (CEQA Guidelines Section 15183.3[b][2]) as presented in 2a and 2b below:</p> <p><i>2a. Performance Standards Related to Project Design.</i> All projects must implement all of the following:</p> <p>Renewable Energy.</p> <p><i>Non-Residential Projects.</i> All nonresidential projects shall include onsite renewable power generation, such as solar photovoltaic, solar thermal, and wind power generation, or clean back-up power supplies, where feasible.</p> <p><i>Residential Projects.</i> Residential projects are also encouraged to include such onsite renewable power generation.</p> <p>Soil and Water Remediation.</p> <p>If the project site is included on any list compiled pursuant to Section 65962.5 of the Government Code, the project shall document how it has remediated the site, if remediation is completed. Alternatively, the project shall implement the recommendations provided in a preliminary endangerment assessment or comparable document that identifies remediation appropriate for the site.</p>	<p>Not Applicable. According to Section IV (G) of CEQA Appendix M, for mixed-use projects “...the performance standards in this section that apply to the predominant use shall govern the entire project.” Because the proposed use is residential, the Project is not required to include onsite renewable power generation.</p> <p>The Project site is not included on any list compiled pursuant to Section 65962.5 of the Government Code. However, there is the potential for an exposure pathway from off-site contaminants to indoor air within the Project, where VOCs volatilizing from groundwater have the potential to migrate beneath off-site structures and into indoor air within the Project’s building via vapor intrusion. To proactively address this concern, the Project applicants have already installed an under-slab vapor barrier during construction of the new concrete slab under the existing building.</p> <p>The Project applicants also filed a Service Request Application for Preliminary Site Review with Alameda County Department of Environmental Health (ACDEH) in April 2021), and ACDEH is now providing regulatory oversight for further investigation of VOCs in soil vapor. Pursuant to a Workplan accepted by ACDEH in July, additional data is to be obtained to help inform</p>

Table C-1: Project Infill Eligibility

CEQA Eligibility Criteria	Eligible/Notes for Proposed Project
<p>Residential Units Near High-Volume Roadways and Stationary Sources.</p> <p>If a project includes residential units located within 500 feet, or other distance determined to be appropriate by the local agency or air district based on local conditions, of a high volume roadway or other significant sources of air pollution, the project shall comply with any policies and standards identified in the local general plan, specific plan, zoning code, or community risk reduction plan for the protection of public health from such sources of air pollution.</p> <p>If the local government has not adopted such plans or policies, the project shall include measures, such as enhanced air filtration and project design, that the lead agency finds, based on substantial evidence, will promote the protection of public health from sources of air pollution. Those measures may include, among others, the recommendations of the California Air Resources Board, air districts, and the California Air Pollution Control Officers Association.</p>	<p>decisions regarding potential additional remediation and/or mitigation at the site. Based on preliminary review of the data, mitigation requirements for the Project may include, but are not limited to installation of vapor intrusion engineering controls, a de-pressurization system, making the existing vapor system active, adding a retro-coat epoxy topical coating to the existing slab, and installing SVE wells for long-term monitoring.</p> <p>ACDEH is targeting a date of mid-August for approval of a Corrective Action Plan (CAP), at which time ACDEH anticipates issuance of a conditional approval letter (similar to other letters issued for redevelopment projects that ACDEH and the City of Oakland are coordinating on) to facilitate entitlement and redevelopment of the Project.</p> <p>The LMSAP EIR identifies a cancer risk buffer along the I-880 freeway (which varies in width from 400 feet to the south and 750 feet to the north), PM2.5 buffers along heavily traveled roadways including Harrison Street near the Project site, and five different stationary sources of TAC emissions within a distance of 1,000 from the Project site. These stationary sources include emergency diesel generators and gasoline dispensing facilities, and two of these stationary source within 1,000 feet of the Project site were identified as emitting TAC at levels that exceed risk thresholds. The Project site’s immediate adjacency to the Harrison Street roadway buffer for PM2.5 emissions, combined with additional TAC emissions from stationary sources, indicates a high likelihood that ambient air quality at the Project site may exceed certain health risk thresholds.</p> <p>Pursuant to the City SCAs, project applicants may choose to prepare a project-specific health risk analysis to determine relative health risks to future residents and mitigate accordingly, or may choose to install MERV-13 air filters or passive electrostatic filtering systems as part of the Project’s HVAC system, as well as other potentially applicable design measures to reduce the impact on indoor air quality within the Project. The Project applicant has chosen to install the MERV-13 air filters and other measures as may apply to comply with this SCA. Installation of these air filters will remove TAC emissions from indoor air to a level such that health risks would be reduced to less than significant levels.</p>
<p>2b. <i>Additional Performance Standards by Project Type.</i> In addition to implementing all the features described in criterion 2a above, the project must meet eligibility requirements provided below by project type. ^a</p> <p>Residential. A residential project must meet one of the following:</p> <p>A. <i>Projects achieving below average regional per capita vehicle miles traveled.</i> A residential project is eligible if it is located in a “low vehicle travel area” within the region;</p>	<p>According to maps prepared by MTC, the Project site is located in TAZ #968, which has an average VMT rate of 2.87 VMT per capita. The VMT threshold (at least 15 percent below the regional year 2030 average of 14.4 VMT per capita) is 12.24 VMT per capita. At 2.87 VMT per capita, the Project meets the map-based screening criteria for low VMT, and VMT impacts of the Project are presumed to be less than significant.</p>

Table C-1: Project Infill Eligibility	
CEQA Eligibility Criteria	Eligible/Notes for Proposed Project
<p>B. Projects located within ½ mile of an Existing Major Transit Stop or High Quality Transit Corridor. A residential project is eligible if it is located within ½ mile of an existing major transit stop or an existing stop along a high quality transit corridor; or</p> <p>C. Low – Income Housing. A residential or mixed-use project consisting of 300 or fewer residential units all of which are affordable to low income households is eligible if the developer of the development project provides sufficient legal commitments to the lead agency to ensure the continued availability and use of the housing units for lower income households, as defined in Section 50079.5 of the Health and Safety Code, for a period of at least 30 years, at monthly housing costs, as determined pursuant to Section 50053 of the Health and Safety Code.</p>	<p>The Project has access to the 12th Street BART Station within 1/4 mile of the site, and to the Lake Merritt BART Station and the 19th Street BART Station within ½ mile. A BUS Rapid Transit (high quality transit corridor) bus stop was recently installed directly in front of the building.</p>
<p>Commercial/Retail. A commercial/retail project must meet one of the following:</p> <p>A. Regional Location. A commercial project with no single-building floor-plate greater than 50,000 square feet is eligible if it locates in a “low vehicle travel area”; or</p> <p>B. Proximity to Households. A project with no single-building floor-plate greater than 50,000 square feet located within ½ mile of 1,800 households is eligible.</p>	<p>Not Applicable. According to Section IV (G) of CEQA Appendix M, for mixed-use projects “...the performance standards in this Section that apply to the predominant use shall govern the entire project.” Because the Project’s proposed use is residential, the requirements for commercial/ retail projects do not apply.</p>
<p>Office Building. An office building project must meeting one of the following:</p> <p>A. Regional Location. Office buildings, both commercial and public, are eligible if they locate in a low vehicle travel area; or</p> <p>B. Proximity to a Major Transit Stop. Office buildings, both commercial and public, within ½ mile of an existing major transit stop, or ¼ mile of an existing stop along a high quality transit corridor, are eligible.</p>	<p>Not Applicable</p>
<p>Schools.</p> <p>Elementary schools within 1 mile of 50 percent of the projected student population are eligible. Middle schools and high schools within 2 miles of 50 percent of the projected student population are eligible.</p> <p>Alternatively, any school within ½ mile of an existing major transit stop or an existing stop along a high quality transit corridor is eligible.</p> <p>Additionally, to be eligible, all schools shall provide parking and storage for bicycles and scooters, and shall comply with the requirements of Sections 17213, 17213.1, and 17213.2 of the California Education Code.</p>	<p>Not Applicable</p>

Table C-1: Project Infill Eligibility	
CEQA Eligibility Criteria	Eligible/Notes for Proposed Project
<p>Transit. Transit stations, as defined in Section 15183.3(e)(1), are eligible.</p>	Not Applicable
<p>Small Walkable Community Projects. Small walkable community projects, as defined in Section 15183.3, subdivision (e)(6), that implement the project features in 2a above are eligible.</p>	Not Applicable
<p>3. Be consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy, except as provided in CEQA Guidelines Sections 15183.3(b)(3)(A) or (b)(3)(B) below:</p> <p>(b)(3)(A). Only where an infill project is proposed within the boundaries of a metropolitan planning organization for which a sustainable communities strategy or an alternative planning strategy will be, but is not yet in effect, a residential infill project must have a density of at least 20 units per acre, and a retail or commercial infill project must have a floor area ratio of at least 0.75; or</p> <p>(b)(3)(B). Where an infill project is proposed outside of the boundaries of a metropolitan planning organization, the infill project must meet the definition of a “small walkable community project” in CEQA Guidelines §15183.3(f)(5). (CEQA Guidelines Section 15183.3[b][3])</p>	<p>Pursuant to SB 375, the California ARB established GHG reduction targets for each region covered by one of the state's 18 metropolitan planning organizations (MPOs). Each of California's MPOs must then prepare a "Sustainable Communities Strategy (SCS)" that demonstrates how the region will meet its greenhouse gas reduction target through integrated land use, housing and transportation planning. SB 375 also identified new CEQA exemptions and streamlining for projects that are consistent with the SCS and qualify as Transportation Priority Projects (TPP). TPPs must meet three requirements: (1) contain at least 50 percent residential use; commercial use must have floor area ratio (FAR) of not less than 0.75; (2) have a minimum net density of 20 units per acre; and (3) be located within one half-mile of a major transit stop or high quality transit corridor included in the regional transportation plan. The more current statewide goal pursuant to SB 32 is to reduce California's GHG emissions to 40 percent below 1990 levels by 2030.</p> <p>Pursuant to the City's 2030 Equity and Climate Action Plan (ECAP) Oakland's adopted its own 2030 reductions target of 56% below Oakland's 2005 GHG emission, which reaches beyond that of the State's 40% target, thereby qualifying as an “alternative planning strategy”. In December 2020, the City Planning Commission adopted an ECAP Checklist that every project applicant must complete, demonstrating consistency with the 2030 ECAP.</p> <p>As shown in the CEQA Checklist, the Project fully complies with the ECAP Checklist, which addresses issues of GHG reduction through lowering energy consumption, lowering vehicle miles travelled, increasing access to transit, creating a more dense urban form, and minimizing displacement of existing residences and businesses. By satisfying all of the ECAP Checklist criteria, the Project is fully consistent with the City of Oakland 2030 ECAP, and consistent with an alternative sustainable communities strategy.</p>

^a Where a project includes some combination of residential, commercial and retail, office building, transit station, and/or schools, the performance standards in this section that apply to the predominant use shall govern the entire project.

Attachment D

Class 32 Infill Exemption, Per CEQA Guidelines Section 15332

Article 19 of the California Environmental Quality Act (CEQA Guidelines Section 15300 to Section 15333) includes a list of classes of projects that have been determined to not have a significant effect on the environment and as a result, are exempt from review under CEQA. Among the classes of projects that are exempt from CEQA review are those projects that are specifically identified as urban in-fill development. CEQA Guidelines Section 15332 (Class 32) consists of projects characterized as in-fill development when meeting the following conditions:

- the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations
- the proposed development occurs within city limits, on a project site of no more than five acres, substantially surrounded by urban uses
- the project site has no value as habitat for endangered, rare or threatened species
- approval of the project would not result in any significant effects relating to traffic, noise, air quality or water quality, and
- the site can be adequately served by all required utilities and public services

The analysis presented in the following section provides substantial evidence that the proposed Project qualifies for an exemption under CEQA Guidelines Section 15332 as a Class 32 urban in-fill development, and would not have a significant effect on the environment. Section 15183(a) of the California Environmental Quality Act (CEQA) Guidelines states that "...projects which are consistent with the development density established by the existing zoning, community plan, or general plan policies for which an Environmental Impact Report (EIR) was certified shall not require additional environmental review, except as may be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site."

Section 15332(a): General Plan & Zoning Consistency

Yes No

- | | | |
|-------------------------------------|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | The Project is consistent with the applicable General Plan designation and all applicable planning policies, and is consistent with the applicable zoning designation and regulations. |
|-------------------------------------|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

As is fully documented in Attachment B, the Project is consistent with the applicable General Plan LUTE and it implementing policies, the Lake Merritt Station Area Plan and its effective polices, and the applicable regulatory standards of the D-LM-4 zoning district that apply to the Project. The Project meets all of the criteria of CEQA Guidelines Section 15332(a) as being consistent with the General Plan, the Lake Merritt Station Area Plan and applicable zoning regulations for the site, and findings regarding the Project's consistency with the zoning are included as Attachment B.

Section 15332(b): Project Location, Size & Context

Yes No

- The Project site is located within the city limits of Oakland, on a site of no more than five acres substantially surrounded by urban uses.

The approximately 0.22-acre Project site is located within the Oakland city limits, and within an urbanized portion of the downtown Central Business District, which is comprised of a dense mix of various land uses and development. The Project site is surrounded on all sides by urban land uses and/or properties undergoing redevelopment at higher density and urban scale. Based on these characteristics, the Project is consistent with the requirements of CEQA Guidelines Section 15332(b) as being within city limits, on a site of no more than five acres, and substantially surrounded by urban uses.

Section 15332(c): Endangered, Rare or Threatened Species

Yes No

- The Project site has no value as habitat for endangered, rare or threatened species.

As fully documented in the CEQA Checklist, the Project site consists of an existing building in a densely developed area. There is no vegetation on-site or in the immediate vicinity, and the site provides virtually no habitat for plants other than weedy plants or plants used for landscaping. The Project is absent of suitable habitat for endangered, rare or threatened plant and animal species based on proximity of streets and development, the lack of protective cover, and no street trees present along this segment of 12th Street. Special-status species are not expected to inhabit or use the Project site because of a lack of suitable habitat, prior disturbance and the current level of human activity. No tree removal is required by the Project. Therefore, the Project site has no value as habitat for endangered, rare or threatened species, and the Project qualifies for an exemption under CEQA Guidelines Section 15332(c) as a Class 32 urban in-fill development under this criteria.

Section 15332(d)(1): Traffic

Yes No

- Approval of the project would not result in any significant effects relating to traffic.

As fully documented in the CEQA Checklist, the Project would not exceed the City's applicable significance thresholds related to transportation.

The Project is located within a Traffic Analysis Zone (TAZ) that generates only 2.87 VMT per capita, and the Project's meets the City's map-based screening criteria for low VMT. The Project site is located less than one-quarter mile walk from the 12th Street/City Center BART station, has an FAR of approximately 3.6 (greater than 0.75), does not include any parking,¹ and is located in an area identified as a transit-

¹ There is no minimum parking requirement for the D-LM-4 zone under the City of Oakland Planning Code (Section 17.116.060).

priority development area. Based on these criteria, VMT impacts of the Project are presumed to be less than significant.

The Project would encourage the use of non-auto transportation modes by providing residential and retail uses in a dense, walkable urban environment that is well-served by both local and regional transit. The Project would not make any modifications to existing pedestrian or bicycle facilities in the surrounding area, and would not adversely affect installation of planned future facilities. The Project would not adversely affect the longer-term plans of the Lake Merritt Station Area Plan for 12th Street to become a Bus Rapid Transit (BTR) route, and would not preclude a planned pedestrian bulb-out at the corner of 12th Street and Harrison (the Project site is located mid-block on 12th Street).

Although not required to mitigate a significant impact under CEQA, the Project applicant would be required to implement the following SCAs applicable to traffic and transportation

- SCA Transportation-1: Construction Activity in the Public Right-of-Way
- SCA Transportation-2: Bicycle Parking, and
- SCA Transportation-3: Transportation Impact Fee ²

The Project would not result in a significant effect relating to traffic, and therefore qualifies for an exemption under CEQA Guidelines Section 15332(d)(1) as a Class 32 urban in-fill development under the traffic criteria.

Section 15332(d)(2): Noise

Yes No

- Approval of the Project would not result in any significant effects relating to noise.

As fully documented in the CEQA Checklist, the Project would not exceed the City's applicable significance thresholds related to noise or vibration. The Project is not located within the vicinity of a private airstrip or a public airport and would not expose people residing or working in the area to excessive aircraft noise levels. The Project would result in construction noise and vibration at levels similar to most other mid-rise construction projects within the Lake Merritt Station Plan Area. There is nothing unique or peculiar about the Project or its construction that would suggest that the Project would have greater construction noise or vibration impacts than other typical mid-rise construction projects as analyzed in the Lake Merritt Station Area Plan EIR, and the Project would be required to implement all applicable SCAs to reduce construction noise. The Project would include stationary sources of operational noise such as mechanical heating, ventilating, and air conditioning (HVAC) equipment that is standardized for noise reduction, as well as an emergency generator for the elevator. Stationary equipment would operate within the restrictions of the City's Noise Ordinance (Chapter 17.120.050 of the City of Oakland Planning Code), which specifies the maximum sound level received at residential, public open spaces and commercial land uses. Traffic noise impacts of the Project would be less than significant.

The Project applicant would be required to implement the following SCAs applicable to noise:

² Since the Project does not generate 50 or more net new a.m. or p.m. peak hour vehicle trips, the SCA requiring a Transportation and Parking Demand Management Plan is not applicable. Additionally, since the Project does not require on- or off-site transportation-related improvements, the SCA requiring implementation of such improvements is also not applicable.

- SCA Noise-1: Construction Days/Hours
- SCA Noise-2: Construction Noise
- SCA Noise-3: Extreme Construction Noise
- SCA Noise-4: Exposure to Community Noise
- SCA Noise-5: Operational Noise
- SCA Noise-6: Vibration Impacts on Adjacent Structures or Vibration-Sensitive Activities

With implementation of all required SCAs pertaining to noise (see Attachment A for full text of applicable SCAs), the Project would not result in significant effects related to noise or vibration, and would meet the criteria pursuant to CEQA Guidelines Section 15332(d)(2) for an Infill Exemption based on noise impacts.

Section 15332(d)(3): Air Quality

Yes No

- Approval of the project would not result in any significant effects relating to air quality.

As fully documented in the CEQA Checklist, the Project would not exceed the City’s applicable significance thresholds related to air quality. The Project is consistent with the policies and standards of the Lake Merritt Station Area Plan, is located in an area that is well served by transit, and does not include any parking. As such, the Project is also considered to be consistent with the Clean Air Plan. The Project does not exceed screening criteria published by the BAAQMD air quality emissions resulting from construction or operations. Construction-related TAC emissions from the Project will be reduced to a less than significant level with implementation of required City of Oakland (see below). The Project’s operations would not be a substantial source of toxic air contaminants, would not pose a health risk to others. Pursuant to City SCAs, installation of MERV 13 air filters as part of the Project’s HVAC system is a requirement of the Project, and will remove TAC emissions from indoor air to a level that health risks would be reduced to less than significant levels.

The Project is subject to each of the following applicable City’s SCAs related to air quality:

- SCA Air-1: Dust Controls - Construction Related
- SCA Air-2: Criteria Air Pollutant Controls - Construction Related
- SCA Air-3: Exposure to Air Pollution - Toxic Air Contaminants
- SCA Air-4: Stationary Sources of Air Pollution - Toxic Air Contaminants, and
- SCA Air-5: Asbestos in Structures

With implementation of all required SCAs pertaining to air quality (see Attachment A for full text of applicable SCAs), the Project would not result in significant effects related to air quality, and would meet the criteria pursuant to CEQA Guidelines Section 15332(d)(3) for an Infill Exemption based on air quality impacts.

Section 15332(d)(4): Water Quality

Yes No

- Approval of the project would not result in any significant effects relating to water quality.

As fully documented in the CEQA Checklist, the Project would not exceed the City's applicable significance thresholds related to water quality. The Project site is currently developed and has 100 percent impervious surface (rooftop). The Project would not increase the amount of impervious surface or increase stormwater runoff, and would not substantially increase runoff as a source of polluted runoff from the site. The Project is subject to regulatory requirements and City SCAs for smaller projects, which encourage site design measures that reduce the amount of stormwater runoff and that limit pollution in stormwater runoff. On-site ground disturbance is limited to approximately 160 square feet within the boundaries of the site, and will be subject to City SCAs requiring implementation of BMPs to reduce erosion, sedimentation and water quality impacts. The Project would not increase the amount of impervious surface on the site, would not increase the rate or volume of surface stormwater runoff, and would not increase the volume of potentially polluted runoff. The Project site is in a highly urbanized environment. The nearest surface water body is Lake Merritt, approximately 0.4 miles to the east, and is separated from the Project site by urban development. There are no other lakes, creeks or other surface waters in the immediate proximity. The Project site is not located near any creeks and is not subject to the City of Oakland Creek Protection Ordinance. The Project site is served by the City's existing stormwater system and downstream conveyance channels that will receive runoff from the Project.

The Project is subject to all of the following applicable City's SCAs related to water quality:

- SCA Hydrology-1: Erosion and Sedimentation Control Measures for Construction
- SCA Hydrology-2: Site Design Measures to Reduce Stormwater Runoff
- SCA Hydrology-3: Source Control Measures to Limit Stormwater Pollution
- SCA Hydrology-4: NPDES C.3 Stormwater Requirements for Small Projects

With implementation of all required SCAs pertaining to water quality (see Attachment A for full text of applicable SCAs), the Project would not result in significant effects related to water quality, and would meet the criteria pursuant to CEQA Guidelines Section 15332(d)(4) for an Infill Exemption based on no resulting water quality impacts.

Section 15332(e): Utilities and Public Services

Yes No

- The Project site can be adequately served by all required utilities and public services.

As fully documented in the CEQA Checklist, the Project would not exceed the City's applicable significance thresholds related to utilities and public services. The Project site is located within a fully urbanized portion of the City of Oakland's Central Business District, and is served by all needed utilities (e.g. water, electricity, sanitary sewer facilities, and storm drain facilities), and all required public services (e.g. police and fire services, and public schools). The Project will require specific on-site extensions and improvements to existing utility infrastructure to serve the new building. In coordination with utility providers such as EBMUD and the City, an extension or upgrade of sanitary sewer lines,

water supply pipelines or storm drains that currently serve the existing building may be needed to serve the increased utility demands of the increase in office space and additional 27 residential units.

Although not required to mitigate a significant impact under CEQA, the Project applicant would be required to implement the following SCAs applicable to public services and utilities:

- SCA Services-1: Capital Improvements Impact Fee
- SCA Utilities-1: Construction and Demolition Waste Reduction and Recycling
- SCA Utilities-2: Underground Utilities
- SCA Utilities-3: Recycling Collection and Storage Space
- SCA Utilities-4: Green Building Requirements
- SCA Utilities-5: Water Efficient Landscape Ordinance

With implementation of all required SCAs pertaining to utilities and public service (see Attachment A for full text of applicable SCAs), the Project would not result in significant effects related to utilities or public services, and would meet the criteria pursuant to CEQA Guidelines Section 15332(d)(5) for an Infill Exemption based on no resulting utility or public service impacts.

Exceptions to Categorical Exemptions Checklist

In addition to investigating the applicability of CEQA Guidelines Section 15332 (Class 32), this environmental review document also assesses whether any of the exceptions to qualifying for the Class 32 categorical exemption for an Infill Project are present. The following analysis compares the criteria of CEQA Guidelines Section 15300.2 (Exceptions) to the Project.

Section 15300.2(a): Location

Yes No

- There is no exception to the Class 32 exemption for the Project related to its location. This exception applies only to CEQA exemptions under Classes 3, 4, 5, 6, or 11. Since the project qualifies as a Class 32 urban infill exemption, this criterion is not applicable, and is provided here for information purposes only.

The Project is not located in a particularly sensitive environment and would not impact any environmental resources of hazardous or critical concern as designated, mapped or adopted pursuant to law by federal, state, or local agencies. The exception under CEQA Guidelines §15300.2(a) does not apply.

Section 15300.2(b): Cumulative Impacts

Yes No

- There is no exception to the Class 32 exemption for the Project related to cumulative impacts. The Project would not make a significant contribution to cumulative impacts of successive projects of the same type and in the same place, over time.

The Project is consistent with the Land Use and Transportation Element (LUTE) of the General Plan, the 2014 Lake Merritt Station Area Plan, and all applicable zoning regulations. The Project is required to

implement all applicable mitigation measures and SCAs identified in the 2014 Lake Merritt Station Area Plan EIR, which serves as a “Program EIR” pursuant to CEQA Guidelines Sections 15183. Consistent with CEQA Guidelines Section 15183, which allows for streamlined environmental review, this environmental review document need not re-consider cumulative effects already addressed under this Program EIR. As addressed in the Project’s CEQA Checklist under the topics of historic resources, traffic, noise and air quality, the Project’s potential effects are assessed in relation to the combined cumulative effects of other approved, pending and reasonably foreseeable future projects of generally the same type, and in the same general vicinity as the Project. As concluded in the CEQA Checklist, the Project would not make a considerable contribution to any cumulative effects related to traffic, noise or air quality.

The Project would be required to implement applicable City SCAs, which would serve to reduce the Project’s contribution to cumulative effect to less than significant. Since the Project is consistent with the development assumed in the Lake Merritt Station Area Plan EIR, the Project’s potential contribution to cumulatively significant effects has already been addressed in that EIR, there are no further cumulative effects associated with the Project, and an exception under CEQA Guidelines Sec. 15300.2(b) does not apply to the Project.

The Historic Resources Evaluation included in the CEQA Checklist also concludes that there are no other known probable future projects within or adjacent to the King Block on file with the City. As such, there is no known cumulative scenario whereby the effects of the Project may combine with the effects of other past projects, current projects or probable future projects that might result in cumulatively considerable impacts to the historic resources of the King Block API.

Section 15300.2(c): Significant Effect Due to Unusual Circumstances

Yes No

- There is no exception to the Class 32 exemption for the Project related to unusual circumstances. There is no reasonable possibility that the Project will have a significant effect on the environment due to unusual circumstances.

As analyzed throughout the CEQA Checklist, the Project would not result in any significant effects on the environment. There are no unusual circumstances specific to the Project as compared to its surroundings, or to other similar projects (including other infill development in the LMSAP) that would pose a reasonable possibility of causing a significant effect on the environment. Therefore, the exception under CEQA Guidelines Sec. 15300.2(c) pertaining to unusual circumstances does not apply to the Project.

Section 15300.2(d): Scenic Highway

Yes No

- There is no exception to the Class 32 exemption for the Project related to scenic highways. The Project will not result in damage to scenic resources (trees, historic buildings, rock outcroppings or similar resources) within a highway officially designated as a state scenic highway.

There are no designated scenic highways in the immediate Project vicinity. The closest designated scenic highway is I-580, located more than a mile north of the Project site. As such, the Project would not

adversely affect any scenic resources within the scenic highway. Based on this finding, the exception under CEQA Guidelines Section 15300.2(d) does not apply to the Project.

Section 15300.2(e): Hazardous Waste Sites

Yes No

- There is no exception to the Class 32 exemption for the Project related to being a hazardous waste site. The Project is not located on a site that is included on any list compiled pursuant to Section 65962.5 of the California Government Code.

A Phase I Environmental Site Assessment (ESA) was prepared for the Project site in 2018.³ That Phase I ESA concluded that the Project site was not included on any of the data resources that provide information regarding facilities or sites meeting the "Cortese List" requirements, and the exception under CEQA Guidelines Section 15300.2(e) does not apply to the Project.

A Phase II ESA was conducted in May of 2020 to evaluate potential vapor-phase migration concerns and the potential for vapor intrusion from off-site location into the existing building. To proactively address this concern, the Project applicant's building permit application included an under-slab vapor barrier, which was installed during construction pursuant to the City's prior approval.

The Project applicants have also filed a Service Request Application for Preliminary Site Review with Alameda County Department of Environmental Health (ACDEH), and ACDEH is now providing regulatory oversight for further investigation of VOCs in soil vapor below the building. Pursuant to a Workplan accepted by ACDEH in July 2001, additional data is to be obtained to help inform decisions regarding potential additional remediation and/or mitigation at the site. Based on preliminary review of the data, mitigation requirements for the Project may include, but are not limited to installation of vapor intrusion engineering controls, a de-pressurization system, making the existing vapor system active, adding a retro-coat epoxy topical coating to the existing slab, and installing SVE wells for long-term monitoring.

ACDEH is targeting a date of mid-August for approval of a Corrective Action Plan (CAP), at which time ACDEH anticipates issuance of a conditional approval letter (similar to other letters issued for redevelopment projects that ACDEH and the City of Oakland are coordinating on) to facilitate entitlement and redevelopment of the Project.

The Project applicant would be required to implement the following SCAs applicable to hazardous materials:

- SCA Hazards 1: Hazardous Materials Related to Construction
- SCA Hazards-2: Hazardous Building Materials and Site Contamination
- SCA Hazards-3: Regulatory Permits and Authorizations from Other Agencies

³ AEI Consultants, Phase I Environmental Site Assessment, November 29, 2018

Section 15300.2(f): Historical Resources

Yes No

- There is no exception to the Class 32 exemption for the Project related to historic resources.

As fully documented in the CEQA Checklist, the Project site is located on 12th Street, mid-block between Webster Street and Harrison Street. This entire city block is known as the King Block. The King Block is a group of five connected buildings and a center alley that, as a whole, is identified as a historic district eligible for listing on the National Register of Historic Places (Nation Register) and the California Register of Historic Resources (California Register), and identified locally as an Area of Primary Importance (API). Based on these criteria, the King Block is a historic district as recognized pursuant to CEQA. The existing building on the Project site is individually considered a C-rated building pursuant to the OCHS, indicating that this building is not individually considered eligible for listing on the National Register or the California Register, but is considered a historic resource pursuant to CEQA as a contributor to the historic King Block.

The CEQA Checklist also documents that although the Project does not propose to demolish the historic building at 316 12th Street, it does propose new construction above this building, specifically adding 3 stories of new residential use. The residential addition has been evaluated according to the rehabilitation standards of the Secretary of the Interior's Standards for the Treatment of Historic Properties, and found to be consistent with those standards – both individually and as a contributor to the historic King Block.⁴ The Historic Project Evaluation concludes that the Project will not detrimentally affect the extant historic integrity of the King Block or of the individual building at 316 12th Street.

The Project applicant would be required to implement the following SCAs applicable to cultural and historic resources:

- SCA Cultural 1: Archaeological and Paleontological Resources – Discovery During Construction
- SCA Cultural-2: Human Remains – Discovery During Construction

Section 15300.2(g): Other Potential Effects

Yes No

- There is no exception to the Class 32 exemption for the Project related to substantial adverse impacts other than those discussed above.

The 2014 Lake Merritt Station Area Plan EIR identified significant and unavoidable cumulative impacts related to transportation (roadway segment operations), air quality (exposure of sensitive receptors to TAC), and cultural resources. These topics have been evaluated at the Project level in the CEQA Checklist analysis, and the Projects contribution to these impacts have been determined to be less than significant with implementation of applicable SCAs. The City's CEQA thresholds have since been amended to no longer include roadway segment level of service as a threshold concern, having been replaced by VMT as the appropriate metric for transportation impacts.

⁴ Preservation Architecture, 316 12th Street - Oakland Historical Project Evaluation, July 2021

The 2014 Lake Merritt Station Area Plan EIR (including its Initial Study Checklist) determined that development consistent with the Area Plan would result in impacts that would be reduced to a less than significant level with implementation of mitigation measures and/or Standard Conditions of Approval (SCAs) related to air quality (conflicts with the Bay Area Clean Air Plan), hazards materials, hydrology and water quality (runoff in excess of existing capacity), noise, utilities and public services, and biological resources (fish or wildlife species, riparian habitat, wetlands). These topics have also been evaluated at the Project level in the CEQA Checklist, and the Projects impacts have been determined to be less than significant with implementation of applicable SCAs.

As to all other CEQA topics and thresholds (including aesthetics, cultural resources, greenhouse gas emissions and global climate change, geology and soils, flooding and groundwater depletion, and intersection operations in the downtown), the 2014 Lake Merritt Station Area Plan EIR determined that impacts related to these topics would be reduced to less than significant levels with implementation of all applicable mitigation measures and/or SCAs.

The Project will be required to implement the following SCAs pertaining to the topics of aesthetics, greenhouse gas emissions and global climate change, and geology and soils:

- SCA Aesthetics-1: Trash and Blight Removal
- SCA Aesthetics-2: Graffiti Control
- SCA Aesthetics-3: Landscape Plan
- SCA Aesthetics-4: Lighting
- SCA Geology-1: Construction-Related Permits
- SCA Geology-2: Soils Report
- GHG-1: Project Compliance with the ECAP Consistency Checklist

With implementation of these SCAs, the Project's impacts related to topics other than those discussed above would be reduced to levels of less than significant. The Project would not present an exception to an Infill Exemption based on the CEQA Guidelines Section 15300.2(g) criteria of other impacts.

Conclusions

As demonstrated above, the Project qualifies for an exemption under CEQA Guidelines §15332 as a Class 32 Urban Infill development, and there are no exceptions to the CEQA exemption pursuant to CEQA Guidelines Section 15300.2 that apply to the Project.