CITY OF OAKLAND
AGENDA REPORT

TO: Office of the City/Agency Administrator
ATTN: Deborah Edgerly
FROM: Community and Economic Development Agency
DATE: September 26, 2006

RE: **JOINT CITY AND AGENCY PUBLIC HEARING AND ACTION ON THE 191 UNIT TASSAFARONGA VILLAGE RESIDENTIAL PROJECT (LOCATED AT 81ST AVENUE, 82ND AVENUE, 83RD AVENUE, 84TH AVENUE, 85TH AVENUE, AND G STREET), INCLUDING ADOPTING:**

1) City Resolution amending the General Plan Land Use Designation at 968 - 81st Avenue, a 0.03-acre portion of 966 – 81st Avenue and a 0.141-acre tax default parcel (APN 042-4206-0047-00) from Business Mix to Mixed Housing Type;
2) Agency Resolution approving and recommending adoption of an amendment to the Coliseum Area Redevelopment Plan Land Use Designation at 968 - 81st Avenue, a 0.03-acre portion of 966 – 81st Avenue and a 0.141-acre tax default parcel (APN 042-4206-0047-00) from Business Mix to Mixed Housing Type;
3) City Ordinance adopting an amendment to Coliseum Area Redevelopment Plan revising the Land Use Designation at 968 - 81st Avenue, a 0.03-acre portion of 966 – 81st Avenue and a 0.141 -acre tax default parcel (APN 042-4206-0047-00) from Business Mix to Mixed Housing Type; and
4) City Ordinance rezoning 968 - 81st Avenue, a 0.03-acre portion of 966 – 81st Avenue and a 0.141 -acre tax default parcel (APN 042-4206-0047-00) from M-30 (General Industrial Zone) to R-50 (Medium Density Residential Zone).

SUMMARY

The proposed project is the redevelopment of an existing public housing project and conversion of a vacant manufacturing building into housing. The project would result in the demolition of 16 residential buildings containing 87 housing units. The site would be redeveloped with 191 residential units, including 77 rental townhomes; 22 for-sale townhomes priced at affordable levels; 60 rental apartments; and 32 loft units in a rehabilitated manufacturing building. To implement the proposed project, the applicant is seeking to amend the General Plan land use designation for a portion of the site from Business Mix to Mixed Housing Type, a similar amendment to the Coliseum Redevelopment Plan and to rezone a portion of the site from M-30 General Industrial Zone to the R-50 Medium Density Residential Zone. The applicant is also seeking approval of a Major Conditional Use Permit and Variances.

On September 20, 2006, the Planning Commission held a public hearing on the proposed project to consider 1) Adoption of the Mitigated Negative Declaration (MND); 2) Approval of the

development permits (Conditional Use Permits and Variances); 3) Recommendation of approval of the proposed General Plan amendment to the City Council; 4) Recommendation of approval of the proposed Redevelopment Plan amendment to the City Council and Redevelopment Agency; and 5) Recommendation of approval of the proposed rezoning to the City Council. Because this report was written (and will be published in the agenda) prior to the Planning Commission meeting, the actions of the Planning Commission cannot be included in this report, but will be provided separately to the Council.

The City Council and Redevelopment Agency now must consider the Planning Commission's recommendations to adopt legislation for the proposed General Plan amendment, Redevelopment Plan amendment, and rezoning, which are required in order to implement the project. The Council also has the authority, pursuant to a condition of approval, to consider and revise as appropriate (accept, reject or modify) the adjudicatory land use decisions of the City Planning Commission (including variances and conditional use permits), regardless of whether an appeal to the City Council is filed challenging such adjudicatory land use decisions.

FISCAL IMPACT

The proposed project and the proposed General Plan amendment, Redevelopment Plan amendment, and rezoning will not result in any direct fiscal impacts to the City of Oakland. Staff costs related to the review of the project and the amendments, as well as future planning entitlements for the project area, are cost covered. These entitlements are subject to the applicable fees established in the Master Fee Schedule.

Housing developments typically do not generate enough tax revenue (from direct and indirect sources, including property taxes, sales and use taxes, motor vehicle in lieu fees, utility consumption taxes, real estate transfer taxes, fines and penalties) to offset the cost of providing city services. However, the project will enhance the quality of life in the existing residential neighborhoods immediately adjacent to the project site by redeveloping an aged public housing site and reusing an underutilized industrial site with residential uses consistent with the existing neighborhood, thereby making the neighborhood a more desirable place to live and, in turn, increasing revenue to the City in the form of increased property taxes and real estate transfer taxes.

BACKGROUND

The project was discussed by the Planning Commission at a public hearing held on September 20, 2006. At this meeting the Planning Commission heard comments from the public and discussed the results of the Mitigated Negative Declaration and the merits of the project itself, and took various actions, which will be reported separately. This project is brought the City Council and Redevelopment Agency to consider the Planning Commission's recommendations to adopt the proposed General Plan amendment, Redevelopment Plan amendment, and rezoning, which are required in order to implement the project. The Council also has the authority,

pursuant to a condition of approval, to consider and revise as appropriate (accept, reject or modify) the adjudicatory land use decisions of the City Planning Commission (including variances and conditional use permits), regardless of whether an appeal to the City Council is filed challenging such adjudicatory land use decisions.

The City Planning Commission staff report for the September 20, 2006, meeting is attached to this report (see Attachment A).

PROJECT DESCRIPTION

The proposed project involves demolition of the existing Tassafaronga Village public housing (87 units); development of a 60-unit apartment building; 77 rental townhomes; 22 affordable for-sale townhomes; and rehabilitation and reuse of the pasta factory structure with 32 loft units. A total of 191 units would result from this project, resulting in an increase of 104 new units. Project plans are included in Attachment A.

Demolition of Existing Structures. The existing Tassafaronga Village includes six three-story apartment buildings and ten one-story apartment buildings. These structures would be demolished as part of the proposed project. The pasta factory structure would be preserved and rehabilitated with loft housing. All current residents would receive relocation assistance, consistent with California Redevelopment Law. According to the applicant, residents in good standing (i.e., those who have complied with the terms of their leases and have not engaged in violent criminal activity) would also have the option of renting or purchasing units in the developed project.

Housing. The project site would be redeveloped with the following housing types: 1) townhouses, built by Oakland Housing Authority (OHA) and Habitat for Humanity; 2) apartments; and 3) warehouse loft units. Housing density on the project site would increase from 18 units per acre to approximately 25 units per acre. The housing proposed to be constructed on the project site is summarized below:

Comparison of Existing Uses with Proposed Project

Characteristic	Existing	Proposed	Net Change
Acreage	4.82 acres	7.33 acres	2.51 acres
Residential Units	87	191	104
Density	18 units/acre	26 units/acre	8 units/acre
Housing Type	Rental	rental and for-sale	--
Parking	87	270	183

Source: David Baker + Partners, 2006.

KEY ISSUES AND IMPACTS

Below is a discussion of the key issues and impacts related to the project. These issues and impacts are further discussed in the September 20, 2006, Planning Commission staff reports (see Attachment A).

Environmental Impacts

The project is subject to the environmental review requirements of the California Environmental Quality Act (CEQA). An Initial Study and Mitigation Negative Declaration of the potential environmental impacts of the project was prepared. The Initial Study concluded that all potentially significant environmental impacts could be reduced to less-than-significant levels with mitigation measures or standard conditions of approval.

The Mitigated Negative Declaration was published for public review on August 28, 2006 beginning a 22-day public review period, which exceeds the legally-mandated 20-day public review period. A copy of the Mitigated Negative Declaration is included in this report as part of the Planning Commission materials.. Copies of the Mitigated Negative Declaration were made available to the public at the office of the Planning and Zoning Division (250 Frank H. Ogawa Plaza, Suite 3315). Additionally, a Notice of Intention to adopt a Mitigated Negative Declaration was sent to responsible agencies and posted in multiple locations on the project site. As of September 7, 2006, no comments were received on the Mitigated Negative Declaration. Comments, if any, as well as staff responses, will be provided at the September 26th meeting.

The Mitigated Negative Declaration identified only one potentially significant environmental impact and mitigation, which can be reduced to less-than-significant levels with the adoption of the recommended Mitigation Measure:

The portion of the project site between 81st Avenue and 84th Avenue is within an area designated as Zone B by the Federal Emergency Management Agency (FEMA). Zone B is defined as an area within the limits of the 100-year flood and the 500-year flood, or certain areas subject to the 100-year flood where flood depths average less than 1 foot or where the contributing drainage area is less than 1 square mile. The area between 84th Avenue and 85th Avenue is designated as being within Zone C by FEMA. Zone C is an area of minimal flooding. Therefore, the portion of the project site north of 84th Avenue could be subject to significant flooding during a greater-than 100-year flood event if proposed project grades and/or floor elevations are not raised. Because flood depths within the project site are expected to be less than 1 foot, and buildings would be located in clusters throughout the project site, the proposed project would not be expected to redirect flood flows such that properties around the site would be damaged. In addition, flooding on the site would not be expected to result in substantial loss of property, injury, or death. Implementation of the following mitigation measure would reduce flood-related impacts to a less-than-significant level:

Mitigation Measure HYD-2: The project sponsor shall retain the project civil engineer of record to ensure that project development plans contain finished site grades and floor elevations that are elevated above the Base Flood Elevation of a 100-year flood event.

Land Use Conflicts

The conversion of industrial land to residential use in an industrial area has the potential to result in land use conflicts due to the close proximity of industrial and residential uses. The Land Use Analysis within the Mitigated Negative Declaration indicates that the potential land use conflicts between the proposed project and the surrounding area would be minimal. The project would create additional areas of residential-industrial interface where the proposed residential uses would abut existing industrial uses (AJN Concrete Construction and Bart's Trucking) along the north and west perimeter of residential uses proposed on the north side of 83rd Street. These uses have expansive storage lots immediately adjacent to the proposed development and therefore would not subject the proposed residential uses to intensive industrial activity. Additionally, the proposed residences are buffered from these uses by an approximately 18-foot tall concrete wall, parking area and landscaped setbacks. The project shares a common boundary with existing residential uses located to the east along "E" Street so the project would eliminate the existing conflict between the use of the property and the adjacent residential uses. Land uses to the south and west include a diverse mix of housing, a vacant lot, a church, storage buildings in connection with Acts Full Gospel Church, and light industrial uses. These uses generate a moderate amount of traffic, but no significant odors or emissions. Because the industrial activities are light-industrial in nature and with low intensity outdoor storage uses that are relatively limited in height, potential use conflicts related to noise, odor, glare, and privacy would be limited.

General Plan Amendment

The Oakland General Plan currently designates the project area as Business Mix (pasta factory parcel, small vacant industrial parcel and the area subject to lot line adjustment) and Housing and Business Mix (public housing site). The proposed residential uses are not allowed under the Business Mix General Plan designation. In order for residential uses to be allowed on the portion of the project area that is north of 83rd Street, the General Plan land use designation must be changed. The applicant proposes to change the General Plan designation for the pasta factory parcel, the small vacant industrial parcel, and the portion of property along 83rd (which is subject to a lot line adjustment) from Business Mix to Mixed Housing Type.

In recommending approval of the General Plan land use map amendment, the Planning Commission believed that the proposed amendment best serves the public interest by meeting the following objectives of the General Plan:

A. **Foster healthy, vital, and distinctive neighborhoods with adequate open space (Land Use and Transportation Element).** The proposal creates a new residential neighborhood that is well-designed with adequate open space. The proposal will also enhance the quality of life of

the residents of the existing residential neighborhood located immediately to the east of the site by rehabilitating the vacant industrial use building and redeveloping the existing public housing site with a design and use that is more compatible with the residential neighborhood.

B. **Encourage quality housing for a range of incomes in Oakland's neighborhoods (Land Use and Transportation Element).** The proposal will contain high-quality affordable housing through the use of high-quality materials and well-executed design and will contain a mixture of housing types (apartments, for-sale townhouses, for-rent townhouses and warehouse lofts) for affordable income levels.

C. **Design neighborhoods that encourage and support alternative transportation types (Land Use and Transportation Element).** The proposal supports the use of alternative transportation; the project site is located ¼-mile from a planned Bus Rapid Transit corridor and is approximately ½-mile from the Coliseum BART station.

D. **Provide adequate sites suitable for housing for all income groups (Goal 1, Housing Element).** The proposal will rehabilitate an existing public housing site, and an underutilized industrial parcel with for-rent and for-sale affordable living units. The project will assist the City in providing its fair share of housing in the region.

Promote sustainable residential development and smart growth (Goal 7, Housing Element). The proposal constitutes infill development by directing development to an already urbanized area of the city. The proposal is designed to be compact and an efficient use of land, and is located near existing public transit.

Compliance with draft industrial land conversion criteria. The City is currently considering industrial land conversion criteria. The draft criteria, has **not** been adopted by the City Council, but it should be noted that the project site is designated, within sub-area 6, as potential residential conversion area. Moreover, the proposed conversion meets the intent of the draft conversion criterion because it would further the General Plan goal of eliminating the existing land use conflict of single-family residences immediately adjacent to industrial uses; is designed with an approximately 18-foot solid wall and parking area to buffer the proposed residences from the existing industrial storage lot; is designed to integrate into the redevelopment of the existing public housing complex and improve the fabric of the neighborhood with trails, open space and new landscaping; would be accessible to the nearby BART station and bus lines; and, as demonstrated in the Mitigated Negative Declaration, the proposed project would not result in any significant environmental impacts.

The proposed project is consistent with the proposed General Plan land use designation. In addition, the proposed General Plan amendment will not cause the General Plan to be internally inconsistent. The proposed General Plan amendment is consistent with the overall goals, objectives and policies of the General Plan in that it: a) furthers the goals of the Land Use and Transportation Element and Housing Element by facilitating new housing construction on an infill site; b) would result in the creation of 191 new for-rent and for-sale housing units of varying types and sizes thereby increasing

the housing stock in the city for a low-income households as encouraged by the General Plan; and c) would result in positive impacts related to neighborhood and commercial revitalization, job creation, and revenue generation as outlined elsewhere within this report.

Redevelopment Plan Amendment

The project site is located within the Coliseum Redevelopment Project Area. The Coliseum Area Redevelopment Plan designates a portion of the project site (pasta factory site, small vacant industrial parcel, and area subject to lot line adjustment) as Industrial and the remainder of the site is designated as Residential. The land use designations in the Coliseum Redevelopment Plan largely correspond to the land use designations contained in the General Plan. If the General Plan land use designation is changed for a portion of the project, the land use designation for that same portion in the Coliseum Redevelopment Plan must also be changed to Residential to maintain consistency between the two plans.

In recommending approval of the Redevelopment Plan amendment, the Planning Commission believed that the proposed amendment best serves the public interest by meeting the following objectives of the Redevelopment Plan:

A. **The replanning, redesign and development of undeveloped areas which are stagnant or improperly utilized (Goal C).** The proposal redevelops an existing underutilized industrial site, with an efficiently designed residential development.

B. **The establishment and implementation of performance criteria to assure high site design standards and environmental quality and other design elements which provide unity and integrity to the entire Project (Goal H).** The proposal is well-designed with high-quality materials and well-executed architectural design which will provide for an attractive development that will enhance the visual environment of the Redevelopment Project Area.

Rezoning

A portion of the site (the pasta factory site, small vacant industrial parcel, and the area subject to lot line adjustment) is currently located in the M-30 General Industrial Zone; the remainder of the site is zoned R-50 Residential Medium Density (see Attachment A). The proposed residential uses would not be allowed in the M-30 Zone. The applicant proposes to rezone the portion of the site that is zoned M-30 to the R-50 Medium Density Residential Zone.

In recommending approval of the rezoning, the Planning Commission believed that the proposed rezoning best serves the public interest (and thus the existing regulations are inadequate) by meeting the following objectives of the Zoning Regulations:

A. **To promote the achievement of the proposals of the Oakland Comprehensive Plan (Section 17.07.030A).** The proposed rezoning will facilitate implementation of the proposal which furthers the objectives of the General Plan (formerly the Comprehensive Plan) as outlined above.

B. **To provide for desirable, appropriately located living areas in a variety of dwelling types and at a wide range of population densities, with adequate provision for sunlight, fresh air, and usable open space (Section 17.07.030D).** The proposal provides for a well-designed residential community containing a variety of housing types. The proposed zone boundaries respond to the setting of the project site. The R-50 zone would be located in the northern section of the project area (north of 83rd Street) which corresponds to the existing R-50 zoning designation of parcels in the southern section of the project area (south of 83rd Street) and the north and east of the project area. The project is designed to maintain adequate sunlight, fresh air, and usable open space by providing appropriate separation between structures and park space that increases the amount of open spaces in the surrounding neighborhood.

SUSTAINABLE OPPORTUNITIES

The approval of the project provides the following economic, environmental, and social equity benefits to the city:

Economic: The project will revitalize the Tassafaronga Village public housing complex by constructing new affordable for-rent apartments and townhouses. The project will create temporary construction-related jobs in the short-term which will create both immediate and secondary benefits for the local economy and workforce. The project will also enhance the quality of life in the nearby residential neighborhood thereby making the neighborhood a more desirable place to live and, in turn, increasing revenue to the City in the form of increased property taxes and real estate transfer taxes.

Environmental: A portion of project area had been used for industrial purposes for many years. The project will involve the remediation of on-site soil contaminants. Also, the project is a compact, infill development in an already urbanized area thereby reducing the need for development in environmentally sensitive areas located at the edge of the city.

Social Equity: The project involves a mixture of housing types including for-rent apartments and townhouses, for-sale townhouses and warehouse lofts. The apartments and townhouses would be rented and sold to low-income households. The project would increase the amount of affordable for-rents in the city and increase home ownership in the city for low-income households. The project would also benefit the existing residents of the nearby residential neighborhood by replacing an existing industrial use with residential uses and redevelopment of an aged public housing site consistent with the nearby residential neighborhood.

DISABILITY AND SENIOR CITIZEN ACCESS

The proposed development would be subject to the requirements of the Americans with Disabilities Act (ADA), as provided for in the California Building Code. Compliance with ADA regulations would be confirmed when building permits are issued for the project.

RECOMMENDATION AND RATIONALE

Staff recommends that the City Council and Redevelopment Agency take a series of actions to approve the project:

A. **Advance the Goals of Oakland's General Plan.** The project, including the proposed amendment to the General Plan land use map, advances and conforms with the Oakland General Plan's goals, policies, and objectives. The proposed project furthers the goals of the Land Use and Transportation Element and Housing Element by facilitating new housing construction on an infill site. The project will result in the creation of 191 new for-rent and for-sale housing units of varying types and sizes thereby increasing the housing stock in the City for a low-income households as encouraged by the General Plan.

B. **Redevelop an Underutilized Parcel.** The project will redevelop an underutilized site with a development that is well-designed and attractive.

C. **Provide Neighborhood Improvement.** The project will improve the quality of life of the residents of the existing residential neighborhood located immediately to the east of the site by replacing the existing industrial use of the property and redevelopment of an aged public housing complex with a development that is more compatible with the residential neighborhood.

D. **Encourage Commercial Revitalization.** The project will encourage economic revitalization of the nearby commercial uses by increasing the population in the immediate area thereby expanding the consumer base for neighborhood businesses.

E. **Create Jobs.** The project will create temporary construction-related jobs in the short-term which will create both immediate and secondary benefits for the local economy and workforce.

F. **Generate Revenue.** The project will enhance the quality of life in the nearby residential neighborhood thereby making the neighborhood a more desirable place to live and, in turn, increase revenues to the City in the form of increased property taxes and real estate transfer taxes. The increased population in the area will support economic revitalization thereby expanding the sales tax base of the City.

G. Advance State and Regional Policy of Providing In-fill Housing. Pursuant to California Government Code Section 65589.5(c), this development is consistent with the State Legislature's policy of discouraging the premature and unnecessary conversion of prime agricultural lands to urban uses and by in-filling existing urban areas with residential development. The proposed infill development is located within an urbanized area of Oakland where existing public utilities, public transit, and other necessary services are fully available to meet the needs of the project. Thus, this project fulfills the Legislature's, the Bay Area region's, and the City of Oakland's goals of reducing urban sprawl and promoting clean air policies by approving residential projects which are located near public transit.

ACTION REQUESTED OF THE CITY COUNCIL AND REDEVELOPMENT AGENCY

Staff recommends that the City Council and Redevelopment Agency take the following actions:

1) Conduct a public hearing on the project;

2) Adopt the City resolution amending the General Plan Land Use Designation for a portion of the project site (968 - 81st Avenue, a 0.03-acre portion of 966 – 81st Avenue and a 0.141-acre tax default parcel (APN 042-4206-0047-00)) from Business Mix to Mixed Housing Type; (see Attachment B);

3) Adopt the Agency resolution approving and recommending adoption of an amendment to the Coliseum Area Redevelopment Plan revising the Land Use Designation for a portion of the project site (968 - 81st Avenue, a 0.03-acre portion of 966 – 81st Avenue and a 0.141-acre tax default parcel (APN 042-4206-0047-00)) from Business Mix to Mixed Housing Type (see Attachment C);

4) Adopt the City ordinance adopting an amendment to the Coliseum Area Redevelopment Plan revising the Land Use Designation for a portion of the project site (968 - 81st Avenue, a 0.03-acre portion of 966 – 81st Avenue and a 0.141-acre tax default parcel (APN 042-4206-0047-00)) from Business Mix to Mixed Housing Type (see Attachment D); and

5) Adopt the City ordinance rezoning for a portion of the project site ((968 - 81st Avenue, a 0.03-acre portion of 966 – 81st Avenue and a 0.141-acre tax default parcel (APN 042-4206-0047-00)) from the M-30 General Industrial Zone to the R-50 Medium Density Residential Zone (see Attachment E).

Respectfully submitted,

CLAUDIA CAPPIO
Director of Development
Community and Economic Development Agency

APPROVED AND FORWARDED TO THE
CITY COUNCIL/REDEVLOPMENT AGENCY:

Office of the City/Agency Administrator

Reviewed by:
Gary Patton
Deputy Director of Planning and Zoning
Planning & Zoning Division

Prepared by:
Charity Wagner
Contract Planner
LSA Associates, Inc.

ATTACHMENTS

A. Staff Report for September 20, 2006, Planning Commission hearing (with attachments)
B. City Resolution Amending the General Plan Land Use Designation for the Project Site
C. Agency Resolution Approving and Recommending Adoption of an Amendment to the Coliseum Area Redevelopment Plan Revising the Land Use Designation for the Project Site
D. City Ordinance Adopting an Amendment to the Coliseum Area Redevelopment Plan Revising the Land Use Designation for the Project Site
E. City Ordinance Rezoning the Project Site

ATTACHMENT A

Planning Commission Staff Report
(with attachments)

Oakland City Planning Commission STAFF REPORT

Case File Numbers: GP06-182; RZ06-183; CMDV06-184; ER06-0013 **September 20, 2006**

Project Name:	**Tassafaronga Village**
Location:	**Tassafaronga Village Residential Project is located at 81st Avenue, 82nd Avenue, 83rd Avenue, 84th Avenue, 85th Avenue and G Street. (See map on reverse)**
Assessor's Parcel Numbers:	042-4280-001-01; 042-4281-007-004; 041-4206-002-00; 041-4206-001-00; and 041-4206-007
Proposal:	Demolish 16 buildings and redevelop the project site with 191 residential units, including townhouses; apartments; and loft units in a rehabilitated *manufacturing building.*
Applicant:	Oakland Housing Authority
Contact Person/Phone Number:	Bridget Galka, Oakland Housing Authority (510) 587-2142
Owners:	Oakland Housing Authority
Planning Permits Required:	General Plan Amendment; Rezoning; Major Conditional Use Permit; Conditional Use Permit; Variances; Redevelopment Plan Amendment
General Plan:	Housing Business Mix and Business Mix
Zoning:	R-50 Medium Density Residential Zone and M-30 General Industrial Zone.
Environmental Determination:	A Mitigated Negative Declaration (MND) has been prepared for the project.
Historic Status:	A portion of the project site, the D. Merlino and Sons pasta factory, is rated D-3 (building of minor importance) in the Oakland Cultural Heritage Survey.
Service Delivery District:	6
City Council District:	7
Date Filed:	April 12, 2006
Status:	Pending
Action to be Taken:	Take public testimony and issue decision on the land use permit applications and make recommendations to the City Council on the legislative actions (General Plan Amendment, Redevelopment Plan Amendment and Rezoning).
Staff Recommendation:	*Approval subject to attached findings and conditions*
Finality of Decision:	Land Use Permits and unfavorable recommendation on legislative actions appealable to City Council; favorable recommendation on legislative action automatically heard by City Council.
For Further Information:	Contact the case planner, **Charity Wagner**, at **(510) 540-7331** or by e-mail at **charity.wagner@lsa-assoc.com**.

SUMMARY

The proposed project is the redevelopment of an existing public housing project and conversion of a vacant manufacturing building into housing. The project would result in the demolition of 16 residential buildings containing 87 housing units. The site would be redeveloped with 191 residential units, including 77 rental townhomes; 22 for-sale townhomes priced at affordable levels; 60 rental apartments; and 32 loft units in a rehabilitated manufacturing building. To implement the proposed project, the applicant is seeking to amend the General Plan land use designation for a portion of the site from Business Mix to Mixed Housing Type, a similar amendment to the Coliseum Redevelopment Plan and to rezone a portion of the site from M-30 General Industrial Zone to the R-50 Medium Density Residential Zone. The applicant is also seeking approval of a Major Conditional Use Permit and Variances.

CITY OF OAKLAND PLANNING COMMISSION

Case File: GP06-182; RZ06-183; CMD06-184; ER06-0013
Applicant: Oakland Housing Authority
Address: Located at 81st Avenue, 82nd Avenue, 83rd Avenue, 84th Avenue and G Street
Zone: M-30/R-50

PROPERTY DESCRIPTION

The project site consists of four separate parcels and a portion of a parcel that would become part of the project site through a lot line adjustment. Two of the parcels are developed with the Tassafaronga Village public housing complex, one parcel is developed with the D. Merlino and Sons Pasta Factory (currently vacant), one parcel is a small vacant industrially zoned parcel, and a portion of the property currently utilized as a concrete construction company would become part of the project site through a lot line adjustment. The total project site is approximately 7 acres and is located in the Elmhurst neighborhood of East Oakland, which is characterized by a mixture of residential, institutional, and industrial uses. The project site is currently developed with the existing Tassafaronga Village public housing development consisting of 87 rental apartments and the D. Merlino and Sons pasta factory. The site is located in the Coliseum Area Redevelopment Plan area. Attachment A shows an aerial view of the project site.

The project site is generally bounded by 81st Avenue on the north; E Street and Tassafaronga Park on the east; 85th Avenue on the south; and G Street and industrial uses on the west. The Tassafaronga Village public housing development is located in the southern portion of the site, south of 83rd Avenue on an approximately 5-acre site. The pasta factory is located in the northern portion of the site, north of 83rd Street on an approximately 2-acre site.

The public housing development consists of a total of 16 residential buildings, including six three-story apartment buildings and ten one-story apartment buildings. A majority of the apartment units are currently occupied. Parking is generally located on the exterior of the site, and is also permitted on 84th Street, which enters the interior of the site and dead-ends in a cul-de-sac to the west of Tassafaronga Park. Access to this development is provided via the streets that border the site (85th Street, G Street, and 83rd Avenue).

The two-story factory structure, built in 1947, is currently vacant and surrounded by a chain link fence. The area to the north of the building is a vacant lot containing bare ground and ruderal vegetation. A narrow strip of land on the north side of 83rd Avenue extending approximately 375 feet to the west of the pasta factory building is also part of the project site. This area comprises unused railroad tracks and industrial land.

PROJECT DESCRIPTION

The proposed project involves demolition of the existing Tassafaronga Village public housing (87 units); development of a 60-unit apartment building; 77 rental townhomes; 22 affordable for-sale townhomes; and rehabilitation and reuse of the pasta factory structure with 32 loft units. A total of 191 units would result from this project, resulting in an increase of 104 new units. The proposed site plan is included as Attachment B.

Demolition of Existing Structures. The existing Tassafaronga Village includes six three-story apartment buildings and ten one-story apartment buildings. These structures would be demolished as part of the proposed project. The pasta factory structure would be preserved and rehabilitated with loft housing. All current residents would receive relocation assistance, consistent with California Redevelopment Law. According to the applicant, residents in good standing (i.e., those who have complied with the terms of their leases and have not engaged in violent criminal activity) would also have the option of renting or purchasing units in the developed project.

Subdivision (not part of current application). This proposed project requires approval of a Tentative Map to subdivide the lot and allow for sale of the Habitat for Humanity townhouses. The Tentative Map

is not part of this request, and will be filed by the applicant at a later date. The project also involves a lot line adjustment to acquire a small portion of property along 83rd Avenue (currently owned by AJN Construction) and vacation of the cul-de-sac bulb of 84th Avenue. The lot line adjustment and street vacation will be reviewed in connection with the Tentative Map. The Public Works Department has reviewed the proposed development concept and has recommended conditions of approval related to submittal of the Tentative Map (see Condition # 15).

Housing. The project site would be redeveloped with the following housing types: 1) townhouses, built by OHA and Habitat for Humanity; 2) apartments; and 3) warehouse loft units. Housing density on the project site would increase from 18 units per acre to approximately 25 units per acre. The housing proposed to be constructed on the project site is summarized below.

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Parking	87	270	183

Source: David Baker + Partners, 2006.

Townhouse Units. The proposed project includes a total of 99 townhouse units. Seventy-seven of these units would be built by OHA (for rent); 22 of the units would be built by Habitat for Humanity (affordable units, for sale). The townhouses would be located in the eastern and northwestern portions of the existing public housing site, the strip of land on the north side of 83rd Avenue, and the northern half of the pasta manufacturing site. The townhouses developed by OHA would range in size from 1,110 square feet to 1,790 square feet; the townhouses developed by Habitat for Humanity would range in size from 930 square feet to 1,268 square feet. The OHA townhouses would consist of 23 two-bedroom units, 32 three-bedroom units, and 22 four-bedroom units. The Habitat townhomes would consist of 2 two-bedroom units and 20 three-bedroom units. Architectural elevations prepared for the project show that the townhouses would be two to three stories in height and would feature flat facades with stucco and clapboard-style siding. The buildings would contain several windows per floor and steeply-sloped roof lines. The townhouses would be arranged in rows except in southeast corner of G Street and 83rd Avenue where the townhouse would be arranged in clusters. The townhouses would be oriented to streets within and around the project site, interior courtyards, and Tassafaronga Park. The design of the project in intended to allow residents of the townhouse units to perform informal surveillance of the park.

Apartment Units. The project includes a three-story, 60-unit apartment building on the northeast corner of G Street and 85th Avenue. The apartment units would range in size from 660 square feet to 1,100 square feet, and would consist of 16 one-bedroom units, 31 two-bedroom units, and 13 three-bedroom units. The ground floor of the building would contain a parking garage, 11 living units, a 1,036 square foot community room, 333 square feet of office space, a lobby, and building maintenance space. Vehicle access to the building would be via G Street and pedestrian access to the first floor units would be via 85th street and an interior courtyard along the north elevation of the building. The architectural elevations prepared for the apartment building show that the structure would feature modern architecture design with flat, alternating, recessed facades; painted stucco and metal siding; screen mesh; vertically-oriented windows; and balconies with wood railings.

Warehouse Loft Units. The existing two-story pasta factory would be rehabilitated and redeveloped with 32 lofts. These units would range in size from 466 square feet to 989 square feet and would be intended

for artists. The 32 loft units would consist of 24 studio units, 4 one-bedroom units and 4 two-bedroom units. Architectural elevations of the rehabilitated factory structure show that the building would feature modern architectural design, with stucco siding; multi-colored balconies; irregular window patterns; and a large, canopy made of rectangular panels on the south (front) elevation.

GENERAL PLAN ANALYSIS

The project involves the conversion of an existing industrial property (the pasta factory parcel) and a portion of the cement construction company that would become part of the project site through a lot line adjustment to residential uses. Below are goals and policies of the General Plan applicable to the project and a discussion of the General Plan land use designation for the site.

General Plan Land Use Designations

A portion of the project site (pasta factory parcel, small vacant industrial parcel, and the area subject to the lot line adjustment) is designated Business Mix by the Oakland General Plan (See Attachment C). The proposed residential uses, including the conversion of the pasta factory building and development of townhouses along the north side of 83rd Avenue and the south side of 81st Avenue, are not allowed under the current General Plan designation. In order for residential uses to be allowed, the General Plan land use designation must be amended. The applicant proposes to change the General Plan designation for the site from Business Mix to Mixed Housing Type (See Attachment D). The General Plan for the remaining portion of the project site is currently Housing/Business Mix; therefore, the General Plan Amendment only applies to the pasta factory parcel, the small vacant industrial parcel, and the portion of the cement construction company along 83rd (which is subject to a lot line adjustment). Discussion of the proposed General Plan Amendment is provided in the "Key Issues" section of this report and the reasons why the proposed General Plan Amendment meet the larger objectives of the General Plan are listed under the "Basis for General Plan Amendment" section of this report.

REDEVELOPMENT PLAN ANALYSIS

The project site is located within the Coliseum Redevelopment Project Area. The Coliseum Area Redevelopment Plan designates a portion of the project site (pasta factory site, small vacant industrial parcel, and area subject to lot line adjustment) as Industrial and the remainder of the site is designated as Residential. The land use designations in the Coliseum Redevelopment Plan largely correspond to the land use designations contained in the General Plan. If the General Plan land use designation is changed for a portion of the project, the land use designation for this portion in the Coliseum Redevelopment Plan must also be changed to Residential to maintain consistency between the two plans. The reasons why the proposed Redevelopment Plan amendment meets the larger objectives of the Redevelopment Plan are listed under the "Basis for Redevelopment Plan Amendment" section of this report.

ZONING ANALYSIS

A portion of the site (the pasta factory site, small vacant industrial parcel, and the area subject to lot line adjustment) is currently located in the M-30 General Industrial Zone; the remainder of the site is zoned R-50 Residential Medium Density (see Attachment F). The proposed residential uses would not be allowed in the M-30 Zone. The applicant proposes to rezone the portion of the site that is zoned M-30 to the R-50 Medium Density Residential Zone (see Attachment G). The applicant is also applying for a Major Conditional Use Permit to permit construction of more than 2 units in the R-50 zone, and to create a mini-lot development, a Variance from the maximum size of a mini-lot (a maximum 60,000 square feet permitted, 307,965 square feet proposed), and variance to reduce the front yard setback along 85th

Avenue (13 feet proposed; 15 feet required) and the rear yard setback for units fronting 81st Avenue (10 feet proposed; 15 feet required).

The intent of the R-50 Zone is to create, preserve, and enhance areas for apartment living at medium densities in desirable settings, and single-family dwellings in desirable settings for urban living, and is typically appropriate for areas of medium density residential development. Below are the development standards of the R-50 Zone compared to the proposed project (setbacks described in the table treat the entire project area as one parcel and do not include interior lot lines or streets).

Development Standard	*Required*	*Proposed*
Lot Size	4,000 sq. ft. min.	317,552 sq.ft. (entire project site)
Building Height*	30 ft. max.	40 ft. max.
Front Yard Setback*	15 ft. min.	13 ft. (adjacent to 85th Avenue)
Side Yard Setback*	4 ft. min.	10 ft. (adjacent to industrial use) 20 ft. (adjacent to residences) 20 ft. (adjacent to park)
Street Side Yard Setback*	7 ft. 6 inches	10 ft. (G Street)
Rear Yard Setback*	15 ft. min.	10 ft. (adjacent to 81st Avenue)
Useable Open Space	38,200 sq.ft.(200 sq.ft. per unit)	119,371 sq.ft.(625 sq.ft. per unit)
Parking Spaces*	191 (1 per unit min. on site)	220 (located throughout project area)

Notes
* This standard may be waived through the Mini-lot Conditional Use Permit (CUP) permit process; however, the project as a whole must comply with the development standards of the zone. Therefore, variances are required for the front setback on 85th Avenue and the rear setback on 81st Avenue.

Major Conditional Use Permit for Number of Units

The R-50 Zone permits construction of up to 2 units on lots greater than 4,000 square feet as a matter of right. A Conditional Use Permit (CUP) is required to construct more than 2 units. The proposed development of 191 units is a cohesive residential development that is consistent in size and scale to surrounding land uses; provides common open space court yards and private open space within yards, balconies and patios; provides pedestrian pathways through the development to access open space areas within the project and Tassafaronga Park to the east; and the size and shape of the lot are adequate for development of 191 units because adequate parking, circulation and recreation areas for future residents is provided within the project area. For these reasons, the proposed project meets the intent of the Conditional Use Permit to allow more than 2 units on a lot. Findings for this Conditional Use Permit are provided at the end of this report.

Conditional Use Permit for Mini-lot

The creation of a mini-lot is permitted in the R-50 Zone subject to the approval of a Conditional Use Permit. A mini-lot would allow the project to be treated as a single lot development, rather than development upon multiple parcels. Within a mini-lot, the maximum height and minimum yard, lot area, width and frontage requirements may be waived and floor area, and parking and other facilities maybe located within said mini-lot development without reference to lot lines.

In accordance with Code Section 17.102.320 A, a mini-lot shall be permitted when 1) there is adequate provision for maintenance of the open space and other facilities within the development; and 2) the total lot meets all the requirements that would apply to it if it were a single lot. The common open space areas within the public housing site would be maintained by the Oakland Housing Authority and the open

space areas for the Habitat for Humanity townhouses would be maintained through a Homeowner's association. Parking requirements for the development (1 space per unit) are provided within the project area. With the mini-lot, the project is allowed to count private street parking spaces toward the total parking requirement, whereas the traditional standard requires that parking be provided on the individual lot. As demonstrated in the table above, the project as a whole meets the R-50 zoning requirements, with the exception of the rear yard setback along 81st Avenue (10 feet proposed; 15 feet required) and front yard setback along 85th Avenue (13 feet proposed; 15 feet required). Because the mini-lot provisions require the project as a whole to meet the development standards of the zone, the applicant requests minor variances for these setbacks. Additionally, Code Section 17.102.320 C allows flexibility of development standards for lots less than 60,000 square feet. The proposed project site is 317,552 square feet; therefore a variance to exceed the mini-lot area maximum is required.

The proposed project promotes a harmonious type and density of dwelling units, the economy of shared services and facilities, compatibility of attractive, healthful, efficient, and stable environments for living and working. The mini-lot provisions allow for reduced setbacks adjacent to streets within the development, an increase in height and parking to be accommodated throughout the development, rather than on individual lots. The proposed project complies with the intent of the mini-lot regulations in that it allows for the cohesive redevelopment of the public housing site and renovation of an existing warehouse building without a request for several minor variances. Findings for this Conditional Use Permit are provided at the end of this report.

Variance for Maximum Lot Area for a Mini-lot and Front and Rear Setbacks.

As indicated in the development standards table, the proposed project does not meet minimum front and rear yard setbacks, and the project area is greater than the maximum lot area permitted to allow waivers of development standards with a mini-lot. The applicant requests variances for these provisions to implement the proposed redevelopment of a public housing site, and renovation of an industrial building with artist lofts. The proposed project is unique in that it is a comprehensive development plan providing a variety of housing types (apartments, for-sale townhouses, for-rent townhouses, and lofts), with open space and parking over multiple parcels. The R-50 Zone is intended to allow for development of typical single-family or duplex units on a lot. The mini-lot provisions are intended to allow for development of multiple units by waiving standards that apply to development of typical single and multiple-family units. The mini-lot provisions also allow for development standards to be applied to the project area as a whole, rather than individual parcels. If the typical R-50 standards were to apply to the project on a parcel-by-parcel basis, the project would require multiple setback variances for yards adjacent to interior streets, multiple height variances, and variances for parking spaces not provided on the project site. Staff believes that the mini-lot and variances described are appropriate to apply to the proposed project as it is not a typical single-family development, rather a harmonious redevelopment and rehabilitation of a variety of housing types. Findings for these Variances are provided at the end of this report.

KEY ISSUES AND IMPACTS

Below is a discussion of the key issues and impacts related to the project.

General Plan Amendment

The Oakland General Plan currently designates the project area as Business Mix (pasta factory parcel, small vacant industrial parcel and the area subject to lot line adjustment) and Housing and Business Mix (public housing site). Attachment C shows existing General Plan land use designations. The proposed residential uses are not allowed under the Business Mix General Plan designation. In order for

residential uses to be allowed on the pasta factory parcel and portion of property along 83rd Street, a portion of the site's General Plan land use designation must be changed. The applicant proposes to change the General Plan designation for the pasta factory parcel, the small vacant industrial parcel, and the portion of property along 83rd (which is subject to a lot line adjustment) from Business Mix to Mixed Housing Type. The Attachment D shows the proposed General Plan land use designations.

General Plan Goals and Policies (including draft industrial land conversion criteria)

The General Plan does not currently provide specific guidance on the issue of converting industrial properties to residential use. However, the City is currently considering industrial land conversion criteria. The draft criteria, which has **not** been adopted by the City Council, for industrial land conversion to residential uses include the following:

General Plan – Consistency with Other Elements of the General Plan

- A project should fulfill other essential policies of the General Plan and should be able to support the attainment of other general plan goals for the adjoining neighborhood and not merely support a singular development project.
- The location of the proposed residential structures should not be within XXX feet of an industrial designated zoning district (separation not determined by draft criteria dated January, 2006).

Economic Benefit

- The conversion shall not deprive any business which a) employs over 20 persons or which b) significantly contributes, as a direct supplier, to the successful operation of other Oakland businesses; or c) which is a high priority for locating with proximity to the Port of Oakland, or d) take away the right of a business, which has been in its location prior to 1998 (adoption of the Oakland General Plan), to operate in a manner that is consistent with other aspects of the City of Oakland Zoning Code.

Nuisance Disclosures

- Nuisance Disclosures and Easements (acknowledgment of the area as an industrial area prior to a project-specific re-zoning to non-industrial uses) shall be required of every occupant, through residential and commercial lease agreements, or through a notation on a grant deed (Notice of Limitation) to the property.

Environmental Quality

- The proposal shall provide a high quality residential environment and shall include sufficient mitigations and buffering within the project to mitigate the negative impacts from existing legally-operating business in the adjoining area. Mitigations shall include, but not be limited to any of the following buffering facilities or approaches:
    a. Commercially-oriented development or facilities, including Work Live facilities at the edge between the proposed residential development and adjacent industrial or commercial uses.
    b. Buffers at least 100 feet between other such existing businesses and the new residential development. The buffer shall include alleys, streets, greenbelts, or other non-private non residential activities.

c. Solid walls of at least 12 feet in height and setback at least 25 feet between an active business and any industrial activity including yards, constructed in a manner to deflect ambient glare, extraordinary air particulates, emissions and noise from the existing businesses towards new development.

Social Equity and Community Benefit

- The proposal shall promote social equity and if residential, the project shall integrate into the fabric of the existing adjacent residential community, and should relate overall new development site planning with access to public parks and facilities.

Transportation Modes and Transit Oriented Development

- Sites that allow direct access to a city truck route, rail spur or other means of direct freight or cargo access should not be converted and be protected as contributing to the essential operations of the local economy. Such sites should not be converted.
- New development should promote the use of alternative modes of transit and pedestrian/cyclist amenities for access over private vehicle use, while not interfering with ongoing use of existing streets for commercial vehicles and trucks.
- Streetscape improvements triggered by any new development shall be planned to accommodate on-going freight and truck-based cargo travel on any City-designated truck route.

The project area is bisected by 83rd Avenue. The portion of the project north of 83rd Avenue (pasta factory site, area from lot line adjustment and a small tax deferred parcel) are currently zoned and designated by the General Plan for industrial land uses. The draft conversion criterion indicates that the project site is located in East Oakland Sub-Area 6, and that residential uses are permitted at the project site. The proposed project would convert these industrial parcels to residential land uses. The proposed conversion meets the intent of the draft conversion criterion because it would further the General Plan goal of eliminating the existing land use conflict of single-family residences immediately adjacent to industrial uses; is designed with an approximately 18-foot solid wall and parking area to buffer the proposed residences from the existing industrial storage lot; is designed to integrate into the redevelopment of the existing public housing complex and improve the fabric the neighborhood with trails, open space and new landscaping; would be accessible to the nearby BART station and bus lines; and, as demonstrated in the Mitigated Negative Declaration, the proposed project would not result in any significant environmental impacts.

In addition to this draft criterion, the General Plan provides the following overall goals for industry and commerce in Oakland and for residential neighborhoods in the city, and provides the following specific policies concerning the compatibility of different uses:

General Plan Goals: Industry and Commerce

- Recognize and support industrial and commercial land as a primary vehicle for the generation of the economic support required for the attainment of the physical, social, and community service goals of the Oakland General Plan.
- Strengthen and expand Oakland's diverse economic base though land use and transportation decisions.
- Maximize Oakland's regional role as a transportation, distribution, and communications hub.

- Provide increased employment, training, and educational opportunities though land use and transportation decisions.
- Ensure that the Oakland community has access to a wide variety of goods and services, meeting daily, and long term needs.
- Create and maintain a favorable business climate in Oakland.

General Plan Goals: Residential Neighborhoods

- Foster healthy, vital, and distinctive neighborhoods with adequate open space.
- Encourage quality housing for a range of incomes in Oakland's neighborhoods.
- Encourage thriving, diverse, and attractive shopping districts in Oakland's neighborhoods that provide a variety of goods, services, and entertainment, and which are oriented to and well served by public transit, pedestrian, and bicycle facilities.
- Design neighborhoods that encourage and support alternative transportation types.

Objective I/C4: Minimize land use compatibility conflicts in commercial and industrial areas through achieving a balance between economic development values and community values.

- Policy I/C4.1: Existing industrial, residential, and commercial activities and areas which are consistent with long term land use plans for the City should be protected from the intrusion of potentially incompatible land uses.

The proximity of the existing industrial uses on the pasta factory parcel to the surrounding residential neighborhoods to the north, east and southeast, and the elementary school to the north, represent the type of land use conflicts discouraged by the General Plan. The east side of the project site abuts the side yards of residential uses located along 81st and 82nd Street, and the north side of the project is located across the street from the New Woodland Elementary School (built in 2002). The proposed project would eliminate this existing conflict and continue residential uses from to the west, and the south of the existing residential neighborhoods and school site (See Attachment A for surrounding land uses).

Proposed General Plan Land Use Designation

According to the General Plan, the Mixed Housing Type designation is intended to create, maintain, and enhance residential areas typically located near the City's major arterials and characterized by a mix of single-family homes, townhouses, small multi-unit buildings and neighborhood businesses where appropriate. In areas designated Mixed Housing Type, the General Plan intends for new development to be primarily residential with live-work types of development, schools and other compatible types of development. The maximum permitted density within the Mixed Housing Type designation is 30 units per gross acre. The proposed project is entirely residential, with a mixture of housing types including apartments, townhouses and lofts targeted toward artists. The proposed project has an overall density of 26 units to the acre (191 units/7.33 acres). The portion of the project area that would be designated Mixed Housing Type (project area north of 83rd Street) has a density of 28 units to the acre (74 units/2.68 acres). Because the project consists of a mixture of residential units, including warehouse lofts and the density of the project is within the density prescribed by the Mixed Housing Type designation, the project would be consistent with the proposed designation of Mixed Housing Type. The proposed designation is also consistent with the existing residential neighborhoods to the east, across "E" Street and would continue the existing land use pattern of a transition zone between industrial uses to the west and residential uses to the east.

The Proposed Project is consistent with the proposed General Plan land use designation and the proposed General Plan amendment will not cause the general plan to be internally inconsistent. The proposed General Plan amendment is consistent with the overall goals, objectives and policies of the General Plan in that it: a) furthers the goals of the Land Use and Transportation Element and Housing Element by facilitating new housing construction on an infill site; b) would result in the creation of 191 new for-rent and for-sale housing units at varying types and sizes thereby increasing the housing stock in the city for a low-income households as encouraged by the General Plan; and c) would result in positive impacts related to neighborhood and commercial revitalization, job creation, and revenue generation as outlined above and below.

Project Area	*General Plan Land Use Designation*	*Permitted Density*	*Proposed*
North of 83rd Avenue	Mixed Housing Type*	30 du/acre	28 du/acre
South of 83rd Avenue	Housing & Business Mix	30 du/acre	28 du/acre

* This area is currently designated Business Mix. A General Plan Amendment is proposed as part of this project.

Land Use Conflicts

The conversion of industrial land to residential use in an industrial area has the potential to result in land use conflicts due to the close proximity of industrial and residential uses. The Land Use Analysis within the Mitigated Negative Declaration (see Attachment G pages 46 to 48) indicates that the potential land use conflicts between the proposed project and the surrounding area would be minimal. The project would create additional areas of residential-industrial interface where the proposed residential uses would abut existing industrial uses (AJN Concrete Construction and Bart's Trucking) along the north and west perimeter of residential uses proposed on the north side of 83rd Street. These uses have expansive storage lots immediately adjacent to the proposed development and therefore would not subject the proposed residential uses to intensive industrial activity. Additionally, the proposed residences are buffered from these uses by an approximately 18-foot tall concrete wall, parking area and landscaped setbacks. The project shares a common boundary with existing residential uses located to the east along "E" Street so the project would eliminate the existing conflict between the use of the property and the adjacent residential uses. Land uses to the south and west include a diverse mix of housing, a vacant lot, a church, storage buildings in connection with Acts Full Church, and light industrial uses. These uses generate a moderate amount of traffic, but no significant odors or emissions. Because the industrial activities are light-industrial in nature and with low intensity outdoor storage uses relatively limited in height, potential use conflicts related to noise, odor, glare, and privacy would be limited.

Building Design

The Design Review Committee (DRC) reviewed the architecture for this proposal on May 24, 2006. At that meeting, a number of design concerns were identified for the project. The applicant has revised the plans in response to the DRC concerns. A summary of the concerns and revisions is provided below.

- ***Apartment Building.*** The DRC was concerned with the long linear appearance of the roof lines on the back and side elevations of the apartment building. In addition, the DRC was concerned with the use of stucco on the wall on the right side of the front elevation of the apartment building, and suggested use of an alternate material. In response to these concerns, the architect has eliminated the long linear roof appearance by providing roofs with varying heights on the side and rear elevations (see Sheet A3.1 of the project plans: Attachment H). In addition, the large stucco wall on the right side of the front elevation of the apartment

building has been replaced with large glass windows (see Sheets AO.2 and A3.1: Attachment H).

- ***Townhouse Buildings.*** The DRC was concerned the repetitive, disjointed roof pitches of these buildings and the need to provide a more attractive and uniform design. In response to these concerns, the architect eliminated the repetitive and disjointed appearance by providing a more attractive and uniform set of roof pitches throughout all the townhouses within the project. The architect has also used a number of different roof types in order to improve the design (see Sheets AO.1, A.O.3, A3.3, A3.4, A3.5, and A3.6 of the project plans: Attachment H).

- ***Warehouse Loft Building.*** The DRC was concerned with the design of the balconies and how they appeared on the building. In addition, the DRC wanted the overall appearance of the building to be enhanced, and for the applicant to consider using awnings. In response, the revised design uses horizontal split rail wood at the ground level of the building and for the balconies on the second floor. The buildings design has been enhanced by replacing smaller windows and "door groups" with larger picture windows and individual doors throughout the building. In addition, the building will be painted with different colors and wood accent band elements have been added to help breakup the building facades. Awnings and enlarged solar panels have been added on the south elevation (see Sheets AO.4 and A3.2 of the project plans: Attachment H).

Staff feels that the architectural design of the proposed buildings is relatively attractive with an appropriate level of articulation and architectural detailing for all building types. The individual building designs within the project are unique and complimentary to one another and to the surrounding neighborhood.

Street Network

The proposed street layout for the project is designed so that a portion of the existing surrounding street network extends into the site to integrate the project with the surrounding neighborhood. The street layout of the project is also designed so that it can be extended into the adjacent industrial properties if they convert to other uses in the future thereby forming a comprehensive and integrated street network.

Vehicular access to the proposed project will be provided by two existing public streets: G Street and 84th Street; two existing private streets: 83rd Street and E Street; and two new private streets: F Street and a new portion of E Street (see Sheet A0.5 of Attachment H). All new and existing private streets within the project area are 34-feet wide with sidewalks and parking provided on both sides. The City does not have a policy concerning public versus private streets in new privately sponsored developments. Planning staff believes it is important for the new streets to be open to the general public so that the project is not separated from the surrounding community. Therefore, it is recommended that the Tentative Map submitted for the subdivision include public easements over all streets within the project area (see condition of approval #15) while being privately maintained. Under this scenario the public would have legal access to use the streets, sidewalks, and parks in the development but these areas would be maintained by the development's property management company. The proposed right-of-way is consistent with successful urban design strategies to create comfortable, livable neighborhoods, especially in infill redevelopment sites. The City's Public Works Agency, Transportation Services Division, has reviewed the proposed street layout and recommends that final street design be subject to further discussion prior to the applicant submitting the application for tentative parcel map. The street design would be finalized as part of the Tentative Map.

Parking

The proposed project exceeds the City's parking standard of one parking space per dwelling unit by providing a total of 270 parking spaces (270 spaces/ 191 units = 1.4 spaces per unit). However, the proposed project does not provide individual parking spaces for each unit, as required by the Zoning Code. Of the total 270 parking spaces, 78 spaces are provided in the apartment building garage, 22 spaces are provided in common parking areas adjacent to the cluster townhouses, 34 spaces are provided in common parking area adjacent to the warehouse lofts, 85 spaces are provided on the private streets within the project area and 51 spaces are provided on public streets within the project area. The applicant has applied for a Mini-lot Conditional Use Permit, which would permit parking throughout the development, rather than on individual lots.

Open Space Areas

Residential development of more than two units on a lot in the R-50 Zone requires 200 square feet of group usable open space per unit. Private usable open space may be substituted for such group space in the ratio, except that actual group space shall be provided in the minimum amount of seventy-five (75) square feet per dwelling unit. The proposed project provides 366 square feet of group open space per unit (70,056 square feet total). Group open space is provided within landscaped courtyards that are connected by pedestrian trails throughout the project area. Conceptual courtyard and trail designs included in the applicant's plan set. Common open space will be maintained by an on-site property manager. Tassafaronga Village is a Oakland Housing Authority (OHA) project and OHA intends to hire a private property management company to maintain the open space areas within the project. On-site property management staff will reside in two units within the project area. The proposed project also includes private open space within fenced yards and patios of the townhouses and balconies for the apartments and lofts.

Crime Prevention Through Environmental Design (CEPTED)

It should be noted that the project is designed around CEPTED concepts to reduce the potential for on-site safety and security issues. CEPTED is the proper design and effective use of the built environment in order to lead to a reduction in the fear and incidence of crime, and an improvement in the quality of life. CPTED involves the design of a physical space so that it enhances the needs of bona fide users of the space. This emphasis on design and use deviates from the traditional approach to crime prevention. The proposed project promotes CEPTED principles by:

- Designing the proposed structure for maximize visibility. This includes building orientation, windows, entrances and exists, parking lots, walkways, guard gates, landscape trees and shrubs, use of wrought iron fences or walls, signage and other physical obstructions.

- Designing gathering and common areas in locations that provide for natural surveillance and access control or in locations away from the view of would-be offenders.

- Providing living units for on-site property management to insure proper maintenance of lighting fixtures to prescribed standard and that landscaping is maintained at prescribed standards so as to minimize conflicts between surveillance and landscaping as the ground cover, shrubs and trees mature.

- The use of sidewalks, pavement, gates, lighting and landscaping to clearly guide the public to and from entrances and exists.

ENVIRONMENTAL DETERMINATION

The project is subject to the environmental review requirements of the California Environmental Quality Act (CEQA). An Initial Study and Mitigation Negative Declaration of the potential environmental impacts of the project were prepared. The Initial Study concluded that all potentially significant environmental impacts could be reduced to less-than-significant levels with mitigation measures or standard conditions of approval.

The Mitigated Negative Declaration was published for public review on August 28, 2006 beginning a 22-day public review period, which exceeds the legally-mandated 20-day public review period. A copy of the Mitigated Negative Declaration included in this report as Attachment G, and was previously sent to each member of the Planning Commission independently of this report. Copies of the Mitigated Negative Declaration were made available to the public at the office of the Planning and Zoning Division (250 Frank H. Ogawa Plaza, Suite 3315). Additionally, a Notice of Intention to adopt a Mitigated Negative Declaration was sent to responsible agencies and posted in multiple locations on the project site.

As of September 7, 2006, no comments were received on the Mitigated Negative Declaration. Comments, if any, as well as staff responses, will be provided at the September 20th meeting.

The Mitigated Negative Declaration identifies only one potentially significant environmental impacts and mitigation, which can be reduced to less-than-significant levels with the adoption of the recommended Mitigation Measure:

The portion of the project site between 81st Avenue and 84th Avenue is within an area designated as Zone B by the Federal Emergency Management Agency (FEMA). Zone B is defined as an area within the limits of the 100-year flood and the 500-year flood, or certain areas subject to the 100-year flood where flood depths average less than 1 foot or where the contributing drainage area is less than 1 square mile. The area between 84th Avenue and 85th Avenue is designated as being within Zone C by FEMA. Zone C is an area of minimal flooding. Therefore, the portion of the project site north of 84th Avenue could be subject to significant flooding during a greater-than 100-year flood event if proposed project grades and/or floor elevations are not raised. Because flood depths within the project site are expected to be less than 1 foot, and buildings would be located in clusters throughout the project site, the proposed project would not be expected to redirect flood flows such that properties around the site would be damaged. In addition, flooding on the site would not be expected to result in substantial loss of property, injury, or death. Implementation of the following mitigation measure would reduce flood-related impacts to a less-than-significant level:

> **Mitigation Measure HYD-2:** The project sponsor shall retain the project civil engineer of record to ensure that project development plans contain finished site grades and floor elevations that are elevated above the Base Flood Elevation of a 100-year flood event.

BASIS FOR GENERAL PLAN AMENDMENT

Staff believes the proposed General Plan amendment best serves the public interest by meeting the following objectives of the General Plan:

A. **Foster healthy, vital, and distinctive neighborhoods with adequate open space (Land Use and Transportation Element).** The proposal creates a new residential neighborhood that is

well-designed with adequate open space. The proposal will also enhance the quality of life of the residents of the existing residential neighborhood located immediately to the east of the site by rehabilitating the vacant industrial use building and redeveloping the existing public housing site with a design and use that is more compatible with the residential neighborhood.

B. **Encourage quality housing for a range of incomes in Oakland's neighborhoods (Land Use and Transportation Element).** The proposal will contain high-quality affordable housing through the use of high-quality materials and well-executed design and will contain a mixture of housing types (apartments, for-sale townhouses, for-rent townhouses and warehouse lofts) for affordable income levels.

C. **Design neighborhoods that encourage and support alternative transportation types (Land Use and Transportation Element).** The proposal supports the use of alternative transportation; the project site is located ¼-mile from a planned Bus Rapid Transit corridor and is approximately ½-mile from the Coliseum BART station.

D. **Provide adequate sites suitable for housing for all income groups (Goal 1, Housing Element).** The proposal will rehabilitate an existing public housing site, and an underutilized industrial parcel with for-rent and for-sale affordable living units. The project will assist the City in providing its fair share of housing in the region.

E. **Promote sustainable residential development and smart growth (Goal 7, Housing Element).** The proposal constitutes infill development by directing development to an already urbanized area of the city. The proposal is designed to be compact and an efficient use of land, and is located near existing public transit.

BASIS FOR REDEVELOPMENT PLAN AMENDMENT

Staff believes the proposed amendment to the Coliseum Area Redevelopment Plan best serves the public interest by meeting the following objectives of the Redevelopment Plan:

A. **The replanning, redesign and development of undeveloped areas which are stagnant or improperly utilized (Goal C).** The proposal redevelops an existing underutilized industrial site, with an efficiently designed residential development.

B. **The establishment and implementation of performance criteria to assure high site design standards and environmental quality and other design elements which provide unity and integrity to the entire Project (Goal H).** The proposal is well-designed with high-quality materials and well-executed architectural design which will provide for an attractive development that will enhance the visual environment of the Redevelopment Project Area.

BASIS FOR REZONING

Staff believes the proposed rezoning best serves the public interest by meeting the following objectives of the Zoning Regulations:

A. **To promote the achievement of the proposals of the Oakland Comprehensive Plan (Section 17.07.030A).** The proposed rezoning will facilitate implementation of the proposal which furthers the objectives of the General Plan (formerly the Comprehensive Plan) as outlined above.

B. To provide for desirable, appropriately located living areas in a variety of dwelling types and at a wide range of population densities, with adequate provision for sunlight, fresh air, and usable open space (Section 17.07.030D). The proposal provides for a well-designed residential community containing a variety of housing types. The proposed zone boundaries respond to the setting of the project site. The R-50 zone would be located in the northern section of the project area (north of 83rd Street) which corresponds to the existing R-50 zoning designation of parcels in the southern section of the project area (south of 83rd Street) and the north and east of the project area. The project is designed to maintain adequate sunlight, fresh air, and usable open space by providing appropriate separation between structures and park space that increases the amount of open spaces in the surrounding neighborhood.

CONCLUSION

The proposed project would redevelop an aged public housing site and redevelop an existing industrial site located in an area that serves as a transition between industrial uses and residential uses. The proposal would result in new residential uses abutting existing low intensity industrial uses and with implementation of mitigation measure and standard conditions of approval identified in the Initial Study/Mitigated Negative Declaration, would not result in any significant environmental impacts. The industrial portion of the project site is currently underutilized and unlikely to be redeveloped with industrial uses. The proposal would further the implementation of the General Plan by providing additional housing opportunities in the city and by enhancing the existing residential neighborhood located immediately to the east of the site by rehabilitating the vacant in industrial building and redeveloping the existing public housing project with development that is more compatible with the residential neighborhood. Therefore, staff recommends that the Planning Commission approve the development permits for the project (i.e., Conditional Use Permit, and Variances) and forward a recommendation for approval of the proposed rezoning, General Plan amendment, and Redevelopment Plan amendment to the City Council.

RECOMMENDATIONS:

1. Adopt the Mitigated Negative Declaration subject to the attached findings.
2. Approve the Conditional Use Permit, and Variances subject to the attached findings and conditions.
3. Recommend approval of the proposed General Plan amendment, Redevelopment Plan amendment and rezoning to the City Council/Redevelopment Agency.

Prepared by:

CHARITY WAGNER
Contract Planner, LSA Associates, Inc.

Approved by:

GARY PATTON

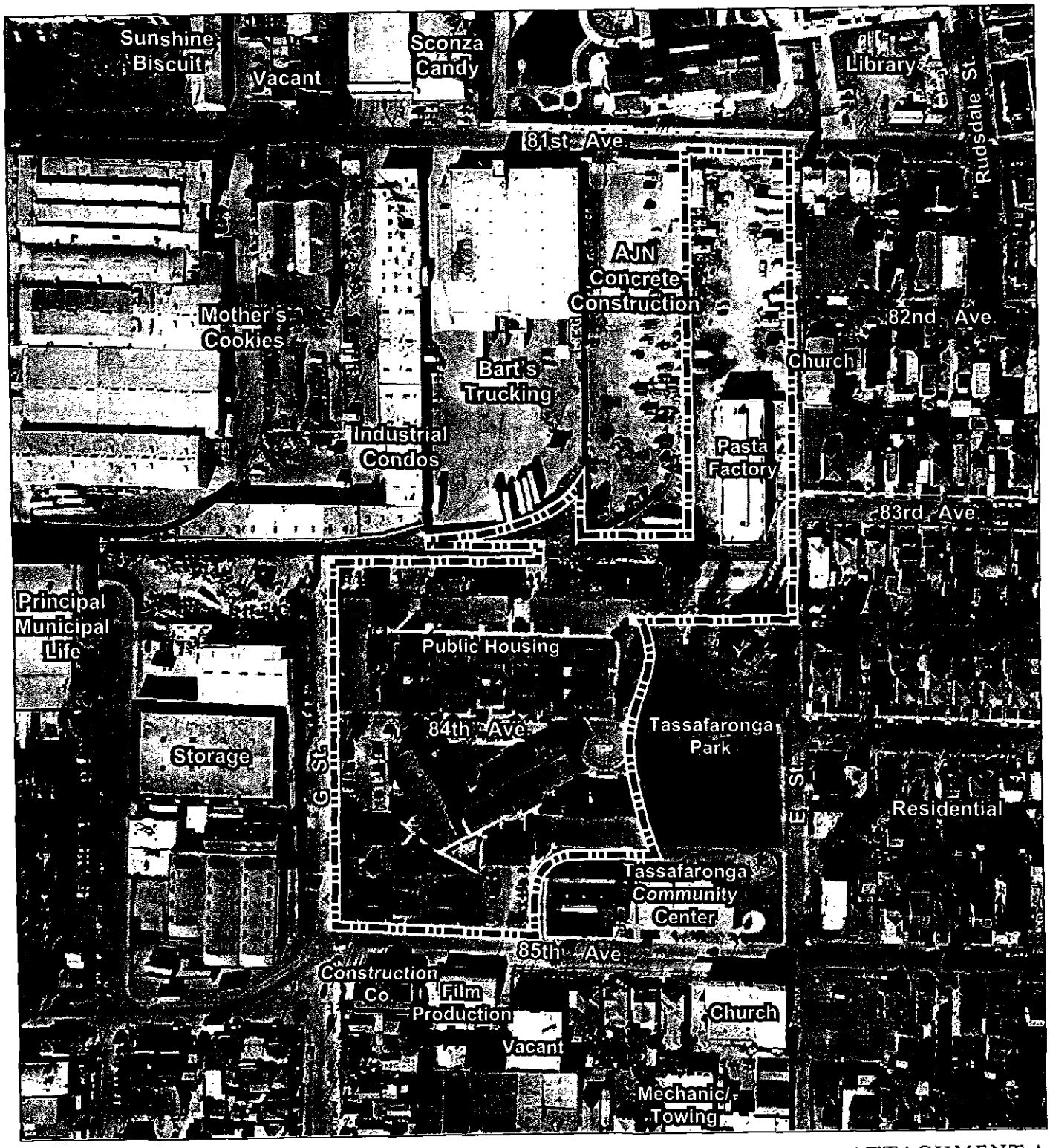
Deputy Director of Planning and Zoning

Approved for forwarding to the
City Planning Commission:

CLAUDIA CAPPIO
Director of Development

ATTACHMENTS:

A. Project Location Map
B. Proposed Site Plan
C. Map of Existing General Plan Designations
D. Map of Proposed General Plan Designations
E. Map of Existing Zoning Designations
F. Map of Proposed Zoning Designations
G. Mitigated Negative Declaration
H. Project Plans, dated August 17, 2006



LSA

ATTACHMENT A

N

0 100 200
FEET

PROJECT SITE

Tassafaronga Village
Project Location

SOURCE: OAKLAND HOUSING AUTHORITY, 2006.

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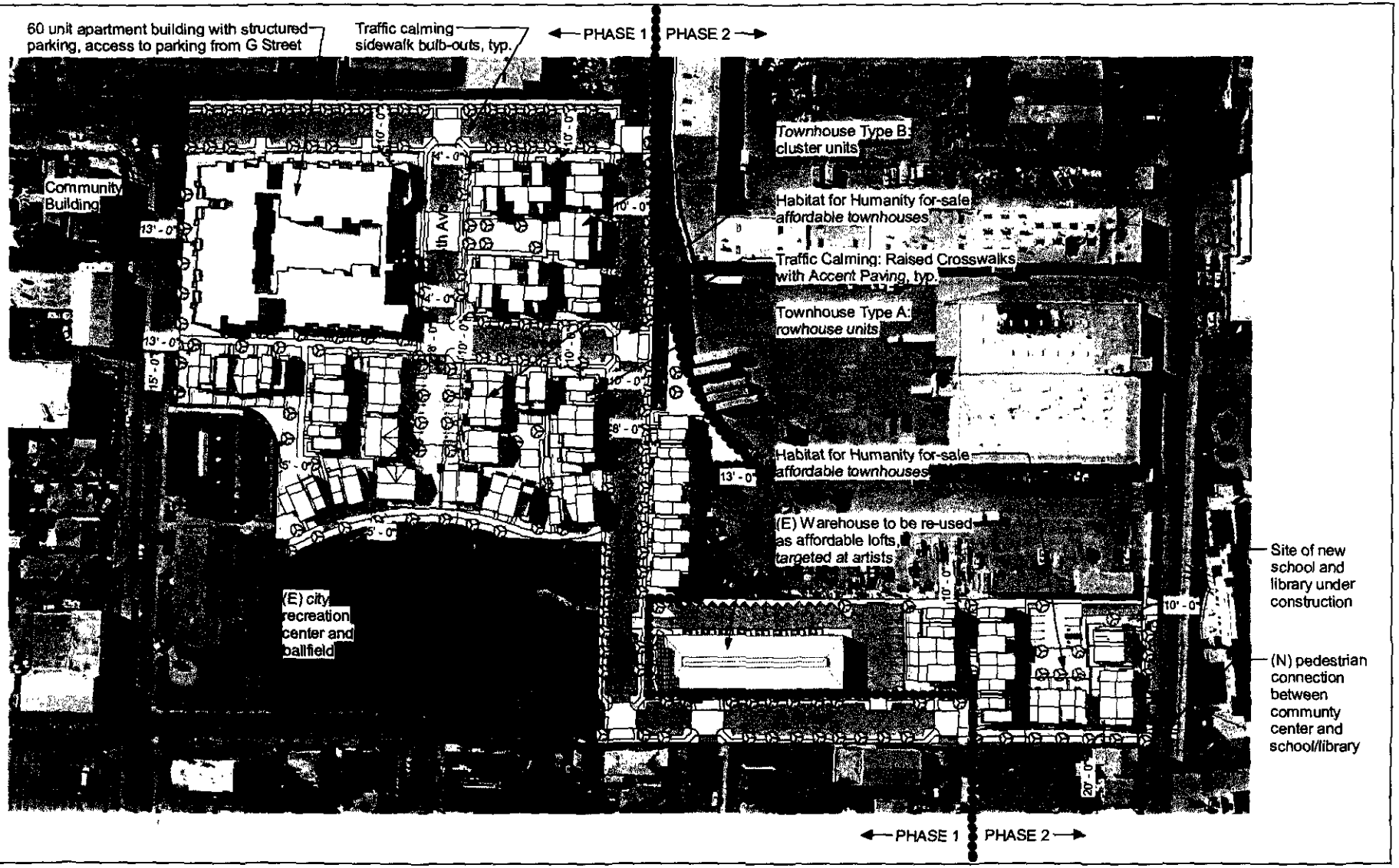

LSA

ATTACHMENT B

Tassafaronga Village
Site Plan

0 100 200
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SOURCE: DAVID BAKER + PARTNERS, 2006.

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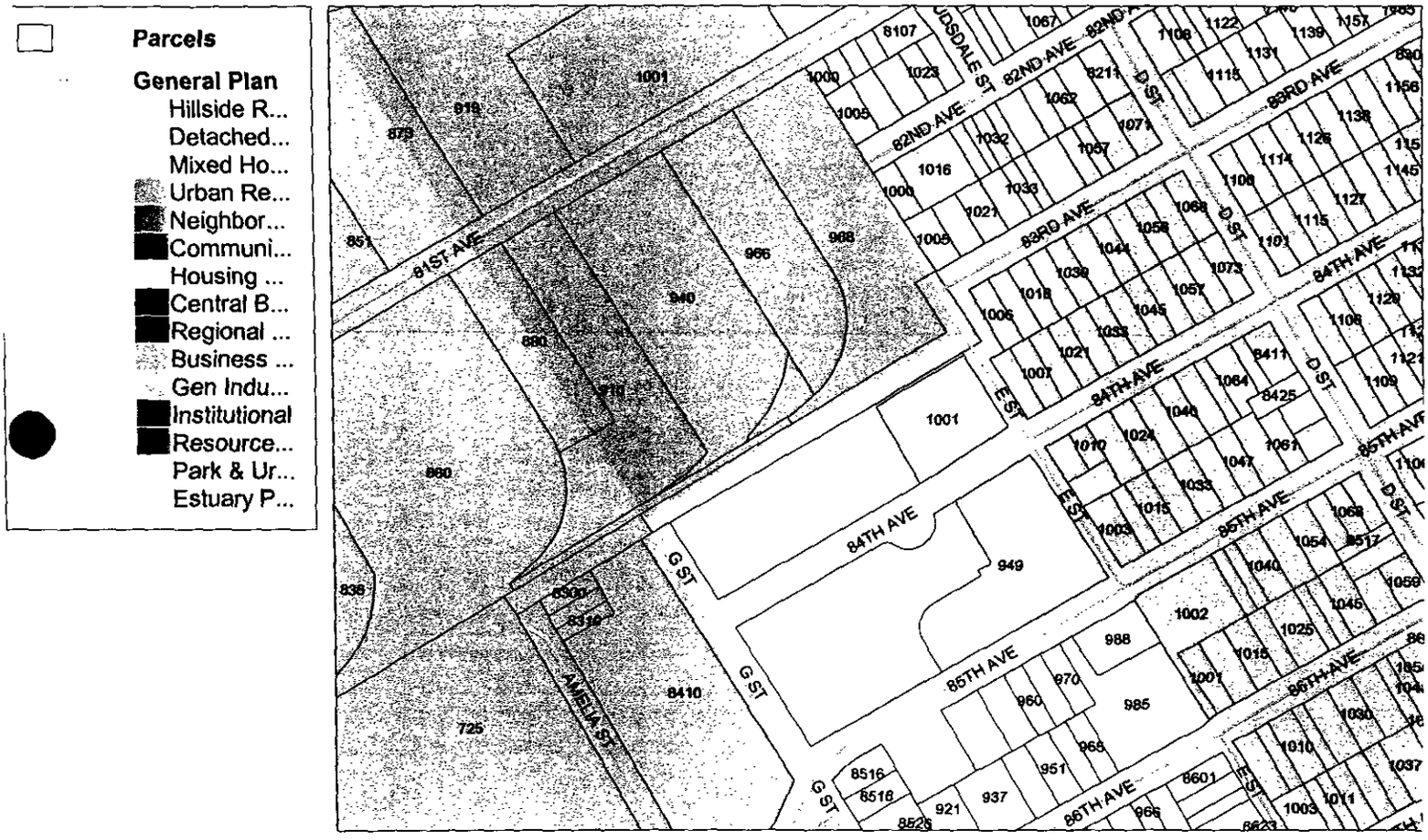
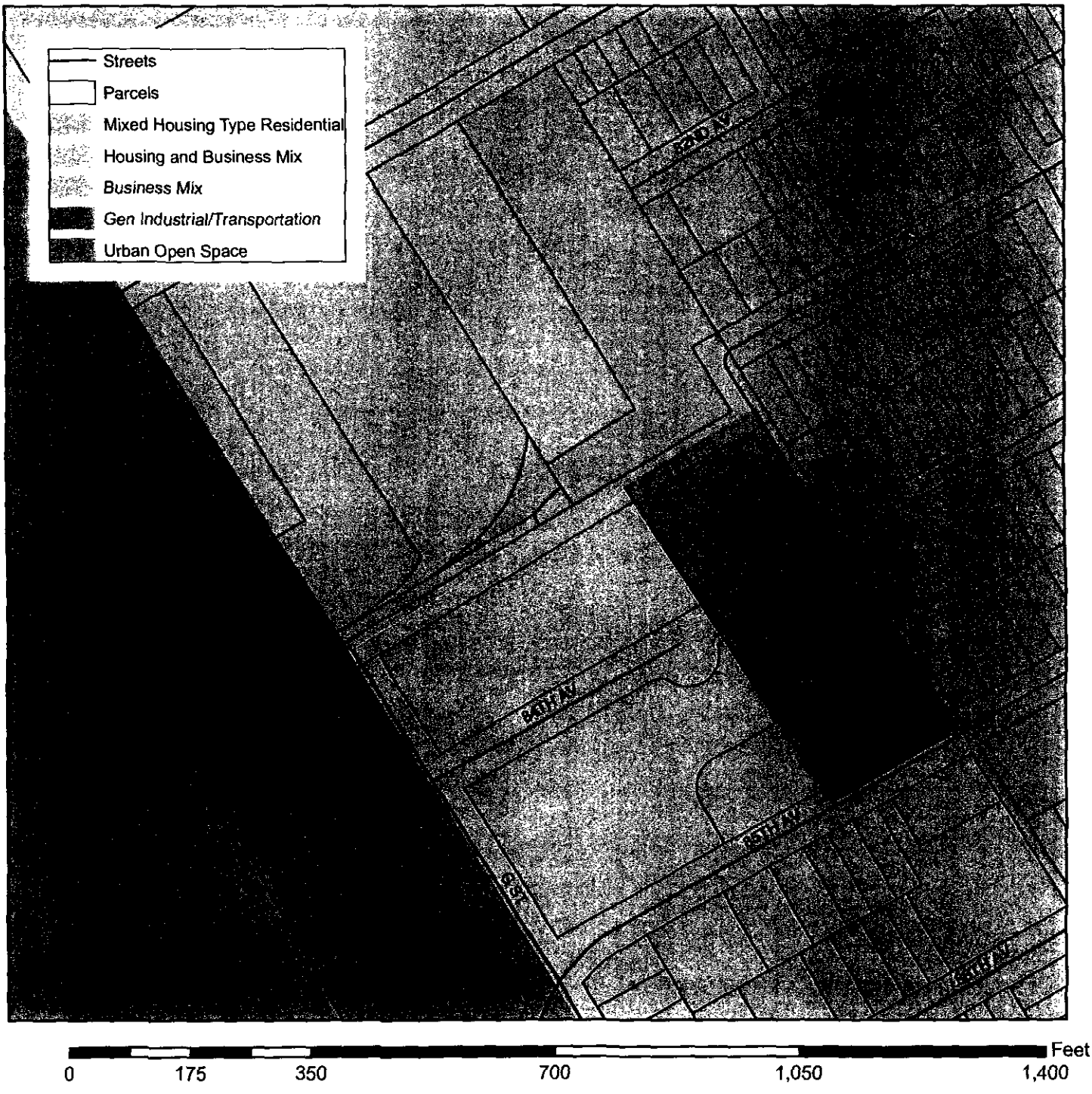
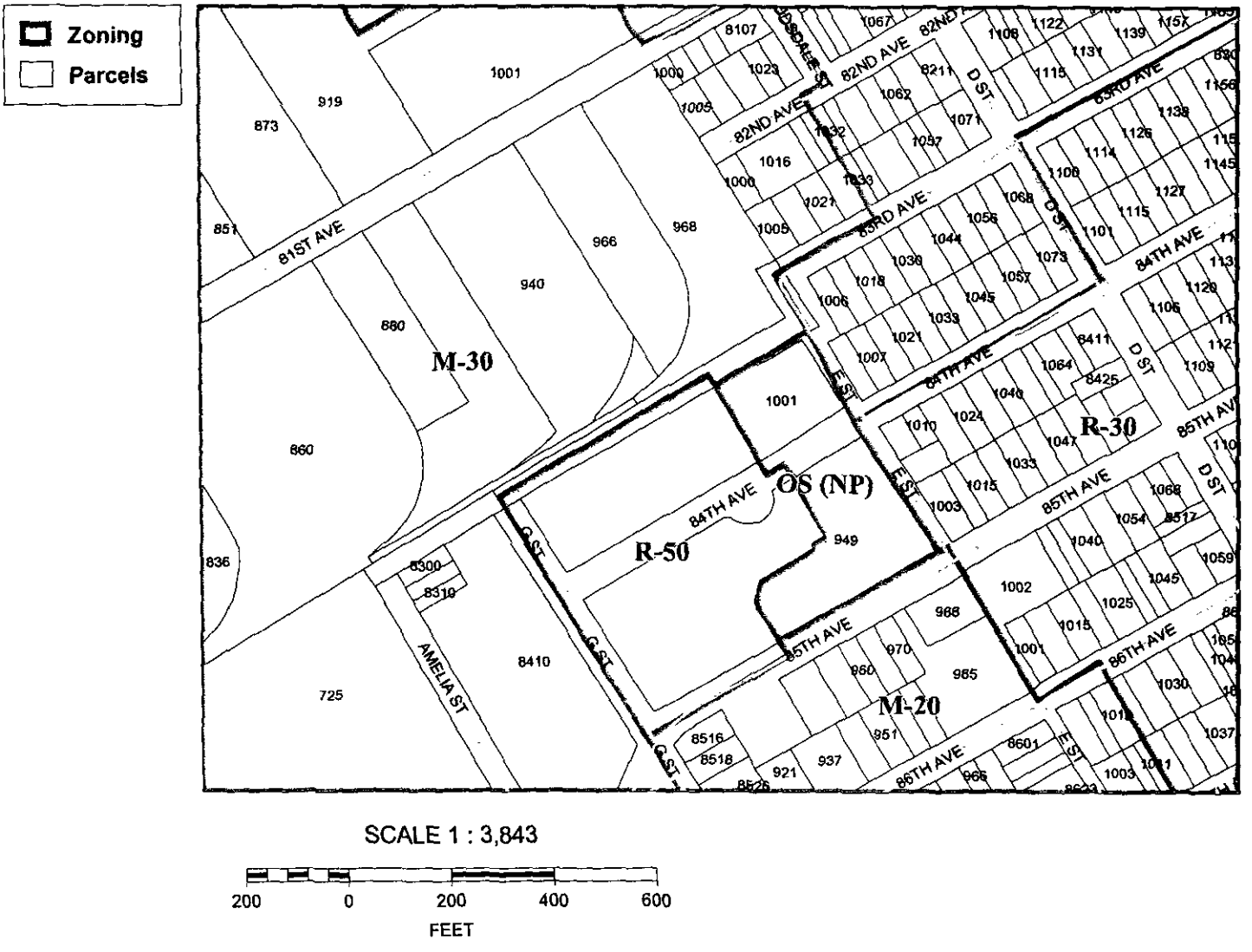
Existing General Plan Land Uses



PROPOSED GENERAL PLAN LAND USE MAP



Existing Zoning Designations



PROPOSED ZONING MAP

FINDINGS FOR APPROVAL:

The following findings can be made for approval of the proposal. Required findings are shown in **bold** type; explanations as to why these fin dings can be made are in normal type. The project's conformance with the following findings is not limited to the discussion below, but include all discussions in the report, the Mitigated Negative Declaration, and elsewhere in the record.

General Plan Amendment Findings (General Plan Page 166 paragraph a3):

A. **Advancing Goals of Oakland General Plan.** The project, including the proposed amendment to the General Plan land use map, advances and conforms with the Oakland General Plan's goals, policies, and objectives. The proposed project furthers the goals of the Land Use and Transportation Element and Housing Element by facilitating new housing construction on an infill site. The project will result in the creation of 191 new for-rent and for-sale housing units at varying types and sizes thereby increasing the housing stock in the city for a low-income households as encouraged by the General Plan.

B. **Redevelopment of Underutilized Parcel.** The project will redevelop an underutilized site with a development that is well-designed and attractive.

C. **Neighborhood Improvement.** The project will improve the quality of life of the residents of the existing residential neighborhood located immediately to the east of the site by replacing the existing industrial use of the property and redevelopment of an aged public housing complex with a development that is more compatible with the residential neighborhood.

D. **Commercial Revitalization.** The project will encourage economic revitalization of the nearby commercial uses by increasing the population in the immediate area thereby expanding the consumer base for neighborhood businesses.

E. **Job Creation.** The project will create temporary construction-related jobs in the short-term which will create both immediate and secondary benefits for the local economy and workforce.

F. **Revenue Generation.** The project will enhance the quality of life in the nearby residential neighborhood thereby making the neighborhood a more desirable place to live and, in turn, increasing revenue to the City in the form of increased property taxes and real estate transfer taxes. The increased population in the area will support economic revitalization thereby expanding the sales tax base of the city.

G. **Advancing State and Regional Policy of Providing In-fill Housing.** Pursuant to California Government Code Section 65589.5(c), this development is consistent with the State Legislature's policy of discouraging the premature and unnecessary conversion of prime agricultural lands to urban uses and by in-filling existing urban areas with residential development. The proposed infill development is located within an urbanized area of Oakland where existing public utilities, public transit, and other necessary services are fully available to meet the needs of the project. Thus, this project fulfills the Legislature's, the

Bay Area region's, and the City of Oakland's goals of reducing urban sprawl and promoting clean air policies by approving residential projects which are located near public transit.

Section 17.148.050 (Variance Findings):

Minor Variances:

1. Mini-lot development of 307,965 square feet where 60,000 square feet is the maximum allowed lot area.
2. Front yard setback of 13 feet where 15 feet is required along 85th Avenue.
3. Rear yard setback of 10 feet where 15 feet is required along 81st Street.

A. That strict compliance with the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the zoning regulations, due to unique physical or topographic circumstances or conditions of design; or, as an alternative in the case of a minor variance, that such strict compliance would preclude an effective design solution improving livability, operational efficiency, or appearance.

Strict compliance with the regulations would preclude an effective design solution improving the livability and efficiency of the development.

- Relaxing the front and rear yard setback requirements allows for a more compact development which encourages pedestrian activity in the development, enhances vehicle and pedestrian safety in the development, and results in a more efficient use of land.
- Exceeding the maximum area lot area allowed for a mini-lot allows the redevelopment of two existing sites, including the public housing site which exceeds 60,000 square feet alone. The mini-lot provides an site design tool for the proposed reuse of an underutilized industrial site and the public housing site.

B. That strict compliance with the regulations would deprive the applicant of privileges enjoyed by owners of similarly zoned property; or, as an alternative in the case of a minor variance, that such strict compliance would preclude an effective design solution fulfilling the basic intent of the applicable regulation.

Strict compliance with the regulations would preclude an effective design solution fulfilling the basic intent of the regulations.

- The proposed front and rear yard setbacks conform to the general pattern of setbacks for existing residential and industrial uses in the area.
- The strict application of the regulation on maximum size of a mini-lot would preclude the flexibility of zoning standards that allow for the redevelop and aged public housing complex and reuse an underutilized industrial parcel with residential land uses that are compatible and complimentary to surrounding land uses.

C. That the variance, if granted, will not adversely affect the character, livability, or appropriate development of abutting properties or the surrounding area, and will not be detrimental to the public welfare or contrary to adopted plans or development policy.

The variances will not adversely affect the abutting properties or surrounding area and will not be *detrimental to the public* welfare or contrary to adopted policy.

- The setback variances relax standards that for a short building frontages on 81st Avenue and 85th Avenue. The proposed setbacks are similar to existing setbacks for residential and industrial properties in the area.
- The variance to exceed the lot area allowed for a mini-lot development would not adversely affect abutting properties or surrounding land uses. On the contrary, the mini-lot development allows for a comprehensive approach to development upon multiple lots, instead of individual piece meal development.

E. That the variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties or inconsistent with the purposes of the zoning regulations.

The variances will not constitute a grant of special privilege because other similarly zoned properties will be afforded similar considerations under similar circumstances.

F. For proposals involving one or two dwelling units on a lot: That the elements of the proposal requiring the variance (e.g., elements such as buildings, walls, fences, driveways, garages and carports, etc.) conform with the design review criteria set forth in the design review procedure at Section 17.136.070.

The variances involving one or two dwelling units on a lot—the reduced front and rear yard setbacks conform with the design review criteria. The proposed setbacks be maintained with landscaping so that they improve the street scene on 85th Avenue and 81st Avenue. As conditioned herein, the building within the project are to be designed with architectural details (building recesses and varying roof lines) shown on plans dated August 17, 2006, to reduce the visual impact of the reduced setback along the street.

G. For proposals involving one or two dwelling units on a lot and not requiring design review or site development and design review: That all elements of the proposal conform to the "Special *Residential Design Review Checklist Standards and Discretionary Criteria*" as adopted by the City Planning Commission.

The proposal is not subject to this finding because design review is required for this project.

H. For proposals involving one or two residential dwelling units on a lot: That, if the variance would relax a regulation governing maximum height, minimum yards, maximum lot coverage or building length along side lot lines, the proposal also conforms with at least one of the following criteria:
a. The proposal when viewed in its entirety will not adversely impact abutting residences to the side, rear, or directly across the street with respect to solar access, view blockage and privacy to a degree greater than that which would be possible if the residence were built according to the applicable regulation and, for height variances, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height; or
b. Over sixty (60) percent of the lots in the immediate vicinity are already developed and the proposal does not exceed the corresponding as-built condition on these lots and, for height variances, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height. The immediate context shall consist of the five closest lots on each side of the project site plus the ten closest lots on the opposite side of the

street (see illustration I-4b); however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any decision on any variance.

The proposal conforms to Criterion "a". The reduced setbacks on 85th and 81st Avenues, along with the increase in size for a mini-lot, do not adversely impact abutting residences. The proposed setbacks are similar to the setbacks of existing residential units in the surrounding area, and the project as a whole would improve the overall appearance of the project area. The existing affordable housing project would be completely redeveloped to provide new affordable for-rent apartment and townhouse units. Additionally, the project would reuse the older, vacant industrial building (D. Merlino Pasta Factory) by creating industrial lofts within the warehouse building and constructing new for-sale townhouse units on the vacant portion of this industrial site. The proposed buildings are designed to be compatible and complimentary to the surrounding land uses.

Section 17.134.050 (General Use Permit Criteria):

Purpose of Conditional Use Permit: To allow construction of more than two units and create a Mini-lot in the R-50 Zone.

A. That the location, size, design, and operating characteristics of the proposed development will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of civic facilities and utilities; to harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development.

The proposed residential development of more than 2 units and creation of a mini-lot will allow for development that will be compatible with and will not adversely affect the livability or appropriate development of abutting properties or the surrounding neighborhood for the following reasons:

- The proposed height of 2 to 3 stories is compatible with the surrounding uses As conditioned herein, the approved development will be well-designed with high-quality materials, finishes, and landscaping.
- There are adequate utilities to service the proposed development.
- The proposed project provides common and private open spaces areas for use by future residents.
- The proposed residential development will acts as buffer between the existing industrial and residential uses.
- The proposed residential development will provide adequate buffers between proposed residential units and the existing industrial uses with walls, landscaping and parking.
- The mini-lot will allow for modifications to typical height and setback standards of the R-50 Zone by treating the individual parcels within the project as one cohesive project. The mini-lot will also provide for adequate parking within the project area by including parking within common parking areas and on-street parking spaces.

B. That the location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping, or civic environment, and will be as attractive as the nature of the use and its location and setting warrant.

- Parking for the proposed development is provided in designated parking areas an along the private streets. The proposed shared parking arrangement my more effectively accommodate the variation in parking needs for the affordable households.
- The building heights allow for more open space within the project area.
- The proposed development of more than two units and creation of a mini-lot will allow for a functional living environment by providing a well-designed community with high-quality materials building materials and landscaping that will be compatible with and increase the aesthetic value of the surrounding neighborhood.

C. That the proposed development will enhance the successful operation of the surrounding area in its basic community functions, or will provide an essential service to the community or region.

The proposed use permits to development more than two units and create a mini-lot will facilitate the successful operation of the new housing development, which will provide needed housing opportunities, by allowing modifications to height, setback and parking standards of the Zoning Ordinance without compromising the livability and quality of the project.

D. That the proposal conforms to all applicable design review criteria set forth in the design review procedure at Section 17.136.070.

The proposed structures conform to the design review criteria in Section 17.136.070. As conditioned herein, the proposed development will be consistent with the high-quality materials, finishes, and landscaping shown on plans submitted by the architect dated August 17, 2006.

E. That the proposal conforms in all significant respects with the Oakland Comprehensive Plan and with any other applicable plan or development control map which has been adopted by the City Council.

The proposed development of more than two units and creation of a mini-lot facilitates a new development which conforms to the Oakland General Plan (formerly the Oakland Comprehensive Plan) because:

- The proposed project provides a variety of housing types including: apartments, for-rent townhouses, for-sale townhouses and warehouse lofts.
- The overall project density is 28 dwelling units per gross acre.

California Environmental Quality Act (CEQA) Findings for Adoption of the MND:

1. The Initial Study/Mitigated Negative Declaration was prepared by the City of Oakland as the Lead Agency, was properly circulated for public review and comment for 22 days.
2. The State Clearinghouse approved a reduced public review and comment period (20 days instead from 30 days) pursuant to Section 15105 (d) of the CEQA Guidelines.
3. The Initial Study/Mitigated Negative Declaration was independently reviewed and analyzed by the City Planning Commission and reflects the independent judgment of the Planning Commission. Such independent judgment is based on review and consideration of the information contained in the Initial Study/Mitigated Negative Declaration EIR and on substantial evidence in the record (even though there may be differences between or among the different

sources of information and opinions offered in the documents, testimony, public comments and such responses that make up the Mitigated Negative Declaration and the administrative record as a whole). The Planning Commission recognizes that the Mitigated Negative Declaration contains certain additions, clarifications, modifications or other revisions (as the result of the public review and comments on the Initial Study/Mitigated Negative Declaration, public agency responses to those comments, and refinements to the project description and project alternatives), but that such work does not present significant new information requiring recirculation of the Mitigated Negative Declaration. Such information, revisions, and additional data do not include any new significant environmental impacts that would result from the project or from a new mitigation measure and they do not reflect any substantial increase in the severity of any environmental impact, nor do they propose any additional feasible project alternative or mitigation measure that is materially different from others previously analyzed that would clearly lessen the significant environmental impacts of the project that has not been adopted. No recirculation of the Mitigated Negative Declaration is required. No information indicates that the Mitigated Negative Declaration was inadequate or conclusory or that the public was deprived of a meaningful opportunity to review and comment on the Mitigated Negative Declaration.

4. The Initial Study/Mitigated Negative Declaration and its findings and conclusions are adopted by the City Planning Commission as its source of environmental information, except where otherwise expressly stated. The Initial Study/Mitigated Negative Declaration is legally adequate and was completed in compliance with CEQA and the City's Environmental Review Regulations.
5. The Initial Study/Mitigated Negative Declaration identifies all potential significant adverse environmental impacts and feasible mitigation measures or standard conditions of approval that would reduce these impacts to a less-than-significant level. All of the mitigation measures identified in the Initial Study/Mitigated Negative Declaration, as they may have been modified, and again in the Mitigation Monitoring and Reporting Program, will be adopted and implemented as Conditions of Approval for the Project.
6. The approval of the Project complies with CEQA; and the Initial Study/Mitigated Negative Declaration was presented to the City Planning Commission, which reviewed and considered the information contained therein prior to acting on any of the development approvals for the Project.
7. The monitoring and reporting of CEQA mitigation measures in connection with the project will be conducted in accordance with the attached Mitigation Monitoring and Reporting Program incorporated into the Conditions of Project approval. Adoption of this Program will constitute fulfillment of the CEQA monitoring and/or reporting requirement set forth in Section 21081.6 of the CEQA Guidelines. All proposed mitigation measures are capable of being fully implemented by the efforts of the City of Oakland, the applicant, or other identified public agencies of responsibility.

a. CONDITIONS OF APPROVAL

STANDARD CONDITIONS:

1. **Approved Use**
   a. Ongoing
   The project shall be constructed and operated in accordance with the authorized use as described in this staff report and the plans submitted on **August 17, 2006** and as amended by the following conditions. Any additional uses or facilities other than those approved with this permit, as described in the project description and approved plans, will require a separate application and approval

2. **Effective Date, Expiration, and Extensions**
   a. Ongoing
   This approval shall become effective upon satisfactory compliance with these conditions. This approval shall expire on **September 20, 2008**, unless actual construction or alteration, or actual commencement of the authorized activities in the case of a permit not involving construction or alteration, has begun under necessary permits by this date. Upon written request and payment of appropriate fees submitted no later than the expiration date, the Director of Development may grant a one-year extension of this date, with additional extensions subject to approval by the City Planning Commission.

3. **Scope of This Approval; Major and Minor Changes**
   a. Ongoing
   The project is approved pursuant to the Planning Code and shall comply with all other applicable codes, requirements, regulations, and guidelines imposed by other affected departments, including but not limited to the Building Services Division, the Fire Marshal, and the Public Works Agency. Minor changes to approved plans may be approved administratively by the Director of Development; major changes shall be subject to review and approval by the City Planning Commission.

4. **Modification of Conditions or Revocation**
   a. Ongoing
   The City reserves the right, after notice and public hearing, to alter the Conditions of Approval or revoke this approval if it is found that the approved use or facility is violating any of the Conditions of Approval, any applicable codes, requirements, regulations, or guidelines, or causing a public nuisance.

5. **Reproduction of Conditions on Building Plans**
   a. Required prior to issuance of building permit
   These Conditions of Approval shall be attached to any plans submitted for a building permit for this project.

6. **Indemnification**
   a. Ongoing
   The applicant shall defend, indemnify, and hold harmless the City of Oakland, its agents, officers, and employees from any claim, action, or proceeding (including legal costs and attorney's fees) against the City of Oakland, its agents, officers or employees to attack, set aside, void or annul, an approval by the City of Oakland, the Office of Planning and Zoning Division,

Planning Commission, or City Council relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate fully in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding.

7. **Lighting Plan**

   a. ***Prior to issuance of building permit.***

   The project applicant shall submit a plan for exterior lighting that is visible from the exterior of the building for review and approval by the Electrical Services Division. The plan shall include the design and location of all lighting fixtures or standards. The plan shall indicate lighting fixtures that are adequately shielded to a point below the light bulb and reflector and that prevent unnecessary glare onto adjacent properties. All lighting shall be architecturally integrated into the site.

8. **Air Quality Compliance**

   a. ***During construction***

   During construction, the project sponsor shall require the construction contractor to implement the following measures required as part of BAAQMD's basic and enhanced dust control procedures required for construction sites. These include:

   BASIC (Applies to all construction sites)

   - Water all 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 possible.
   - 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).
   - Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
   - Sweep daily (with water sweepers using reclaimed water if possible) all paved access roads, parking areas and staging areas at construction sites.
   - Sweep streets (with water sweepers using reclaimed water if possible) at the end of each day if visible soil material is carried onto adjacent paved roads.

   ENHANCED

   - All "Basic" controls listed above, plus
   - Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for one month or more).
   - Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).
   - Limit traffic speeds on unpaved roads to 15 miles per hour.
   - Install sandbags or other erosion control measures to prevent silt runoff to public roadways
   - Replant vegetation in disturbed areas as quickly as feasible.

b. During construction

To minimize construction equipment emissions during construction, the project sponsor shall require the construction contractor to:

1. Demonstrate compliance with BAAQMD Regulation 2, Rule 1 (General Requirements) for all portable construction equipment subject to that rule. BAAQMD Regulation 2, Rule 1, requires an authority to construct and permit to operate certain types of portable equipment used for construction purposes (e.g., gasoline or diesel-powered engines used in conjunction with power generation, pumps, compressors, and cranes) unless such equipment complies with all applicable requirements of the "CAPCOA" Portable Equipment Registration Rule" or with all applicable requirements of the Statewide Portable Equipment Registration Program. This exemption is provided in BAAQMD Rule 2-1-105.
2. Perform low- NOx tune-ups on all diesel-powered construction equipment greater than 50 horsepower (no more than 30 days prior to the start of use of that equipment). Periodic tune-ups (every 90 days) should be performed for such equipment used continuously during the construction period.

9. Tree Permit

a. Prior to the issuance of grading or building permit

Prior to receiving a building permit, the applicant must secure a tree removal permit, and abide by the conditions of that permit, prior to removal of any trees located on the project site or in the public right-of-way adjacent to the project.

b. Prior to the issuance of grading or building permit

To the extent feasible, removal of the large trees and other vegetation suitable for nesting shall not occur during the breeding season of March 15 and August 15. If tree removal must occur during the breeding season, all sites shall be surveyed by a qualified biologist to verify the presence or absence of nesting birds or raptors. If the survey indicates the potential presence of nesting birds or raptors, the results shall be coordinated with the California Department of Fish and Game (CDFG) and suitable avoidance measures shall be developed and implemented. Construction shall observe the CDFG avoidance guidelines which are a minimum 500-foot buffer zone surrounding active raptor nests and a 250-foot buffer zone surrounding nests of other birds. Buffer zones shall remain until young have fledged.

c. During construction

Adequate protection shall be provided during the construction period for any trees which are to remain standing. Measures deemed necessary by the Tree Reviewer in consideration of the size, species, condition and location of the trees to remain may include any of the following:

1. Before the start of any clearing, excavation, construction or other work on the site, every protected tree deemed to be potentially endangered by said site work shall be securely fenced off at a distance from the base of the tree to be determined by the City Tree Reviewer. Such fences shall remain in place for duration of all such work. All trees to be removed shall be clearly marked. A scheme shall be established for the removal and disposal of logs, brush, earth and other debris which will avoid injury to any protected tree.
2. Where proposed development or other site work is to encroach upon the protected perimeter of any protected tree, special measures shall be incorporated to allow the roots to breathe and obtain water and nutrients. Any excavation, cutting, filing, or compaction of the existing ground surface within the protected perimeter shall be minimized. No change in existing ground level shall occur within a distance to be determined by the City Tree

Reviewer from the base of any protected tree at any time. No burning or use of equipment with an open flame shall occur near or within the protected perimeter of any protected tree.

3. No storage or dumping of oil, gas, chemicals, or other substances that may be harmful to trees shall occur within the distance to be determined by the Tree Reviewer from the base of any protected trees, or any other location on the site from which such substances might enter the protected perimeter. No heavy construction equipment or construction materials shall be operated or stored within a distance from the base of any protected trees to be determined by the tree reviewer. Wires, ropes, or other devices shall not be attached to any protected tree, except as needed for support of the tree. No sign, other than a tag showing the botanical classification, shall be attached to any protected tree.
4. Periodically during construction, the leaves of protected trees shall be thoroughly sprayed with water to prevent buildup of dust and other pollution that would inhibit leaf transpiration.
5. If any damage to a protected tree should occur during or as a result of work on the site, the applicant shall immediately notify the Public Works Agency of such damage. If, in the professional opinion of the Tree Reviewer, such tree cannot be preserved in a healthy state, the Tree Reviewer shall require replacement of any tree removed with another tree or trees on the same site deemed adequate by the Tree Reviewer to compensate for the loss of the tree that is removed.
6. All debris created as a result of any tree removal work shall be removed by the applicant from the property within two weeks of debris creation, and such debris shall be properly disposed of by the applicant in accordance with all applicable laws, ordinances, and regulations.

d. Prior to the issuance of grading or building permit

Replacement plantings shall be required in order to prevent excessive loss of shade, erosion control, groundwater replenishment, visual screening and wildlife habitat in accordance with the following criteria:

1. No tree replacement shall be required for the removal of nonnative species, for the removal of trees which is required for the benefit of remaining trees, or where insufficient planting area exists for a mature tree of the species being considered.
2. Replacement tree species shall consist of Sequoia sempervirens (Coast Redwood), Quercus agrifolia (Coast Live Oak), Ancutus merciesii (Madrone), Aesculus californica (California Buckeye) or Umbelluiana californica (California Bay Laurel).
3. Replacement trees shall be of twenty-four (24) inch box size, except that three fifteen (15) gallon size trees may be substituted for each twenty-four (24) inch box size tree where appropriate.
4. Minimum planting areas must be available on site as follows:
   a) For Sequoia sempervirens, three hundred fifteen square feet per tree;
   b) For all other species listed in #2 above, seven hundred (700) square feet per tree.
5. In the event that replacement trees are required but cannot be planted due to site constraints, an in lieu fee as determined by the master fee schedule of the city may be substituted for required replacement plantings, with all such revenues applied toward tree planting in city parks, streets and medians.

6. Plantings shall be installed prior to the issuance of a certificate of occupancy, subject to seasonal constraints, and shall be maintained by the applicant until established. The Tree Reviewer may require a landscape plan showing the replacement planting and the method of irrigation. Any replacement planting which fails to become established within one year of planting shall be replanted at the applicant's expense.

10. Cultural Resources found during Site Work and Construction

a. During construction

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

In considering any suggested mitigation proposed by the consulting archaeologist in order to mitigate impacts to historical resources or unique archaeological resources, the project sponsor shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for historical resources or unique archaeological resources is carried out.

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

b. During construction

In the event of an unanticipated discovery of a trace fossil during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards (SVP 1995,1996)). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find under the criteria set forth in Section 15064.5 of the CEQA Guidelines. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.

c. During construction

In the event that human skeletal remains are uncovered at the project site during construction or ground-breaking activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and follow the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made.

If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and a timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.

11. Geotechnical Investigation

a. Prior to issuance of grading permits

A site-specific, design level geotechnical investigation for each construction site within the project area shall be required as part of this project. Specifically:

1. Each investigation shall include an analysis of expected ground motions at the site from known active faults. The analyses shall be in accordance with applicable City ordinances and policies, and consistent with the most recent version of the California Building Code, which requires structural design that can accommodate ground accelerations expected from known active faults.

2. The investigations shall determine final design parameters for the walls, foundations, foundation slabs, and surrounding related improvements (utilities, roadways, parking lots and sidewalks).

3. The investigations shall be reviewed and approved by a registered geotechnical engineer. All recommendations by the project engineer, geotechnical engineer, will be included in the final design.

4. Recommendations that are applicable to foundation design, earthwork, and site preparation that were prepared prior to or during the project design phase, shall be incorporated in the project.

Final seismic considerations for the site shall be submitted to and approved by the City of Oakland Building Services Division prior to the commencement of the project.

12. State, Federal, or County Authority Environmental Approval.

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

Prior to issuance of a building permit, the applicant shall demonstrate, through written verification, that required clearances have been granted and any applicable conditions have been met for previous contamination at the site from the appropriate State, Federal or County authorities, or the applicant shall submit a Phase 1 and/or Phase II report for the existing buildings. The Planning Director shall review and provide a determination on the completeness of the reports.

13. Lead-based paint, Asbestos or PCB-equipment Assessment

a. Prior to demolition

Future demolition or renovation activities shall require the project sponsor to prepare an assessment for the potential presence of lead-based paint or coatings, asbestos, or PCB-containing equipment prior to commencing demolition activities.

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

If the required assessment finds presence of lead-based paint, the project sponsor shall develop and implement a lead-based paint removal plan. The plan shall specify, but not be limited to, the following elements for implementation:

1. Develop a removal specification approved by a Certified Lead Project Designer.
2. Ensure that all removal workers are properly trained.
3. Contain all work areas to prohibit off-site migration of paint chip debris.
4. Remove all peeling and stratified lead-based paint on building and non-building surfaces to the degree necessary to safely and properly complete demolition activities according to recommendations of the survey. The demolition contractor shall be responsible for the proper containment and disposal of intact lead-based paint on all equipment to be cut and/or removed during the demolition.
5. Provide on-site personnel and area air monitoring during all removal activities to ensure that workers and the environment are adequately protected by the control measures used.
6. Clean up and/or vacuum paint chips with a high efficiency particulate air (HEPA) filter.
7. Collect, segregate, and profile waste for disposal determination.
8. Properly dispose of all waste.

If the required assessment finds presence of asbestos, the project sponsor shall ensure that asbestos abatement shall be conducted prior to building demolition or renovation.

If the required assessment finds presence of PCBs, the project sponsor shall ensure that PCB abatement is conducted prior to building demolition or renovation.

14. Remediation Oversight

The project applicant shall ensure that environmental assessment and remediation is either performed under the oversight of the ACDEH or other agencies, (e.g. RWQCB and DTSC), or conducted by qualified professionals with experience in soil and groundwater contamination remediation. In cases where regulatory involvement is not necessary, soil and groundwater removal and disposal shall still occur to mitigate the potential hazards that could result from removal of soil and/or groundwater during construction.

15. Soil Management Plan

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

To reduce environmental risks associated with encountering contaminated soil that is discovered during grading and construction, the project applicant shall ensure that impacted soil is handled

in accordance with an approved Soil Management Plan, which shall be prepared to outline required procedures for handling and disposing impacted soil. All disposal and transportation of contaminated soil shall be done in accordance with State and federal agencies and under federal (RCRA) and State laws. All contaminated soil determined to be hazardous or non-hazardous waste shall be adequately profiled for acceptable disposal before it can be removed from the site.

16. Groundwater

Groundwater pumped from the subsurface would be contained onsite prior to treatment and disposal to ensure environmental and health issues are resolved pursuant to oversight agencies. Engineering controls shall be utilized, which include impermeable barriers to prohibit groundwater and vapor intrusion into the building.

17. NPDES Permit

a. Prior to and during demolition, grading and construction activities

The project shall comply with all City of Oakland Grading Permit requirements and all NPDES Permit requirements as follows:

b. Grading Plan, Erosion and Sedimentation Control Plan, and Drainage Plan

City of Oakland Municipal Code Chapter 13.16 and Section 15.04.780 require that the project applicant prepare a grading plan for the proposed project. Because during project construction the volume of the excavated fill material would exceed 50 cubic yards and involve depths of excavation that exceed five feet, the project sponsor must prepare a grading plan, erosion and sedimentation control plan, and drainage plan.

- The required grading plan shall include drainage, erosion, and sediment control measures and incorporate construction BMPs to prevent pollutants from entering the storm sewer to the maximum extent practicable.
- The grading plan shall discuss existing, temporary, and final drainage facilities. Erosion and sediment control shall combine interim and permanent measures to minimize erosion, stormwater runoff, and sedimentation. Such measures, at a minimum, shall include provision of filter materials at the catch basin to prevent debris or dirt from flowing into the storm drain system. According to the City Public Works Agency, such filter materials shall be applied to batch basins within private areas. As proposed by the project, filter protection at catch basins and inlets shall include filter fabric covering the grates, straw bales or wattles circling the inlet, or some combination of these and/or other measures.
- The plan shall specify that, after construction is complete, the sponsor shall ensure that the storm drain system is inspected and the sponsor shall clear the system of any debris or sediment.
- Preparation and implementation of the grading plan shall include preparation of the construction stormwater pollution prevention plan (SWPPP) (discussed below).

c. NPDES Permit and Construction Stormwater Pollution Prevention Plan (SWPPP)

The project sponsor shall apply for and comply with all requirements of the ACCWP NPDES General Construction Permit. As required by the permit:

- The sponsor shall prepare a SWPPP in coordination with a project's grading plan. The SWPPP shall describe erosion and sedimentation control measures as recommended in

the California Stormwater Best Management Practice Handbook (Stormwater Quality Task Force, 2003).

- The project sponsor shall prepare the SWPPP and submit a notice of intent to the RWQCB prior to construction activities, as required by the RWQCB. Implementation of the SWPPP shall start with the commencement of construction and continue though the completion of the project.
- At a minimum, the SWPPP shall include a description of construction materials, practices, and equipment storage and maintenance; a list of pollutants likely to contact stormwater; site-specific erosion and sedimentation control practices; a list of provisions to eliminate or reduce discharge of materials to stormwater; best management practices (BMPs), and inspection and monitoring program.
- After construction is completed, the project sponsor shall submit a notice of termination to the RWQCB.

d. Infiltration

The project sponsor shall implement site design/landscape characteristics as feasible, which maximize infiltration (where appropriate), provide retention or detention, slow runoff, and minimize impervious land coverage, so that post-development pollutant loads from the site have been reduced to maximum extent possible. Where feasible, the project shall introduce measures to help reduce the rate and volume of stormwater runoff.

e. Discharge

For projects that will discharge directly to water bodies listed as impaired (under section 303(d) of CWA), ensure that post-project runoff does not exceed pre-project levels for such pollutants through implementation of the control measures addressed in the NPDES C.3 provision, to the maximum extent practicable.

18. Compliance with General Plan Noise Element

a. Prior to issuance of building permits

If necessary to comply with the interior noise requirements of the City of Oakland's General Plan Noise Element and achieve an acceptable interior noise level, noise reduction in the form of sound-rated assemblies (i.e., windows, exterior doors, screens, and walls) shall be incorporated into project building design. Final recommendations for sound-rated assemblies will depend on the specific building designs and layout of buildings on the site and shall be determined during the design phase.

19. Construction Related Noise Control

a. During construction

The project sponsor shall require construction contractors to limit standard construction activities as required by the City Building Department.

1. Such activities shall be limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, with pile driving and/or other extreme noise generating activities greater than 90 dBA limited to between 8:00 a.m. and 4:00 p.m. Monday through Friday.
2. Any construction activity proposed to occur outside of the standard hours of 7:00 a.m. to 7:00 p.m. for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case by case basis, with criteria

including the proximity of residential uses and a survey of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened and such construction activities shall only be allowed with the prior authorization of the Building Services Division.

3. Construction activity shall not occur on Saturdays, with the following possible exceptions:
   a. Prior to the building being enclosed, requests for Saturday construction for special activities (such as concrete pouring which may require more continuous amounts of time), shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a survey of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened. Such construction activities shall only be allowed on Saturdays with the prior authorization of the Building Services Division.
   b. After the building is enclosed, requests for Saturday construction activities shall only be allowed on Saturdays with the prior authorization of the Building Services Division, and only then within the interior of the building with the doors and windows closed.
4. No extreme noise generating activities shall be allowed on Saturdays, with no exceptions.
5. No construction activity shall take place on Sundays or Federal holidays.
6. For clarification, construction activities include but are not limited to: tuck idling, moving equipment (including trucks, elevators, etc) or materials, deliveries, and construction meetings held on-site in a non-enclosed area.

b. During construction

To reduce daytime noise impacts due to construction, the project sponsor shall require construction contractors to implement the following measures: site-specific noise reduction program, subject to city review and approval, which includes the following measures:

1. 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).
2. Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible 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 where feasible, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.
3. Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or other measures to the extent feasible.
4. If feasible, the noisiest phases of construction (such as pile driving) shall be limited to less than 10 days at a time.

20. Pile Driving Noise Attenuation

a. During construction

To further reduce potential pier drilling, pile driving and/or other extreme noise generating construction impacts, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted for review and approval by the City to ensure that maximum feasible noise attenuation will be achieved. These attenuation measures shall include as many of the following control strategies as feasible:

1. Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings;
2. 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;
3. Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;
4. The feasibility of temporarily improving the noise reduction capability of adjacent or nearby buildings, by the use of sound blankets for example, if acceptable to adjacent or nearby users.
5. Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings; and
6. Monitor the effectiveness of noise attenuation measures by taking noise measurements.

21. Noise Complaints

a. Prior to issuance of building permits

Prior to the issuance of each building permit, along with the submission of construction documents, the project sponsor shall submit to the City Building Department a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include:

1. A procedure for notifying the City Building Division staff and Oakland Police Department; (during regular construction hours and off-hours);
2. A plan for posting signs on-site pertaining with permitted construction days and hours and complaint procedures and who to notify in the event of a problem;
3. A listing of telephone numbers (during regular construction hours and off-hours);
4. The designation of an on-site construction complaint and enforcement manager for the project;
5. Notification of neighbors within 300 feet of the project construction area at least 30 days in advance of pile-driving activities about the estimated duration of the activity; and
6. A preconstruction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise mitigation and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.

22. Waste Reduction and Recycling

a. Required prior to issuance of a building or demolition permit

The applicant may be required to complete and submit a "Waste Reduction and Recycling Plan," and a plan to divert 50 percent of the solid waste generated by the operation of the project, to the Public Works Agency for review and approval, pursuant to City of Oakland Ordinance No. 12253. Contact the City of Oakland Environmental Services Division of the Public Works Agency for more information.

23. Recycling Space Allocation Requirements

a. Required prior to issuance of building permit

The design, location, and maintenance of recycling collection and storage areas must substantially comply with the provision of the Oakland City Planning Commission "Guidelines for the Development and Evaluation of Recycling Collection and Storage Areas," Policy 100-28. A minimum of two cubic feet of storage and collection area shall be provided for each dwelling unit.

24. Construction Staging and Phasing Plan

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

The applicant shall submit a Construction Staging and Phasing Plan for review and approval by the Building Services Division. The following information as well as any additional detailed information or conditions required by the Building Services Division shall be included in the plan and be consistent with all related conditions attached to this project:

1. Identification of construction staging areas.
2. Designation of main access routes to the site for construction equipment and materials, including truck routes that will be used for delivery or hauling away of materials.
3. Designation of construction worker parking areas and designation of specific on-street parking areas, if required.
4. Description of how construction equipment and materials will be protected against vandalism and theft.
5. Designation that no construction vehicles, materials, and other related equipment shall block the road or pedestrian access-ways to ensure vehicular and pedestrian access to neighboring homes or businesses.

25. Construction Site Project Manager

a. Ongoing

The applicant shall ensure that a Project Manager is designated who will be responsible for responding to any complaints from the neighborhood about excessive noise or construction issues during construction periods, The Manager's home telephone number and identification photograph shall be conspicuously posted at the construction site. The Manager shall determine the cause of complaints and shall take prompt action to correct the problem. The Planning and Zoning Division shall be informed who the Manager is prior to the issuance of the grading permit.

26. Approved Plans on Site
    a. ***During all construction activities.***
    At least one (1) copy of the approved above referenced plans that include the Approval Letter and Conditions of Approval for this project, shall be available for review at the job site at all times.

SPECIFIC CONDITIONS:

27. **Rezoning, General Plan Amendment, and Redevelopment Plan**
    a. ***Required prior to approval becoming effective***
    This approval shall not become effective unless the Zoning Map, General Plan Land Use Map, and Land Use Map of the Coliseum Area Redevelopment Pan are amended by the City Council and such amendments have become effective. The City Council has the authority to consider and revise as appropriate (accept, reject or modify) the adjudicatory land use decisions of the City Planning Commission (including variances and conditional use permits), regardless of whether an appeal to the City Council is filed challenging such adjudicatory land use decisions.

28. **Mitigation Measure HYD-2 (MMRP)**
    a. ***Prior to issuance of building permit***
    The project sponsor shall retain the project civil engineer of record to ensure that project development plans contain finished site grades and floor elevations that are elevated above the Base Flood Elevation of a 100-year flood event, subject to review and approval by Engineering Services.

29. **Recordation of Mitigation Measures and Conditions of Approval**
    a. ***Prior to issuance of demolition, grading or building permit***
    The applicant shall execute and record with the Alameda County Recorder's Office a copy of the Mitigation Measures and conditions of approval for the project, on a form approved by the Planning and Zoning Division. Proof of recordation shall be provided to the Planning and Zoning Division.

30. **Subsequent Subdivision Approvals**
    a. ***Prior to issuance of any building permits for the first unit***
    The applicant must secure the appropriate subdivision approvals to create the multiple lots for this Development approval. Subdivision plans shall be subject to review by the Public Works Department to insure the following:

        1. All streets within the development shall include traffic calming measure and shall be designed to the satisfaction of the public works department.
        2. Public access easements shall be recorded over all private streets in the development.
        3. In cases where a private street within the project area adjoins an existing public street, the new private street shall have a different name than the public street.

31. **Parks and Open Space**
    Required prior to approval of tentative map
    a. **All common areas and open space in the development, excluding streets, shall be privately owned and maintained by the Oakland Housing Authority.**

b. **The applicant shall submit a common area landscaping plan for approval by the Planning and Zoning Division. The landscaping plan shall show the proposed landscaping for all common areas in the development and shall contain the following:**

1. Landscaping details, such as planting types, sizes, and quantities, surfaces, landscape features and structures, and all perimeter fencing and walls.
2. Irrigation details.
3. Proposed landscaping in all open spaces shall be designed to maintain clear lines of sight into the interior of the space from nearby residences and streets.
4. A public kiosk or similar community notice board shall be placed in one of the open space areas located near the center of the development. This kiosk is to be used for displaying community-related information and shall be maintained and managed by the Oakland Housing Authority. The location and design of the kiosk shall be included on the landscaping plan.

c. **The applicant shall submit the following for review and approval by the Planning and Zoning Division:**

1. Landscaping maintenance plan.
2. Park rules for the use of park spaces.
3. Enforcement plan for enforcing the park rules.

d. ***Ongoing***

Landscaping maintenance and the enforcement of park rules are the responsibility of the Oakland Housing Authority. Landscaping shall be maintained in a healthy condition.

32. Perimeter Walls

a. ***Concurrent with the submittal for the site improvement plans***

The design of all walls proposed for the perimeter of the site shall be reviewed and approved by the Planning and Zoning Division. All walls shall be designed with high-quality materials and finishes and landscaping at the base of the wall, and shall be designed to provide for privacy for the residents of the project while maintaining visual transparency and visual interest. The wall proposed for the perimeter of the site where the project abuts industrially zoned properties shall be maintained at the current height of approximately 18 feet. This wall shall remain to provide for noise insulation between the site and adjacent residential uses.

33. Architectural Design

a. ***Concurrent with the submittal for building permits***

The drawings submitted for a building permit shall be consistent with architectural details shown on plans dated August 17, 2006.

34. Lot Landscaping

a. ***Concurrent with the submittal for building permits***

The drawings submitted for a building permit shall contain a landscaping plan for the landscaping of each lot to be reviewed and approved by the Planning and Zoning Division. The landscaping plan shall contain the following information:

1. Landscaping details, such as proposed planting types, sizes, and quantities and proposed fencing.
2. Irrigation details.

3. The proposed landscaping shall be primarily drought-tolerant.

35. Underground Utilities

a. Prior to issuance of building permits.

The applicant shall submit plans for review and approval of the Planning and Zoning Division, Building Services Division and the Public Works Agency, and other relevant agencies as appropriate, plans that show all new electric and telephone facilities; fire alarm conduits; street light wiring; and other wiring, conduits, and similar facilities placed underground by the developer from the applicant's structures to the point of service. The plans shall show all electric and telephone facilities installed in accordance with standard specifications of the serving utilities.

36. Covenants, Conditions and Restrictions & Homeowner's Association.

a. Prior to occupancy of the townhouse ownership units

A homeowners association (HOA) is required for a portion of the development. The proposed covenants, codes and restrictions (CC&Rs) for the HOA shall be reviewed and approved by the Planning and Zoning Division. The CC&Rs, or other equivalent instrument, shall clearly identify, at a minimum, the maintenance and enforcement responsibilities of the homeowners.

APPROVED BY: City Planning Commission: _____(date)_____(vote)

City of Oakland
File No. ER06-0013

I. INITIAL STUDY AND ENVIRONMENTAL REVIEW CHECKLIST

California Environmental Quality Act (CEQA)

1. Project Title:

   Tassafaronga Village

2. Lead Agency Name and Address:

   City of Oakland
   Community and Economic Development Agency, Planning Division
   250 Frank H. Ogawa Plaza, Suite 3315
   Oakland, CA 94612

3. Contact Person and Phone Number:

   Charity Wagner, Contract Planner
   (510)540-7331

4. Project Location:

   The addresses of the project site are 1001 83rd Avenue, 945 84st Avenue, and 968 81st Avenue, Oakland, CA 94612. The project site, which is located in the Elmhurst neighborhood of East Oakland, is generally bounded by 81st Avenue on the north; E Street on the east; 85th Avenue on the south; and G Street on the west (Figure 1). The approximately 7-acre site consists of the following parcel numbers: 042-4280-001-01; *042-4281-007-004; 041-4206-002-00; 041-4206-001-00; and 041-4206-007. The site is located in the* Coliseum Area Redevelopment Plan area.

5. Project Sponsor's Name and Address:

   Oakland Housing Authority
   1805 Harrison Street
   Oakland, CA 94612

6. General Plan Designation:

   Business Mix and Housing and Business Mix

7. Zoning:

   M-30 and R-50

7. Description of Project:

The proposed project is the rehabilitation of an existing public housing project and conversion of a vacant manufacturing building into housing. The project would result in the demolition of 16 residential buildings containing 87 housing units. The site would be redeveloped with 191 residential units, including 77 rental townhomes; 22 for-sale townhomes priced at affordable levels; 60 rental apartments; and 32 loft units in a rehabilitated manufacturing building. The project would also reconfigure streets within the project site to improve traffic flow and reconnect the housing development to the surrounding neighborhood (Figures 2-5). Refer to the Project Description, below, for additional detail.

9. Surrounding Land Uses and Setting:

The project site comprises a public housing development constructed in 1964, an adjacent vacant manufacturing building, and associated land and roads, including a vacant lot. The site, which is located in a neighborhood containing a mixture of industrial, institutional, and residential land uses, is bordered by manufacturing uses and the Acorn Woodland Elementary School to the north (comprised of 2 small K-5 schools); residential uses and Tassafaronga Park and Community Center to the east; residential and commercial uses to the south; and industrial uses to the west.

10. Use of this Environmental Document:

This environmental review document will be relied upon by the City for discretionary approvals associated with the project, including without limitation those specified on page 12-13. Other public agencies will rely on this document for approvals necessary to implement the project. These include:

- United States Environmental Protection Agency (EPA)
- United States Department of Housing and Urban Development (HUD)
- State of California Department of Toxic Substances Control (DTSC)
- San Francisco Bay Regional Water Quality Control Board (RWQCB)
- City of Oakland Redevelopment Agency

PROJECT DESCRIPTION

The following discussion includes a brief history of the public housing development on the project site and the impetus behind the proposed project; a description of the project site and surrounding land uses; a list of project objectives; and a description of the proposed project. Figure 1 shows the regional location of the project site and its local context. Figure 2 shows the proposed site plan for Tassafaronga Village. Figures 3, 4, and 5 show perspectives and elevations of the proposed buildings. Figure 6 shows land uses in and around the project site.

1. History and Background

The project site consists of five parcels, three of which comprise the existing Tassafaronga Village public housing development and associated road. The development is named after the Battle of Tassafaronga, which was fought between United States and Japanese naval forces on November 30, 1942. The battle represented the last in a series of naval battles during the six month Battle of Guadalcanal, one of the first offensives by Allied forces against Japan.

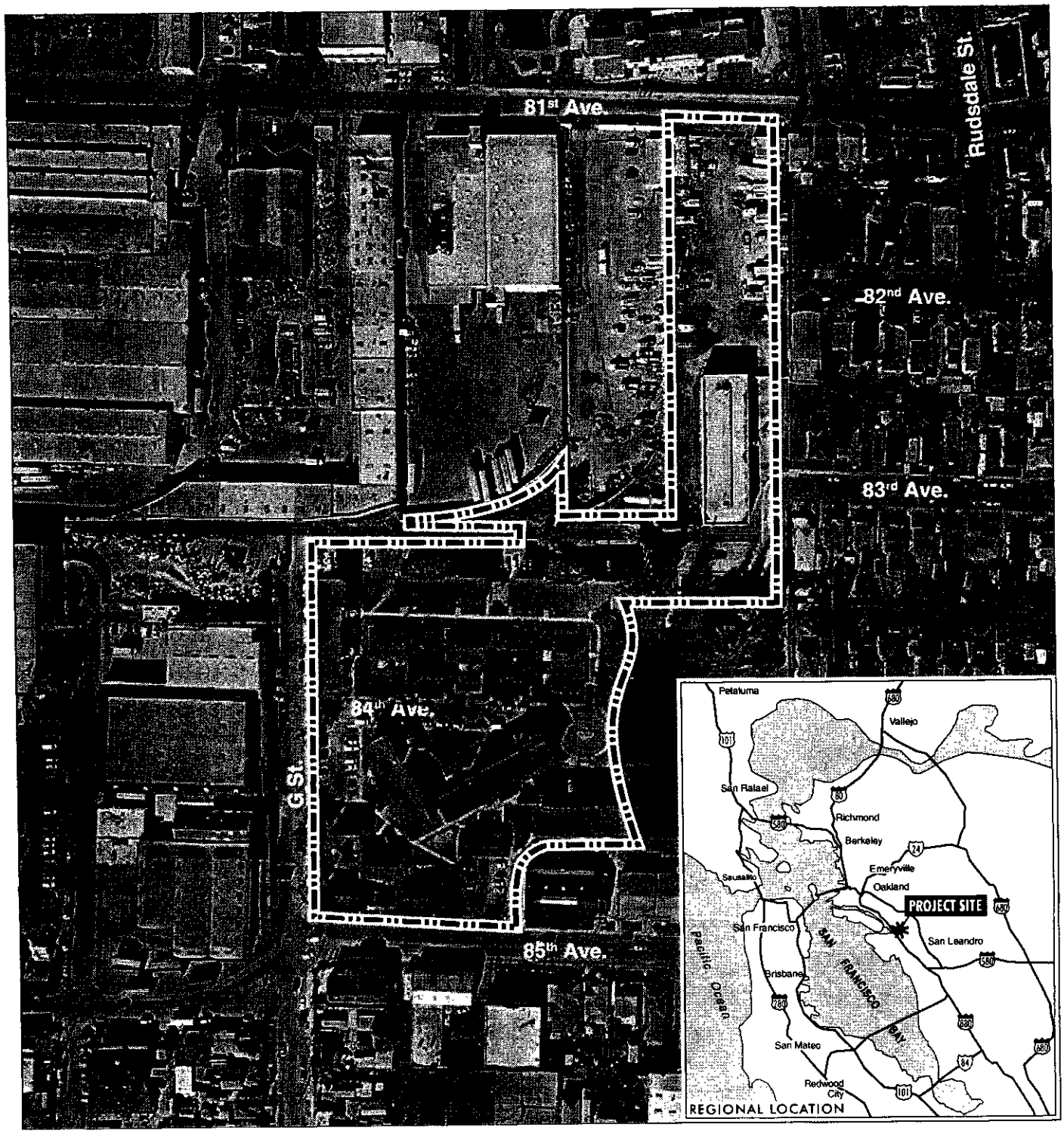


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FIGURE 1

N

0 100 200
FEET

PROJECT SITE

Tassafaronga Village
Project Location and
Regional Location

SOURCE: OAKLAND HOUSING AUTHORITY, 2006.

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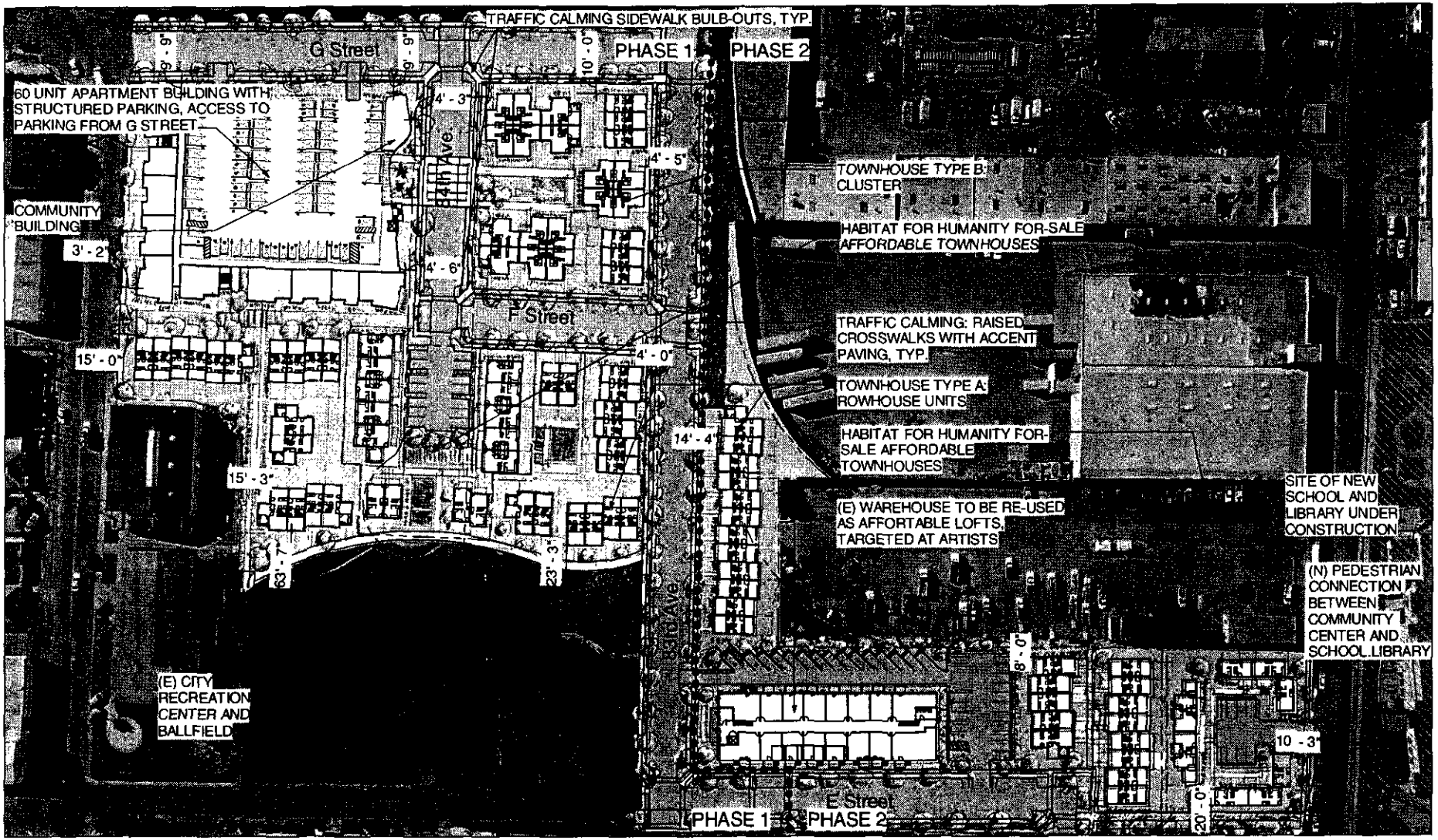

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FIGURE 2

Tassafaronga Village
Site Plan

0 100 200
FEET

SOURCE: DAVID BAKER + PARTNERS, 2006.

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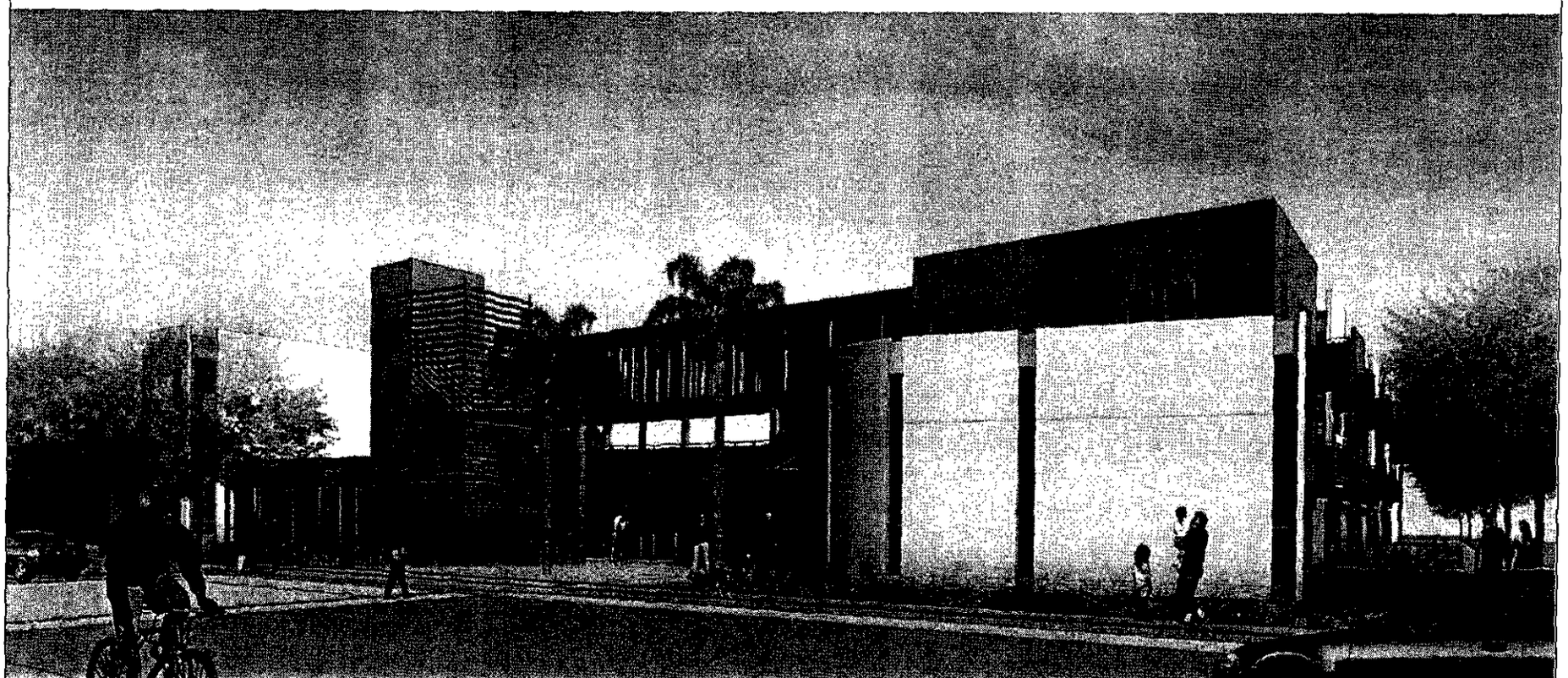

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FIGURE 3

Tassafaronga Village
Apartment Building Perspective View

SOURCE: DAVID BAKER + PARTNERS, 2006.
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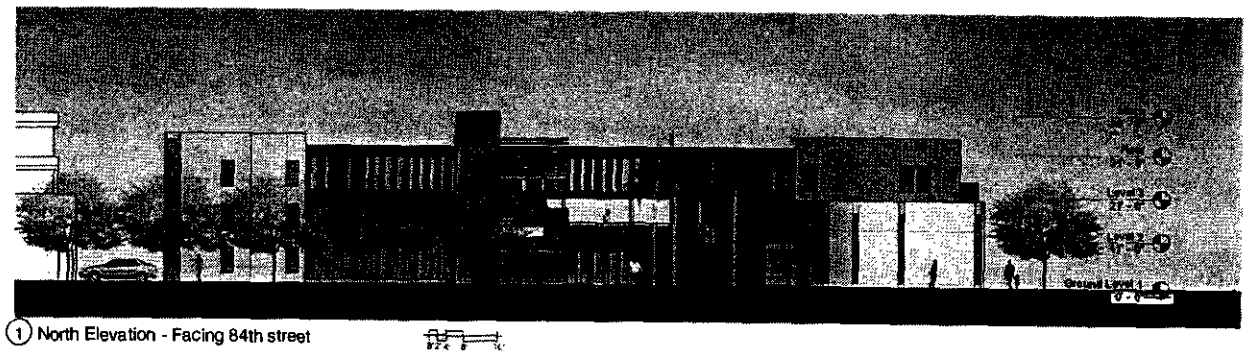
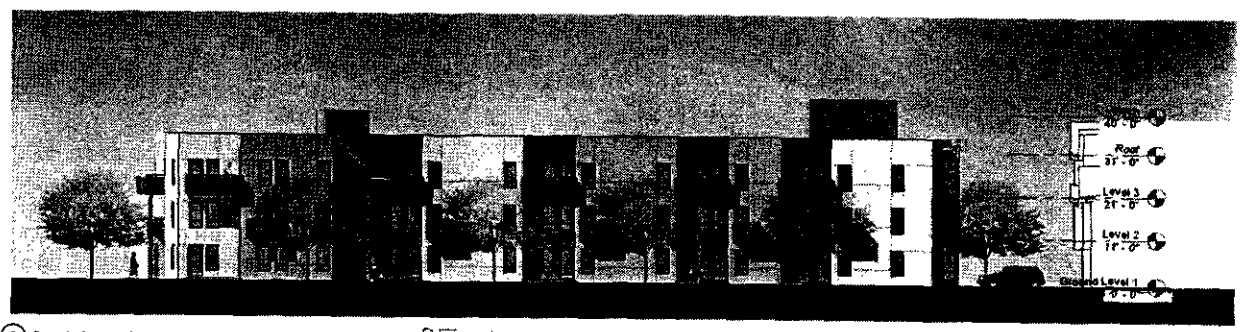
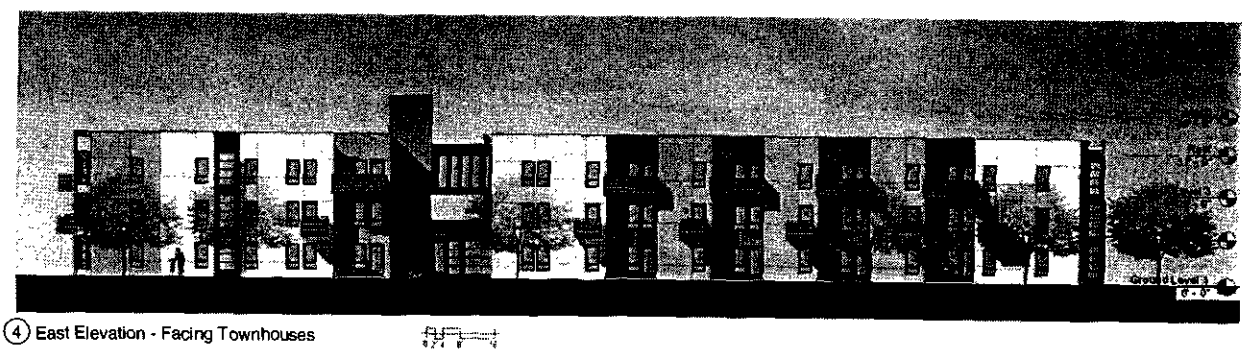


① North Elevation - Facing 84th street

② West Elevation - Facing G street



③ South Elevation - Facing 85th street



④ East Elevation - Facing Townhouses

LSA

FIGURE 4

Tassafaronga Village
Apartment Building
Elevations

SOURCE: DAVID BAKER + PARTNERS, 2006.

I:\fgw0601 tassafaronga\figures\Fig_4.ai (07/18/06)

1 THRU ELEVATIONS BACK

3 L-SHAPE ELEVATION A

2 THRU ELEVATIONS FRONT

4 L-SHAPE ELEVATION B

6 Townhouse Perspective A

5 Townhouse Perspective B

LSA

FIGURE 5

Tassafaronga Village
Townhouse Elevations
and Perspective Views

SOURCE: DAVID BAKER + PARTNERS, 2006.

I:\FGW0601 tassafaronga\figures\Fig_5.ai (08/08/06)

LSA

FIGURE 6

Tassafaronga Village
Land Use Surrounding the Project Site

SOURCE: OAKLAND HOUSING AUTHORITY, 2006.

I:\FGW0601 tassafaronga\figures\Fig_6.ai (08/14/06)

The three parcels were first developed by the federal government as temporary war housing in 1945. Oakland Housing Authority (OHA) acquired the development in 1955 and managed the war housing until 1964. In 1964, the military housing was demolished and the development currently on the project site was constructed. The existing Tassafaronga Village consists of 16 one- and three-story residential buildings comprising 87 units. The existing development is typical of many public housing developments constructed in the 1960s in its focus on an inner courtyard and its physical separation from the surrounding neighborhood. This separation is reinforced by the "superblock" layout of the site, characterized by an area comprising approximately two city blocks with only one dead-end interior roadway. Motor vehicle access into the interior of the site is only available via G Street. The development, which has been subject to contamination associated with local railroad and industrial uses, is located in a neighborhood with low per capita incomes and high unemployment rates. The revitalization project that is the focus of this Initial Study/Mitigated Negative Declaration (IS/MND) derived in part from the desire on the part of OHA to remediate toxic contamination of the site and improve the physical and socioeconomic condition of the neighborhood.

The D. Merlino and Sons factory structure in the northern portion of the site was constructed in 1947 and housed a pasta manufacturing business until March 2004. A portion of the building was also used as an auto repair shop and trucking service. It is part of an industrial district that stretches east to the Oakland Coliseum.

2. Existing Conditions

The approximately 7-acre project site is located in the Elmhurst neighborhood of East Oakland, which is characterized by a mixture of residential, institutional, and industrial uses. Commercial uses are located on select street corners and along major arterials. In the past, residents of the neighborhood have complained of impacts associated with adjacent industrial uses, including noise and air pollution. The site is located in the Coliseum Area Redevelopment Plan area.

As described above, the existing Tassafaronga Village is a public housing development consisting of 87 rental apartments, 79 of which are occupied. The following discussion includes a description of land uses within the project site, contamination in the site, and surrounding land uses.

Land Uses Within the Project Site. The project site is generally bounded by 81st Avenue on the north; E Street and Tassafaronga Park on the east; 85th Avenue on the south; and G Street and industrial uses on the west. The Tassafaronga Village public housing development is located in the southern portion of the site, south of 83rd Avenue on an approximately 5-acre site. The D. Merlino pasta factory is located in the northern portion of the site, north of 83rd Street on an approximately 2-acre site. Figure 6 shows the project site and land uses surrounding the project site.

The public housing development consists of a total of 16 residential buildings, including six three-story apartment buildings and ten one-story apartment buildings. Three of the three-story buildings are oriented along the northern perimeter of the public housing site; two three-story buildings are oriented at an angle, forming an interior courtyard. The remaining three-story building is located in the southeast portion of the site, behind the community center. The one-story buildings are laid out in a checkerboard pattern, and all buildings are oriented towards interior courtyards comprising turf and minimal landscaping. Parking is generally located on the exterior of the site, although it is also permitted on 84th Street, which enters the interior of the site and dead-ends in a cul-de-sac to the west of Tassafaronga Park. Access to the development is via the streets that border the site (85th Street, G Street, and 83rd Avenue).

The approximately two-story D. Merlino and Sons factory structure, which was built in 1947, features a streamlined moderne architectural style. The structure has been vacated and is now surrounded by a chain link

fence. The area to the north of the building is a vacant lot containing bare ground and ruderal vegetation. A narrow strip of land on the north side of 83rd Avenue extending approximately 375 feet to the west of the pasta factory building is also part of the project site. This area comprises unused railroad tracks and industrial land.

Contamination. The project site contains toxic contamination typical of areas subject to historic industrial and railroad uses that are located in the vicinity of major thoroughfares (e.g., Interstate 880). Site investigations conducted on the project site have indicated that soils contain remnant concentrations of agricultural chemicals, high concentrations of deposited air pollutants, metals, and petroleum hydrocarbons. Materials containing lead and asbestos were also observed on the site. Underground storage tanks were removed from the pasta factory site in 1996 and are thought to be responsible for a portion of the petroleum hydrocarbon contamination on the parcel. However, the project site is not listed on the Cortese List, which is a hazardous materials list compiled pursuant to Government Code Section 65962.5.

Land Uses Outside the Project Site. The project site is located in a transition zone between residential uses that extend east to the International Boulevard commercial district, and industrial uses that extend west to the Oakland Coliseum. The surroundings of the project site are indicative of this transition. The New Woodland Elementary School, which was constructed in 2002, is located north of the pasta factory site and consists of classroom and administration buildings on a former industrial parcel. A library is planned at the school site and is anticipated to open in 2008. Generally single-family detached residential uses are located to the east of the pasta site (although non-residential uses, including a church, are also located in this area). Industrial uses comprising mainly storage yards are located to the west of the pasta site and north of existing Tassafaronga Village.

The Tassafaronga Park and a community center are located to the east of Tassafaronga Village. A mixture of residential and commercial uses are located to the south of the site, across 85th Avenue. Industrial uses are located along the entire western frontage of the existing housing development.

3. Project Goals and Objectives

The primary goal of the project is to revitalize an existing public housing project. Specific objectives of the project are listed below, and are consistent with the Redevelopment Plan.

- Enhance the physical quality of a neighborhood that suffers from high unemployment and poverty rates.
- Connect Tassafaronga Village to the surrounding neighborhood.
- Expand rental and for-sale housing opportunities for Oakland residents.
- Increase the City's supply of high-quality affordable housing.
- Improve environmental quality at the project site by reducing contamination.
- Improve pedestrian and bicycle access on the site.

4. Project Description

The following section includes a description of the proposed project. The project would be funded through a variety of sources, including OHA; a U.S. Environmental Protection Agency Brownfield Cleanup Grant; the federal HOPE VI program; the City of Oakland (including Redevelopment Agency); State of California Tax Credits; the Federal Home Loan Bank Affordable Housing Program; and Habitat for Humanity. Table 1 compares the proposed project with existing uses.

Demolition of Existing Uses. The existing Tassafaronga Village includes six three-story apartment buildings and ten one-story apartment buildings. These structures would be demolished as part of the proposed project. The pasta factory structure would be preserved and rehabilitated with loft housing. All current residents would receive relocation assistance, consistent with California Redevelopment Law. Residents in good standing (i.e., those who have complied with the terms of their leases and have not engaged in violent criminal activity) would also have the option of renting or purchasing units in the developed project.

Housing. The project site would be redeveloped with the following housing types: 1) townhouses, built by OHA and Habitat for Humanity; 2) apartments; and 3) warehouse loft units. Housing density on the project site would increase from 18 units per acre to approximately 25 units per acre. The housing proposed to be constructed on the project site is summarized below. The 22 townhouse units would be for-sale and priced at affordable levels. All other housing units would be affordable rental apartments.

Table 1: Comparison of Existing Uses with Proposed Project

Characteristic	Existing	Proposed	Net Change
Acreage	4.72 acres	7.07 acres	2.35 acres
Residential Units	87	191	104
Density	18 units/acre	25 units/acre	7 units/acre
Housing Type	rental	rental and for-sale	--
Impervious Surface Coverage	4.54 acres	5.34 acres	0.80 acres
Parking	87	265	178

Source: David Baker + Partners, 2006.

Townhouse Units. The proposed project includes a total of 99 townhouse units. Seventy-seven of these units would be built by OHA; 22 of the units would be built by Habitat for Humanity. Townhouses would be located in the eastern and northwestern portions of the existing public housing development site, the strip of land on the north side of 83rd Avenue, and the northern half of the pasta manufacturing site. The townhouses developed by OHA would range in size from 1,240 square feet to 1,915 square feet; the townhouses developed by Habitat for Humanity would range in size from 960 square feet to 1,672 square feet. Approximately 33 percent of the townhouses would be two-bedroom units; 41 percent would be three-bedroom units; and 25 percent would be four-bedroom units. Architectural elevations prepared for the project show that the townhouses would be two to three stories in height and would feature flat facades with stucco and clapboard-style siding. The buildings would contain several windows per floor and steeply-sloped roof lines. The townhouses would be arranged in rows except in the northwestern portion of the existing housing development site, where they would be arranged in clusters. The townhouses would be oriented to streets within and around the project site, interior courtyards, and Tassafaronga Park. The design of the project encourages residents of the townhouse units to perform informal surveillance of the park.

Apartment Units. The project includes a three-story apartment building in the southwestern portion of the existing public housing site that would contain 60 residential units. These units would range in size from 686 square feet to 1,108 square feet. Approximately 26 percent of the apartment units would comprise one-bedroom units; approximately 52 percent would be two-bedroom units; and 22 percent would be three-bedroom units. The ground floor of the building would contain a parking garage. The apartment building would contain approximately 333 square feet of office space, a 972 square foot community room, a lobby, and building maintenance space. Vehicle access to the building would be via G Street. Primary pedestrian access would be via 84th Avenue. The architectural elevations prepared for the apartment building show that the structure would feature modern architecture design with flat, alternating, recessed facades; painted stucco and metal siding; screen mesh; vertically-oriented windows; and balconies with wood railings.

Warehouse Loft Units. The existing two-story pasta factory would be rehabilitated and redeveloped with 32 lofts. These units would range in size from 466 square feet to 989 square feet and would be targeted towards artists. Approximately 75 percent of the units would be studios; 12.5 percent would be one-bedroom units and 12.5 percent would be two-bedroom units. Architectural elevations of the rehabilitated factory structure show that the building would feature modern architectural design, with stucco siding; multi-colored balconies; irregular window patterns; and a large, swooping canopy made of rectangular panels.

Access and Circulation. As noted above, the original Tassafaronga Village was designed in the form of a "superblock," with no through-streets penetrating the interior of the site. While superblock design was popular from the 1930s to the 1960s, it has since fallen out of favor because it is considered to hinder walkability and overall site access. The project design seeks to break up the original superblock of the site by constructing a new street – F Street – which would connect to 84th Avenue. The City would abandon the existing cul-de-sac on 84th Avenue and convert this portion into a private street. The street's eastern terminus would be replaced with a courtyard connecting to Tassafaronga Park. Vehicle and pedestrian access to the site would occur via G Street and 84th Avenue from the south and 81st Avenue from the north. Sidewalk bulb-outs and raised crosswalks with accent paving would be constructed at the following intersections to calm traffic and enhance walkability on the site: G Street and 84th Avenue; F Street and 84th Avenue; and F Street and 83rd Avenue. In addition, bulb-outs would be constructed on 81st Avenue, between the northern end of the project site and the school site. Sidewalks and pathways with bike lanes would be developed throughout the interior of the site, and one would be built to provide access to Tassafaronga Park. In addition, a green pathway would be constructed through the pasta factory parcel to connect Tassafaronga Park to the elementary schools and the planned library.

Parking. The project includes 265 parking spaces (ranging from compact to full-size), including 79 apartment building garage spaces; 55 spaces in surface lots; and 131 on-street spaces. The proposed parking ratio on the site is 1.39 spaces per residential unit.

Landscape and Outdoor Design. The project site would feature numerous courtyards interspersed between clusters and rows of townhouses. Public space would include lawns, paved areas with public seating, children's play areas, and community gardens. Native trees and shrubs would be planted throughout the site. The project includes the removal of 31 trees. These trees are currently in healthy condition and include the following species: sycamore (17) and Japanese black pine (14). The trees proposed for removal range in size from 10 inches in diameter at breast height to 26 inches in diameter at breast height.[1] Maintaining the trees in-place would require a substantial reconfiguration of proposed uses. Two eucalyptus trees in the site would be preserved. There are currently approximately 197,847 square feet of impervious surface on the project site (approximately 4.54 acres). With implementation of the proposed project, impervious surface coverage would increase to 232,824 square feet (approximately 5.34 acres), a net increase of 34,977 square feet (0.80 acres).

Construction Period. The construction period would occur in two phases. Phase I would comprise the area south of 83rd Avenue. Phase 2 would comprise the area north of 83rd Avenue. The construction period is expected to extend over approximately 18 months and would involve the use of construction machinery including bulldozers, compactors, and graders. No pile driving would be performed on-site.

Standard Conditions of Approval. The standard conditions of approval specified in this environmental document are incorporated into the project and will be implemented as part of the project.

[1] Sandis, 2006. *Tree Survey*. April 10.

Approvals. The project would need the following approvals:

- General Plan Amendment: Lot line-adjusted pasta factory site and triangular tax default parcel would be re-designated from Business Mix to Mixed Housing Type.
- Redevelopment Plan Amendment (pasta factory site would be re-designated to conform with the General Plan Amendment designation).
- Rezoning: Lot line-adjusted pasta factory site and triangular tax default parcel would be re-zoned from M-30 to R-50.
- Subdivision Maps
- Street Vacation (84th Avenue at current cul-de-sac)
- Tree Preservation/Removal Permit
- Variance
- Lot Line Adjustment
- Conditional Use Permit

1. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

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

DETERMINATION

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared. ☐

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because mitigation measures have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared. ☒

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required. ☐

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

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required. ☐

C Wagner

Signature

8·25·2006

Date

Planner

For Claudia Cappio
Development Director

EVALUATION OF ENVIRONMENTAL IMPACTS

CEQA requires that an explanation of all answers except "No Impact" answers be provided along with this checklist, including a discussion of ways to mitigate any significant effects identified. As defined here, a significant effect is considered a substantial adverse effect.

I. AESTHETICS -- Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant with Standard Conditions of Approval	Less than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state or locally designated scenic highway?	☐	☐	☐	☐	☒
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☐	☒
d) Create a new source of substantial light or glare which would substantially and adversely affect day or nighttime views in the area?	☐	☐	☒	☐	☐
e) Introduce landscape that now or in the future cast substantial shadows on existing solar collectors (in conflict with California Public Resource Code Section 25980-25986)?	☐	☐	☐	☒	☐
f) Cast shadows that substantially impairs the function of a building using passive solar heat collection, solar collectors for hot water heating, or photovoltaic solar collectors?	☐	☐	☐	☒	☐
g) Cast a shadow that substantially impairs the beneficial use of the any public or quasi-public park, lawn, garden, or open space?	☐	☐	☐	☒	☐
h) Cast shadow on an historic resource, as *defined by CEQA Section 15064.5(a) (see* Appendix A for definition), such that the shadow would materially impair the resource's historic significance by materially altering those physical characteristics of the resource that convey its historical significance and that justify its inclusion on or eligibility for listing in the National Register of Historic Places, California Register of Historical Resources, Local Register of Historic Resources or a	☐	☐	☐	☐	☒

historical resource survey form (DPR Form 523) with a rating of 1-5?					
i) Require an exception (variance) to the policies and regulations in the General Plan, Planning Code, or Uniform Building Code, and the exception causes a fundamental conflict with policies and regulations in the General Plan, Planning Code, and Uniform Building Code addressing the provision of adequate light related to appropriate users?	☐	☐	☐	☐	☒
j.)Create winds exceeding 36 mph for more than 1 hour during daylight hours during the year. The wind analysis only needs to be done if the project's height is 100 feet or greater (measured to the roof) and one of the following conditions exist: a) the project is located adjacent to a substantial water body (i.e., Oakland Estuary, Lake Merritt or San Francisco Bay); or b) the project is located in Downtown?	☐	☐	☐	☐	☒

a. Scenic Vistas

The project site contains views of the East Bay Hills along streets extending along a generally east/west alignment (e.g., 81st Avenue; 83rd Avenue; 84th Avenue; and 85th Avenue). None of these views are designated as scenic in the City of Oakland General Plan, Open Space, Conservation, and Recreation Element.[2] Implementation of the proposed project involves the demolition of an existing public housing development on the site and redevelopment of the area with two and three-story affordable housing. This housing would not obstruct views of the East Bay Hills or other scenic vistas.

b. Scenic Resources

The project site is not located within the viewshed of a local or State-designated scenic highway. Therefore, the proposed project would not affect scenic resources within a designated highway.

c. Visual Character

The site is currently characterized by a public housing development consisting of one- and three-story buildings constructed in the mid-1960s, a vacant and blighted industrial building, and vacant lots. A site visit in June 2006 indicated that the site experiences minimal pedestrian activity, and that the current design of the affordable housing development, with its inward focus, is poorly connected to the surrounding neighborhood. Tassafaronga Park receives very little surveillance from surrounding housing and is unused for much of the day. The site is adversely affected by industrial uses in the vicinity, many of which comprise expansive vacant or storage lots. Implementation of the proposed project would result in the rehabilitation of the vacant pasta factory and the construction of new housing that is expected to enhance the residential and pedestrian environment. Landscaped multi-use paths and courtyards would be constructed throughout the site. Therefore, the proposed project would enhance the visual character of the area.

[2] City of Oakland, 1996. *General Plan, Open Space, Conservation, and Recreation Element*. June.

d. Light and Glare

The proposed project would result in the installation of lights where required for safety and comfort. The type and volume of lighting that would be provided on the project site would not be substantially different from lighting currently used in the project site. In addition, the proposed buildings do not include large areas of highly-reflective glazing. However, any new lighting installed on the site could create a new source of light or glare. This impact will be less-than-significant with implementation of the following Standard Condition of Approval.

> Standard Condition of Approval AES-1: The project applicant shall submit a plan for exterior lighting that is visible from the exterior of the building for review and approval by the Electrical Services Division. The plan shall include the design and location of all lighting fixtures or standards. The plan shall indicate lighting fixtures that are adequately shielded to a point below the light bulb and reflector and that prevent unnecessary glare onto adjacent properties. All lighting shall be architecturally integrated into the site.

e., f., g., and h. Shadow

The project involves the construction of two- and three-story buildings (and the rehabilitation of an existing two-story factory building). Proposed structures would not be taller than the existing structures on the site and would not cast substantial additional shadow on historic buildings or public outdoor spaces, including Tassafaronga Park. The park could receive some late afternoon shadow from the two- and three-story townhomes along its western edge, but this shadow would not impair the park's use. No solar collectors were observed in or adjacent to the project site. The proposed buildings would be generally oriented along an east/west axis, allowing for substantial northern and southern sun exposure.

i. Adequate Light

Proposed buildings would be consistent with all applicable policies related to the provision of adequate light. The architectural diagrams submitted by the project sponsor show that all buildings would contain a substantial number of windows, allowing for copious natural light in indoor spaces.

j. Wind

No buildings constructed on the project site would exceed 100 feet (the minimum building height that typically has a significant effect on wind speeds and patterns). In addition, the project site is not located near a large body of water (e.g., Lake Merritt or San Francisco Bay) that experiences frequent high winds. Therefore, the proposed project would not substantially increase wind speeds on the site.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant with Standard Conditions of Approval	Less than Significant Impact	No Impact
II. AGRICULTURAL RESOURCES -- Would the project:					
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resource Agency, to non-agricultural use?	☐	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☐	☒

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant with Standard Conditions of Approval	Less than Significant Impact	No Impact
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	☐	☐	☐	☐	☒

No agricultural resources are located on or near the project site, and the site has not been subject to agricultural use in recent history. The project site is classified as "Urban and Built-Up Land" by the State Department of Conservation and is not zoned for agricultural uses and operated under a Williamson Act contract. Therefore, the proposed project would not directly convert agricultural land to non-agricultural uses or conflict with agricultural zoning or the operation of a Williamson Act contract. In addition, implementation of the proposed project would not result in the extension of infrastructure into an undeveloped area, the development of urban uses on a greenfield site, or other physical changes that would indirectly result in the conversion of farmland to non-agricultural uses.

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

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant with Standard Conditions of Approval	Less than Significant Impact	No Impact
f) Contribute to CO concentrations exceeding the State AAQS of 9 ppm averaged over 8 hours and 20 ppm for 1 hour Pursuant to BAAQMD, localized carbon monoxide concentrations should be estimated for projects in which (1) vehicle emissions of CO would exceed 550 lb/day; (2) intersections or roadway links would decline to LOS E or F; (3) intersections operating at LOS E or F will have reduced LOS; or (4) traffic volume increase on nearby roadways by 10% or more unless the increase in traffic volume is less than 100 vehicles per hour?	☐	☐	☐	☒	☐
g) Result in total emissions of ROG, NOx, or PM10 of 15 tons per year or greater, or 80 pounds (36 kilograms) per day or greater? The Port of Oakland maintains PM 10 and PM 2.5 monitoring stations in West Oakland and data from these stations should be obtained and used.	☐	☐	☐	☒	☐
h) Result in potential to expose persons to substantial levels of Toxic Air Contaminants (TAC), such that the probability of contracting cancer for the Maximally Exposed Individual (MEI) exceeds 10 in one million?	☐	☐	☐	☒	☐
i) Result in ground level concentrations of non-carcinogenic TACs such that the Hazard Index would be greater than 1 for the MEI?	☐	☐	☐	☒	☐
j) Result in a substantial increase in diesel emissions?	☐	☐	☐	☒	☐

Development and operation of the proposed Tassafaronga Village could result in the following air quality-related impacts: 1) release dust and exhaust during the project construction period; 2) generate exhaust emissions associated with a net increase in trips generated by housing constructed on the site; and 3) expose residents to toxic air contaminants, including diesel exhaust and polluted soils. As discussed below, the project would not result in a significant adverse effect to air quality (with the implementation of standard conditions of approval) or conflict with the latest Clean Air Plan. This introductory section provides background air quality information that is referenced in the responses to checklist questions below.

Existing Air Quality. The project site is located within the San Francisco Bay air basin and is within the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). The closest BAAQMD monitoring site to the project site is located in San Leandro. Ozone is monitored at this site. The Alice Street-Oakland monitoring site, approximately 6 miles to the north of the project site, monitors ozone and carbon monoxide. In Oakland and the rest of the air basin, exceedances of air quality standards occur primarily during meteorological conditions conducive to high pollution levels, such as cold, windless nights or hot, sunny summer afternoons.

Ozone levels, as measured by peak concentrations and the number of days over the State one-hour standard, have declined substantially as a result of aggressive programs by the BAAQMD and other regional, State, and federal agencies. The reduction of peak concentrations represents progress in improving public health; however the Bay Area still exceeds the State standard for one-hour ozone levels. Levels of particulate matter-large (PM_{10}) in the

Bay Area have exceeded State standards at least two times per year the last three years. The area is considered a nonattainment area for this pollutant relative to the State standards. The Bay Area is an unclassified area for the federal PM_{10} standard. No exceedances of the State or federal carbon monoxide (CO) standards have been recorded at any of the region's monitoring stations since 1991. The Bay Area is currently considered a maintenance area for State and federal CO standards.

Clean Air Plan. The most recent BAAQMD plan for attaining California Ambient Air Quality Standards, the Bay Area 2005 Ozone Strategy, was adopted by BAAQMD on January 4, 2006. The 2005 Ozone Strategy is the fourth triennial update of the BAAQMD's original 1991 Clean Air Plan (CAP). The 2005 Ozone Strategy demonstrates how the San Francisco Bay Area will achieve compliance with the State one-hour air quality standard for ozone and how the region will reduce transport of ozone and ozone precursors to neighboring air basins. The Ozone Strategy also includes stationary source control measures, mobile source control measures and transportation control measures. Although it is only required to address ozone pollution and associated control measures, the Ozone Strategy also discusses particulate matter pollution and reduction measures.

a. Air Quality Plan

As noted above, the Bay Area 2005 Ozone Strategy, which also addresses particulate matter, is the air quality plan that applies to the project site (Clean Air Plan). The primary source of ozone is internal combustion engines and power plants. Therefore, the proposed project would contribute to regional ozone emissions in the form of emissions from construction vehicles and vehicles driven by residents of the project (in addition to emissions produced by power plants that supply energy to the project site, which is expected to be minimal). Exhaust generated by construction vehicles and the disturbance of soil within the project site during the construction period would contribute to particulate matter emissions.

Construction activities within the site would include demolition, minor grading (because the site is currently flat), bulldozing, and paving. These activities, which would result in ground disturbance and the operation of motorized construction vehicles, would incrementally increase ozone and particulate matter emissions in the air basin during the short-term construction period.

Temporary, construction period air quality impacts (for all pollutants) are considered less-than-significant if standard BAAQMD particulate matter control measures are implemented. This impact will be less-than-significant with implementation of the following Standard Condition of Approval, which includes the required BAAQMD control measures (basic, enhanced, and optional), would reduce the project's construction period air quality impacts (including construction period conflicts with the Clean Air Plan):

> Standard Condition of Approval AIR-1: The following Standard Conditions of Approval shall be implemented:
>
> Standard Condition 2: During construction, the project sponsor shall require the construction contractor to implement the following measures required as part of BAAQMD's basic and enhanced dust control procedures required for construction sites. These include:
>
> BASIC (Applies to all construction sites)
>
> - Water all 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 possible.
> - 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).

- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- Sweep daily (with water sweepers using reclaimed water if possible) all paved access roads, parking areas and staging areas at construction sites.
- Sweep streets (with water sweepers using reclaimed water if possible) at the end of each day if visible soil material is carried onto adjacent paved roads.

ENHANCED

- All "Basic" controls listed above, plus
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for one month or more).
- Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).
- Limit traffic speeds on unpaved roads to 15 miles per hour.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways
- Replant vegetation in disturbed areas as quickly as feasible.

Standard Condition 3: To minimize construction equipment emissions during construction, the project sponsor shall require the construction contractor to:

- Demonstrate compliance with BAAQMD Regulation 2, Rule 1 (General Requirements) for all portable construction equipment subject to that rule. BAAQMD Regulation 2, Rule 1, requires an authority to construct and permit to operate certain types of portable equipment used for construction purposes (e.g., gasoline or diesel-powered engines used in conjunction with power generation, pumps, compressors, and cranes) unless such equipment complies with all applicable requirements of the "CAPCOA" Portable Equipment Registration Rule" or with all applicable requirements of the Statewide Portable Equipment Registration Program. This exemption is provided in BAAQMD Rule 2-1-105.
- Perform low- NOx tune-ups on all diesel-powered construction equipment greater than 50 horsepower (no more than 30 days prior to the start of use of that equipment). Periodic tune-ups (every 90 days) should be performed for such equipment used continuously during the construction period.

Refer to Section XV, Transportation/Traffic, for a discussion of the project's expected trip generation. The proposed project would generate 585 net new trips per day and would generate only 49 net new trips during the PM peak hour. Based on the BAAQMD's project screening criteria (2,000 trips per day), a detailed air quality analysis is not warranted, as the operational period trips generated by the proposed project would not be expected to result in significant emissions, including ozone emissions.[3]

According to BAAQMD guidelines, consistency of the Clean Air Plan with local land use plans should be determined by evaluating the consistency of the land use plan with the population and vehicle use projections in the Clean Air Plan. The population and vehicle projections in the Clean Air Plan are based on the General Plans of municipalities in the San Francisco Bay air basin and the population and employment projections developed

[3] Bay Area Air Quality Management District, 1999. BAAQMD CEQA Guidelines. December.

by the Association of Bay Area Governments (ABAG). Section XII, Population and Housing, of this document contains a discussion addressing the project's consistency with the population and housing projections of ABAG. As discussed in that section, the proposed project would not cause a population increase that would exceed anticipated population growth in Oakland between 2005 and 2010. The proposed project would generate a population increase of approximately 274 persons, which represents less than 2 percent of the projected population growth in Oakland between 2005 and 2010. Therefore, the population increase that would be generated by the proposed project is generally consistent with the assumptions about population growth used in the Clean Air Plan.

The project would amend the General Plan designation for the pasta factory site from Business Mix to Housing-Business Mix. According to the General Plan, industrial and commercial uses generate a greater volume of emissions than residential uses on an acre-by-acre basis. The pasta factory site is vacant and currently generates no vehicle trips. However, under the existing designation, active industrial uses are permitted on the site and could generate vehicle trips in the future. Therefore, the change in General Plan designation that would occur as part of the proposed project could reduce emissions in the long-term.

In addition, the proposed project would not interfere with the implementation of transportation control measures included in the Clean Air Plan and the General Plan, and would encourage increased pedestrian and bicycle use. The project would also be located in close proximity to the Coliseum Bay Area Rapid Transit (BART) station and numerous Alameda-Contra Costa (AC) Transit routes (including a planned Bus Rapid Transit line).

Because the proposed project would result in population gains that are consistent with those anticipated by ABAG, would result in a General Plan designation that could reduce long-term emissions, and would encourage the use of alternate modes of transportation, it would not conflict with the Clean Air Plan.

b. Air Quality Standards

As discussed in the introduction to this section, the San Francisco Bay air basin is considered a nonatttainment area for particulate matter and for one-hour ozone levels, under State standards. As discussed in Section IIIa, construction activities associated with the proposed project would result in a short-term release of particulate matter into the atmosphere, and could contribute to existing and future particulate matter violations in the air basin. This impact will be less-than-significant with implementation of the Standard Condition of Approval Air-1, discussed above.

As discussed in Section IIIa, the net new trips generated by the proposed would not exceed the BAAQMD's project screening criteria and would not be expected to make a significant contribution to the air basin's violation (or future violations) of the one-hour ozone standard.

c. Cumulatively Considerable Net Increase of Criteria Pollutants

The proposed project would not result in the release of significant levels of vehicle-related emissions. The emissions produced by project-related trips would not be significant in the context of regional emission levels. The project would require a General Plan amendment to allow for residential uses on the pasta factory parcel. However, this amendment would not cause the General Plan to be inconsistent with the 2005 Ozone Strategy (the Clean Air Plan).

d. Exposure of Sensitive Receptors to Pollutant Concentrations

Implementation of the proposed project would increase the number of sensitive receptors (residents) that currently occupy the project site. The intersections in the immediate vicinity of the project site operate at

acceptable levels of service and therefore do not produce elevated concentrations of pollutants. Trips generated by the proposed project would not cause congestion levels to substantially increase at these intersections. No toxic air contaminant emitters have been identified in the vicinity of the project site.[4] Therefore, the project would not expose sensitive receptors to high pollutant concentrations over the long-term.

Sensitive receptors in the vicinity of the project site include the students of the elementary schools on 81st Avenue and residents surrounding the project site. Construction of the proposed project could expose these receptors to high dust levels. This impact will be less than significant with implementation of Standard Condition of Approval AIR-1.

e. Create Objectionable Odors

The proposed project would result in the redevelopment of the site with housing. During the short-term construction period, sensitive receptors in the vicinity of the project site could be exposed to odors associated with diesel exhaust, cement mixing, painting, and the application of roofing material. These odors are typical of residential construction projects and would last only for the duration of the construction period and are not be considered significant. The project would not result in the long-term release of substantial odors.

f. Carbon Monoxide Concentrations

The proposed project would generate approximately 49 net trips during the PM peak period, when traffic volumes are the heaviest. Because the project would not generate a substantial number of net new trips, it would not result in a significant release of carbon monoxide (CO) (e.g., 550 pounds per day or greater). The intersections in the immediate vicinity of the project site operate at acceptable levels of service. Implementation of the proposed project would not cause level of service to decline or increase traffic volume on nearby roadways by 10 percent or more. Therefore, the proposed project would not create elevated levels of CO, also known as CO "hotspots."

g. Emissions of Reactive Organic Gases, Nitrogen Oxides, and Particulate Matter

As discussed in Section IIIa, the net new trips generated by the proposed would not exceed the BAAQMD's project screening criteria, and would not result in total emissions of reactive organic gases, nitrogen oxides, or particulate matter of 15 tons per year or greater, or 80 pounds per day or greater.

h and i. Toxic Air Contaminants

No toxic air contaminant emitters have been identified in the vicinity of the project site.[5] Therefore, residents within the project site would not be exposed to substantial levels of toxic air contaminants. The project is the redevelopment of an existing housing and industrial site with residential uses. These residential uses would not generate substantial levels of toxic air contaminants, including diesel exhaust. Therefore, the proposed project would not expose individuals outside the project site to substantial levels of toxic air contaminants.

j. Diesel Emissions

The project would not involve the development of a major trucking, transit, or rail facility (typical sources of diesel emissions) and would not generate substantial diesel emissions.

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

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

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant with Standard Conditions of Approval	Less than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES - - Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☐	☒
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☐	☒
c) Have a substantial adverse effect on federally protected wetlands (as defined by Section 404 of the Clean Water Act) or state protected wetlands, through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒	☐
e) Fundamentally conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☐	☒
g) Fundamentally conflict with the City of Oakland Tree Preservation and Removal Ordinance (Oakland Municipal Code (OMC) Chapter 12.36) by removal of protected trees under certain circumstances. Factors to be considered in determining significance include: The number, type, size, location and condition of (a) the protected trees to be removed and/or impacted by construction and (b) the protected trees to remain, with special consideration given to native trees. Protected trees include the following: Quercus agrifolia (California or coast live oak) measuring four inches diameter at breast height (dbh) or larger, and any other tree measuring nine inches dbh or larger except eucalyptus and pinus radiata (Monterey pine); provided, however, that Monterey pine trees on City property and in development-related situations where more than five Monterey pine trees per acre are proposed to be removed are considered to be Protected trees.	☐	☐	☒	☐	☐

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant with Standard Conditions of Approval	Less than Significant Impact	No Impact
h) Fundamentally conflict with the City of Oakland Creek Protection Ordinance (OMC Chapter 13.16) intended to protect biological resources. Although there are no specific, numeric/quantitative criteria to assess impacts, factors to be considered in determining significance include whether there is substantial degradation of riparian and aquatic habitat through: (a) discharging a substantial amount of pollutants into a creek; (b) significantly modifying the natural flow of the water; (c) depositing substantial amounts of new material into a creek or causing substantial bank erosion or instability; or (d) adversely impacting the riparian corridor by significantly altering vegetation or wildlife habitat.	☐	☐	☐	☒	☐

The project site has been developed with agricultural and urban uses since at least the late 1800s, and is currently occupied by a public housing development, a factory building, and associated features.[6] The site is covered with impervious surfaces, turf, and non-native species. The plant and wildlife species that occur on the project site are those typical of urbanized areas and are adapted to human disturbance. No species protected by State or federal regulations are located within the project site. Therefore, species protected by State or federal regulations would not be adversely affected by the proposed project. The project site is not used as a native wildlife site or established native resident or wildlife corridor.

No creek exists on or adjacent to the project site, and the project site contains no riparian habitat or federally-protected wetlands. The project would not discharge a substantial volume of pollutants into a creek, modify the natural flow of water in a creek, modify a creek channel, deposit a substantial amount of material into a creek, cause erosion, indirectly affect a riparian zone, or otherwise conflict with the City of Oakland Creek Protection Ordinance.

Implementation of the proposed project would result in the removal of 31 trees protected by the City's Tree Preservation Ordinance. These trees are currently in healthy condition and include the following species: sycamore (17) and Japanese black pine (14). The trees proposed for removal range in size from 10 inches in diameter at breast height to 26 inches in diameter at breast height.[7] Maintaining the trees in-place would require a substantial reconfiguration of proposed uses. However, should the project design be altered, the City is committed to retaining as many trees as possible. This impact will be less-than-significant with implementation of the following Standard Condition of Approval:

> Standard Condition of Approval BIO-1: The following Standard Conditions of Approval shall be implemented:
>
> Standard Condition 4: To the extent feasible, removal of the large trees and other vegetation suitable for nesting shall not occur during the breeding season of March 15 and August 15. If tree removal must occur during the breeding season, all sites shall be surveyed by a qualified biologist to verify the presence or absence of nesting birds or raptors. If the survey indicates the potential presence of nesting birds or raptors, the results shall be coordinated with the California Department of Fish and Game (CDFG) and suitable avoidance measures shall be developed and implemented. Construction shall

[6] Fugro West, Inc., 2005. *Phase I Environmental Site Assessment, Tassafaronga Hope VI Revitalization Area.* November.

[7] Sandis, 2006. *Tree Survey.* April 10.

observe the CDFG avoidance guidelines which are a minimum 500-foot buffer zone surrounding active raptor nests and a 250-foot buffer zone surrounding nests of other birds. Buffer zones shall remain until young have fledged.

Standard Condition 5: Adequate protection shall be provided during the construction period for any trees which are to remain standing. Measures deemed necessary by the Tree Reviewer in consideration of the size, species, condition and location of the trees to remain may include any of the following:

1. Before the start of any clearing, excavation, construction or other work on the site, every protected tree deemed to be potentially endangered by said site work shall be securely fenced off at a distance from the base of the tree to be determined by the City Tree Reviewer. Such fences shall remain in place for duration of all such work. All trees to be removed shall be clearly marked. A scheme shall be established for the removal and disposal of logs, brush, earth and other debris which will avoid injury to any protected tree.
2. Where proposed development or other site work is to encroach upon the protected perimeter of any protected tree, special measures shall be incorporated to allow the roots to breathe and obtain water and nutrients. Any excavation, cutting, filing, or compaction of the existing ground surface within the protected perimeter shall be minimized. No change in existing ground level shall occur within a distance to be determined by the City Tree Reviewer from the base of any protected tree at any time. No burning or use of equipment with an open flame shall occur near or within the protected perimeter of any protected tree.
3. No storage or dumping of oil, gas, chemicals, or other substances that may be harmful to trees shall occur within the distance to be determined by the Tree Reviewer from the base of any protected trees, or any other location on the site from which such substances might enter the protected perimeter. No heavy construction equipment or construction materials shall be operated or stored within a distance from the base of any protected trees to be determined by the tree reviewer. Wires, ropes, or other devices shall not be attached to any protected tree, except as needed for support of the tree. No sign, other than a tag showing the botanical classification, shall be attached to any protected tree.
4. Periodically during construction, the leaves of protected trees shall be thoroughly sprayed with water to prevent buildup of dust and other pollution that would inhibit leaf transpiration.
5. If any damage to a protected tree should occur during or as a result of work on the site, the applicant shall immediately notify the Public Works Agency of such damage. If, in the professional opinion of the Tree Reviewer, such tree cannot be preserved in a healthy state, the Tree Reviewer shall require replacement of any tree removed with another tree or trees on the same site deemed adequate by the Tree Reviewer to compensate for the loss of the tree that is removed.
6. All debris created as a result of any tree removal work shall be removed by the applicant from the property within two weeks of debris creation, and such debris shall be properly disposed of by the applicant in accordance with all applicable laws, ordinances, and regulations.

Standard Condition 6: Replacement plantings shall be required in order to prevent excessive loss of shade, erosion control, groundwater replenishment, visual screening and wildlife habitat in accordance with the following criteria:

1. No tree replacement shall be required for the removal of nonnative species, for the removal of trees which is required for the benefit of remaining trees, or where insufficient planting area exists for a mature tree of the species being considered.

2. Replacement tree species shall consist of Sequoia sempervirens (Coast Redwood), Quercus agrifolia (Coast Live Oak), Arbutus menziesii (Madrone), Aesculus californica (California Buckeye) or Umbelluiana californica (California Bay Laurel).
3. Replacement trees shall be of twenty-four (24) inch box size, except that three fifteen (15) gallon size trees may be substituted for each twenty-four (24) inch box size tree where appropriate.
4. Minimum planting areas must be available on site as follows:
   a) For Sequoia sempervirens, three hundred fifteen square feet per tree;
   b) For all other species listed in #2 above, seven hundred (700) square feet per tree.
5. In the event that replacement trees are required but cannot be planted due to site constraints, an in lieu fee as determined by the master fee schedule of the city may be substituted for required replacement plantings, with all such revenues applied toward tree planting in city parks, streets and medians.
6. Plantings shall be installed prior to the issuance of a certificate of occupancy, subject to seasonal constraints, and shall be maintained by the applicant until established. The Tree Reviewer may require a landscape plan showing the replacement planting and the method of irrigation. Any replacement planting which fails to become established within one year of planting shall be replanted at the applicant's expense.

Standard Condition 8: Prior to receiving a building permit, the applicant must secure a tree removal permit, and abide by the conditions of that permit, prior to removal of any trees located on the project site or in the public right-of-way adjacent to the project.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant with Standard Conditions of Approval	Less than Significant Impact	No Impact
V. CULTURAL RESOURCES -- Would the project?					
a) Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5. Specifically, a substantial adverse change includes physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the historical resource would be "materially impaired." The significance of an historical resource is "materially impaired" when a project demolishes or materially alters, in an adverse manner, those physical characteristics of the resource that convey its historical significance and that justify its inclusion on, or eligibility for inclusion on an historical resource list (including the California Register of Historical Resources, the National Register of Historical Resources, Local Register, or historical resources survey form (DPR Form 523) with a rating of 1-5)?	☐	☐	☒	☐	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section15064.5?	☐	☐	☒	☐	☐

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant with Standard Conditions of Approval	Less than Significant Impact	No Impact
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☒	☐	☐
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☒	☐	☐

a and b. Historic and Archaeological Resources

Implementation of the proposed project would not adversely affect a historic architectural resource. The project site is currently occupied by: 1) the existing Tassafaronga Village, a public housing development constructed in 1965 and 2) a vacant factory building formerly occupied by the D. Merlino and Sons pasta manufacturing company, which was constructed in 1947. The existing public housing development is not over 50 years old, is not a noteworthy example of an architectural style, and is not considered a historic resource.

The factory building is 59 years old and was designed by John B. Anthony, who is known as a well-respected designer of buildings in the streamlined moderne style. This style is a late branch of Art Deco design and features long, horizontal lines, curving surfaces, and, sometimes, nautical elements. The pasta building features select streamlined moderne characteristics (namely long, horizontal lines), but is not considered an outstanding example of the style.[8] The building was rated by the Oakland Cultural Heritage Survey (OCHS) as D-3, meaning the building is of minor importance and is not located in an area of primary or secondary historic importance.

CEQA Guidelines section 15064.5 states that the following resources are considered "historic resources." The following discussion describes the relationship of the D. Merlino and Sons building to each of these criteria:

Criterion 1. A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources.

> *Discussion*. The pasta factory building has been determined to be eligible by the State Historical Resources Commission for listing on the California Register of Historic Resources.

Criterion 2. A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant.

> *Discussion*. The Historic Preservation Element of the General Plan considers the following properties to comprise the City of Oakland's Local Register:
>
> 1) All "Designated Historic Properties" (e.g., buildings considered Landmarks, or buildings that are on the City's Preservation Study List or National Register).
>
> 2) Those "Potential Designated Historic Properties" that have an existing rating of "A" or "B" or are located within an "Area of Primary Importance" (Potential Designated Historic Properties are those properties with at least a potential "C" rating or potentially contributing to an Area of

[8] Galka, Bridget, 2006. OHA HOPE VI Project Manager. Personal communication with Betty Marvin, Planner III, City of Oakland Community and Economic Development Agency. March 21.

Secondary Importance (2*) that meet the broadest definition of "historic" in the Historic Preservation Element of the General Plan).

3) Oakland Landmarks, S-7 Preservation Combining Zone properties, and Preservation Study List properties.

The D. Merlino and Sons structure is not considered a Designated Historic Property; has an OCHS rating of D-3, meaning the building is of minor importance and is not located in an area of primary or secondary importance; and is not considered an Oakland landmark, an S-7 Preservation Combining Zone Property, or Preservation Study List property. The building was not identified as a significant structure in the historic buildings survey conducted by OCHS.

Criterion 3. 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 may be considered to be a historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources (Public Resources Code SS5024.1, Title 14 CCR, Section 4852) including the following:

(A) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
(B) Is associated with the lives of persons important in our past;
(C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
(D) Has yielded, or may be likely to yield, information important in prehistory or history.

Discussion. The City of Oakland has determined the D. Merlino and Sons structure is not historically significant for any of the reasons listed under Criterion 3. The building is not associated with important historical events. As noted above, the building was designed by John B. Anthony, who was a well-respected designer of buildings in the streamlined moderne style. However, the building is not considered an outstanding example of the style; there are other local examples of streamlined moderne that are more emblematic of the movement. The building is not associated with the lives of important historic figures, does not embody important architectural or design characteristics, and does not possess high artistic value. The structure represents a single component of an existing and functioning industrial district in Oakland and is not likely to yield important historical information.

Criterion 4. The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historic resources (pursuant to section 5020.1(k) of the Public Resources Code or its identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1.

Discussion. The City of Oakland has determined the pasta factory structure is not an historical resource.

The D. Merlino and Sons structure is not considered a historic resource pursuant to CEQA. The building is not eligible for listing on the California Register of Historical Resources, the National Register of Historical Resources, or the Local Register, and has not been listed on DPR Form 523 with a rating of one to five. Therefore, rehabilitation of the structure would not adversely affect a historic architectural resource. On July 20, 2006, the State Office of Historic Preservation concurred with the City that 1) the project site does not contain

resources eligible for listing on the National Register of Historic Places and 2) the project would not adversely affect resources eligible for listing on the National Register of Historic Places.[9]

The project site has been occupied by agricultural and residential uses since at least the late 1870s and was part of the Rancho San Antonio, which was a portion of the largest land grant in California. In the 1920s, the site contained greenhouses, nurseries, an iron foundry, and scattered dwellings. In 1945, the site was developed by the federal government as temporary war housing. This project included eight two- to three-story buildings and a one-story administration building.[10] The war housing complex was demolished in the mid-1960s.

Construction activities, including ground disturbing activities, could result in the discovery of archaeological materials associated with 19th century and early 20th century agricultural and residential uses on the site, or the war housing project. These materials could be considered historic resources (as defined by CEQA Guidelines section 15064.5) and/or unique archaeological resources (as defined by CEQA section 21083.2(g)). If such resources are discovered, implementation of the following Standard Condition of Approval would ensure that impacts remain at a less-than-significant level:

> Standard Condition of Approval CULT-1: Pursuant to CEQA Guidelines 15064.5 (f), "provisions for historical or unique archaeological resources accidentally discovered during construction" shall be instituted. Therefore, in the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project sponsor and/or lead agency shall consult with a qualified archaeologist or paleontologist to assess the significance of the find. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified archaeologist shall meet to determine the appropriate avoidance measures or other appropriate mitigation, with the ultimate determination to be made by the City of Oakland. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and a report prepared by the qualified archaeologist according to current professional standards.
>
> In considering any suggested mitigation proposed by the consulting archaeologist in order to mitigate impacts to historical resources or unique archaeological resources, the project sponsor shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for historical resources or unique archaeological resources is carried out.
>
> Should an archaeological artifact or feature be discovered on-site during project construction, all activities within a 50-foot radius of the find shall be halted until the findings can be fully investigated by a qualified archaeologist to evaluate the find and assess the significance of the find according to the CEQA definition of a historical or unique archaeological resource. If the deposit is determined to be significant, the project sponsor and the qualified archaeologist shall meet to determine the appropriate avoidance measures or other appropriate mitigation, subject to approval by the City of Oakland, which shall assure implementation of appropriate mitigation measures recommended by the archaeologist. Should archaeologically-significant materials be recovered, the qualified archaeologist shall recommend appropriate analysis and treatment, and shall prepare a report on the findings for submittal to the Northwest Information Center.

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[9] Donaldson, Milford Wayne, 2006. State Historic Preservation Officer, State of California Office of Historic Preservation. Letter to Chris Candell, Planner II, Community and Economic Development Agency. July 20.

[10] Fugro West, Inc., 2005. *Phase I Environmental Site Assessment, Tassafaronga Hope VI Revitalization Area.* November.

c. Paleontological and Geologic Resources

No unique geologic resources are located within the project site. Because the project site was developed with housing and a factory in the mid-1940s, it is unlikely that fossils would be identified during the project construction period. However, there is a chance that fossils could be located under soils that have not been disturbed by recent development activity. If such resources are discovered, implementation of the following Standard Condition of Approval would ensure that impacts remain at a less-than-significant level:

> Standard Condition of Approval CULT-2: In the event of an unanticipated discovery of a trace fossil during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards (SVP 1995,1996)). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find under the criteria set forth in Section 15064.5 of the CEQA Guidelines. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.

d. Human Remains

Section 7050.5 of the California Health and Safety Code states that in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined whether or not the remains are subject to the coroner's authority. No human remains, including Native American remains, are anticipated to exist within the proposed project site. However, should human remains be discovered during ground disturbing activities, implementation of the following Standard Condition of Approval would reduce any potential impacts to a less-than-significant level:

> Standard Condition of Approval CULT-3: In the event that human skeletal remains are uncovered at the project site during construction or ground-breaking activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and follow the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made.
>
> If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and a timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant with Standard Conditions of Approval	Less than Significant Impact	No Impact
VI. GEOLOGY AND SOILS -- *Would the project:*					
a) Expose people or structures to substantial risk of loss, injury, or death involving:					
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map or Seismic Hazards Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publications 42 and 117 and PRC 82690 et. Seq.)?	☐	☐	☐	☐	☒
ii) Strong seismic ground shaking?	☐	☐	☒	☐	☐
iii) Seismic-related ground failure, including liquefaction, lateral spreading, subsidence, collapse?	☐	☐	☒	☐	☐
iv) Landslides?	☐	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil, creating substantial risks to life, property, or creek/waterways?	☐	☐	☒	☐	☐
c) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994, as it may be revised), creating substantial risks to life or property?	☐	☐	☒	☐	☐
d) Be located above a well, pit, swamp, mound, tank vault, or unmarked sewer line, creating substantial risks to life or property?	☐	☐	☐	☐	☒
e) Be located above landfills for which there is no approved closure and post-closure plan, or unknown fill soils, creating substantial risks to life or property?	☐	☐	☒	☐	☐
f) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☐	☒

The following discussion is based on a Draft Geotechnical Study prepared for the project site by Fugro West, Inc. and published in January 2006.[11] This document is available for public review at the City of Oakland Community and Economic Development Agency.

[11] Fugro West, Inc., 2006. *Draft Geotechnical Study, Tassafaronga HOPE VI Revitalization Area, Oakland, CA*. January.

a. Injury or Death Involving Fault Rupture, Ground Shaking, Ground Failure, or Landslides

The potential for fault surface rupture at the project site is remote because the area is not within an Alquist-Priolo Special Studies Zone designated by the State, and because there are no active or potentially active faults that cross the project site. In addition, the project site is located in a flat area, approximately 2 miles to the west of the steep slopes of the Oakland Hills, and would not be subject to landslides.

However, the project site is located in the vicinity of several active and potentially active faults. The southern Hayward Fault, which is the closest fault to the site, is located 1.7 miles to the northeast. Other faults in the vicinity of the project site include the Calavaras fault (10.6 miles to the northeast of the site), the Mount Diablo Thrust Fault (11.8 miles to the northeast of the site), and the Concord Fault (14.8 miles to the northeast of the site). An earthquake at any one of these faults could cause severe groundshaking at the site and damage to proposed structures.

The project site is also subject to a high risk of ground failure, including liquefaction. According to the liquefaction maps produced by the Association of Bay Area Governments, the entire project site is in an area considered to have a high potential for liquefaction, and is considered a liquefaction hazard zone. The geotechnical investigation completed for the project site indicated that select portions of the project site contain soils characterized by stiff to very stiff clays and medium dense sands, which are not highly susceptible to liquefaction. However, soils near the intersection of 85th Street and G Street contain sand layers that are highly susceptible to liquefaction. This area may be subject to a settlement of approximately 1.5 inches if liquefaction occurs.

Implementation of the following Standard Condition of Approval would reduce risks associated with seismic ground shaking and liquefaction to a less-than-significant level:

> Standard Condition of Approval GEO-1: A site-specific, design level geotechnical investigation for each construction site within the project area shall be required as part of this project. Specifically:
>
> 1. Each investigation shall include an analysis of expected ground motions at the site from known active faults. The analyses shall be in accordance with applicable City ordinances and policies, and consistent with the most recent version of the California Building Code, which requires structural design that can accommodate ground accelerations expected from known active faults.
> 2. The investigations shall determine final design parameters for the walls, foundations, foundation slabs, and surrounding related improvements (utilities, roadways, parking lots and sidewalks).
> 3. The investigations shall be reviewed and approved by a registered geotechnical engineer. All recommendations by the project engineer, geotechnical engineer, will be included in the final design.
> 4. Recommendations that are applicable to foundation design, earthwork, and site preparation that were prepared prior to or during the project design phase, shall be incorporated in the project.
> 5. Final seismic considerations for the site shall be submitted to and approved by the City of Oakland Building Services Division prior to the commencement of the project.

b. Soil Erosion and Loss of Topsoil

The potential for soil erosion and loss of topsoil is greatest during the period of earthwork activities and between the time when earthwork is completed and new vegetation is established and structures are completed.

Construction activities, which would include earthwork, could result in the loss of soil from the site due to stormwater runoff and wind. Implementation of Standard Condition of Approval HYD-1 (discussed in section VII.a) would reduce this impact to a less-than-significant level.

c. Expansive Soils

Portions of the site are underlain by clayey fill material that is highly susceptible to volume changes (e.g., expansion) during seasonal fluctuations in moisture content. These changes in volume could damage foundations constructed under project buildings. Implementation of Standard Condition of Approval GEO-1 would reduce this impact to a less-than-significant level.

d. Wells, Pits, Swamps, etc.

The Phase I Environmental Site Assessment and Geotechnical Study prepared for the project site identified no subsurface features, such as wells, pits, and tank vaults that would pose a risk to development on the site. No swamps or unmarked sewer lines have been identified on the site.

e. Landfills/Fill

The project site is covered with 3 feet to 6 ½ feet of undocumented fill. Because the fill is undocumented, its composition and suitability for foundation support is unknown. Risks of the fill include settlement and expansion. Impacts associated with undocumented fill will be less-than-significant with implementation of the Standard Condition of Approval GEO-1, as described in Section VI.a., above.

f. Septic Tanks

Proposed buildings would connect to the existing wastewater system in and around the project site, and would not require the use of alternative wastewater systems. Therefore, wastewater disposal on the project site would not adversely affect site soils.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant with Standard Conditions of Approval	Less than Significant Impact	No Impact
VII. HAZARDS AND HAZARDOUS MATERIALS - -Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐	☐

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

The following section is based on the following reports and work plans prepared for the project site: 1) Phase I[12] and Phase II[13] Environmental Site Assessment prepared for the existing Tassafaronga Village site; 2) Phase I Environmental Site Assessment[14] and Phase II Subsurface Investigation Report[15] prepared for the pasta factory site; and 3) a Brownfields Cleanup Grant Workplan Outline[16] prepared for the entire project site. These documents are available for public review at the City of Oakland Community and Economic Development Agency.

a. Routine Transport, Use, or Disposal of Hazardous Materials

Construction and operation of the proposed project, which involves the construction of new housing and the rehabilitation of an existing industrial building with housing, would not involve the *routine* transport, use, or disposal of hazardous materials, although small volumes of hazardous materials would be used on a temporary basis during both the construction and use of the housing development. During the construction period, hazardous materials (e.g., fuels, oil, solvent, paint) would be used for equipment operation and maintenance, and the

[12] Fugro West, Inc., 2005. *Phase I Environmental Site Assessment, Tassafaronga Hope VI Revitalization Area.* November.

[13] Fugro West, Inc., 2005. *Phase II Environmental Site Assessment, Tassafaronga Housing Complex.* December.

[14] AEI Consultants, 2005. *Phase I Environmental Site Assessment, 967 and 976 81st Avenue and 1001 83rd Avenue, Oakland, California.* January 26.

[15] AEI Consultants, 2005. *Phase II Subsurface Investigation Report, 689 81st Avenue, Oakland, CA.* March 16.

[16] Oakland Housing Authority, n/d. *Draft Brownfields Cleanup Grant Workplan Outline.*

construction and renovation of buildings. During the operational period of the housing development, hazardous materials, including small quantities of oil, paint, pesticides, and herbicides, would be used for general building and landscaping maintenance. Hazardous materials used on the site during the construction and operation periods would be handled and disposed of in conformance with all applicable local, State, and federal hazardous materials regulations, and would not pose a significant health risk.

However, the project site contains several hazardous materials concerns associated with historic contamination from industrial sources. This contamination could pose a health risk to construction workers on the site, residents in the vicinity of the site, and future residents. The following discussion summarizes key hazardous materials concerns at the existing housing development site and the pasta factory site. Mitigation measures to reduce hazardous materials impacts to a less-than-significant level are discussed after this summary.

Hazardous Materials Concerns at the Existing Tassafaronga Village Site. Several potential sources of hazardous material contamination were identified within the existing Tassafaronga Village site, including: past agricultural uses; lead-based paint residues; unknown fill; asbestos- and lead-containing materials in buildings; contaminated storm water runoff; and chemical inputs from industrial uses around the site. The Phase I and Phase II Environmental Site Assessment investigated these potential sources. The results of the investigations indicated that soil and groundwater do not contain substantially elevated levels of petroleum hydrocarbons, volatile organic compounds, and metals. Elevated concentrations of one pesticide – dieldrin – were detected in one portion of the site. These concentrations exceed risk based screening criteria and could pose a health risk to persons working and living on the site. Paints used on the site contain lead levels lower than the health standards maintained by the United States Department of Housing and Urban Development (HUD), and therefore would not pose a significant health risk. However, the building survey conducted as part of the Phase II investigation indicated that select building materials in the site, including flooring, roofing, mastics, and caulking, contain asbestos. The release of these materials could pose a health risk to construction workers and residents in the vicinity of the project site.

Hazardous Materials Concerns at the D. Merlino and Sons Factory Site. The D. Merlino and Sons factory site has a history of hazardous materials contamination stretching back to at least the mid-1990s. The undeveloped portion of the site has been used to store miscellaneous items, and has functioned as a hauling business site, a scrap metal yard, and parking lot. Historical inspection records on file at the Oakland Fire Department, Office of Emergency Services indicate that the site has a poor history of compliance with standard hazardous material regulations. For example, during a series of three inspections conducted in 1994 and 1995, spills to the ground from hazardous materials containers and leaks from vehicles stored within the site were observed. Some of this contamination was observed to have affected soils within the site. In addition, the site once contained a 1,000 gallon gasoline underground storage tank (UST) and a 1,000 gallon diesel UST. These tanks were removed in August 1996. Soil and groundwater around the tanks were found to be contaminated with petroleum hydrocarbons. A Notice of Violation was issued by the Office of Emergency Services on July 26, 2004 based on the following observations at the site: improper management of waste oil and flammable liquid; evidence of hazardous waste fluid on the ground; and improper outside storage of metal containers and automotive truck parts. The Phase II investigation conducted on the site concluded that soil and groundwater underlying the site contain elevated levels of petroleum hydrocarbons and chlorinated volatile organic compounds. Shallow soils on the site may also contain elevated concentrations of heavy metals. These contaminants could pose a risk to construction workers, residents in the vicinity of the project site, and future residents of the project site.

Hazardous materials risks within the project site will be less-than-significant with implementation of the following Standard Condition of Approval:

> Standard Condition of Approval HAZ-1: The following Standard Conditions of Approval shall be implemented:

Standard Condition 1a (State, Federal, or County Authority Environmental Approval): Prior to issuance of a building permit, the applicant shall demonstrate, through written verification, that required clearances have been granted and any applicable conditions have been met for previous contamination at the site from the appropriate State, Federal or County authorities, or the applicant shall submit a Phase 1 and/or Phase II report for the existing buildings. The Planning Director shall review and provide a determination on the completeness of the reports.

Standard Condition 1b: Future demolition or renovation activities shall require the project sponsor to prepare an assessment for the potential presence of lead-based paint or coatings, asbestos, or PCB-containing equipment prior to commencing demolition activities.

Standard Condition 2: If the assessment required by Standard Condition 1b finds presence of lead-based paint, asbestos, and/or PCBs, the project sponsor shall create and implement a health and safety plan to protect workers from risks associated with hazardous materials during demolition or renovation of affected structures.

Standard Condition 3: If the assessment required by Standard Condition 1b finds presence of lead-based paint, the project sponsor shall develop and implement a lead-based paint removal plan. The plan shall specify, but not be limited to, the following elements for implementation:

- Develop a removal specification approved by a Certified Lead Project Designer.
- Ensure that all removal workers are properly trained.
- Contain all work areas to prohibit off-site migration of paint chip debris.
- Remove all peeling and stratified lead-based paint on building and non-building surfaces to the degree necessary to safely and properly complete demolition activities according to recommendations of the survey. The demolition contractor shall be responsible for the proper containment and disposal of intact lead-based paint on all equipment to be cut and/or removed during the demolition.
- Provide on-site personnel and area air monitoring during all removal activities to ensure that workers and the environment are adequately protected by the control measures used.
- Clean up and/or vacuum paint chips with a high efficiency particulate air (HEPA) filter.
- Collect, segregate, and profile waste for disposal determination.
- Properly dispose of all waste.

Standard Condition 4: If the assessment required by Standard Condition 1b finds presence of asbestos, the project sponsor shall ensure that asbestos abatement shall be conducted prior to building demolition or renovation.

Standard Condition 5: If the assessment required by Standard Condition 1b finds presence of PCBs, the project sponsor shall ensure that PCB abatement is conducted prior to building demolition or renovation.

Standard Condition 6: The project applicant shall ensure that environmental assessment and remediation is either performed under the oversight of the ACDEH or other agencies, (e.g. RWQCB and DTSC), or conducted by qualified professionals with experience in soil and groundwater contamination remediation. In cases where regulatory involvement is not necessary,

soil and groundwater removal and disposal shall still occur to mitigate the potential hazards that could result from removal of soil and/or groundwater during construction.

Standard Condition 7: To reduce environmental risks associated with encountering contaminated soil that is discovered during grading and construction, the project applicant shall ensure that impacted soil is handled in accordance with an approved Soil Management Plan, which shall be prepared to outline required procedures for handling and disposing impacted soil. All disposal and transportation of contaminated soil shall be done in accordance with State and federal agencies and under federal (RCRA) and State laws. All contaminated soil determined to be hazardous or non-hazardous waste shall be adequately profiled for acceptable disposal before it can be removed from the site.

Standard Condition 8: Groundwater pumped from the subsurface would be contained onsite prior to treatment and disposal to ensure environmental and health issues are resolved pursuant to oversight agencies. Engineering controls shall be utilized, which include impermeable barriers to prohibit groundwater and vapor intrusion into the building.

b. Upset and Accident Conditions

During the construction period, hazardous materials required to run and maintain construction equipment, and used in the construction of buildings could result in accidental releases to the ground surface, even if handled in compliance with applicable local, State, and federal hazardous materials regulations. Accidental releases of these materials could significantly affect soil and water quality. This impact will be less-than-significant with implementation of Standard Condition of Approval HYD-1, as described in Section VIII.a, requiring the preparation of a Storm Water Pollution Prevention Plan (SWPPP) and utilization of Best Management Practices to prevent releases of pollutants to water bodies.

c. Emit Hazardous Materials Near Schools

The proposed project would be located adjacent to the Acorn Woodland Elementary School. The accidental release of hazardous construction materials, and the release of contaminated soil, groundwater, and asbestos-containing building materials during the construction period could pose a significant health risk to sensitive receptors in the vicinity of the site, including students at the elementary school site. This impact will be less-than-significant with implementation of Standard Conditions of Approval HAZ-1 (described in Section VII.a) and HYD-1 (described in Section VIII.a).

d. Listed Hazardous Materials Sites

The D. Merlino and Sons factory site was identified as a leaking underground storage tanks (LUST) site in a regulatory database search. As described in Section VIIa, petroleum hydrocarbon contamination associated with leaking tanks removed from the site could expose construction workers and the public to significant adverse health risks. This impact will be less-than-significant with implementation of Standard Condition of Approval HAZ-1 (described in VII.a).

e. and f. Airport-Related Hazards

The project site is located over 2 ½ miles to the east of Oakland International Airport and is not located within the Airport Clear Zone or any land use plan prepared by the airport. In addition, the site is not located in the vicinity of private airstrip. Therefore, the proposed project would not result in an airport-related safety hazard.

g. Emergency Response/Evacuation Plan

Hegenberger Road, San Leandro Street, International Boulevard, and 98th Avenue are identified as emergency evacuation routes in the Safety Element of the General Plan.[17] Implementation of the proposed project would not adversely affect the emergency function of these roads. The proposed project, which would result in the construction of a new street – F Street – within the project site, would enhance access emergency access to the site. In addition, abandonment of a small portion of 84th Avenue by the City would not change access to the project site; the street would still remain open to emergency vehicles (i.e., any gate installed at the entrance would allow for access by emergency vehicles and public safety personnel).

h. Wildland Fires

The project site is not located in close proximity to open space areas that are prone to wildfire. Therefore, implementation of the proposed project would not expose persons or structures to an increased wildfire risk.

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

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

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

a. Violate Water Quality Standards/Waste Discharge Requirements

The proposed project would adversely affect water quality during the construction period, and over the life of the project (the operational period). Potential impacts to water quality during these two periods are discussed below.

Construction-Period Impacts. Demolition, excavation, grading and construction on the project site would require temporary disturbance of surface soils, including disturbance in association with building demolition, and the removal of foundations and vegetation. During the construction period, demolition, excavation and grading activities could result in the release of sediment into storm water runoff. Some of this sediment could be contaminated with petroleum hydrocarbons and other toxic materials, and could degrade water quality. In addition, construction activities on the project site could result in the release of contaminated groundwater into surface waters. Water quality could also be affected by the release of hazardous materials used to maintain or fuel construction equipment.

Operation-Period Impacts. Runoff water quality is regulated by the National Pollutant Discharge Elimination System (NPDES) Nonpoint Source Program (established through the Clean Water Act); the NPDES program objective is to control and reduce pollutants to water bodies from nonpoint discharges. Locally, the NPDES program is administered by the Regional Water Quality Control Board (RWQCB). The RWQCB has conveyed responsibility for implementation of storm water regulations in the vicinity of the project site to the Alameda Countywide Clean Water Program (ACCWP). The ACCWP maintains compliance with the NPDES Permit and promotes storm water pollution prevention within that context. Compliance with the NPDES Permit is mandated by State and federal statutes and regulations.

Participating agencies (including the City of Oakland) must comply with the provisions of the County permit by ensuring that new development and redevelopment mitigate water quality impacts to storm water runoff both during construction and operation periods of projects. Recent changes to the permit held by the ACCWP are detailed in RWQCB Order R2-2003-0021 (NPDES Permit No. CAS0029831).

New development and significant redevelopment projects that are subject to Provision C.3 of the RWQCB order are grouped into two categories based on project size. While all projects regardless of size should consider incorporating appropriate source control and site design measures that minimize storm water pollutant discharges to the maximum extent practicable, new and redevelopment projects that do not fall into Group 1 or Group 2 are not subject to the requirements of Provision C.3. The general criteria for establishing whether a project is a Group 1 or Group 2 project is presented below (for a detailed definition, refer to the County NPDES permit (No. CAS0029831)).

Group 1	New development and redevelopment projects that would create or replace more than 1 acre of impervious surface (e.g., roof area, streets, sidewalks, parking lots).
Group 2	New development and redevelopment projects that would create or replace more than 10,000 square feet of impervious surface. Projects consisting of one single-family home are excluded from Group 2.

The proposed project would be considered a Group 1 project (because it would replace more than 1 acre of impervious surfaces), and would therefore be required to meet all the terms of the permit, including (but not limited to):

- *Numeric Sizing Criteria for Pollutant Removal Treatment Systems.* The project must include source controls, design measures, and treatment controls to minimize storm water pollutant discharges. Treatment controls must be sized to treat a specific amount – about 85 percent – of average annual runoff (in the Bay Area this is equivalent to about the 1-inch storm).
- *Operation and Maintenance of Treatment Measures.* Treatment controls often do not work unless adequately maintained. The permit requires an operations and maintenance (O&M) program, which includes: 1) identifying the properties with treatment controls; 2) developing agreements with private entities to maintain the controls (e.g., incorporation into CC&Rs or homeowners association duties); and 3) periodic inspection, maintenance (as needed), and reporting.
- *Limitation on Increase of Peak Storm Water Runoff Discharge Rates.* Urbanization creates impervious surfaces that reduce the landscape's natural ability to absorb water and release it slowly to creeks. These impervious surfaces increase peak flows in creeks and can cause erosion. Projects must evaluate the potential for this to occur and provide mitigation as necessary.

In addition, projects disturbing more than 1 acre of land during construction are required to file a Notice of Intent (NOI) with the RWQCB to be covered under the State NPDES General Construction Permit for discharges of storm water associated with construction activity. A developer is required to propose control measures that are consistent with the State General Permit. A Storm Water Pollution Prevention Plan (SWPPP) must be developed and implemented for each site covered by the general permit. A SWPPP should include Best Management Practices (BMPs) designed to reduce potential impacts to surface water quality during the construction of the project.

New construction and intensified residential densities at the project site would result in increased vehicle use and potential discharge of associated pollutants. Leaks of fuel or lubricants, tire wear, and fallout from exhaust would contribute petroleum hydrocarbons, heavy metals, and sediment to the pollutant load in runoff being transported to receiving waters. Runoff from the proposed landscaped areas may contain residual pesticides and nutrients. Contaminated water from the site would degrade the water quality of San Francisco Bay, which is located approximately 2 miles to the west of the project site. Water quality impacts associated with project construction and operation periods would be less-than-significant with implementation of the following Standard Conditions of Approval and Standard Condition of Approval HAZ-1 (described in Section VII.a) and would ensure compliance with the requirements of Provision C.3:

Standard Condition of Approval HYD-1: The following Standard Conditions of Approval shall be implemented:

Standard Condition 1: Prior to and during project demolition, grading and construction activities, the project shall comply with all City of Oakland Grading Permit requirements and all NPDES Permit requirements as follows:

Grading Plan, Erosion and Sedimentation Control Plan, and Drainage Plan

City of Oakland Municipal Code Chapter 13.16 and Section 15.04.780 require that the project applicant prepare a grading plan for the proposed project. Because during project construction the volume of the excavated fill material would exceed 50 cubic yards and involve depths of excavation that exceed five feet, the project sponsor must prepare a grading plan, erosion and sedimentation control plan, and drainage plan.

- The required grading plan shall include drainage, erosion, and sediment control measures and incorporate construction BMPs to prevent pollutants from entering the storm sewer to the maximum extent practicable.
- The grading plan shall discuss existing, temporary, and final drainage facilities. Erosion and sediment control shall combine interim and permanent measures to minimize erosion, stormwater runoff, and sedimentation. Such measures, at a minimum, shall include provision of filter materials at the catch basin to prevent debris or dirt from flowing into the storm drain system. According to the City Public Works Agency, such filter materials shall be applied to batch basins within private areas. As proposed by the project, filter protection at catch basins and inlets shall include filter fabric covering the grates, straw bales or wattles circling the inlet, or some combination of these and/or other measures.
- The plan shall specify that, after construction is complete, the sponsor shall ensure that the storm drain system is inspected and the sponsor shall clear the system of any debris or sediment.
- Preparation and implementation of the grading plan shall include preparation of the construction stormwater pollution prevention plan (SWPPP) (discussed below).

NPDES Permit and Construction Stormwater Pollution Prevention Plan (SWPPP)

The project sponsor shall apply for and comply with all requirements of the ACCWP NPDES General Construction Permit. As required by the permit:

- The sponsor shall prepare a SWPPP in coordination with a project's grading plan. The SWPPP shall describe erosion and sedimentation control measures as recommended in the California Stormwater Best Management Practice Handbook (Stormwater Quality Task Force, 2003).
- The project sponsor shall prepare the SWPPP and submit a notice of intent to the RWQCB prior to construction activities, as required by the RWQCB. Implementation of the SWPPP shall start with the commencement of construction and continue though the completion of the project.
- At a minimum, the SWPPP shall include a description of construction materials, practices, and equipment storage and maintenance; a list of pollutants likely to contact stormwater; site-specific erosion and sedimentation control practices; a list of provisions to eliminate or reduce discharge of materials to stormwater; best management practices (BMPs), and inspection and monitoring program.
- After construction is completed, the project sponsor shall submit a notice of termination to the RWQCB.

Standard Condition 4: The project sponsor shall implement site design/landscape characteristics as feasible, which maximize infiltration (where appropriate), provide retention or detention, slow runoff, and minimize impervious land coverage, so that post-development pollutant loads from the site have been reduced to maximum extent possible. Where feasible, the project shall introduce measures to help reduce the rate and volume of stormwater runoff.

Standard Condition 5: For projects that will discharge directly to water bodies listed as impaired (under section 303(d) of CWA), ensure that post-project runoff does not exceed pre-project levels for such pollutants through implementation of the control measures addressed in the NPDES C.3 provision, to the maximum extent practicable.

b. Deplete Groundwater Supplies

Implementation of the proposed project would increase impervious surfaces on the project site from approximately 4.54 acres to approximately 5.34 acres, a net increase of 0.80 acre. This increase in impervious surfaces could be associated with an incremental decrease in groundwater recharge under the project site. However, the proposed project would be designed with substantial open space, including courtyards and gardens. Much of the storm water that would be generated by pavement on the project site would be redirected to pervious surfaces, where the water would percolate into the ground. Therefore, the proposed project would not substantially interfere with groundwater recharge. In any event, the project would not utilize groundwater from the aquifer underlying the project site (which is considered polluted) and would not substantially deplete local groundwater supplies.

c. Erosion and Siltation

Ground disturbance associated with the project construction period could result in erosion and siltation, as soil from the project site is carried off-site by wind and storm water runoff. As noted in the previous sections, some soil from the project site could be contaminated with petroleum hydrocarbons and other toxic materials. Impacts

associated with erosion and siltation will be less-than-significant with implementation of Standard Conditions of Approval HAZ-1 (described in Section VII.a), HYD-1 (described in Section VIII.a) and GEO-1 (described in Section VI.a).

d. Result in Substantial Flooding

As noted in Section VIIIb, the project would increase impervious surfaces within the project site by approximately 0.80 acres. This increase in impervious surfaces would generate increased storm water runoff compared to current conditions on the site. However, much of this runoff would be directed to open space areas within the project site and would not substantially contribute to flooding within the area. Portions of the project site are within the 100-year to 500-year floodplain. Impacts associated with the floodplain are discussed in Sections VIIIh and VIIIi.

e., f., and g. Create or Contribute Substantial Runoff or Otherwise Degrade Water Quality

Implementation of the proposed project would increase impervious surfaces on the project site by approximately 0.80 acres. This increase in impervious surfaces would incrementally increase storm water runoff volumes from the project site. Runoff could contain pollutants associated with fuel leaks and the deposition of particulate matter on pavement. This impact will be less-than-significant with implementation of Standard Condition of Approval HYD-1 (described in Section VIII.a).

h., i., and j. 100-Year Floodplain Issues

The portion of the project site between 81st Avenue and 84th Avenue is within an area designated as Zone B by the Federal Emergency Management Agency (FEMA). Zone B is defined as an area within the limits of the 100-year flood and the 500-year flood, or certain areas subject to the 100-year flood where flood depths average less than 1 foot or where the contributing drainage area is less than 1 square mile.[18] The area between 84th Avenue and 85th Avenue is designated as being within Zone C by FEMA. Zone C is an area of minimal flooding. Therefore, the portion of the project site north of 84th Avenue could be subject to significant flooding during a greater-than 100-year flood event if proposed project grades and/or floor elevations are not raised. Because flood depths within the project site are expected to be less than 1 foot, and buildings would be located in clusters throughout the project site, the proposed project would not be expected to redirect flood flows such that properties around the site would be damaged. In addition, flooding on the site would not be expected to result in substantial loss of property, injury, or death. Implementation of the following mitigation measure would reduce flood-related impacts to a less-than-significant level:

> Mitigation Measure HYD-2: The project sponsor shall retain the project civil engineer of record to ensure that project development plans contain finished site grades and floor elevations that are elevated above the Base Flood Elevation of a 100-year flood event.

k. Inundation by Seiche, Tsunami, or Mudflow

The project site is not located with a potential seiche, tsunami, or mudflow zone.[19]

l. Conflict with City of Oakland Creek Protection Ordinance

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[18] Fugro West, Inc., 2006. *Draft Geotechnical Study, Tassafaronga HOPE VI Revitalization Area, Oakland, CA.* January.

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

There is no creek on or adjacent to the project site. The nearest creek to the site is Elmhurst Creek, which runs underground approximately 450 feet to the southwest of the project site. The project would not discharge a substantial volume of pollutants into a creek, modify the natural flow of water in a creek, modify a creek channel, deposit a substantial amount of material into a creek, cause erosion, indirectly affect a riparian zone, or otherwise conflict with the City of Oakland Creek Protection Ordinance.

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

a. Divide an Established Community

The physical division of an established community would typically involve the construction of large features (such as freeways) that then function as physical or psychological barriers between communities, or the removal of roadways (e.g., through the assembly of numerous parcels and the creation of "superblocks") such that access from one neighborhood to another is diminished.

The existing public housing development discourages access from surrounding neighborhoods because of the inward focus of the buildings and the lack of roadways that penetrate the site. Implementation of the proposed project would result in the construction of a housing development that better relates to surrounding neighborhoods in terms of scale, design, and access. The project includes numerous pedestrian paths (including a connection to Tassafaronga Park) and a new street – F Street – which would connect to 84th Avenue. Proposed buildings would feature design elements, including balconies, ground-floor windows, and fenced front yards, that would reduce the visual differentiation between the housing development and the residential neighborhood to the east and south. The proposed project would create new connections between the site and surrounding neighborhoods, and would not divide an established community.

b. Conflict with Nearby Land Uses

Figure 6 shows existing land uses within and around the project site. In general, the site is bordered by school, (planned) library, and industrial uses to the north; residential uses to the east; a mixture of residential,

commercial, and light industrial uses to the south; and industrial and storage uses to the east. Because residential, school, and library uses in the neighborhood are located in a mixed use district, they are sometimes subject to environmental conditions associated with industrial and commercial uses, including noise, emissions, light/glare, and odors. However, conflicts between industrial uses and commercial/industrial land uses in the vicinity of the project site generally occur on an intermittent basis, do not comprise a substantial nuisance, and would not be considered a significant environmental impact. The manufacturing facilities immediately surrounding the project site do not pose any intrinsic land use incompatibilities with proposed residential uses; the relationship of proposed residential uses to surrounding industrial and commercial uses is typical of other mixed-use neighborhoods in the Bay Area, including South of Market in San Francisco and the Fruitvale District in Oakland, where industrial and residential uses coexist. The following discussion addresses land use compatibility issues on all sides of the project site.

North. Businesses immediately to the north (e.g., across 83rd Avenue) of the existing public housing development include AJN Concrete Construction, BART's trucking yard, and industrial condominiums. Two small elementary schools and a planned library are located to the north of the pasta factory parcel. The school and library uses would create a buffer between the northern end of the project site and surrounding industrial uses. The industrial condos have been targeted to light industrial uses that produce minimal emissions ands noise, and would not pose land use compatibility issues. The southern portions of the concrete construction and trucking facilities comprise expansive storage lots and are not subject to intensive industrial activity. In addition, there would be an approximately 25- to 75-foot green space or parking buffer between the nearest proposed residential uses and these industrial facilities. In general, industrial activity occurs within buildings on these industrial sites and would not subject adjacent residential uses to high levels of emissions, noise, or odors. The buildings would not cast substantial shadow into the project site, and do not contain lighting that would interfere with nighttime views.

East: Land uses to the east of the project site include residential uses, Tassafaronga Park and community center, and parking. A church is also located adjacent to the site at the western terminus of 82nd Avenue. These uses, which generate minimal noise, traffic, light, and emissions, would be compatible with proposed residential uses.

South: Land uses to the south of the project site (e.g., south of 85th Avenue) are the most diverse in the vicinity of the site and include a church, residential uses, a vacant lot, a film production studio, and a construction company. These uses generate a moderate amount of traffic, and produce minimal noise and no significant odors. Buildings south of the site are generally two to three stories and would not cast substantial shadow on proposed buildings. Therefore uses to the south of the site are compatible with proposed uses.

West. Land uses to the east of the pasta factory parcel (but north of the existing public housing development) are addressed in the description of compatibility issues to the north of the site, above. The uses to the east of the existing public housing development comprise a series of buildings owned by Acts Full Church (a church on 66th Avenue in Oakland) that are used for storage. These uses generate moderate traffic volumes, emissions associated with these vehicle trips, and no significant odors. These buildings are one story structures and would not cast extensive shadow on the project site. In addition, the buildings do not contain extensive outdoor lighting. Therefore, these storage uses would be compatible with proposed residential uses on the project site.

In summary, the proposed project would not result in a fundamental conflict with land uses in the vicinity of the site.

c. Conflict with Plans and Regulations

The proposed project is consistent with the goals and objectives of the General Plan and Coliseum Area Redevelopment Plan, which seek to redevelop underutilized and blighted properties, increase the City's housing

supply, reuse abandoned buildings, and minimize nuisances. The D. Merlino and Sons factory site, which is abandoned and located across from an elementary school, is no longer economically viable for industrial uses. Therefore, the proposed project would not substantially diminish the City's supply of industrial land. The project would result in the redevelopment of an existing housing project and industrial parcel, and would enhance the physical character of the neighborhood.

The project would amend the General Plan designation of the pasta factory parcel from Business Mix to Mixed Housing Type. The Coliseum Area Redevelopment Plan would also be amended to reflect this change. The Zoning designation of the site would change from M-30 to R-50. According to the General Plan, the Mixed Housing Type designation is "intended to create, maintain, and enhance residential areas typically located near the City's major arterials and characterized by a mix of single family homes, townhouses, small multi-unit buildings, and neighborhood businesses where appropriate." The proposed Zoning Ordinance amendment would ensure consistency with the General Plan and would allow for the development of loft housing within the abandoned factory building. The proposed residential density within the project site (25 units/acre) would not exceed that permitted by the General Plan for areas designated for Mixed Housing Type (30 units/acre).

The proposed project is also consistent with the goals of the Coliseum Area Redevelopment Plan, which seek to redevelop underutilized properties; eliminate land use conflicts between the residential and industrial edge; improve the quality of the residential environment through new construction and rehabilitation; and increase the potential for home ownership.[20] Therefore, the proposed project would not conflict with a land use policy such that a physical environmental impact would result.

d. Habitat Conservation Plan

The project site is located in an urbanized area of Oakland and is not subject to a Habitat Conservation Plan or other natural community conservation plan.

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

The project site is located in an urbanized portion of Oakland that has not been subject to mining activities and does not contain mineral resources. Therefore, implementation of the proposed project would not result in the loss of availability of a State-wide or locally-important mineral resource.

[20] City of Oakland, 2004. *Coliseum Area Redevelopment Project, Five Year Implementation Plan.* FY 2004-2009.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant with Standard Conditions of Approval	Less than Significant Impact	No Impact
XI. NOISE -- Would the project result in:					
a) Exposure of persons to or generate noise levels in excess of standards established in the Oakland general plan or applicable standards of other agencies (e.g., OSHA)?	☐	☐	☒	☐	☐
b) Violate the City of Oakland Noise Ordinance (Oakland Planning Code Section 17.120.050) regarding operational noise?	☐	☐	☒	☐	☐
c) Violate the City of Oakland Noise Ordinance (Oakland Planning Section 17.120.050) regarding construction noise, except if an acoustical analysis is preformed and all feasible mitigation measures are imposed, including the standard City of Oakland noise measures adopted by the Oakland City Council on January 16, 2001. During the hours of 7 p.m. to 7 a.m. on weekdays and 8 p.m. to 9 a.m. on weekends and federal holidays, will noise levels received by any land use from construction or demolition exceed the applicable nighttime operational noise level standard?	☐	☐	☒	☐	☐
d) Violates the City of Oakland Noise Ordinance (Oakland Municipal Code Section 8.18.020) regarding nuisance of persistent construction-related noise?	☐	☐	☒	☐	☐
e) Create a vibration which is perceptible without instruments by the average person at or beyond any lot line containing vibration-causing activities not associated with motor vehicles, trains, and temporary construction or demolition work, except activities located within the (a) M-40 zone or (b) M-30 zone more than 400 feet from any legally occupied residential property (Oakland Planning Code Section 17.120.060)?	☐	☐	☐	☒	☐
f) Generate interior Ldn or CNEL greater than 45 dBA for multi-family dwellings, hotels, motels, dormitories and long-term care facilities (and may be extended by local legislative action to include single family dwellings) per California Noise Insulation Standards (CCR Part 2, Title 24):	☐	☐	☒	☐	☐
g) Result in a 5dBA permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒	☐
h) Conflicts with state land use compatibility guidelines for all specified land uses for determination of acceptability of noise (Source: State of California, Governor's Office of Planning and Research, General Plan Guidelines, 2003 (Appendix C, Figure 2))?	☐	☐	☒	☐	☐
i) Be located within an airport land use plan and would expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☐	☒

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant with Standard Conditions of Approval	Less than Significant Impact	No Impact
j) Be located within the vicinity of a private airstrip, and would expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☐	☒

The following discussion is based on a noise studies conducted by Wilson, Ihrig and Associates, Inc. and published on May 11, 2006 and August 15, 2006.[21] These documents are available for public review at the City of Oakland Community and Economic Development Agency.

a., b., f., g., and h. Exposure To/Generation of Noise Levels in Excess of Standards; Ambient Noise

The project site is affected by noise from construction activities and industrial uses in the vicinity of the project site. However, the main sources of high noise levels are freight and Amtrak train horns, and Bay Area Rapid Transit (BART) trains. In addition, noise from automotive, truck, and bus traffic on San Leandro Avenue, Hegenberger Road, and I-880 also contributes to the noise environment at the project site.

There are several noise generators and sensitive noise receptors in the area adjacent to the project site. Land use to the north and west is primarily industrial, with some residential land use to the southeast. A park and residences are located to the east and commercial buildings on the south side of 85th Avenue. There are three churches (generally active during the evening and weekends) in the immediate project area. They are located to the west of the project site on the corner of 85th Avenue and E Street, the northeast corner of 83rd Avenue and E Street, and the southeast corner of 82nd Avenue and E Street. Two new schools are located on the north side of 81st Street, and a library is currently under design and would be located adjacent to the school site.

Noise levels at the project site are typically highest during the morning and afternoon commute hours, and are lowest during the early morning hours. Noise levels on the site range from a day-night average sound level (L_{dn}) of 58 decibels (dBA) to 67 dBA. Noise levels within the site are anticipated to increase by an average of 1 dBA by the year 2025.

Based on the State land use compatibility noise guidelines, noise levels from 60 to 70 dBA are considered conditionally acceptable for multi-family residential uses, which would be constructed as part of the project. The guidelines require that multi-family projects that would be subject to noise levels between 60 dBA and 70 dBA only be undertaken "after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design." The guidelines note that conventional construction with closed windows and artificial ventilation systems typically suffice to reduce noise to acceptable levels.

The State of California Noise Insulation Standards provide sound insulation requirements which apply to construction of new multi-family dwellings, including buildings that would be constructed as part of the proposed project. These standards require that multi-family buildings be oriented, shielded, and designed so that, with all

[21] Wilson, Ihrig & Associates, Inc., 2006. *Title 24 Acoustical Evaluation, Exterior Sound Insulation, Tassafaronga Multi-Family Housing, Oakland, California.* May 11; Wilson, Ihrig & Associates, Inc., 2006. *Potential Noise Impacts Re: Tassafaronga Multi-Family Housing, Oakland, California.* August 15, 2006.

exterior windows and doors closed, the interior noise exposure level associated with exterior sources do not exceed 45 dBA L_{dn}. Habitable rooms include bedrooms and living spaces.

Residents of the project site would experience interior noise levels in excess of 45 dBA. This impact will be less-than-significant with implementation of the following Standard Condition of Approval:

> Standard Condition of Approval NOISE-1: If necessary to comply with the interior noise requirements of the City of Oakland's General Plan Noise Element and achieve an acceptable interior noise level, noise reduction in the form of sound-rated assemblies (i.e., windows, exterior doors, screens, and walls) shall be incorporated into project building design. Final recommendations for sound-rated assemblies will depend on the specific building designs and layout of buildings on the site and shall be determined during the design phase.

The proposed project would result in the demolition of existing residential uses on the site and the development of new residential uses. Ambient noise would incrementally increase on the site as a result of the anticipated population increase and associated vehicle trip increases. Noise levels would be similar to levels that currently exist in the vicinity of the project site.

The traffic study for the project indicates that the project would generate a small net change in traffic, generating 535 daily vehicle trips, of which 40 would occur during the peak morning commute hour and 49 would occur during the peak afternoon commute hour. In the worst case scenario, assuming that all the project traffic is funneled onto 85th Avenue, the resulting increase in noise over the existing environment would be less than 0.3 dBA near San Leandro Street and up to 1.0 dBA near International Boulevard. The cumulative with project (2010) scenario would result in an increase in noise of less than 0.6 dBA near San Leandro Street and up to 1.2 dBA near International Boulevard. The project would result in a 1dBA increase in project area noise near 85th Avenue, increasing the area's noise level from a range of 58 to 64 Ldn to a range of 59 to 65 Ldn. These noise levels would still be compatible with residential land use, and thus no noise impact would be generated from traffic.

The project would incorporate mechanical ventilation for the new buildings. The mechanical equipment has not yet been determined, but it is anticipated that the equipment for the apartment building will be located in the garage. HVAC units for the apartment can be limited to a noise level of 55 dBA at 50 feet, and the individual units typically generate a noise level of 45 dBA at 50 feet. For most areas, the expected mechanical noise should be 50 dBA or less at the neighboring land use and in compliance with the City of Oakland 50 dBA noise limit. For Phase 2 buildings, an acoustical screen or parapet wall may be required to achieve compliance with the City Noise Ordinance. The mechanical plan should be reviewed and analyzed for compliance with the Noise Ordinance and noise control features implemented as a Condition of Approval discussed above.

Additional noise would not be significant in the context of existing noise levels on the site; increases in ambient noise would be substantially less than 5 dBA. Therefore, the proposed project would not generate noise levels in *excess of established standards, including those for operational noise in the City Noise Ordinance.*

c. and d. Construction Noise

Construction of the proposed project would involve the use of standard construction equipment and machinery, including bulldozers, graders, and trucks. Construction activities in the project site could generate maximum noise levels of up 96 dBA at 50 feet from the project site. Construction of the proposed project is anticipated to occur over 18 months. The actual equipment and methodology may vary, depending on the contractor and on-site conditions, but most construction equipment generates comparable noise levels of 80 to 85 dBA at 50 ft. The

notable exception is the hoe ram, which could be used during demolition. This assumes that pile driving would not be required for the building foundations.

The City considers construction period noise to be a less-than-significant impact if an acoustical analysis is performed and all feasible mitigation measures are imposed, including the standard City of Oakland noise measures adopted by the Oakland City Council. Construction-related noise impacts will be less-than-significant with implementation of the following Standard Condition of Approval:

Standard Condition of Approval NOISE-2: The following Standard Conditions of Approval shall be implemented:

Standard Condition 1: The project sponsor shall require construction contractors to limit standard construction activities as required by the City Building Department.

a) Such activities shall be limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, with pile driving and/or other extreme noise generating activities greater than 90 dBA limited to between 8:00 a.m. and 4:00 p.m. Monday through Friday.

b) Any construction activity proposed to occur outside of the standard hours of 7:00 a.m. to 7:00 p.m. for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a survey of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened and such construction activities shall only be allowed with the prior authorization of the Building Services Division.

c) Construction activity shall not occur on Saturdays, with the following possible exceptions:

- Prior to the building being enclosed, requests for Saturday construction for special activities (such as concrete pouring which may require more continuous amounts of time), shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a survey of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened. Such construction activities shall only be allowed on Saturdays with the prior authorization of the Building Services Division.

- After the building is enclosed, requests for Saturday construction activities shall only be allowed on Saturdays with the prior authorization of the Building Services Division, and only then within the interior of the building with the doors and windows closed.

d) No extreme noise generating activities shall be allowed on Saturdays, with no exceptions.

e) No construction activity shall take place on Sundays or Federal holidays.

f) For clarification, construction activities include but are not limited to: tuck idling, moving equipment (including trucks, elevators, etc) or materials, deliveries, and construction meetings held on-site in a non-enclosed area.

Standard Condition 2: To reduce daytime noise impacts due to construction, the project sponsor shall require construction contractors to implement the following measures: site-specific noise reduction program, subject to city review and approval, which includes the following measures:

- 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).
- Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible 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 where feasible, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.
- Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or other measures to the extent feasible.
- If feasible, the noisiest phases of construction (such as pile driving) shall be limited to less than 10 days at a time.

Standard Condition 3: To further reduce potential pier drilling, pile driving and/or other extreme noise generating construction impacts, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted for review and approval by the City to ensure that maximum feasible noise attenuation will be achieved. These attenuation measures shall include as many of the following control strategies as feasible:

- Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings;
- 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;
- Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;
- The feasibility of temporarily improving the noise reduction capability of adjacent or nearby buildings, by the use of sound blankets for example, if acceptable to adjacent or nearby users.
- Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings; and
- Monitor the effectiveness of noise attenuation measures by taking noise measurements.

Standard Condition 4: Prior to the issuance of each building permit, along with the submission of construction documents, the project sponsor shall submit to the City Building Department a list

of measures to respond to and track complaints pertaining to construction noise. These measures shall include:

- A procedure for notifying the City Building Division staff and Oakland Police Department; (during regular construction hours and off-hours);
- A plan for posting signs on-site pertaining with permitted construction days and hours and complaint procedures and who to notify in the event of a problem;
- A listing of telephone numbers (during regular construction hours and off-hours);
- The designation of an on-site construction complaint and enforcement manager for the project;
- Notification of neighbors within 300 feet of the project construction area at least 30 days in advance of pile-driving activities about the estimated duration of the activity; and
- A preconstruction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise mitigation and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.

e. Vibration

The proposed project does not include any uses that would generate long-term vibration that would be perceptible to humans at sensitive receptor locations in the vicinity of the project site.

i. and j. Airport-Related Noise

The project site is located over 2½ miles to the east of Oakland International Airport, and is not located in the vicinity of a private airstrip. Therefore, the project would not be exposed to excessive levels of airport-related noise.

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

a. Induce Substantial Population Growth

Implementation of the project would result in direct population growth on the project site in association with the proposed increase in total residential units, from 87 units to 191 units (a net increase of 104 units). Based on an average household size of 2.63 persons in Oakland, the proposed project would be expected to increase population on the site by approximately 274 persons.

According to the Association of Bay Area Governments, Oakland's population is expected to increase from 414,100 to 430,900 between 2005 and 2010 (a net increase of 16,800).[22] The population increase that would result from implementation of the proposed project represents less than 2 percent of this projected population growth in Oakland and would not be considered substantial.

In addition, the project site is considered an appropriate place for population growth. The area comprises an already-developed site that is in close proximity to transit and job centers in Oakland. Regional planning agencies believe that the provision of housing on infill sites near job nodes reduces pressure to develop open space and increases the possibility of reduced commutes. Therefore, the development of additional housing on the site would be considered a beneficial environmental impact. The proposed project would not involve the extension of infrastructure into an undeveloped area and therefore would not indirectly induce substantial population growth. Population growth associated with the proposed project would be confined to the project site.

b. and c. Displacement of People and Housing

Implementation of the proposed project would involve the temporary displacement of the persons currently occupying the project site. Approximately 79 of the 87 rental units in the existing public housing development are occupied. All residents of the site would receive relocation assistance, consistent with California Redevelopment Law. Relocation assistance typically includes: assistance in finding new housing; payments to help cover moving costs; and differential payments for increased rent. Displaced residents in good standing (i.e., those residents who have complied with their leases and have not engaged in violent criminal activity during relocation) would also have the opportunity to move back to Tassafaronga Village after completion of the proposed project. Although a substantial number of residents would be displaced as part of the proposed project, the relocation assistance required by California Redevelopment Law would reduce this impact to a less-than-significant level.

The proposed project includes the construction of 191 units of housing on the project site, a net increase of 104 units. Therefore, the proposed project would not result in a long-term displacement of housing and would expand Oakland's housing supply.

[22] Association of Bay Area Governments, 2005. *Projections 2005: Forecasts for the San Francisco Bay Area to the Year 2030.*

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

The proposed project is located in an urban area already served by public services. The Community Services Analysis prepared for the General Plan Land Use and Transportation Element states that infill development proposed through the General Plan horizon year of 2015 would not impose a burden on existing public services. In accordance with standard City practices, the Fire Services division would review the project plans at the time of building permit issuance, to ensure that adequate fire and life safety measures are designed into the project. In addition, prior to issuance of building permits, the applicant would contribute the required amount of school impact fees to offset any impacts to school facilities from the proposed project, consistent with standard City practice. Private open space in courtyards and balconies would be provided as part of the project. Therefore, the proposed project is not anticipated to result in significant impacts to public services.

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

Implementation of the proposed project would incrementally increase the use of parks in the vicinity of the project site, especially Tassafaronga Park. However, this increase in use is not expected to cause substantial physical deterioration of parks around the project site. The quality of Tassafaronga Park would be improved through the creation of a pedestrian connection between the site and the park, and the development of housing adjacent to the park – which would allow residents to informally monitor park activity.

The project includes a variety of recreational facilities, including courtyards, multi-use paths, and community gardens and yards. Implementation of the mitigation measures recommended in this document would ensure that development of recreational facilities within the project site would not have a significant adverse effect on the environment.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant with Standard Conditions of Approval	Less than Significant Impact	No Impact
XV. TRANSPORTATION/TRAFFIC - - Would the project:					
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections), or change the condition of an existing street (i.e.) street closures, changing direction of travel) in a manner that would substantially impact access or traffic load capacity of the street system? Specifically:					
i) At a study, signalized intersection which is located outside the Downtown area, the project would cause the level of service (LOS) to degrade to worse than LOS D (i.e., E)?	☐	☐	☐	☒	☐
ii) At a study, signalized intersection which is located within the Downtown area, the project would cause the LOS to degrade to worse than LOS E (i.e., F)?	☐	☐	☐	☒	☐
iii) At a study, signalized intersection outside the Downtown area where the level of service is LOS E, the project would cause the total intersection average vehicle delay to increase by four (4) or more seconds, or degrade to worse than LOS E (i.e., F)?	☐	☐	☐	☒	☐
iv) At a study, signalized intersection for all areas where the level of service is LOS E, the project would cause an increase in the average delay for any of the critical movements of six (6) seconds or more, or degrade to worse than LOS E (i.e.F),	☐	☐	☐	☒	☐

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant with Standard Conditions of Approval	Less than Significant Impact	No Impact
v) At a study, signalized intersection for all areas where the level of service is LOS F, the project would cause (a) the total intersection average vehicle delay to increase by two (2) or more seconds, or (b) an increase in average delay for any of the critical movements of four (4) seconds or more; or (c) the volume-to-capacity ("V/C") ratio exceeds three (3) percent (but only if the delay values cannot be measured accurately)?	☐	☐	☐	☒	☐
vi) At a study, unsignalized intersection?	☐	☐	☐	☒	☐
b) A project's contribution to cumulative impacts is considered "considerable" when the project contributes 5% or more of the cumulative traffic increase as measured by the difference between the existing and future cumulative (with project) conditions?	☐	☐	☐	☒	☐
c) Cause a roadway segment on the Metropolitan Transportation System to operate at LOS F or increase the V/C ratio by more than 3% for a roadway segment that would operate at LOS F without the project?	☐	☐	☐	☐	☒
d) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒	☐
e) Substantially increase hazards due to motor vehicles, bicycles, or pedestrians due to a design feature (e.g., sharp curves or dangerous intersections) that does not comply with Caltrans design standards or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒	☐
f) Result in less than two emergency access routes for streets exceeding 600 feet in length?	☐	☐	☐	☒	☐
g) Fundamentally conflict with adopted policies, plans, programs supporting alternative transportation (e.g. bus turnouts, bicycle routes)?	☐	☐	☐	☒	☐
h) Generate added transit ridership that would:					
i) Increase the average ridership on AC Transit lines by three (3) percent at bus stops where the average load factor with the project in place would exceed 125% over a peak thirty minute period;	☐	☐	☐	☒	☐
ii) Increase the peak hour average ridership on BART by three (3) percent where the passenger volume would exceed the standing capacity of BART trains; or	☐	☐	☐	☒	☐

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant with Standard Conditions of Approval	Less than Significant Impact	No Impact
iii) Increase the peak hour average ridership at a BART station by three (3) percent where average waiting time at fare gates would exceed one minute.	☐	☐	☐	☒	☐

The following discussion is based on a Traffic Study prepared by Nelson/Nygaard and published in August, 2006.[23] This document is available for public review at the City of Oakland Community and Economic Development Agency.

a. Increase Traffic in Relation to Capacity

The proposed project would not cause an increase in traffic that would be considered substantial in relation to the existing traffic load and capacity of the street system or have a significant effect on level of service (LOS).

Because the project site is already occupied by an existing public housing project that generates vehicle trips, the net increase in trips resulting from the proposed project would be minimal. The relatively low number of net new trips generated by the project using standard Institute of Transportation Engineers trip generation rates would be further reduced by applying accepted trip reduction factors (e.g., reduction factors to account for the proximity of transit to the project site and the presence of a walkable street grid) as well as taking into account car ownership rates in the Census tracts comprising the project site that are substantially lower than the average. Even without accounting for a project area transit mode share that is more than three times the national average, the net AM and PM peak hour vehicle trip generations for the proposed project are projected to be 40 and 49 trips, respectively. (Parking supply and demand is discussed below. It should be noted that the relatively low trip generation rate for this project would not be inconsistent with provision of a more standard supply of parking. The former issue relates to auto usage and the latter, to auto ownership).

Trip distribution patterns for the proposed project are expected to be consistent with those identified in the Coliseum Area Redevelopment Plan: 35 percent of trips would occur northbound on Interstate 880 (I-880) and 35 percent of trips would occur southbound on I-880, using 85th Avenue to Hegenberger Road; 15 percent of trips would occur northbound to High Street via International Boulevard; 10 percent of trips would be eastbound via various east/west routes; and 5 percent of trips would occur southbound from the site to 98th Avenue via International Boulevard.

The following signalized intersections were analyzed in the Traffic Study conducted for the project:

- International Boulevard (E. 14th) and Hegenberger Road (73rd)
- International Boulevard (E. 14th) and 82nd Avenue
- International Boulevard (E. 14th) and 85th Avenue
- International Boulevard (E. 14th) and 90th Avenue
- San Leandro Street and 73rd Avenue
- San Leandro Street and 75th Avenue
- San Leandro Street and 81st Avenue

[23] Nelson/Nygaard, 2006. *Tasssafaronga Housing Project Traffic Study*. August .

- San Leandro Street and 85th Avenue
- San Leandro Street and 92nd Avenue

The impact of net project trips on study area intersections was evaluated using the Synchro traffic impact simulation model and Highway Capacity Manual parameters. Two supplemental traffic reports were evaluated (Arcadia Park and New Woodland Elementary School) for volume inflation rates (based on Alameda County Congestion Management Agency (CMA) model output) to identify project-related traffic levels in 2010 and 2025. To determine traffic levels for existing conditions, 2010 and 2025, the study used an annual volume increase rate of 0.5 percent and 1.5 percent per year for all major movements. Table 2 shows existing conditions, 2010 conditions, and 2025 conditions at the analyzed intersections with and without trips generated by the proposed project.

For existing conditions, 2010 conditions, and 2025 conditions, addition of the net project trips makes no difference in the broad vehicular LOS and little difference in the more refined delay at study area intersections. The very small increments of net new trips generated by the proposed project and assigned to nearby streets and signalized intersections, along with the lower-than-anticipated pace of the expected 2010 build-out of the Coliseum Area Redevelopment Plan, indicate that the proposed project is unlikely to have a significant impact on or degrade any study area intersection under existing conditions or in 2010 or 2025.

While parking generation is not a CEQA significance threshold issue, parking generation for the Tassafaronga housing redevelopment will be much lower than the *Institute of Transportation Engineers (ITE) Parking Generation Handbook* (3rd Edition) case study national averages for low-rise apartments and condominiums. This is due to the expected lower car ownership rates for Tassafaronga compared to the national average and the suburban case studies that are included in the *ITE Parking Generation Handbook*. Based on 82 net new units of apartments (ITE Land Use #220 and #221) and 22 net new units of condominiums (ITE Land Use #230) the expected rates of vehicle ownership are 0.948 vehicles per apartment and 1.15 per condominium. Both of these rates are assumed to be 21% lower reflecting expected lower household vehicle ownership rates for Tassafaronga than the average parking generation rate. The net new parking generation for Tassafaronga is 103 vehicles, or a combined average of 0.99 vehicles per unit. This includes parking demand of residents as well as guests. This provision of more parking than is estimated to be needed by residents and their guests will insure that no significant spillover of parking onto nearby streets would occur.

Total parking supply proposed for Tassafaronga will be 101 off street spaces for the apartments and condominiums, 33 additional parking lot off-street spaces, 86 on-street spaces on private streets, and 45 on-street spaces on public streets for a total supply of 265 spaces. Total parking demand for Tassafaronga (net new residential units and residential units replaced) is projected to be 191 cars inclusive of residents and their guests.

b. Cumulative Impacts

The proposed project is expected to generate 40 and 49 trips in the AM and PM peak hours, respectively. These trips would comprise substantially less than 5 percent of the cumulative traffic increases at study area intersections in the cumulative condition.

c. Metropolitan Transportation System Roadway Segments

The proposed project would not cause a roadway segment on the Metropolitan Transportation System to operate at Level of Service F or increase the volume/capacity ratio by more than 3 percent for a roadway segment that would operate at LOS F without the project.

d. Air Traffic Patterns

The project site is over 2½ miles east of Oakland International Airport. Buildings on the site would be two and three stories and would not interfere with air traffic patterns.

Figure 2: Study Intersections: Existing, 2010, and 2025 Conditions With and Without Project

Study Intersection	Existing w/o Project				Existing w/ Project			
	AM		PM		AM		PM	
	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
International Blvd @ Hegenberger Rd	35.3	D	>80	F	35.4	D	>80	F
International Blvd @ 82nd Ave	15.7	B	>80	F	15.7	B	>80	F
International Blvd @ 85th Ave	--	--	6.1	A	--	--	6.1	A
International Blvd @ 90th Ave	7.3	A	16.9	B	7.3	A	16.9	B
San Leandro St @ 73rd Ave	--	--	--	--	--	--	--	--
San Leandro St @ 75th Ave	--	--	>80	F	--	--	>80	F
San Leandro St @ 81st Ave	13.5	B	15.0	B	13.7	B	14.9	B
San Leandro St @ 85th Ave	15.7	B	17.8	B	16.2	B	18.3	B
San Leandro St @ 92nd Ave	8.4	A	9.0	A	8.3	A	9.0	A

Study Intersection	2010 w/o Project				2010 w/ Project			
	AM		PM		AM		PM	
	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
International Blvd @ Hegenberger Rd	37.9	D	>80	F	38.0	D	>80	F
International Blvd @ 82nd Ave	18.2	B	>80	F	18.2	B	>80	F
International Blvd @ 85th Ave	--	--	6.6	A	--	--	6.6	A
International Blvd @ 90th Ave	8.1	A	43.1	D	8.1	A	43.6	D
San Leandro St @ 73rd Ave	--	--	--	--	--	--	--	--
San Leandro St @ 75th Ave	--	--	>80	F	--	--	>80	F
San Leandro St @ 81st Ave	14.3	B	18.3	B	14.4	B	18.3	B
San Leandro St @ 85th Ave	16.1	B	22.8	C	16.5	B	23.3	C
San Leandro St @ 92nd Ave	12.7	B	15.0	B	12.6	B	15.1	B

Study Intersection	2025 w/o Project				2025 w/ Project			
	AM		PM		AM		PM	
	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
International Blvd @ Hegenberger Rd	55.4	E	>80	F	56.2	E	>80	F
International Blvd @ 82nd Ave	32.5	C	>80	F	32.7	C	>80	F
International Blvd @ 85th Ave	--	--	4.7	A	--	--	4.8	A
International Blvd @ 90th Ave	11.8	B	>80	F	11.9	B	>80	F
San Leandro St @ 73rd Ave	--	--	--	--	--	--	--	--
San Leandro St @ 75th Ave	--	--	>80	F	--	--	>80	F
San Leandro St @ 81st Ave	12.7	B	14.9	B	12.8	B	15.0	B
San Leandro St @ 85th Ave	18.1	B	34.2	C	18.8	B	37.2	D
San Leandro St @ 92nd Ave	17.1	B	42.4	D	17.1	B	42.3	D

Source: Nelson/Nygaard, 2006.

* No AM peak hour data available
** No data available

e. and f. Hazards and Emergency Access

The proposed project would generally retain the existing street network within and around the project site. However, a small new street (F Street) would be constructed that would connect 83rd Avenue to 84th Avenue. This new street would restore the gridded pattern of small blocks to the site, would increase the walkability of the

area, and would not create new hazards. The construction of F Street would also add an additional emergency access route to the project site.

g. Conflict with Alternative Transportation Policies

The proposed project includes new multi-use paths and a new street (F Street) that would enhance pedestrian and bicycle access on the project site. The proposed project is anticipated to create a more pedestrian-friendly environment at and adjacent to the site and would not conflict with adopted policies that promote alternative transportation.

h. Generate Added Transit Ridership

The project site is located ¼-mile from a planned Bus Rapid Transit (BRT) corridor and approximately ½-mile from the Coliseum BART station. Because the project includes affordable housing, residents would be expected to exhibit a high transit usage rate. Based on U.S. Census data, approximately 16.8 percent of residents used public transit. Based on a daily trip generation rate of 6.72, the proposed project would increase transit usage by approximately 117 trips per day. This increase in transit usage would not substantially increase ridership on any Alameda- Contra Costa Transit (AC Transit) bus lines, exceed the standing capacity of any BART Train, or substantially increase the peak hour average ridership at a BART station.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant with Standard Conditions of Approval	Less than Significant Impact	No Impact
XVI. UTILITIES AND SERVICE SYSTEMS - - Would the project:					
a) Exceed wastewater treatment requirements of the San Francisco Bay Regional Water Quality Control Board?	☐	☐	☐	☒	☐
b) Require or result in construction of new storm water drainage facilities or expansion of existing facilities, construction of which could cause significant environmental effects?	☐	☐	☐	☒	☐
c) Exceed water supplies available to serve the project from existing entitlements and resources, and require or result in construction of water facilities or expansion of existing facilities, construction of which could cause significant environmental effects?	☐	☐	☐	☒	☐
d) Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the providers' existing commitments and require or result in construction of new wastewater treatment facilities or expansion of existing facilities, construction of which could cause significant environmental effects?	☐	☐	☐	☒	☐

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant with Standard Conditions of Approval	Less than Significant Impact	No Impact
e) Be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs and require or result in construction of landfill facilities or expansion of existing facilities, construction of which could cause significant environmental effects?	☐	☐	☐	☒	☐
f) Violate applicable federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒	☐
g) Result in a determination by the energy provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the providers' existing commitments and require or result in construction of new energy facilities or expansion of existing facilities, construction of which could cause significant environmental effects?	☐	☐	☐	☒	☐

The proposed project would be located in an urban area on an urban infill site that is already served by public utilities. The anticipated population increase of approximately 274 persons would result in an incremental increase in demand for utilities in the project site.

East Bay Municipal Utility District (EBMUD) is responsible for water deliveries to the City of Oakland, as well as most of Alameda and Contra Costa Counties. Oakland comprises approximately one-third of EBMUD's customers. Oakland's residential customers use less water per capita than residents in the drier, hotter parts of the service area, due both to weather conditions and the more dense development pattern in the City.[24] With conservation and reclamation programs in place, EBMUD projects a service area demand of 250 million gallons per day (MGD) by the year 2020. According to EBMUD's Urban Water Management Plan, as much as 131 MGD of additional water supply will be needed during the next 25 years. Most of the anticipated growth is in the eastern part of the service area. The capacity does not presently exist to meet this demand. The alternatives for providing the needed capacity include additional use of reclaimed water, augmenting supplies with stored surplus groundwater, and using a portion of EBMUD's American River allocation.

Assembly Bill 2673 (1994) assures water service to Oakland will not be compromised as a result of growth in the outlying parts of the service area. AB 2673 specifies that the highest priority for water service in Oakland is to existing customers within the service area. The second highest priority is new development within the existing service area (including the project site). Development consistent with the General Plan Land Use and Transportation Element, such as the project (after implementation of the General Plan Amendment for the pasta factory site), would result in an increase in water demand. Based upon the population and employment projections in the General Plan, the City's water demand is expected to increase by 6.2 MGD by the year 2015. A higher growth rate in Oakland, however, could mean lower growth rates for outlying communities in the service area, where per capita water consumption is much higher. On a regional level, the impacts of a more dense devel-

[24] City of Oakland, 1998. *City of Oakland General Plan, Land Use and Transportation Element, Volume II, Supporting Information.*

opment pattern in Oakland, such as the moderate-density residential uses that would be developed on the project site, would be beneficial.

EBMUD has adopted a comprehensive Urban Water Management Plan that identifies a range of measures to reduce per capita consumption and manage future demand. Oakland is participating in the implementation of this Plan, through adopted policies in the Open Space, Conservation, and Recreation Element requiring water conservation and encouraging the use of reclaimed water use. Through conformance with these policies, development consistent with the Land Use and Transportation Element (including the project) would result in a less-than-significant impact on water demand.[25]

Development that is consistent with the General Plan Land Use and Transportation Element is not expected to result in a significant impact or undue burden upon the sanitary sewer system, solid waste disposal system, storm drainage system, or gas and electrical infrastructure. The current water system has adequate pressure to meet the domestic and firewater demands of the proposed project. Although the proposed sanitary sewer loading is only 0.42 percent of the main line's capacity, the sanitary sewer demand will increase by 83 percent, and the project applicant will consult with the City of Oakland to determine the appropriate course of action. Any infrastructure improvements that would be required to serve the proposed project would be required by the affected public utilities prior to issuance of service connections. In addition, the project sponsor would be required to provide additional capacity or infrastructure improvements, as needed, or pay required installation and hookup fees to the affected service providers to ensure provision of adequate service, prior to service connection.

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

[25] City of Oakland, 1998. *City of Oakland General Plan, Land Use and Transportation Element.* March.

As described in Section IV, Biological Resources, the project site does not contain protected plant or animal species, or associated habitat. As described in Section V, Cultural Resources, there are no identified cultural resources in the site, and any resources identified on the site during the construction period would be protected through adherence to standard archaeological resources protection protocol expressed herein as mitigation measures. Therefore, implementation of the proposed project would not: 1) degrade the quality of the environment; 2) substantially reduce the habitat of a fish or wildlife species; 3) cause a fish or wildlife population to drop below self-sustaining levels; 4) threaten to eliminate a plant or animal community; 5) reduce the number or restrict the range of a rare or endangered plant or animal; or 6) eliminate important examples of the major periods of California history or prehistory.

The impacts of the proposed project are individually limited and not cumulatively considerable. Other redevelopment projects similar to the proposed project in Oakland and the rest of the East Bay would be expected to increase the residential vitality of urban neighborhoods and improve the area's housing stock. The proposed project would have beneficial impacts in conjunction with other similar planned projects.

Implementation of the proposed project could cause the release of petroleum hydrocarbons and other contaminants into the environment, which could adversely affect human health. Implementation of Standard Conditions of Approval would reduce this impact to a less-than-significant level.

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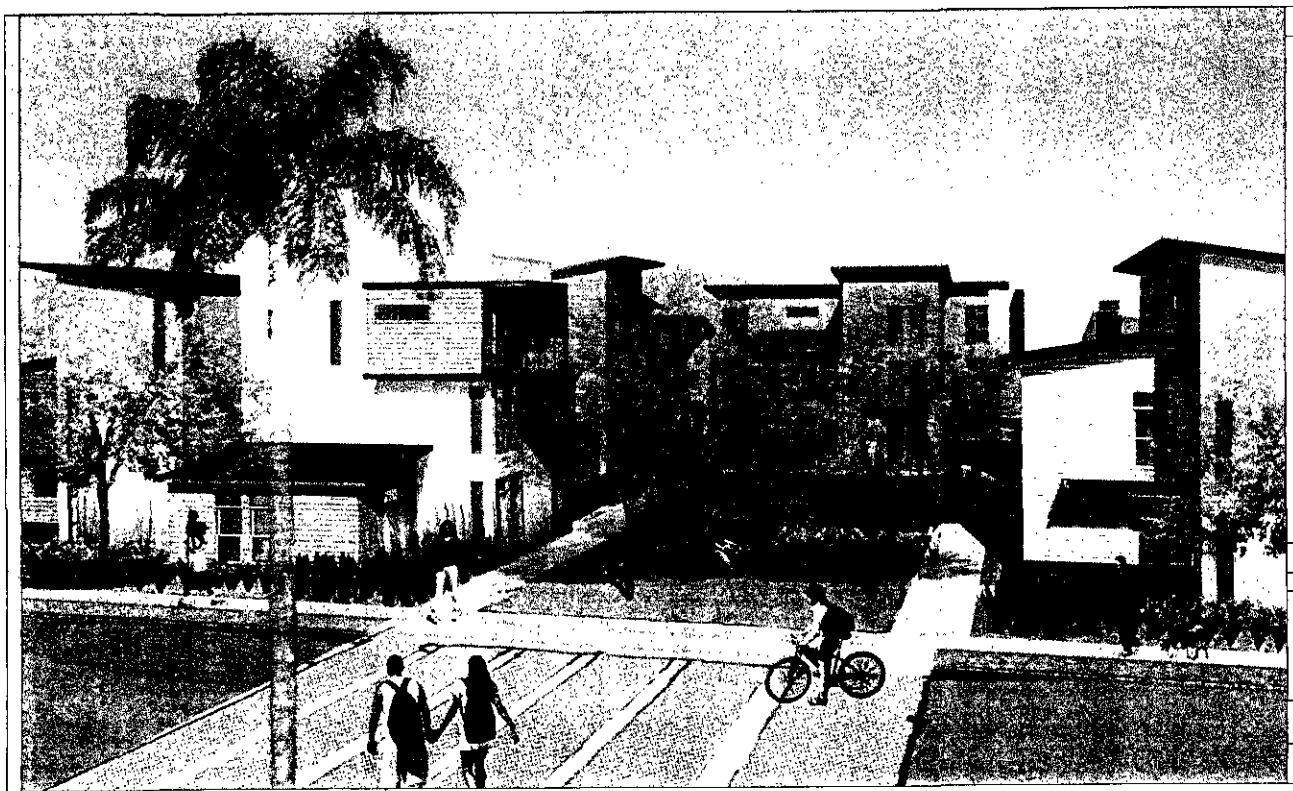

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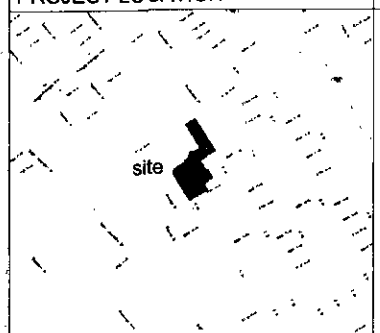
ZONING ANALYSIS

Criteria	Requirement R-50 Zoning	Existing	Proposed
Yard - Front 81St Street	15'	4'	10'
Yard - Front G Street	15'	10'	10'
Yard-Street Side of Corner Lot (85th street)	7'-6"	15'	13'
Yard-Street Side of Corner Lot (84th street)	7'-6"	0'	4'
Yard - Interior Lot Line	4'	varies	See Site Plan
Yard - Rear	15'	0'	See Site Plan
Height	30'	28-32'	38'
Parking	1 space/unit	±1 space/unit	220 ±1 space/unit
Density	219 units 30 units/acre 219/7.33*	87 units 18 units/acre 87/4.82*	191 units 26 units/acre 191/7.33*

Original Site Area=210,029 (4.82 acres), Proposed Site Area = 319,357 (7.33 acres)

PROJECT LOCATION



PROJECT DATA

PROJECT & LOT INFORMATION

	Existing	New	Total	% Change
Phase 1				
Total Lot Area	4.72	.98	5.70	121%
Total Building Footprint	62270	90645	90645	146%
Total Floor Area	129784	207435	207435	160%
Phase 2				
Total Lot Area	2.36	1.59	1.59	67%
Total Building Footprint	12000	12545	24545	205%
Total Floor Area	14400	49735	64135	445%
Combined				
Total Lot Area	7.07	-	7.07	-
Total Building Footprint	74270	115190	115190	155%
Total Floor Area	144184	257170	257170	178%

OPEN SPACE

	Phase 1 total	per unit	Phase 2 total	per unit
Private	33333	424	15982	246
Public	58625	241	11431	176
Total	91958		27413	

IMPERVIOUS SURFACE INFORMATION

Phase 1

	Existing	New	Total	% Change
Primary Building Foot Print	62270	90645	90645	146%
Accessory Footprint	0	0	0	0%
Driveways, etc	74301	58359	58359	79%
Off-site	49276	32351	32351	66%
Total Impervious	185847	181355	181355	98%

Phase 2

	Existing	New	Total	% Change
Primary Building Foot Print	12000	24545	24545	305%
Accessory Footprint	0	0	0	
Driveways, etc	0	32546	32546	
Off-site	0	0	0	
Total Impervious	12000	57091	57091	476%

Combined

	Existing	New	Total	% Change
Primary Building Footprint	74270	127190	114451	121%
Accessory Footprint	0	0	0	0%
Driveways, etc	74301	90905	87550	122%
Off-site	49276	32351	30823	66%
Total Impervious	197847	238446	232824	121%

PARKING

	Phase1	Phase 2	Combined
Apartment building garage			
Accessible	8	-	8
Compact	21	-	21
Full Size	51	-	51
	78	0	78
Habitat-Site Lots			
Accessible	1	1	2
Full Size	13	7	20
	14	8	22
OHA- Site Lot			
Accessible	-	3	3
Full Size	-	31	31
	0	34	34
Street Parking - On Private Street			
Compact	4	4	8
Full Size	61	16	77
	65	20	85
Street Parking- On City Street			
Full Size	47	4	51
Totals			
Subtotal (off-street)	92	42	134
Subtotal (on-street private)	65	20	85
Total Private	157	62	219
Grand Total	204	66	270
Spaces per unit	1.47	1.24	1.41

UNIT MIX

	Unit Area	Phase 1	Phase 2	Combined
Townhouses (OHA)				
2 bedroom	1100	21	7	23
3 Bedroom	1520	28	13	32
4 Bedroom	1790	15	0	22
Total Number of Units		64	20	77
Townhouses(Habitat)				
2 bedroom	930	2	-	2
3 bedroom	1288	12	8	20
Total Number of Units		14	8	22
Apartment Building				
1 bedroom	660	16	-	16
2 bedroom	843	20	-	31
3 bedroom	1100	24	-	13
Total Number of Units		60		60
Warehouse				
Studio	466	-	24	24
1 bedroom	730	-	4	4
2 bedroom	989	-	4	4
Total Number of Units			32	32
Totals				
Total OHA		124	57	168
Total Habitat		14	8	22
Total Number of Units		138	65	191
Existing unit count				
1 bedroom		9	0	9
2 bedroom		18	0	18
3 bedroom		45	0	45
4 bedroom		15	0	15
		87	0	87

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project number 20517
scale As indicated
date 8.17.06
drawn by ds,km

A0.1

Title Sheet

Tassafaronga Housing

Perspective - Apartment Building

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perspective

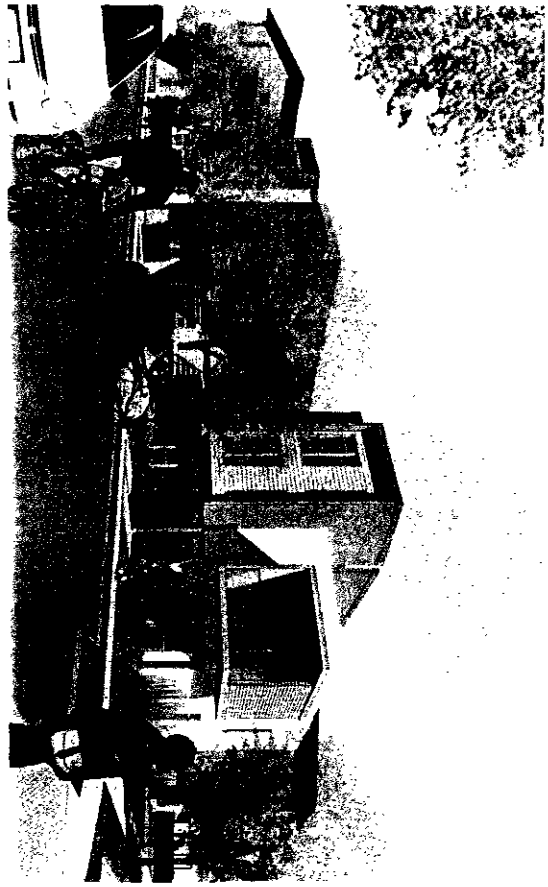
Tassafaronga Housing

project number	20517
scale	1 : 1
date	8.17.06
drawn by	km

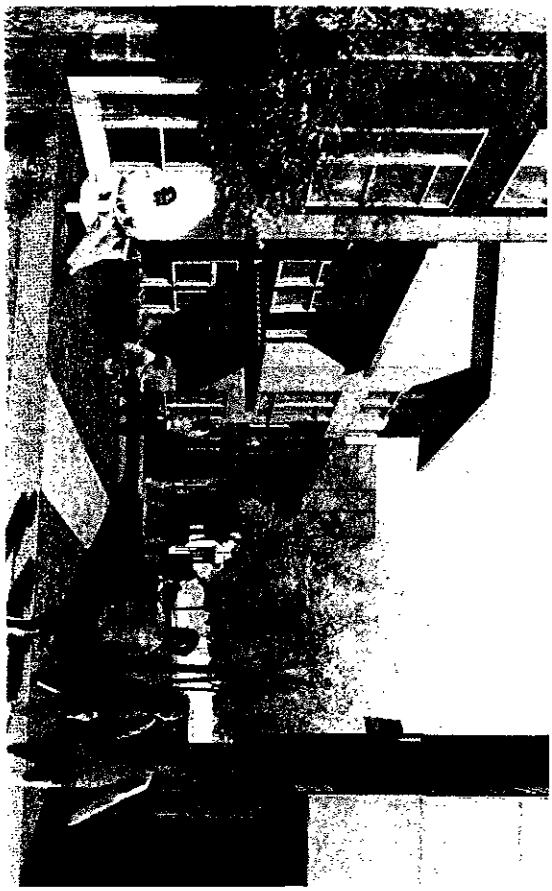
A0.2

Perspective - F Street Mews

Perspective - F Street + 83rd Avenue



Perspective - Townhouse Mews



Perspective - Small Courtyard

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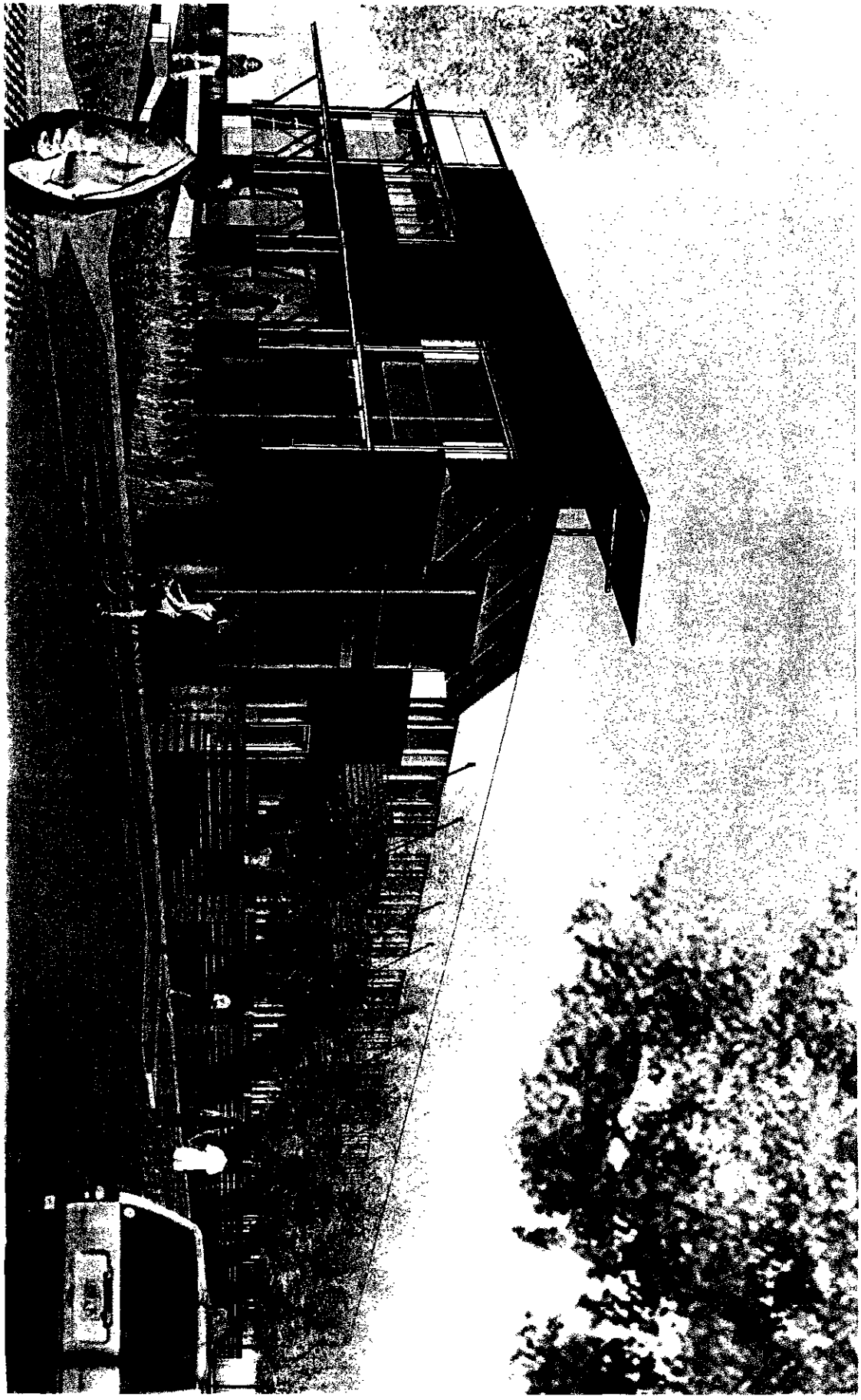
perspective

Tassafaronga Housing

project number	20517
scale	1 : 1
date	8.17.06
drawn by	km

A0.3

Perspective - Existing Building



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perspective

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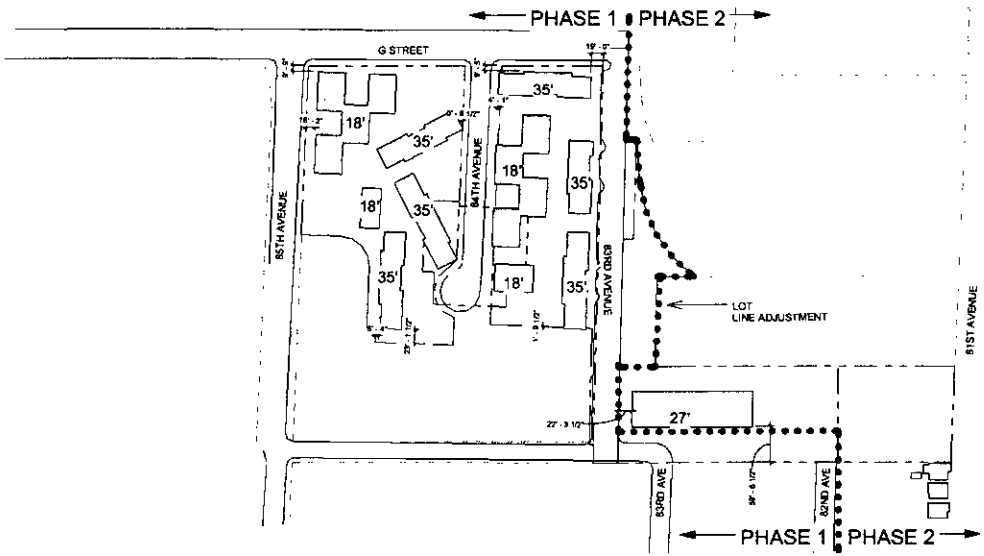
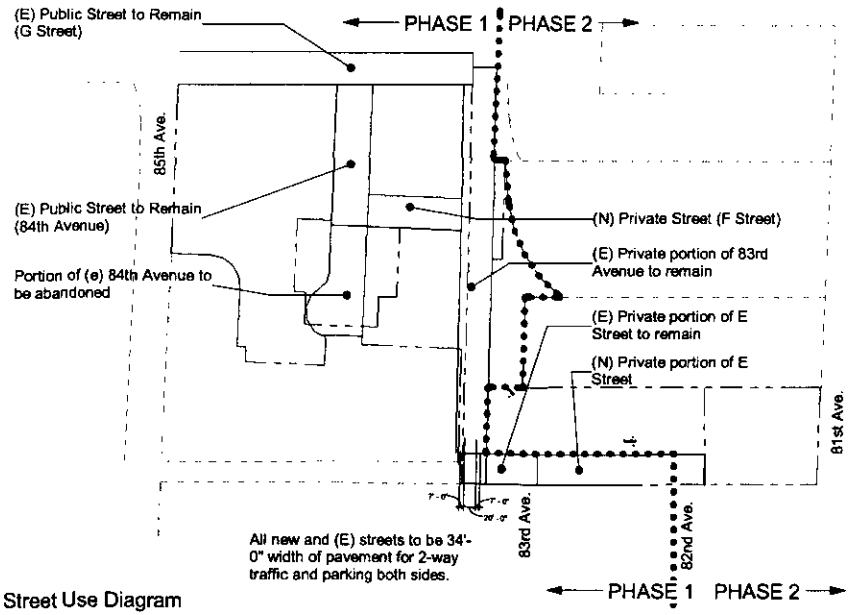
project number	20517
scale	1 : 1
date	8.17.06
drawn by	km

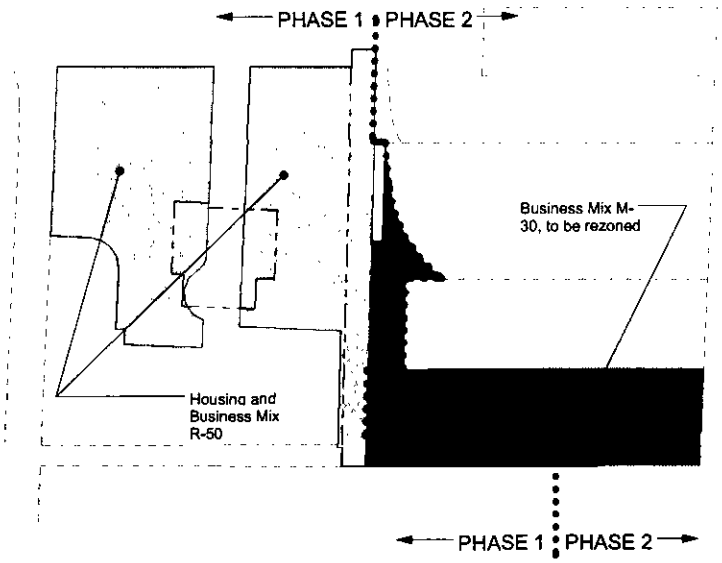
A0.4



2 (E) Conditions



3 Street Use Diagram



1 Rezoning

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Site Diagrams
tassafaronga

project number 20517
scale 1 : 1200
date 8.17.06
drawn by ds

A0.5

1 Site Plan
1" = 50'-0"

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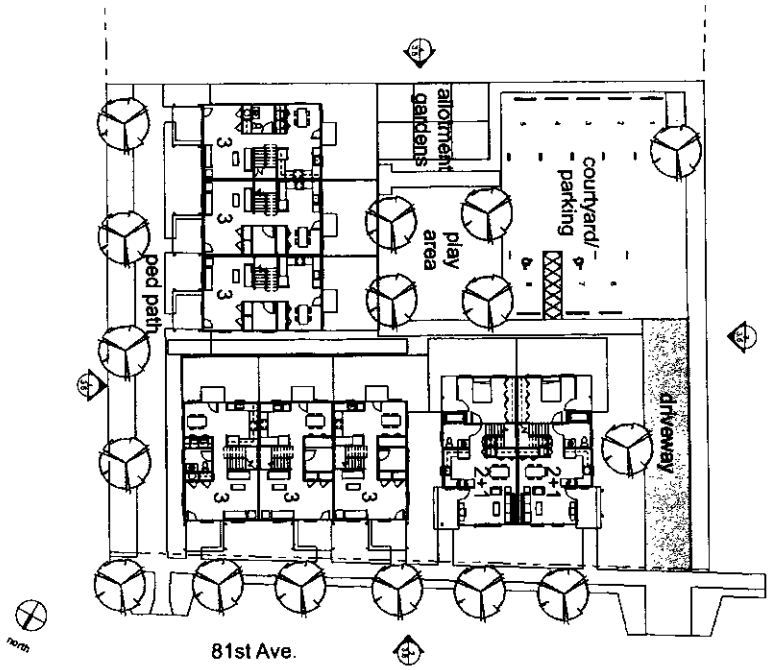
Site Plan

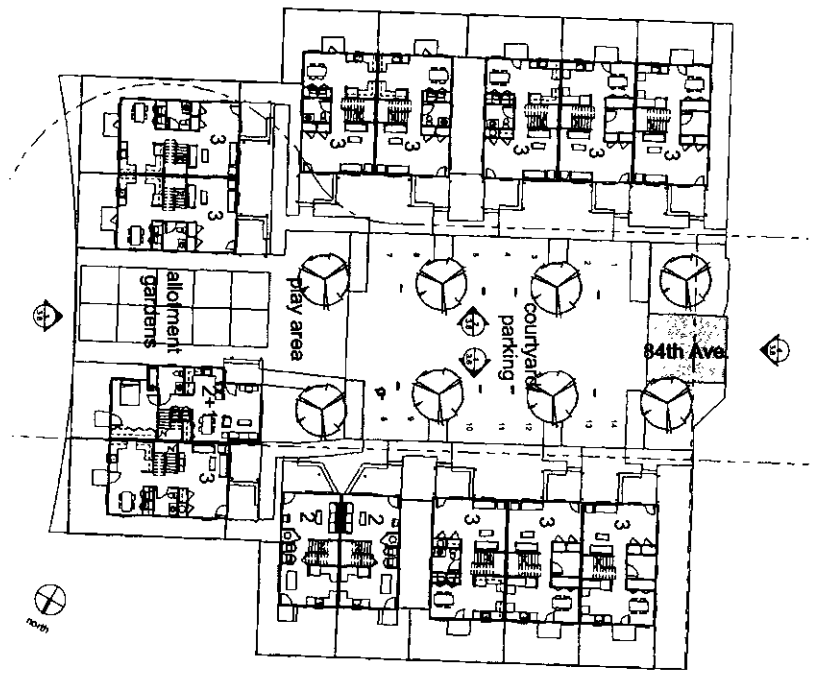
tassafaronga

project number	20517
scale	1" = 50'-0"
date	8.17.06
drawn by	km

A1.1



1 81st Ave Site plan
1/16" = 1'-0"



2 84th Ave Site plan
1/16" = 1'-0"

UNIT TYPES:	81st Ave. QTY.	84th Ave. QTY.	SQ.FT. PER UNIT
3 bedroom	6	11	1280 sq.ft.
3 bedroom accessible	2	1	1306 sq.ft.
2 bedroom	0	2	990 sq.ft.
TOTAL	8	14	

BUILDING TYPES	TYPE	QTY.	SQ.FT / BLDG
A	Triplex	(2) 3 bedrooms	3840 sq.ft.
B	Duplex	(2) 3 bedrooms	3580 sq.ft.
C	Duplex	(1) 2 bedrooms	1990 sq.ft.
D	Duplex	(1) 3 bed accessible/3 bed	2486 sq.ft.
E	Duplex	(1) 3 bed accessible	2412 sq.ft.

PARKING:	81st Ave. QTY:	84th Ave. QTY:	TOTAL
garage	8	13	19
carport	2	1	3
TOTAL	6	14	22

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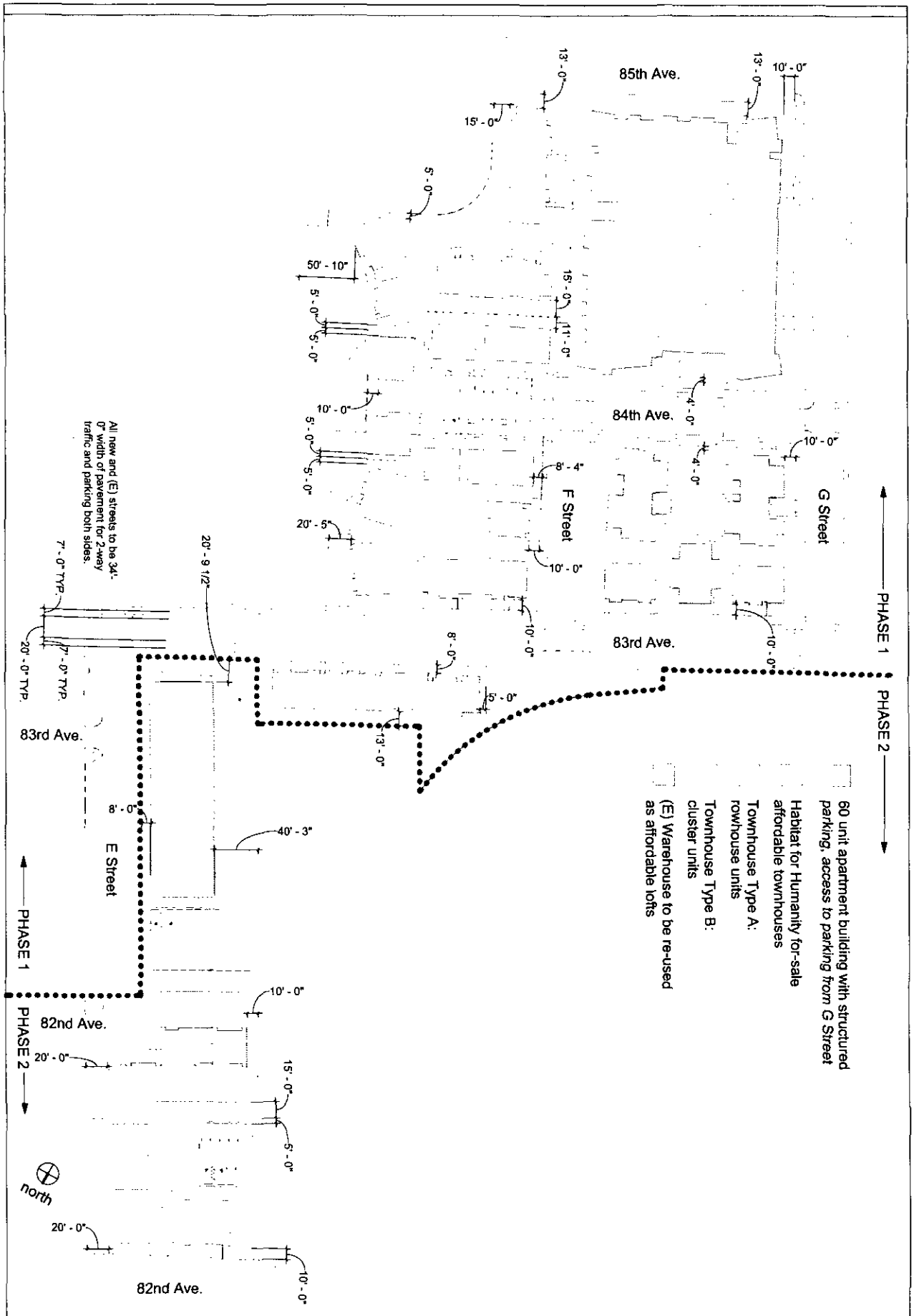
Habitat for Humanity Site Plans
Tassafaronga Habitat Housing

project number	20517
scale	1/16" = 1'-0"
date	8.17.06
drawn by	app,km,sm,pm

A1.2



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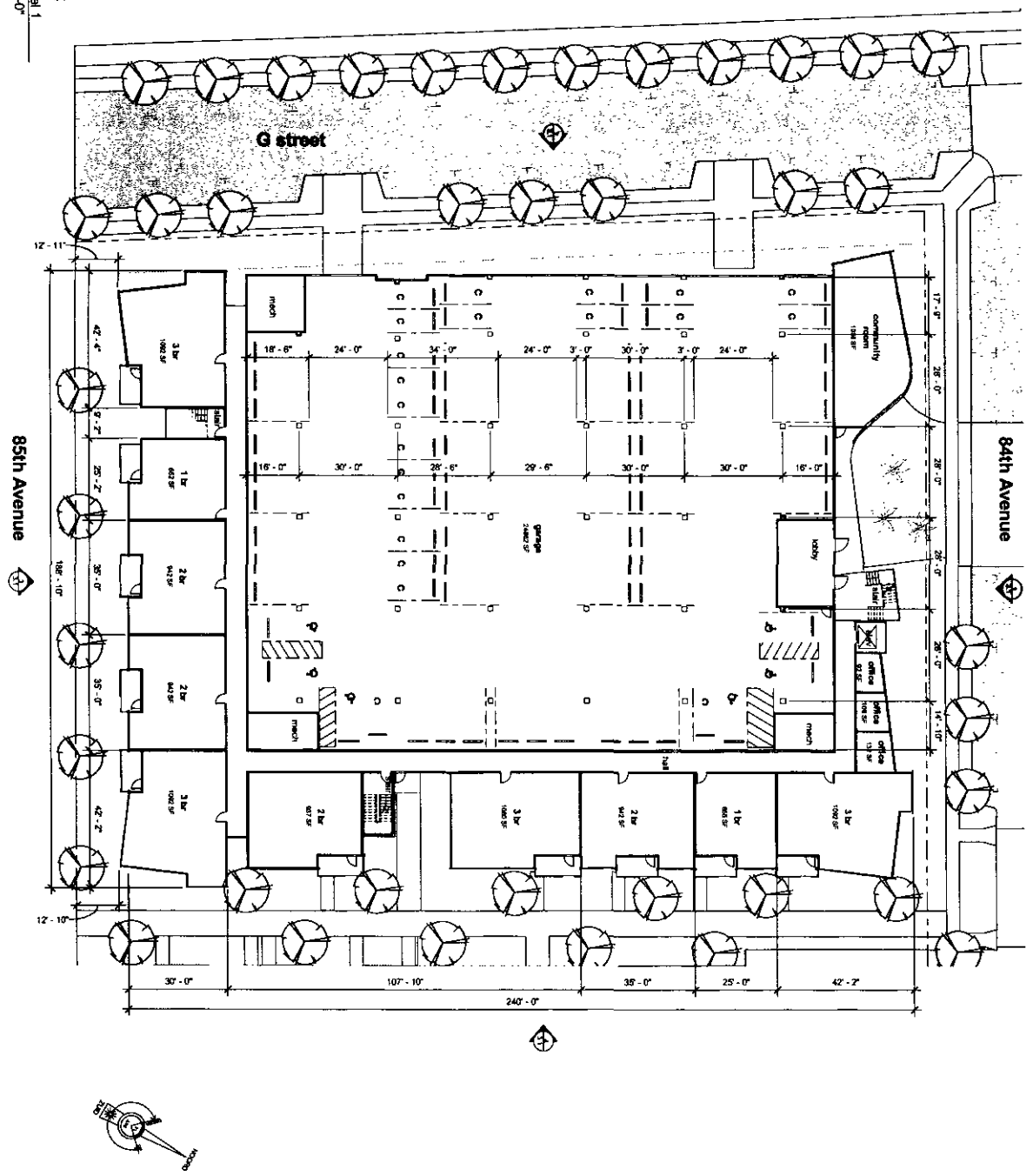
Site Plan
tassafaronga

project number	20517
scale	1" = 40'-0"
date	8.17.06
drawn by	ds

A1.3



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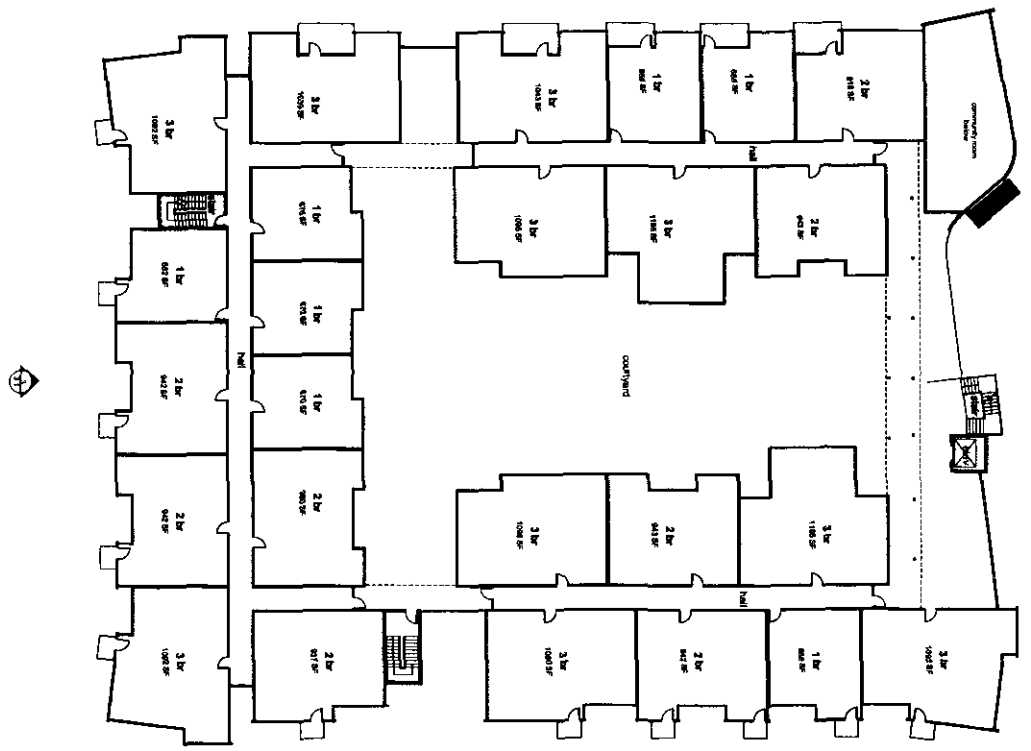
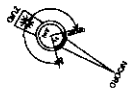
Ground Floor Plan
Tassafaronga Housing

project number	20517
scale	1/16" = 1'-0"
date	8.17.2006
drawn by	lm

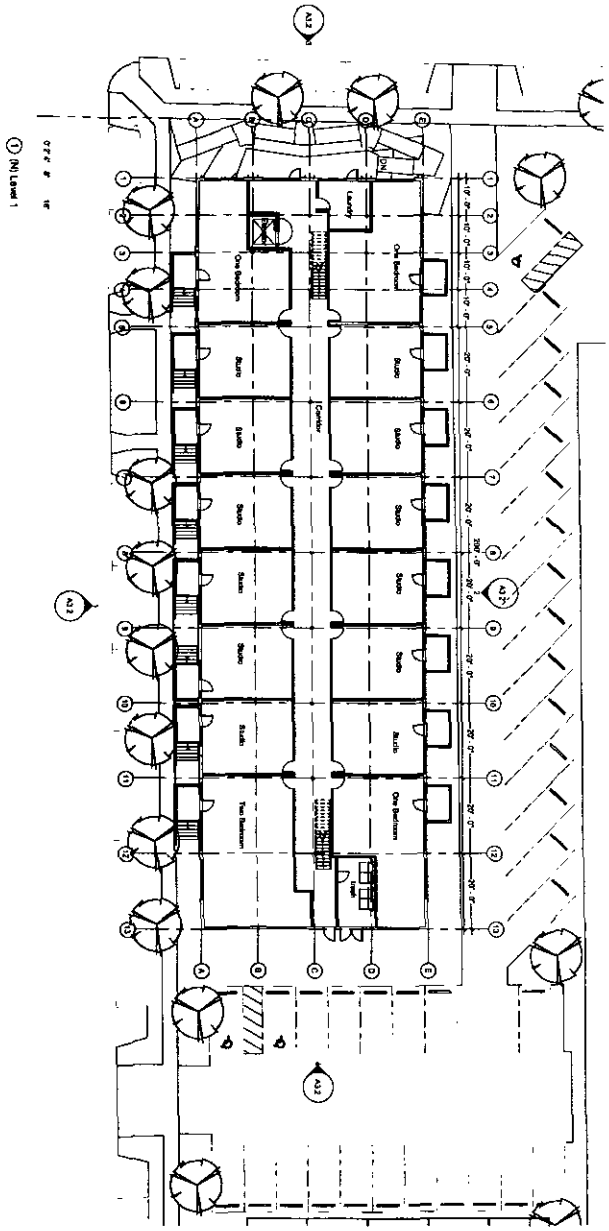
A2.1

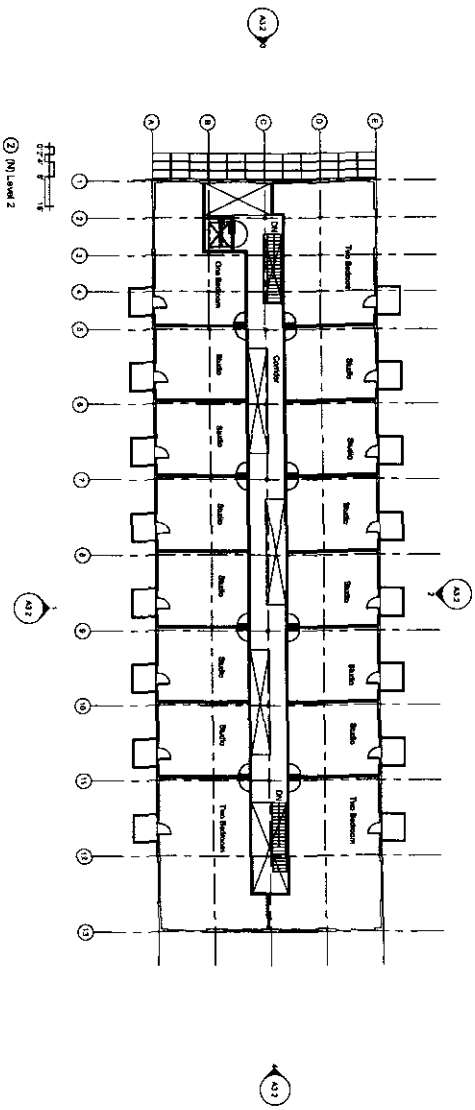
1 Level 2
1/16" = 1'-0"



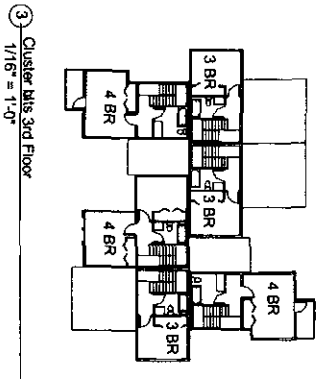


david baker + partners dbarchitect.com 461 second street loft 127 san francisco california 94107 v.415.896.6700 f.415.896.6103	Floor Plan - Level 2 & 3 Tassafaronga Housing	project number 20517 scale 1/16" = 1'-0" date 8.17.2006 drawn by kn	A2.2

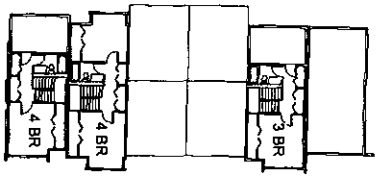




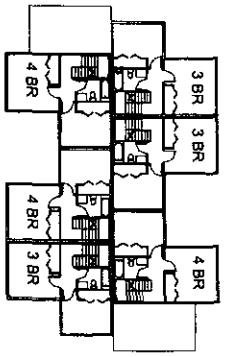
david baker + partners dbarchitect.com 451 second street loft 127 san francisco california 94107 v.415.896.6700 f.415.896.6103	existing building plans Tassafaronga Existing Building	project number 20517 scale 1/16" = 1'-0" date 08.17.2006 drawn by ds	A2.3



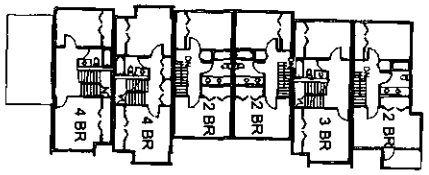
3 Cluster bldg 3rd Floor
1/16" = 1'-0"



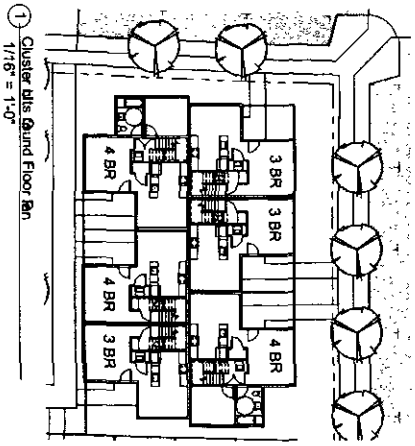
6 Rowhouse bldg 3rd Floor
1/16" = 1'-0"



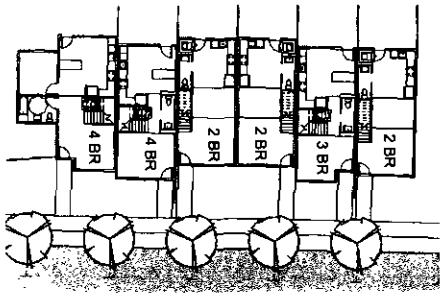
2 Cluster bldg 2nd Floor
1/16" = 1'-0"



5 Rowhouse bldg 2nd Floor
1/16" = 1'-0"



1 Cluster bldg Ground Floor Plan
1/16" = 1'-0"



4 Rowhouse bldg Ground Floor Plan
1/16" = 1'-0"

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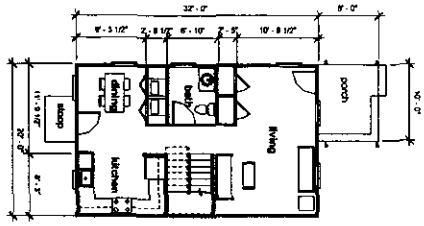
Typical townhouse plans
tassafaronga

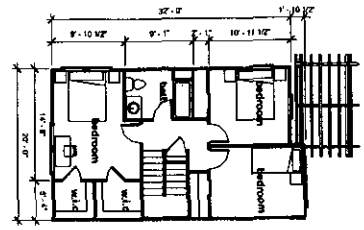
project number	20517
scale	1/16" = 1'-0"
date	8.17.06
drawn by	km

A2.4

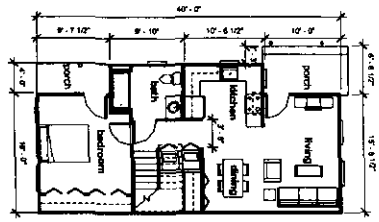
⑤ 3-bed
1/8" = 1'-0"



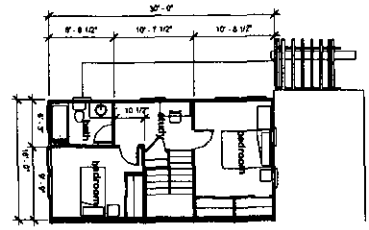
⑥ 3-bed 2nd flr
1/8" = 1'-0"



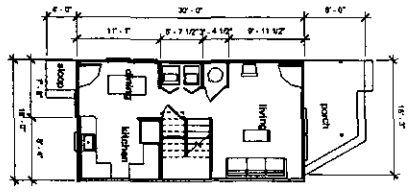
③ 2+1-bed
1/8" = 1'-0"



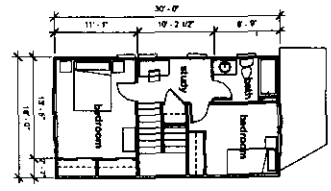
④ 2+1-bed 2nd flr
1/8" = 1'-0"



① 2-bed, 1st floor
1/8" = 1'-0"



② 2-bed 2nd floor
1/8" = 1'-0"



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Unit Plans

Tassafaronga Habitat Housing

project number	20517
scale	1/8" = 1'-0"
date	8.17.06
drawn by	app,km,sm,pm

A2.5

1 Apartment Building - North Elevation
1/16" = 1'-0"

2 Apartment Building - West Elevation
1/16" = 1'-0"

3 Apartment Building - South Elevation
1/16" = 1'-0"

4 Apartment Building - East Elevation
1/16" = 1'-0"

materials legend

painted stucco

natural anodized aluminum frame windows

metal siding

screen mesh

wood railing / guardrail

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Apartment Elevations
Tassafaronga Housing

project number	20517
scale	1/16" = 1'-0"
date	8.17.06
drawn by	km

A3.1

1 Existing Building - South Elevation
1/16" = 1'-0"

2 Existing Building - East Elevation
1/16" = 1'-0"

3 Existing Building - North Elevation
1/16" = 1'-0"

4 Existing Building - West Elevation
1/16" = 1'-0"

materials legend

painted board form concrete

natural anodized aluminum frame windows

solar panels

wood railing / guardrail

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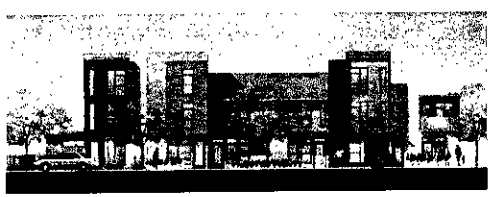
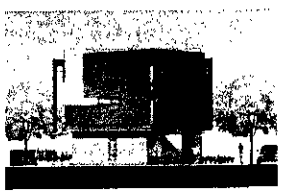
Existing Building Elevations
Tassafaronga Housing

project number	20517
scale	1/16" = 1'-0"
date	8.17.06
drawn by	km

A3.2

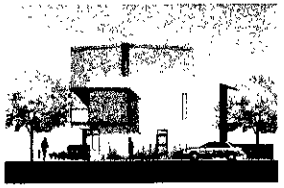


1 A - Front Elevation
1/16" = 1'-0"



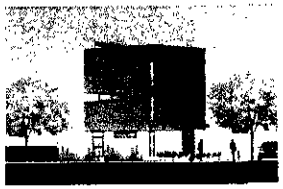
2 A - Left Side
1/16" = 1'-0"

3 A - Rear Elevation
1/16" = 1'-0"



4 A - Right Side
1/16" = 1'-0"

5 B - Front Elevation
1/16" = 1'-0"

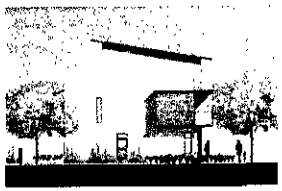


6 B - Left Side
1/16" = 1'-0"

7 B - Rear Elevation
1/16" = 1'-0"

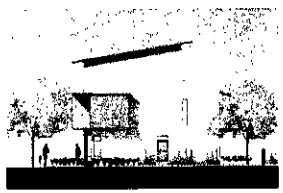
8 B - Right Side
1/16" = 1'-0"

9 C - Front Elevation
1/16" = 1'-0"



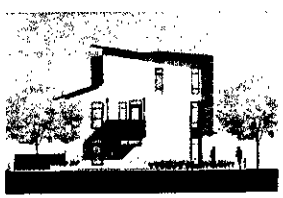
10 C - Left Side
1/16" = 1'-0"

11 C - Rear Elevation
1/16" = 1'-0"



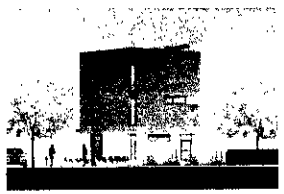
12 C - Right Side
1/16" = 1'-0"

13 D - Front Elevation
1/16" = 1'-0"



14 D - Left Side
1/16" = 1'-0"

15 D - Rear Elevation
1/16" = 1'-0"



16 D - Right Side
1/16" = 1'-0"

materials legend

painted stucco

painted hardy board

stained cement fiberboard

natural anodized aluminum frame windows

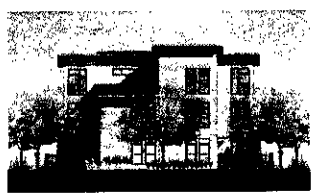
asphalt shingle roof

wood railing / guardrail

17 E - Left and Right Side
1/16" = 1'-0"

18 E - Main Courtyard and Street Elevation
1/16" = 1'-0"

19 F - Left and Right Side
1/16" = 1'-0"



20 F - Main Courtyard + Street Elevation
1/16" = 1'-0"

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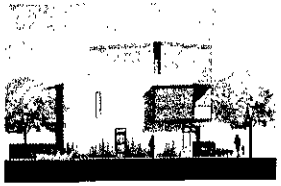
Townhouse Elevations

Tassafaronga Housing

project number	20517
scale	1/16" = 1'-0"
date	8.17.06
drawn by	km

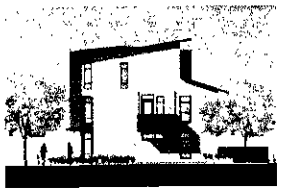
A3.3

1 G - Front Elevation
1/16" = 1'-0"



2 G - Left Side
1/16" = 1'-0"

3 G - Rear Elevation
1/16" = 1'-0"

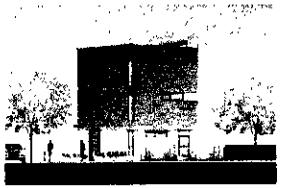


4 G - Right Side
1/16" = 1'-0"

5 H - Front Elevation
1/16" = 1'-0"

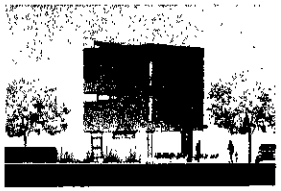
6 H - Left Side
1/16" = 1'-0"

7 H - Rear Elevation
1/16" = 1'-0"



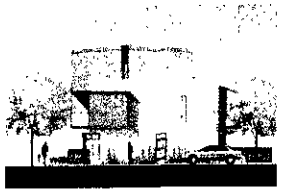
8 H - Right Side
1/16" = 1'-0"

9 I - Front Elevation
1/16" = 1'-0"



10 I - Left Side
1/16" = 1'-0"

11 I - Rear Elevation
1/16" = 1'-0"



12 I - Right Side
1/16" = 1'-0"

materials legend

painted stucco

painted hardy board

stained cement fiberboard

natural anodized aluminum frame windows

asphalt shingle roof

wood railing / guardrail

david baker + partners
dbarchitect.com
461 second street loft 127
san francisco california 94107
v.415.896.6700 f.415.896.6103

Townhouse Elevations
Tassafaronga Housing

project number 20517
scale 1/16" = 1'-0"
date 8.17.06
drawn by km

A3.4

5 84th Ave Aerial View
1 : 1

1 84th Ave. South Elevation
1/16" = 1'-0"

2 84th Ave. North Elevation
1/16" = 1'-0"

3 84th Ave East Elevation
1/16" = 1'-0"

4 84th Ave. West Elevation
1/16" = 1'-0"

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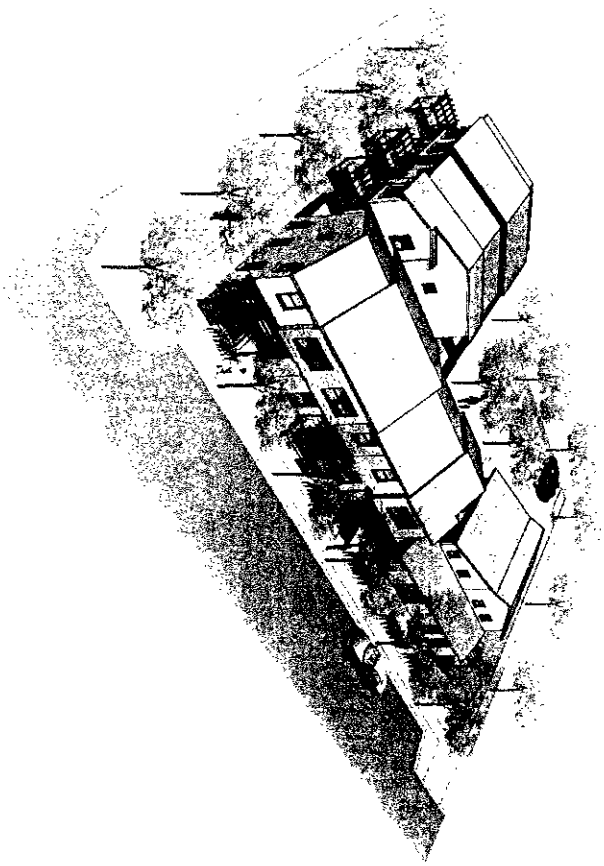
84th Avenue Habitat Community

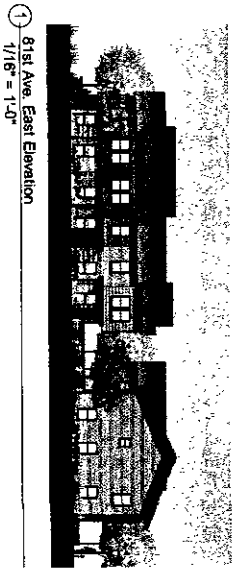
Tassafaronga Habitat Housing

project number	20517
scale	As indicated
date	8.17.06
drawn by	app,km,sm,pm

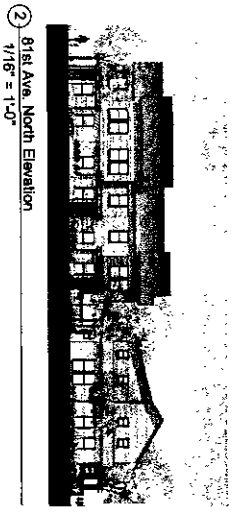
A3.6



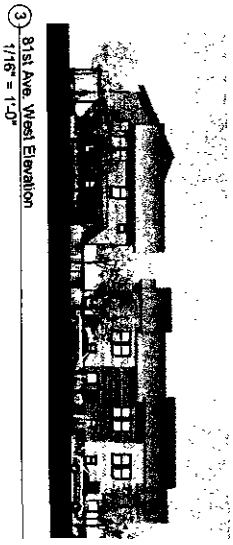
5 81st Ave Aerial View
1" = 1'



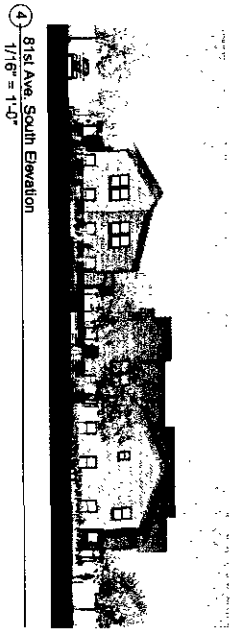
1 81st Ave. East Elevation
1/16" = 1'-0"



2 81st Ave. North Elevation
1/16" = 1'-0"



3 81st Ave. West Elevation
1/16" = 1'-0"



4 81st Ave. South Elevation
1/16" = 1'-0"

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81st Avenue Habitat Community

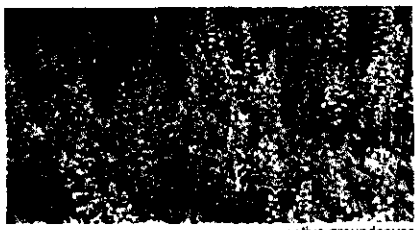
Tassafaronga Habitat Housing

project number	20517
scale	As indicated
date	8.17.06
drawn by	app,km,sm,pm

A3.5

native oak

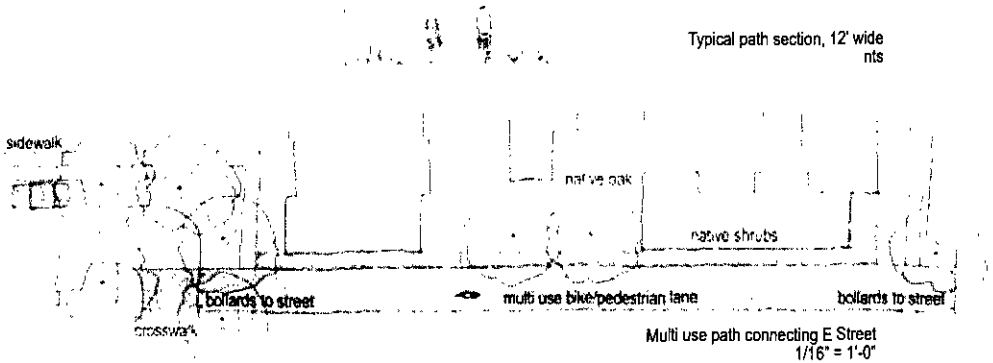
native shrub



native groundcover

native shrub

native shrub



native shrub

street tree

street tree

flowering tree

multi use paths

tassafaronga oakland, california

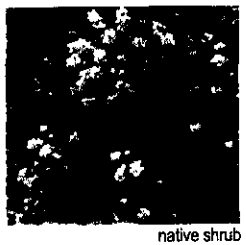
andrea cochran **architecture**

march 8, 2006

native oak

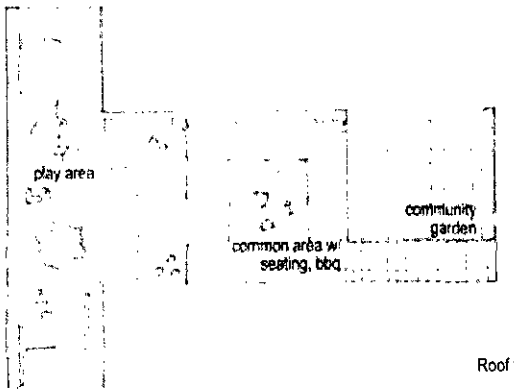
shrub

groundcover



native shrub

native grasses

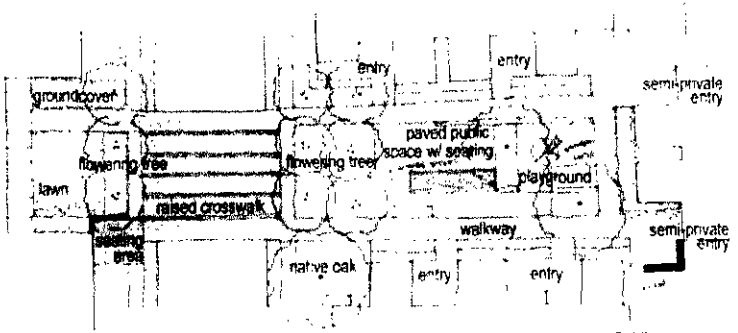


Roof terrace over parking
1/16" = 1'-0"

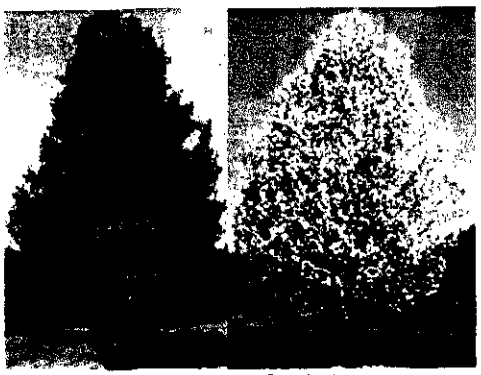
native grasses

street tree

native shrub



Public space on grade
1/16" = 1'-0"



flowering tree

street tree

courtyards

tassafaronga oakland, california

andrea cochran architecture

march 8, 2006