Legislation Details (With Text)

File #:	003832a	**Version:**	1	**Name:**	Development of Infiniti Automobile Dealership
Type:	ORA Resolution			**Status:**	Passed
File created:	9/23/2003			**In control:**	Concurrent Meeting of the Oakland Redevelopment Agency / City Council
On agenda:	9/23/2003			**Final action:**	9/30/2003

Title: Subject: Development of Infiniti Automobile Dealership
From: Community and Economic Development Agency
Recommendation: Adopt the following legislation:

(1) Agency Resolution adopting a Mitigated Negative Declaration and authorizing the sale of approximately 4.35 acres of real property located on Oakport Street near Hassler Way for $3,318,047 to, and authorizing the negotiation and execution of, a Disposition and Development Agreement with Hendrick Automotive Group for the development of an Infiniti automobile dealership; and

Sponsors:

Indexes:

Code sections:

Attachments: 1. 10.27-1CC Supplemental.pdf, 2. 10.27CC 9-30-03.pdf, 3. 2003-70 CMS.pdf

Date	Ver.	Action By	Action	Result
9/30/2003	1	Meeting of the Oakland City Council	Adopted	Pass
9/23/2003	1	*Concurrent Meeting of the Redevelopment Agency and Council Community & Economic Development Committee	Approved the Recommendation of Staff, and Forward	Pass
7/24/2003	1	*Rules & Legislation Committee	Scheduled	

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From: Community and Economic Development Agency
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(1) AN AGENCY RESOLUTION ADOPTING A MITIGATED NEGATIVE DECLARATION AND AUTHORIZING THE SALE OF +41.35 ACRES OF AGENCY AND CITY REAL PROPERTY LOCATED ON OAKPORT STREET NEAR HASSLER WAY FOR $3,318,047, AND AUTHORIZING THE NEGOTIATION AND EXECUTION OF A DISPOSITION AND DEVELOPMENT AGREEMENT WITH HENDRICK AUTOMOTIVE GROUP FOR THE DEVELOPMENT OF AN INFINITI AUTOMOBILE DEALERSHIP; AND
(2) A CITY ORDINANCE AUTHORIZING SALE OF.93 ACRES OF CITY LAND TO THE AGENCY FOR SALE TO HENDRICK AUTOMOTIVE GROUP FOR THE INFINITI DEALERSHIP

SUNTMARY

This report summarizes the proposal to construct and operate a new Infiniti auto dealership along Oakport Street near Hassler Way. Under the proposal, Hendrick Automotive Group ("HAG") would purchase 4.35 acres of Agency and City land for $3,318,047 under the terms of a Disposition and Development Agreement. The sale price is based on the Agency fair market value appraisal confirmed in 2003. The land sale provides substantial public benefits for the City,including: I)thecreationofabout47newjobsmarketedto0aklandresidents;2) increased general fund revenues through increased property, sales and business license taxes; and 3) employment of an underused property.

Staff is recommending approval of the Agency and City actions to establish the Infiniti brand in Oakland and to capture sales tax revenues not currently available to the City. The land sale and development of the new auto dealership will augment general fund revenues, enhance economic development in an underutilized area, and will create new jobs for Oakland residents.

FISCAL IMPACT

Staff has estimated that the net present value of all one time, and annual revenues over a ten-year period accruing to the Agency and City, is equivalent to about $7 million at a 5% discount rate.

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Anticipated One Time Revenues

• Agency Land Sales Proceeds: The anticipated total land sales proceeds would equal $3,318,047 less closing costs. The Agency parcel (3.42 acres) proceeds would bring additional revenue of S3,277,454 to the Agency while the additional City parcel (.93 acre) proceeds would amount to S40,593. The sales price is based on the Agency's fair market value appraisal of $22 per square foot dated January 2001 and the price of $1 per square foot for the former City and Port rail parcel. The combined market value of the two parcels is $17.50 per square foot based on the appraisal confirmations performed in 2003 by staff.

• City Real Estate Transfer Tax: Real estate transfer tax revenue of $49,770 is figured on a

tax rate of 1.5 percent applied to the proposed sales price of $3,318,047.

• City Building Perinit Fees: Building permit fees are estimated by Building Services to be about $60,000 based on total construction costs of $4,181,953.

Anfic@pated Annual Revenues

• Agency Properi@r Tax Increment: The dealership construction is projected to increase the property tax increment revenue and increase the Agency's bonding capacity for affordable housing and project area capital improvements. The net present value of property tax increment revenue over a ten-year period accruing to the Agency, based on a 5 % discount rate, is estimated to be $257,500.

• Cit'v Sales Tax: The net present value of sales tax revenue over a ten-year period accruing to the City is estimated to be $2,930,000 based on a 5% discount rate. To achieve this level of projected sales tax revenue, staff has required under the DDA that the City of Oakland be the revenue address for both auto sales and leases written from this location. The City receives 0.95 percent of total gross sales revenue generated by retailers. It is important to note that approximately 42% of the general-purpose fund sales tax revenues are generated by Auto & Transportation and Business and Industry, with Auto & Transportation leading in FY 2002-03.

• Chy Business License Tax: The Business License Tax ("BLT") rate for auto dealers is $1.20 per $ 1,000 of gross sale receipts. The net present value of business I icense tax revenue over a ten-year period accruing to the City is estimated to be $370,643 based on a 5% discount rate and the gross sales assumptions.

Discussion ofDealership Sales Tay Revenue

Sales tax revenue projections by the Hendrick Automotive Group have been reviewed by staff and the City's consultant, the National Development Council, and determined to be reasonable. Hendrick Automotive estimates the range of overall sales for new Infiniti autos as about 600 to

1000 cars per year. Previously owned auto sales range from 300 to 600 cars and when combined, total new and used car sales projections range from 900 to 1600 units per year over the first five years of operation. Gross sales range from about $26.5 million in year one to about $52 million in year five.

The upward trend in projected overall sales is driven by a handsome group of cars with distinctive and award winning designs. Nissan launched the luxury car division, Infiniti, in 1989 with the luxurious flagship Q45 sedan. The Infiniti division of the Japanese automaker currently

markets a 2003 line of eight luxury cars and SUVs. The Infiniti line includes:

-@e The award wining G35 Sedan and Coupe, the Motor Trend 2003 Car of the Year
The Q45 Sedan with V-8 engine
The M45 Sedan with V-8 engine
I The 135 Sedan with V-6 engine
The new FX35 and FX45 Premium Crossover SUV
The QX4 Premium SUV.

The new 2003 Infiniti line is competitive and designed to produce a high sales volume dealership along 1-880 at the Coliseum Shoreline location. The price range of the Infinti line is from $27,800 to $61,600. As one of about 150 dealerships nationwide Oakland Infiniti is poised to achieve over $50 million in gross sales in five years.

BACKGROUND

In November 2002, the Community and Economic Development Agency (CEDA) solicited proposals and received the best offer from Hendrick Automotive Group to acquire 4.35 acres of remaining Agency and City Coliseum Shoreline land to construct and operate a new Infiniti dealership. In April 2003 the proposed terins of the purchase proposal were reviewed with Council in closed session. Council directed staff to negotiate and work with HAG to complete due diligence review, design development, and environmental review.

The Environmental Initial Study has concluded that the project as mitigated would not have any significant adverse impacts on the environment and supported the preparation of a Mitigated Negative Declaration, which will be filed with the County Recorder once the State comment period is completed. As a result, the Environmental Review Regulations of the City of Oakland have been satisfied. A copy of the Notice of Intent to adopt a Mitigated Negative Declaration, environmental determination and findings, summary of mitigation and monitoring measures, and conditions of approval for the Infiniti Dealership are attached.

Staff reviewed the Dealer's business financial statements, letter of intent from Infiniti and financing interest for acquisition, construction, inventory, and term loan from the company lender, Bank of America. Staff determined that both debt and equity financing are sufficient to complete the project. Staff assessment is based on the completion of the underwriting by the

bank which has progressed sufficiently for staff to support the approval of the project land sale to the Hendrick Automotive Group.

KEY ISSUES AND IMPACTS

Market Assessment
• Infiniti, a division of Nissan Motor Sales U.S.A., Inc. has concluded that the Oakland market has the sales demand for the Infiniti product and will benefit from the increased sales and service established at the location within the market. No Infiniti dealer is located in Oakland and the closest Infiniti dealer is in Pleasanton.
• Broadway Auto Row was considered but Nissan prefers to have the Infiniti dealership along the freeway, distinct from the existing Auto Row Nissan dealership.

Agenev Limitations
• UnderprovisionsofAssemblyBiII1290(HealthandSafetyCode,Section33426.5),the Agency is prohibited from providing direct assistance to automobile dealers on land that was not previously developed for urban use.
• Asaresult,theAgencywillsellthepropertytotheDealeratamarketrate.

PROJECT DESCRIPTION

Hendrick Auto Group would construct a 37,000 square-foot, two-story building to serve as a showroom, offices, and an auto service center for the Infiniti dealership.

2005 Infiniti Facility Requirements Square Feet
Showroom 4,750
Office area on Floors One and Two 12,000
Service (includes 16 service bays and separate car wash structure) 12,456
0 Paris and Service Area 7,544
Total building area: M-M

The proposed project also includes surface parking for up to 372 spaces and a pylon sign for Infiniti that will be 24 feet in height by 8 feet wide located on Oakport Street. The Oakport Street fagade would be approximately 26 feet tall and the south building fa@ade for the auto service center would be similar to the east and west facades with the exception of the three sectional overhead doors and two main doors. The building would be surrounded by surface parking along Oakport Street.

Funding for the project is summarized in the sources and uses table shown below.

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Sources and Uses of Funds

Uses
Land Purchase Cost S 3,318,047
Expected Construction Cost $ 4,181,953

Sources
Real Estate Loan - Bank of America $ 6,375,000
Cash in bank - Hendrick Automotive Group S 1,125,000

Total 7,500,000

ENVIRONNEENTAL OPPORTIJNITIES

Economic
The dealership is expected to hire 47 workers in the areas of management, sales, service, parts and administration. The number of positions may increase as the auto service component expands. The hourly wage rates for these full-time, permanent, salaried positions will range fromabout$10.00to$60.00plusbenefits. Employeeswillalsohavetheopportunitytoeam performance based bonuses and commissions.

Environmental
The City Sustainability coordinator has worked with the architects, Michael Zucker and Associates, to encourage use of "Green Building" principles in the project design. Sustainability staff has asked Zucker and Associates to maximize "Green Building" approaches during structure design and to use City assistance for energy efficient design. The project is required to comply with the Clean Water Act, hazardous waste disposal regulations, and is required to submit a plan, and demonstrate a good faith effort to divert 50% of solid waste from landfills.

Social Equi
The construction increases revenue to the City in the form of higher property tax derived from added improvement values which would increase the tax increment available to the Agency for affordable housing and other needed capital improvements. The Hendrick Auto Group has voluntarily agreed to work with the City Workforce staff to increase the job benefits to local residents. The hiring of local residents will ensure that the project provides both financial and social benefits to the City of Oakland.

DISABILITY AND SENIOR CITIZEN ACCESS

All construction on site will comply with ADA and Title 24 Accessibility Guidelines.

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RECOMMENDATIONS AND RATIONALE

Staff recommends that the Agency adopt the Mitigated Negative Declaration under CEQA and approve the sale of the property based on the findings of the Initial Study. The proposed project is a permitted activity under the existing zoning and land use classification and is consistent with the goals and objectives of the Coliseum Area Redevelopment Plan. The Infiniti project is also consistent with the objectives of the Implementation Plan to attract new business to the area and develop and improve underutilized parcels adjacent to Interstate Highway 880.

Sale of the Agency land at fair market value would enable the Agency to repay a share of the original $8.5 million obligation owed to the City. This payment will increase City general fund revenues to support other public services and programs and the sale will provide land that will attract the Hendrick Auto Group, a viable business that will create new jobs for Oakland residents and will assist in developing a vacant parcel in the Coliseum Shoreline project.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the ordinance authorizing the sale of the City land parcel to the Agency for resale to the Hendrick Automotive Group, and that the Agency adopt the resolution authorizing the sale of the 4.35 acre parcel to the Hendrick Automotive Group for construction of a new Infiniti Dealership.

Respectfully Su mitted,

Daniel Vanderpriem
Director of Redevelopment

Prepared by: Jay Musante, UEA III

APPROVED FOR FORWARDING TO THE COMMUNITY
AND ECONOMIC DEVELOPMENT COMMITTEE

OFFICE OF THE CITYMANAGERIAGErY ADMINISTRATOR

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September 23, 2003

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F F I C F cr C L E R
REDEVELOPMENT AGENCY

OF THE CITY OF OAKLAND 2003SEP II PM 2:07

RESOLUTION No. C.M.S.

AN AGENCY RESOLUTION ADOPTING A MITIGATED NEGATIVE DECLARATION AND AUTHORIZING THE SALE OF APPROXIMATELY 4.35 ACRES OF REAL PROPERTY LOCATED ON OAKPORT STREET NEAR HASSLER WAY FOR $3,318,047 TO, AND AUTHORIZING THE NEGOTIATION AND EXECUTION OF, A DISPOSITION AND DEVELOPMENT AGREEMENT WITH, HENDRICK AUTOMOTIVE GROUP FOR THE DEVELOPMENT OF AN INFINITI AUTOMOBILE DEALERSHIP

WHEREAS, the Redevelopment Agency of the City of Oakland ("Agency") owns approximately 3.42 acres of unimproved and vacant real property located along Oakport Street near Hassler Way, which property is more particularly described in Exhibit "A" attached hereto and made a part hereof ("Agency Parcel"); and

WHEREAS, the City of Oakland ("City") owns approximately .93 acres of vacant real property ("City Parcel") adjacent to the Agency Parcel which property is more particularly described in Exhibit "B" attached hereto and made a part hereof; and

WHEREAS, concurrently with adoption of this resolution, the City has made certain findings and has agreed to sell the City Parcel to the Agency for redevelopment; and

WHEREAS, the Agency Parcel and the City Parcel collectively shall be referred to as the "Property;" and

WHEREAS, the Property is located in the Coliseum Redevelopment Project Area; and

WHEREAS, pursuant to Resolution No. 96-53 C.M.S., the Agency purchased the Agency Parcel from the City using non-tax increment funds, and executed a promissory note to the City for the $8.5 million purchase price; and

WHEREAS, Health and Safety Code Section 33430 authorizes a redevelopment agency within a survey (project) area or for purposes of redevelopment to sell real property, Section

33432 requires that any sale of real property by a redevelopment agency in a project area must be conditioned on redevelopment and use of the property in conformity with the redevelopment plan, and Section 33439 provides that a redevelopment agency must retain controls and establish restrictions or covenants running with the land for property sold for private use as provided in the redevelopment plan; and

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WHEREAS, the Agency has entered into negotiations with Hendrick Automotive Group, a New York general partnership ("Buyer") to purchase the Property for development of an approximately 37,000 square-foot, two-story building, and related parking spaces for a new Infiniti automobile dealership and service facility (the "Project"); and

WHEREAS, the Agency has held a public hearing on this sale, notice of which was

given by publication at least once a week for two weeks in a newspaper of general circulation; and

WHEREAS, the City is the Lead Agency for this Project for purposes of environmental review under the California Environmental Quality Act of 1970 (CEQA"); and

WHEREAS, an Environmental Initial Study/Mitigated Negative Declaration ("ISIMND") was prepared under the California Environmental Quality Act of 1970 ("CEQA") for the Infiniti (Oakland) automobile dealership and service facility and for the proposed general advertising sign; and

WHEREAS, the IS/MND concluded that the Project, as mitigated, will not have any significant adverse impacts on the environment and, therefore, a Mitigated Negative Declaration was prepared and circulated for public comment; and

WHEREAS, the requirements of CEQA, the CEQA Guidelines as prescribed by the Secretary for Resources, and the provisions of the Environmental Review Regulations of the City of Oakland have been satisfied; and

WHEREAS, the Project conforms to the Redevelopment Plan for the Coliseum Area Redevelopment Project adopted on July 25, 1995, and subsequently amended on July 29, 1997, as well as the Five Year Implementation Plan for the Coliseum Area (the "Coliseum Redevelopment Plan"); now, therefore, be it

RESOLVED: That the Agency hereby finds and determines that the sale of the Property by the Agency to Buyer or a legal entity controlled by Buyer furthers the purposes of the California Community Redevelopment Law, contributes to the elimination of blight in the Coliseum Redevelopment Project Area, conforms to the Coliseum Redevelopment Plan, and furthers the goals and objectives of said Plan in that the Project will: redevelop a vacant and underutilized site; stimulate industrial, R&D, and commercial development; provide long-term job training and employment opportunities for Project Area residents; improve transportation, public facilities and infrastructure in the Project Area; enhance neighboring property values; assist neighborhood

commercial revitalization; and attract new and retain existing businesses in the Project Area; and be it further

RESOLVED: That the Agency finds and determines that (i) it was presented the IS/MND and has reviewed and considered the information in the IS/MND prior to taking action on the Project; (ii) the IS/MND is legally adequate and was completed in compliance with CEQA; (Iii) there is no substantial evidence that the project will have a significant effect on the environment; and (iv) the ISIMND identifies all potential significant impacts and feasible mitigation measures that would reduce these impacts to less than significant levels and such mitigation measures have been incorporated

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into the project, by the City of Oakland, through conditions of approval and adoption of a mitigation monitoring program; and be it further

RESOLVED: That the Agency adopts the Mitigation Monitoring Program for the proposed project; and be it further

RESOLVED: That the Agency hereby authorizes the Agency Administrator or her designee to sell the Property to Buyer for the fair market value cash price of $3,318,047 with $3,277,454 paid to the Agency and $40,593 paid to the city for the Fair Market Value of the City Parcel; and be it further

RESOLVED: That the Property shall be transferred to Buyer pursuant to terms of a Disposition and Development Agreement ("DDA") to be negotiated and executed by Agency and Buyer; and be it further

RESOLVED: That the transaction shall include the following terms and conditions:

• The price of $3,318,047 to be payable in cash at the close of escrow;
• The Agency to have the option to repurchase all or portions of the Property if Buyer does not commence construction of the Project within the time frames specified in the DDA;
• Buyer to comply with provisions of the Coliseum Area Redevelopment Plan and nondiscrimination provisions of redevelopment law;
• The Buyer to write automobile leases from an Oakland address to assure that related sales tax accrues to the City of Oakland; and
• Any other appropriate terms and conditions as the Agency Administrator or her designee may establish in his or her discretion or as the California Community Redevelopment Law or Redevelopment Plan may require;

and be it further

RESOLVED: That the Agency finds that the above transaction represents a fair market value sale of the Property at the Property's highest and best use; and be it further

RESOLVED: That the Agency Administrator is authorized to negotiate and execute

an amendment to the promissory note to the City; and be it further

RESOLVED: That all documents shall be reviewed and approved by Agency Counsel prior to execution, and copies will be placed on file with the Agency Secretary; and be it further

RESOLVED: That the Agency hereby appoints the Agency Administrator or her designee as agent of the Redevelopment Agency to conduct negotiations, execute documents with respect to the sale of the Property, including any grant deeds or other documentation as necessary to effectuate the transaction, exercise any of the repurchase options, pay the purchase

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price, and accept property under those options, and take any other action with respect to the Property and the Project consistent with this Resolution and its basic purpose; and be it further

RESOLVED: That the Agency Administrator or her designee is hereby authorized to file a notice of determination on this action with the Office of the Alameda County Recorder, and the Agency Secretary is hereby authorized and directed to retain a copy of the IS/MND in the record of proceedings for this Project, which shall be maintained by the Agency Secretary; and be it further

RESOLVED: That the custodians and locations of the documents or other materials which constitute the record of proceedings upon which the Agency's decision is based are respectively: (a) the Community & Economic Development Agency, Projects Division, 250 Frank H. Ogawa Plaza, 5th floor, Oakland CA; (b) the Community & Economic Development Agency, Planning Division, 250 Frank H. Ogawa Plaza, 3rd floor, Oakland CA; and (c) the Office of the City Clerk, I Frank H. Ogawa Plaza, I't floor, Oakland, CA.

IN AGENCY, OAKLAND, CALIFORNIA, 2003

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN, AND CHAIRPERSON DE LA FUENTE,

NOES-

ABSENT-

ABSTENTION-
ATTEST:
CEDA FLOYD
Secretary of the Redevelopment Agency
of the City of Oakland

Item AP-11
CED Committee

311490-4 September 23, 2003

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EXHIBIT A
PROPERTY DESCRIPTION

Item @-@
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September 23, 2003

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LEGAL DESCRIPTION
PARCEI-2

Real property located in the City of Oakland, County of Alameda, State of California, also being a portion of Lot I as shown on the Parcel Map Waiver and Certificate of Compliance recorded October 7, 1999 as series 99382176, more particularly described as follows:

Beginning at the most northerly corner of said Lot I as shown on said Parcel Map Waiver and Certificate of Compliance; thence, along the northeasterly line of said Lot 1, South 33050'12" East, 289.43 feet; thence, leaving said northeasterly line of Lot 1, South 56009'36" West, 514.71 feet to a point on the southwesterly line of Lot 1 0 as shown on said Parcel Map Waiver and Certificate of Compliance; thence, along the southwesterly line of said Lot I 0, North 33'50'24" West, 289.43 feet to the intersection

with the northwesterly line of Lot 1 extended southwesterly; thence, along said extension and said northwesterly line of Lot 1, North 56009'36" East, 514.72 feet to the Point of Beginning.

Containing 3.42 acres, more or less, measured in ground distances.

END OF DESCRIPTION

Bearings and distances described herein are based upon the California Coordinate System of 1983, Zone 111, 1986 adjustment. All distances described herein are grid distances. To obtain ground distances, multiply grid distances by 1.0000708.

Surveyor's Statement
This description was prepared pursuant to section 8726 of the Business and Professions Code of the State of California by or under the supervision of:

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City of Oakland, a Municipal
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Frank Fanelli, ASA
Manager, Real Estate Division
City of Oakland

Community & Economic Development Agency
250 Frank H. Ogawa Plaza
4" floor
Oakland, CA 94612

TAX ROLL PARCEL NUMBER
(ASSESSOR'S REFERENCE NUMBER)
041-3902-013-00
MAP BLOCK PARCEL SUB (Space above for Recorder's use only)

co R-- R--E,., Q--T-11t) N D 0 C U M E N T
To Correct and Amend
The
Certificate of Compliance
Recorded on April 27, 2001 by the City of Oakland, as Document Number 2001141354, Alameda County Records.

This Correction Document is being recorded for the following reason:

There is an error in the distance label an the northwesterly line The distance was labeled 414.72 feet, but should have read 514.72 feWetN'-e revised description and plat are attached.

Owner: Redevelopment Agency of the City of Oakland

Date: j
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APPROVED:

Date: -z-

@@`ary
Zoning Administrator
Local Agency Official

LEGAL DESCRIPTION

Real property located in 'the City of Oakland, County of Alameda, State of Cal@@Irimia, being a portion of Lot 10, as shown on Parcel Map 6003, recorded in Book 205 of Parcel Maps at pages 94-98, Alameda County Records, more particularly described as follows: Beginning at the most westerly corner of Parcel 2 as shown on Certificate of Compliance, recorded April 27, 2001 as series number 2001141354, Alameda County

Records; thence, along the westerly line of said Lot 10, North 33050'24" West 1282.76 feet to a point on a curve concave to the southwest having a radius of 372-21 feet; thence northwesterly 26.45 feet along said curve through a central angle of 4004'1 6"; thence North 56009'36" East 20.05 feet to a point on a non-tangent curve concave to the southwest having a radius of 392.21 feet to which point a radial line bears North 52017'51 " East, said point also being on the easterly line of said Lot 4, 0; thence southeasterly 26.44 feet along said curve through a central angle of 03051'45"; thene continuing along said easterly line of Lot 10 the following 3 courses:
1. South 33050'24" East 253.55 feet;
2. North 56009'36" Past, 14.00 feet;
3. South 33050'24!' East 1029.21 feet to a point on the northwesterly line of said Parcel 2;
Thence along said nothwesterly line South 56009'36" West 34.00 feet to the Point of Beginning.

Containing 40,593 square feet, more or less, measured in grid distances.

ENE) OF DESCRIPTION

This description is based upon the North American Datum of 1983, (1986 Adjustment) as shown upon Record of Survey 990, 5led for record in Bock 18 of Record of Surveys, Pages 50-60, in the Office of the Recorder of Alameda County. All distances called for by this description are grid distances. To obtain ground distances, multiply distances called for herein by 1.0000708.

Surieyor's Statement
I hereby state that this description and its accompanying plat were prepared byrre or under my direction in December 2001.

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ALAMEDA COUNTY
City of Oakland, a Municipal PATRICK O'CONNELL

Corporation

WHEN RECORDED MAIL TO: 4 PGS

Frank Fanelli, ASA
Manager, Real Estate Division
City of Oakland
Community & Economic Development Agency
250 Frank H. Ogawa Plaza
4'h floor
Oakland, CA 94612

TAX ROLL PARCEL NUM13ER
(ASSESSOR'S REFERENCE NUMBER)
04 i -3902-01 3-00
MAP BLOCK PARCEL SUB (Space above for Recorder's use only)

CERTIFICATE OF COMPLIANCE

For the subdivision of the remainder of Lot 1 0 resulting from the recording of the Certificate of Compliance filed April 27, 2001 as Series No. 2001141354, Alameda County Records, and which property is shown in its entirety on Parcel Map 6003 filed June 2, 1993 in Rook 205 of Parcel Maps at pages 94-98, Alameda County Records.

Pursuant to sections33166.20 1/z and 66499.35 of the Government Code of the State of California and City of Oakland Municipal Code section 16.24.020, the City of Oakland, a municipal corporation, hereby records this Certificate of Compliance for the parcels of land described in the attached Legal Descriptions and accompanying plats, after finding that the parcels described are in compliance with section 66428 by virtue of a Parcel Map Waiver attached and hereby made a part of this Certificate of Compliance.

Oviner: Redevelopment Agency of the City of Oakland,

Date:

APPROVED:

4

-Z Date:
Gary Patton
Zoning Administrator
Local Agency Official

AN ORDINANCE AUTHORIZING THE SALE OF.93 ACRES OF CITY LAND NEAR OAKPORT STREET AND HASSLER WAY TO THE REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND FOR $40, 593, FOR SALE TO HENDRICK AUTOMOTIVE GROUP FOR DEVELOPMENT OF AN INFINITI DEALERSHIP

NOTICE AND DIGEST

This Ordinance authorizes the City to sell .93 acres of City land near Oakport Street and Hassler Way in the Coliseum Redevelopment Project Area, to the Redevelopment Agency of the City of Oakland for $40, 593, in cash, for sale to Hendrick Automotive Group for development of an Infiniti dealership.

Item 4 too 41
CED Committee
September 23, 2003

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OAKLAND CITY COUNCIL

ORDINANCE No. C.M.S.

INTRODUCED BY COUNCILMEMBER

A CITY ORDINANCE AUTHORIZING SALE OF.93 ACRES OF CITY LAND NEAR OAKPORT STREET AND HASSLER WAY TO THE REDEVELOPMENT AGENCY FOR $40,593, FOR SALE TO HENDRICK AUTOMOTIVE GROUP FOR DEVELOPMENT OF AN INFINITI DEALERSHIP

WHEREAS, the City of Oakland (the "City") owns approximately .93 acres of real property located near Oakport Street and Hassler Way, as more fully described in Exhibit A attached to this Ordinance (the "Property"); and

WHEREAS, the City Council has adopted Ordinance Nos. 10142 and 11602 C.M.S., which establish procedures for the sale and lease of City-owned property; and

WHEREAS, the Property is located within the Coliseum Redevelopment Project Area; and

WHEREAS, the Redevelopment Agency of the City of Oakland ("Agency") desires to purchase the Property from the City for redevelopment purposes; and

WHEREAS, Health and Safety Code Section 33220 authorizes any public body, with or without consideration, to sell property to a redevelopment agency to promote redevelopment projects; and

WHEREAS, the City is the Lead Agency for this project for purpose of environmental review under the California Environmental Quality Act of 1970 ("CEQA"); and

WHEREAS, the requirements of CEQA, the CEQA Guidelines as prescribed by the Secretary for Resources, and the provisions of the Environmental Review Regulations of the City of Oakland have been met because this transaction is exempt from CEQA under section 15312 of the CEQA Guidelines (sale of surplus government property);

NOW, THEREFORE, THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

Section 1. Pursuant to Sections 1 and 8 of Ordinance No. 10142 C.M.S., and Sections 4 and 6 of Ordinance No. 11602 C.M.S., it is determined to be in the best interest of the City to sell the Property by negotiated sale to the Agency, since the Property is located in a redevelopment project area and the Agency is the agency responsible for promoting redevelopment in Oakland's project areas.

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Section 2. The City Council hereby authorizes the conveyance of the Property to the Redevelopment Agency for the price of $40,593 in cash.

Section 3. The City Manager is authorized to negotiate and execute a grant deed or other agreements as necessary to convey the Property to the Agency upon satisfaction of any preconveyance conditions imposed by the City Manager or her designee.

Section 4. The City Manager or her designee is authorized to file a notice of exemption for this action.

IN COUNCIL, OAKLAND, CALIFORNIA, 2003

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN, AND PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST:
CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California

Item # (P
CED Committee
September 23,2003
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EXHIBITA
PROPERTY DESCRIPTION

Item #
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LEGAL DESCRIPTION

Real property located in the City of Oakland, County of Alameda, State of California, being a portion of Lot 10, as shown on Parcel Map 6003, recorded in Book 205 of Parcel Maps at pages 94-98, Alameda County Records, more particularly described as fc1lows:
Beginning at the most westerly corner of Parcel 2 as shown on Certificate of Compliance, recorded April 27, 2001 as series number 2001141354, Alameda County Records; thence, along the westerly line of said Lot lb, North 33050'24" West 1282.76 feet to a point on a curve concave to the southwest having a radius of 372.21 feet; thence northwesterly 26.45 feet along said curve through a central angle of 4004'16"; thence North 56009'36" East 20.05 feet to a point on a non-tangent curve concave to the southwest having a radius of 392,21 feet to which point a radial line bears North 52017'51 " East, said point also being on the easterly line of said Lot 1 0; thence southeasterly 26.44 feet along said curve through a central angle of 03051'45"; thence continuing along said easterly line of Lot 10 the following 3 courses:
1 .South 33'50'24" East 253.55 feet;
2. North 56009'36" East, 14.00 feet;
3. South 33050'24" East 1 029.21 feet to a point on the northwesterly line of said Parcel 2;
Thence along said northwesterly line South 56009'36" West 34.00 feet 'O the Point of Beginning,

Containing 40,593 square feet, more or less, measured in grid distances.

END OF DESCRIPTION

This description is based upon the North American Datum of 1983, (1986 Adjustment) as shown upon Record of Survey 990, filed for record in Back I 8 of Record of Surveys, Pages 50-60, in the Office of the Recorder of Alameda County. All distances called for by this description are grid distances. To obtain ground distances, multiply distances called for herein by 1.0000708.

Surveyor's Statement
I hereby state that this description and its accompanying plat were prepared by me or under my direction in December 2001.

i`c Date

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ALAMEDA COUNTY
City of Oakland, a Municipal jPiATRICK O'CONNELL

Corporation

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WHEN RECORDED MAIL TO:

Frank Fanelli, ASA
Manager, Real Estate Division
City of Oakland
Community & Economic Development Agency
250 Frank H. Ogawa Plaza
4"' floor
Oakland, CA 94612

TAX ROLL PARCEL NUMBER
(ASSESSOR@S REFERENCE NUMBER)
041-3902-013-00
MAP BLOCK PARCEL SUB (Space above for Recorder's use only)

CERTIFICATE OF COMPLIANCE

Forthe subdivision of the remainder of Lot 10 resulting from the recording of the Certificate of Compliance filed April 27, 2001 as Series No. 2001141354, Alameda County Records, and which property is shown in its entirety on Parcel Map 6003 filed June 2, 1993 in Book 205 of Parcel Maps at pages 94-98, Alameda County Records.

Pursuant to sections33166.20 1/2 and 66499.35 of the Government Code of the State of California and City of Oakland Municipal Code section 16.24.020, the City of Oakland, a municipal corporation, hereby records this Certificate of Compliance for the parcels of land described in the attached Legal Descriptions and accompanying plats, after finding that the parcels described are in compliance with section 66428 by virtue of a Parcel Map'Vaiver attached and hereby made a part of this Certificate of Compliance.

Owner: Redevelopment Agency of the City of Oakland-,

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Date:

APPROVED:

-4_@ Date:
Gary Patton
Zoning Administrator
Local Agency C1111cial

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City of Oakland
File No. ER03 0013

INITIAL STUDY AND ENVIRONNMNTAL

REVIEW CHECKLIST

Taliforma Environmental Quality Act (CEQA)

1. Project Title: Infiniti Auto Dealership (Oakland)

2. Lead Agency Name and Address: City of Oakland
Community and Economic Development Agency

Planning Division
250 Frank H. Ogawa Plaza, Suite 3330
Oakland, CA 94612

3. Contact Person and Phone Number: Catherine Payne
(510) 238-6316
e-mail: cpayne@oaklandnet.com

4. Project Location: 7201 Oakport Avenue

Parcel 2 of Lot 10, Parcel Map 6003, Bk 205 of
Alameda County Records.

Project Sponsor's Name and Address: Ron Tye
Hendrick Automotive Group
4345 Rosewood Drive
Pleasanton, CA 94588

6. General Plan Designation: Business Mix

7. Zoning: M40 Heavy Industrial Zone

8. Description of Project:

Promect Site. The proposed project is located on an approximately 4.35-acre site generally bordered by Oakport Street to the northl, a Lexus Dealership to the east, the AMB Distribution site to the south. and Zhone Technologies to the west (see Figure 1). The 1-880 freeway is locatedjust north of the project site, and the Network Associates Coliseum and the Coliseum BART Station are located on the north side of the freeway. The project site is currently vacant.

For purposes of this analysis. Lhe City of Oakland's convention for directions is used. dius placing the Oakland Hills to Lhe
riorth.

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Figare 1

Site Location Map

RM'IAL STUDY AND ENVFRONNIENTAL REVIEW CBECKLIST
CALIFORNIA FNVIRONMENTAL QUALITY ACT (CEQA)

Proiect Description. The proposed project would entail the construction of an approximately 35,000 square-foot, 2-story building with a mezzanine to serve as a showroom, offices, an allto service center, and a parts department for an Infiniti auto dealership. The proposed project also includes 42 to 52 parking spaces (22 spaces for customers plus 20 to 30 spaces for employees) on a parcel located behind Zhone Technologies building. Approximately 305 to 320 parking spaces would be used for inventory/display purposes (see Figure 2).

Approximately 16,750 square-feet would be dedicated to an auto showroom, employee office area, and customer reception area and would be located in the northernmost portion of the auto dealership building, along Oakport Street. The approximately 5,060 square foot auto parts storage and wholesale parts sales will be located at the east side of the building. An approximately 13,850 square foot accessory auto service center would be located at the southern and western portion of the building which would include 16 service bays (see Figures 3 and 4). An approximately 1,000 square-foot building, located near the southwest corner of the auto service center, would serve as a car wash for the Infiniti dealership cars and for cars being serviced in the auto service center.

The Oakport Street building faqade would be approximately 26 to 30 feet tall featuring a synthetic

stucco cube with a protruding triangular aluminum and glass curtain wall (about 18 feet tall) to highlight the auto showtoom, offices, and customer reception area. The west building faqade facing the Zhone Technologies building would be about 26 to 30 feet in height incorporating a parapet. The faqade would have horizontal accent bands in a smooth-face masonry. The east building fagade would be similar to the west faqade with the exception of two sectional overhead doors. The south building faqade would be similar to the east and west facades with the exception of three sectional overhead doors and two hollow metal access/egress man doors (see Figures 5 and 6).

The project would also include two pylon signs that would be 24 feet in height on a raised base of about 4 feet and would be 8 feet wide (see Figure 7).

A driven pile foundation with reinforced concrete slab would be considered for the project. The potential need for pile driving would be deterritined by required site-specific engineering studies to be prepared prior to construction. However, for purposes of this environmental review, it has been assumed that pile driving will be wfed, as this type of construction will likely result in the most severe noise impacts.

The proposed project would include installation of one 1,500 gallon underground oil/water separator storage tank for service drainage, one aboveground 500 gallon anti-freeze storage tank one aboveground 500 gallon used oil storage tank, and four aboveground 200 gallon new oil storage tanks, all of which are contained in a spill-proof concrete enclosure.

The proposed project requires action by the Redevelopment Agency of the City of Oakland (Agency) to sell the Agency-owned site to the project sponsor through a Disposition and Development Agreement (DDA) or a Purchase and Sale Agreement. This Initial Study is intended to address potential environmental impacts associated with construction and operation of the project including construction of the proposed development project and obtainment of all necessary zoning, grading and building permits. and any other discretionary actions required by the City of Oakland and other governmental agencies.

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INITIAL STUDY AND ENVIRONNIENTAL REVIEW CHECKLIST
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CFQA)

9. Surrounding Land Uses and Setting: The proposed 4.35-acre project site is located in the Central East Oakland Planning Area of the City of Oakland's General Plan Land Use and Transportation Element. The project site is within one mile of the Oakland International Airport, the Network Associates Coliseum, the Martin Luther King, Jr. Regional Shoreline, and San Leandro Bay. The project site is located on a lot generally bordered by Oakport Street to the north, a Lexus Dealership to the east, AMB Distribution site to the south, and Zhone Technologies building to the west (see Figures 8 and 9). Land uses within the vicinity of the project site are characteristically commercial and light industrial business campuses including the Lexus Deal 'ership, and Oakland Corporate Centre to the east and the Zhone Technologies campus located to the west of the site.

The Airport Business Park which includes warehouse, commercial, office, and light industrial uses is located immediately south of the project site and extends out towards the San Leandro Bay and shoreline for approximately 1/4 mile. The project site is located approximately 50 feet south of the 1-880 freeway and is served by public transit including the Coliseum BART station located less than one mile north of the project site on San Leandro Boulevard. AC Transit routes within the vicinity of the project site include Line 98 along Oakport Street, and Lines 49, 49M, 49X, 58, and "A" which are accessible from Hegenberger Road to the east.

10. Actions for Which This Initial Study May Be Applied Include, Without Limitation:

• Disposition and Development Agreement or Purchase and Sale Agreement
• Subdivision of Property

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Nomhem view of project site and Oakport ShmeL

Eastem view of project site md Lzxus dealership site.

Infimn DeWership Y 203173 41
SOURCE: E.,imm.W S@m**.. A$@.&= Figure 8**

Project Photos

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Southern view of project site arid AMEB Distribution site.
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Western view of project site and Zhone Technologies site.

SOURCE: InfimDealersho I ZO3173 0

Figure 9

Project Photos

INITIAL ST`FJDY AND ENVIRONMENTAL REVIEW CHECYLIST

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

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 foflowing pages.

F-1 Aesthetics 0 Agricultural Resources ZAir Quality

Biological Resources Z Cultural Resources F-1 Geology/Soils

Z Hazards/Hazardous Materials Z Hydrology[Water Quality Land Use/Planning

Mineral Resources Z Noise Population/Housing

Public Services F@ Recreation F-1 Transportation/Traffic

Z Utifities/Service Systems Mandatory Findings of Significance

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INITIAL STUDY AND ENVIRONMENTAL REVIEW CHECKLIST
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

DETEIMINATION

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. F1

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.

1 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.

Signature Date

Claudia Cappio Leslie Gould
Manager of Major Projects Planning Director

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U41TIAL STUDY AND ENWRONMENTAL REVIEW CHECXJIST
CALIFORNIA ENVrRONMFNTAL QUALMY ACr (CEQA)

EVALUATION OF ENVIRONMENTAL EMPACTS

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1. AESTHETICS -- Would the project:

a) Have a substantial adverse effect on a scenic vista?

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcioppings, and historic buildings within a state scenic highway? z

c) Substantially degrade the existing visual character or quality
of the site and its surroundings? r_1 El z F-1

d) Create a new source of substantial light or glare which
would adversely affect day or nighttime views in the area? El El 1z 7

Comments to La, la, c, and d:
The relatively flat project site is located in a business park/industrial area of Central East Oakland, just south of the 1-880 freeway and approximately 1/4 mile north of the San Leandro Bay. Several one- and two-story warehouse and manufacturing buildings are located between the project site and the shoreline, thus blocking all views of San Leandro Bay and shoreline. The I-880 freeway and the Network Associates Coliseum are visually prominent features to the north of the project site, and the Oakland Hills provide a natural contrast to the urban flatlands. Views of the hills are best seen at the intersection of Oakport Street and Hassler Way and along public right-of-ways such as Oakport Street; however, all views of the hillside immediately north of the project site are blocked by the mass and bulk of the Coliseum buildings.

The proposed project would result in a visual change to the project site since it would entail the construction of an approximately 26 to 30 foot-tall building that would serve as a showroom offices, and an auto service center, as well as associated surface parking on a currently vacant site. Additionally. the project would also include pylon signs that would be 24 feet in height on a raised base of about 4 feet and would be 8 feet wide

The project would be located in an area that is already well developed with existing buildings of warehouse, manufacturing and other commercial uses. The architectural style and scale of the proposed building is in keeping with the general character of the area. The view of the Oakland hills in the, distance to the east of the project site would still be visible frorn numerous locations within the project site. Proposed signs are in keeping with the character of this section of the I-880 where signs are designed for freeway visibility. Thus, the proposed project would not result in significant impacts with respect to scenic vistas nor would it substantially degrade any scenic resources. The proposed project would also not result in any substantial adverse effect on scenic resources since the site is not located within or near a state scenic highway. Additionally, while the project would result in a change to the visual quality of the project site, the proposed building, parking, and pylon signs would not degrade the visual character or quality of the site or its surroundings.

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MMAL STUDY AND ENVTRONMNTAL REVIEW CHECKLIST
CALWORNIA ENVIRONMENTAL QUALMY ACT (CEQA)

The proposed project would include fixed exterior lighting typical of auto dealerships to highlight the showroom and surface parking area. Lighting would also be located at parking entrance points, to promote safety. The project site is located in a well-developed area that has existing sources of light and glare associated with nearby land uses. The site is located near the Network Associates Coliseum and is adjacent to a major freeway (I-880) and local roadways where street lighting and stadium lighting projects light and glare during evening hours. The applicant would

be required to submit a detailed exterior lighting plan to the City for review and approval prior to issuance of building pen-nits. The City will review this lighting plan to assure that the exterior lighting is directed on-site and does not result in excessive glare. Therefore, the project would not result in adverse light or glare impacts in the area.

Sources:
Project Description and Plans.
Site visit.

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11. AGRICULTURAL RESOf TRCES -- Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use? El F-1 El E

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? El Z

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? 71 F@ 7 Z

Comments to 1Ia, b, and c:
The proposed project would not have an impact on agricultural resources as the project site is located in a developed, industrial area of Central East Oakland that does not include agriultural Uses.

Sources:
Oakland General Plan, Land Use and Transportation Element, March 24, 1998.
Oakland General Plan, Open Space, Conservation and Recreation Element, June 1996.

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941TIAL STUDY AND ENVIRONMENTAL ELEVIEW CHECKLIST
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

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111. 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? El 0

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)? 0

d) Expose sensitive receptors to substantial pollutant cbricentrations? M

e) Create objectionable odors affecting a substantial number of people? M F1 F-1 Z

Comments to M.a
The project site is tocated in the San Francisco Bay Area Air Basin, a region that is designated as a "non-attainment" (i.e., currently experiences violations) area with respect to State and federal ambient air quality standards for ozone and State standards for particulate matter (PM-10). The 2001 Bay Area Ozone Attainment Plan and the 2000 Bay Area Clean Air Plan have been prepared to address ozone nonartaiarnent issues. No PNI-10 plan has been prepared or is required under state air quality planning law.

The project would involve construction of an approximately 35,000 square-foot, 2-story building with a mezzanine to serve as a showroom, offices, an auto service center and a parts department for an Infiniti auto dealership. The proposed project would also include surface parking on a parcel located behind Zhone Technologies building and approximately 305 to 320 spaces for display and service purposes. Project construction would involve use of equipment and materials that would emit ozone precursor emissions (i.e., reactive organic gases, or ROG, and nitrogen oxides, or NOd.

The regional agency primarily responsible for developing the regional ozone plans is the Bay .Ayea Air Quality Management District (BAAQNM). BAAQN1D is also the agency with permit authority over most types of stationary sources in San Francisco Bay Area. BAAQMD exercises permit authority through its Rules and geguiations. Both federal and state ozone plans rely heavily upon stationary source control measures set forth in BAAQNM's Rules and Regulations. The overall stationary source control program that is embodied by the BAAQNM Rules and Regulations has been developed such that new stationary sources can be allowed to operate in the Bay Area without obstructing the goals of the regional air quality plans.

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INITIAL STUDY AND ENVIRONMENTAL REVIEW CHECKLIST
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

With respect to the Construction phase of the project, applicable BAAQMD regulations would relate to portable equipment (e.a., Portland concrete batch plants, and gasoline- or diesel-powered engines used for power generation, pumps, compressors, pile drivers, and cranes). architectural coatings, and paving materials. Project construction would be subject to the requirements of BAAQMD Regulation 2 (Permits), Rule l(General Requirements) with respect to portable equipment unless exempt under Rule 2-1-105 (Exemption, Registered Statewide Portable Equipment); BAAQMD Regulation 8 (Organic Compounds), Rule 3 (Architectural Coatings); and BAAQMD Regulation 8 (Organic Compounds), Rule 15 (Emulsified and Liquid Asphalts).

With respect to the operational-phase of the project, emissions would be generated primarily from motor vehicle trips to the project site and ernissions from stationary equipment and area sources, to a lesser extent. For project screening, the Bay Area Air Quality Management District (BAAQMD) generally does not recommend a detailed air quality analysis for projects generating less than 2,000 trips per day as projects of this size are not expected to generate criteria pollutant emissions more than the 80 pounds per day significance thresholds recommended by the district. The proposed development of the Infiniti Dealership would generate an average of 1,340 trips per day. This means that emissions caused by vehicle trips associated with the project would not create criteria pollutant emissions greater than the BAAQMD's thresholds of significance. Therefore, the project would not affect air quality in the region or conflict with or obstruct implementation of the applicable Air Quality Attainment Plans and thus would be considered a less than significant impact.

Sources:
Environmental Science Associates, Lexus Dealership Project Air Quality Technical Study, August 2001.
Bay Area Air Quality Management District (BAAQNM), CEQA Guidelines -Assessing the Air Quality Impacts of Projects and Plans, Revised December 1999.
BAAQMD, Rules and Regulations available at httv://www.baaqmd-Lyov/regs/nilereg.htm, As of June 2003.

Comments to U[l.b & III.&
The project would be located in a region that experiences occasional violations of ozone and PM-10 standards. Though the regional monitoring network no longer records violations of the carbon monoxide standard, congestion on busy roadways and at intersections could lead to local carbon monoxide hotWots, particularly during peak traffic hours.

The project would affect- local pollutant concentrations in two ways. First, during project construction, the project would affect local particulate concentrations by generating dust. Over the long term, the project would result in an increase in emissions due to related motor vehicle trips associated with the retail uses proposed by the project, and the increase in motor vehicle trips would affect carbon monoxide concentrations along the local road network. In addition, any on-

site stationary and area sources associated with the project may also affect local pollutant concentrations, but since they would likely be subject to BAAQN4D permit requirements. they can be presumed to have a less-than-significant effect on local pollutant concentrations.

The project would be constructed over a period of approximately 6 to 8 months. Over the first part of this period, construction activities would generate substantial amounts of dust (including PM-10) from "fugitive" sources, such as earthmoving activities and vehicle travel over unpaved surfaces, and lesser amounts of other criteria pollutants from the operation of heavy equipment construction machinery (primarily diesel operated) and construction worker automobile trips @primarjly gasoline operated). Construction-related dust emissions would vary from day to day,

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CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

depending on the level and type of activity, silt content of the soil, and the weather. Construction activities may result in significant quantities of dust, and as a result, local visibility and PM-10 concentrations may be adversely affected on a temporary basis during the construction period. In addition, larger dust particles would settle out of the atmosphere close to the construction site resulting in a potential soiling nuisance for adjacent uses.

For the evaluation of construction-phase impacts, the City uses the Guidelines established by the BAAQNM to evaluate the potential for significant effects. The BAAQNM does not require or recommend a detailed quantification of construction emissions. Instead, it recommends that evaluation of the significance of impacts be based on a consideration of the control measures to be implemented (BAAQNM, 1999). Generally, if appropriate measures are implemented to reduce fugitive dust, then the residual impact can be presumed to be less than significant. Without these measures, the impact is generally considered to be significant, particularly if sensitive land uses (e.g., residential) are located in the project vicinity. The proposed project is located in an industrial area with no residential land uses in the vicinity of the project site. The nearest sensitive receptor is located several miles east of the project site. However, adjacent businesses could be affected by PM-10 emissions during construction.

NUtigadon Measure HU: During construction, the project sponsor shall require the construction contractor to implement BAAQMD's basic dust control procedures required for sites smaller than four acres, such as the project site, to maintain project construction-related impacts at acceptable levels; this mitigates the potential impact to a less-than-significant level.

Elements of the "basic" dust control program for project components that disturb less than four acres shall include, but not necessarily be limited to the following:

a 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.

0 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).

0 Pave, apply water three times daily, or apply (nori-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.

0 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.

With implementation of these measures, project construction would not be expected to violate any air quality standard or contribute to an existing or projected air quality violation in the project

vicinity.

Construction activities would also result in the emission of other criteria pollutants from equipment exhaust, consuraction-related vehicular activity and construction worker automobile trips. Emission levels 'or construction activities would vary depending on the number and type of equipment. duration of use, operation schedules. and the number of construction workers. Criteria pollutant emissions of ROG and NOx from these emission sources would incrementally add to the regional atmospheric loading of ozone precursors during project construction. BAAQND CEQA

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Guidelines recognize that construction equipment emit ozone precursors, but indicate that such emissions are included in the emission inventory that is the basis for regional air quality plans (BAAQMD, 1999). Therefore construction emissions are not expected to violate any air quality standard or contribute substantially to an existing or projected air quality violation. The impact would therefore be less than significant.

Over the long-term, the increase in traffic due to the project would also potentially affect carbon monoxide concentrations at intersections, particularly during peak traffic. The proposed project would generate about 1,330 daily vehicle trips, with about 80 and 100 vehicle trips during the a.m. and p.m. peak hour, respectively. The air quality analysis for the Lexus dealership now operating next to the project site, included an assessment of cumulative impacts assuming development of a hotel/restaurant on the project site. The trip-generating potential for the hotel/restaurant project was estimated at 1,680 trips (daily), 102 trips (AM), and 135 trips (PM), or, more vehicle trips than the current project. The Lexus study concluded that carbon monoxide concentrations at all analyzed intersections under cumulative conditions would be below the state and national ambient air quality standards. Given that the cumulative analysis for the Lexus Dealership assumed a more intensive development than what the project will generate with regards to trip generation, both the proposed project and cumulative traffic impacts would be a less than significant impact on local carbon monoxide concentrations.

Sources:
Environmental Science Associates, Lexus Dealership Project Air Quality Technical Study, August 2001.
Bay Area Air Quality ManagementDistrict (BAAQMD), CEQA Guideiines-Assessing theAir Quality Impacts of Projects and Plans, Revised December 1999.

Comments to III.c:
Once occupied, the project would be expected to result in an increase in emissions primarily due to related motor vehicle traffic. As discussed under M.a, the 1,330 motor vehicle trips generated by the project would be well below the 2,000 trips necessary to exceed the 80 pounds per day significance threshold recommended by the BAAQMD. Therefore, while project-related motor vehicle emissions would contribute incrementally to regional ozone and PM-10 concentrations, the effect would not be cumulatively considerable, as defined in CEQA and the CEQA Guidelines. Also as discussed under I11b, the air quality analysis for the Lexus dealership now operating next to the project site, included an assessment of cumulative impacts assuming development of a hotel/restaurant (with a greater trip generating potential than the proposed project) on the project site. The Lexus study concluded that carbon monoxide concentrations at all analyzed intersections under cumulative conditions would be below the state and national ambient air quality standards. Therefore. the cumulative of the proposed project would also be less than significant.

Sources:
Environmental Science Associates, Lexus Dealership Project Air QualitY Technical Study, August 2001.

Connuents to III.e:
As a general matter, the types of land use development that pose potential odor problems include wastewater treatment plants. refineries, landfills, composting facilities and transfer stations. No such uses would occupy the project site. Therefore the project would not create objectionable

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odors that would affect a substantial number of people. Also, there are no existing odor sources in the vicinity of the project site that the occupants of the proposed project would be subjected to.

Sources:
Bay Area Air Quality Management District (BAAQMD), CEQA Guidelines - Assessing the Air Quality Impacts of Projects and Plans, Revised December 1999.

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[V. 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 o0er 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 defiried by Section 404 of the Clean Water Act (including, but not limited to, marsh, veinal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? r_1 F7 r@

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-1 17

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Nararal Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? F F@ F1

Comments to IV.a. b, c, d, e. and f:
The project site and vicinity is located in an urban area that has been developed with a variety of industrial, warehouse, manufacturing and office uses. Me proposed project would entail the construction of an approximately 35,000 square-foot building and surface parldng on a currently vacant and underutilized Site. The project site contains no trees or other plants and is not within a riparian corridor. The site does not provide habitat for any plant or animal species and is not located within a designated habitat area. Because of the existing urban setting and hio level of

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motor vehicle traffic (including 1-880), the site is unlikely to be part of an established native resident or migratory wildlife corridor. The project would not conflict with any local policies or ordinances protecting biological resources. Thus, the proposed project would not result in significant impacts with respect to biological resources.

Sources:
Oakland General Plan. Open Space, Conservation and Recreation Element, June 1996.

Site visit.

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V. CULTURAL RESOURCES - Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in 815064.5?

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 615064.5?

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

d) Disturb any human remairs, including those interred outside of formal cemeteries?

Comments to Va, b, c, and d:
The proposed project would be located in an urban area and would entail the construction of a new 35,000 square-foot, two-story building with a showroom, offices, and auto service center as well as associated surface parking on a currently vacant site. It is not anticipated that any Native American or archaeological resources would be found on the project site, as the immediate vicinity has been subject to continuous development over the past century and the project site was filled substantially in the early 1950's. However, as the proposed project would result in some grading activities on site, the following mitigation measures are identified to ensure that if any such archaeological or paleontological resources or human remains are encountered during excavation or construction activities, such resources would be addressed to lessen any potential adverse effects.

In addition to the measures identified below, all earthmoving activities shall be undertaken in accordance with the requirements of the Public Resources Code Section 21083.2.

Mitigation Measure V.I: If archaeological or paleontological resources are accidentally discovered during the project excavation or construction, the project sponsor shall ensure that excavation or construction work is halted and a qualified cultural resource consultant has evaluated the situation. assessed the potential significance and uniqueness of the artifact under the provisions of Public Resources Code Section 21083.2, and provided mitigation recommendations, if warranted. Cultural resources include, but are not limited to, railroad ties, foundations, privies, shell and bone artifacts, ash and charcoal. Any identified cultural resources found shall be recorded on DPR 5Z3 (historic properties) forms.

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Mitigation Measure V.2: In the event that human skeletal remains are encountered during demolition or construction activities for the proposed project, the project sponsor shall immediately notify the County Coroner and stop all work in the immediate vicinity of the remains. If the County Coroner determines that the remains are Native American, the City shall contact the California Native Heritage Commission, pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease.

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VI. GEOLOGY AND SOILS - Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or deathinvolving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map for the area or based on other substaxtrial evidence of a known fault?

ii) Strong seismic ground shaking? 7

Comments to VLa(i), Vl.a(ii):
The. project site is not located in an Alquist-Pricilo Earthquake Fault Zone2, as defined by the California State Department of Conservation, Geological Survey (CGS, formerly known as the California Division of Mines and Geology [CDMGJ), and no active or potentially active faults exist on or in the immediate vicinity of the site.3 The nearest active faults are the Hayward fault, located 2 miles northeast of the site; the Caiaveras fault, located I I miles northeast; and the San Andreas fault, located 16 miles southwest. Because the site is not located an an active or potentially active fault. the potential for surface fault rupture is low and the impact is considered less than significant.

The proposed project is located in the San Francisco Bay Area. a region of intense seismic activity. Recent studies by the United States Geological Survey (USGS) indicate there is a

Alquist-Priolo Zones designate areas most likely to experience fault ruptuire, although surface fault rupture is not necessarily
restricted those specifically zoned areas.

An active Fault is defined by the State of Cahfornia as a fault that has had surface displacement within Holocene lime
tapproximattly the last 10.000 years). A potentially active fault is defined as a fault that has shown evidence of surface
displacement during the Quaternary (last 1.6 million Years), unless direct geologic evidence demonstrates inactivity for all of
the Holocene or longer. This definition does noL of course. mean that faults lacking evidence of surface displacement wt
necessarily inactive. Sufficientiv active is also used to describe a fault if there is some evidence that Holocene displacement
occurred on one or more of its segments or branches (Hart. 1997).

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62 percent likelihood of a Richter magnitude 6.7 or higher earthquake occurring in the Bay Area in the next 30 years (USGS, 2003). The project site could experience a range of ground shaking effects during an earthquake on one of the aforementioned Bay Area faults. This ground shaking could cause secondary ground failure such as differential settlement that could cause structural damage to buildings, placing people in risk of injury. Ground shaking intensities from a major seismic event on the Hayward fault could reach ground movement intensities characterized as very violent (MMI-X) (ABAG, 2001).4 According to the CGS Probabilistic Seismic Hazard Maps, peak ground accelerations in the Oakland area during an earthquake on one of the active Bay Area fault could range from 0.6g to 0.7g5.6 (Peterson, et.al, 1999). As a frame of reference, ground motion detectors placed in bay estuary sediments (similar to the project site) near the San Francisco International Airport measured peak ground accelerations of 0.33g during the 1989 Loma Prieta earthquake, while ground motion at the Santa Cruz mountain epicenter reached a 0.64 g. It is likely that the most significant ground shaking would be generated by a major earthquake on the Hayward fault, due to its close proximity to the project site.

Earthquakes and ground shaking in the Bay Area are unavoidable and are expected to occur at some time during the life of the project. Although some structural damage is typically not avoidable during an earthquake, building codes and construction ordinances have been established to protect against building collapse and major injury during a seismic event. In accordance with the building ordinance set forth by the City of Oakland, the project applicant is required to prepare a geotechnical report for the project that includes generally accepted and appropriate engineering techniques for determining the susceptibility of the project site to various geologic and seismic hazards. The geotechnicai report must include an analysis of ground shaking effects and provide recommendations to reduce these hn7Arrls. Geotechnical and seismic design criteria must also conform with engineering recommendations in accordance with the seisniic requirements of Zone 4 of the 1997 Uniform Building Code (UBC) and the California Building Code (Title 24) additions.

4 While the magnitude is a measure of the energy released in an earthquake, intensity is a measure of the ground shalcing
effects at a particular location. Shaking intensity can vary depending on the overall magnitude, dismnce to the fault,

focus of
earthquake energy, and type of geologic material. The Modified Mercalli (MM) intensity scale is commonly used Lo measure
earthquake effects due to ground shaking. The MM values for intensity range from I (earthquake not felt) to X11 (damage
nearly total). MM intensities ranging from FV to X could cause moderate to significant structural damage. Acceleration is
scaled against a value that everyone is familiar with, that is, acceleration due to gravity or the acceleration with which a ball
falls if released at rest in a vacuum (1.0g). Acceleration of 1.0g is equivalent to a car traveling 100 metco (328 feet) from rest
in 4I5 seconds. Acceleration is expressed by a "g" which is gravity = 980 centimeters per second squared.
A probabilistic seismic hazard map is a map that shows the hazard from earthquakes that geologists and seismologists agree
could occur in California. it is probabilistic in the sense that the analysis takes into consideration the uncertainties in the size
and location of earthquakes and the resulting ground motions that can affect a particular site. The maps we typically
expressed in terms of probability of exceeding a certain ground motion. For example, maps illustrating the 10% probability
of exceeciance in 50 years depict an annual probability of I in 475 of being exceeded each year. This level of ground shaking
has been used for designing buildings in high seismic areas. The maps for 10% probability of exceeciance in 50 years show
ground motions that seismologists do not think will be exceeded in the next 50 years. In fact. there is a 90% chance that
these ground motions will NOT be exceeded. This probability level allows engineers Lo design buildings for larger ground
motions than seismologists think will occur during a 50-year interval, which will make buildings safer than if they were only
designed for the ground motions that are expected to occur in the next 50 years. Seismic shaking maps are prepared using
consensus information on historical earthquakes and faults. These levels of ground shaking are used primarily for estimating
potential economic losses and preparing emergency response (Petersen, 1999).
6 Peak acceleration, peak velocity, and peak displacement values were measured by strong-motion detectors during the Lorna
Prieta earthquake in several ground and structure strong-motion stations in the Bay Area. Peak ground acceleration is the
maximum horizontal ground movement expressed as acceleration due to gravity, or approximately 980 centimeters per
second.

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In addition to compliance with UBC standards, the project applicant would be required to subrnit
an engineering analysis along with detailed engineering drawings to the Oakland Building

Services Division prior to excavation, grading, or construction activities on the site. This is consistent with standard City of Oakland practices to ensure that all buildings are designed and built in conformance with the seismic requirements of the City of Oakland Building Code. The engineering analysis report and drawings, and relevant grading or construction activities on the project site would be required to address constraints and incorporate recommendations identified in the geotechnical investigations. The required submittals would ensure that the buildings are designed and constructed in conformance with the requirements of all applicable building code regulations, pursuant to standard City procedures. Considering that the proposed project would be constructed in conformance with the UBC and the City of Oakland Building Code, the risks of injury and structual damage from a known earthquake fault, or ground shaking would be reduced and the impacts would be less than significant.

Sources:
Association of Bay Area Governments (AAG), Earthquake Hazards Mapsfor East Oakland, 2003.
California Building Standards Commission, California Building Code, Title 24, Part 2,1995.
California Department of Conservation, Division of Mines and Geology, Special Publication 78: Earthquake Planning Scenariofor a Magnitude 7.5 Earthquake on the Hayward Fault, 1997
Hart, E.W., Fault-Rupture Hazard Zones in California: Alquist-Priolo Earthquake Fault Zoning Act of 1972 with Index to Earthquake Fault Zones, California Geological Survey (formerly California Division of Mines and Geology), Special Publication 42, 1990 revised and updated I 997.
International Conference of Building Officials, Uniform Building Code, ICBO, Whittier, California, 1997.
Oakland General Plan, Environmental Hazards Element, September 1974.
Oakland Environmental Factors Analysis, Technical Report #6, October 1995.
Oakland General Plan, Open Space, Conservation and Recreation Element, June 1996.
Peterson, M.D., Bryant, W-A., Cramer, C.H., Probabilistic Seismic Hazard Assessmentfor the State of California, California Division of Mines and Geology Open-File Report issued jointly with U.S. Geological Survey, CDMG 96-08 and USGS 96- 706, 1996.
U.S. Geological Society (USGS) Working Group on California Earthquake Probabilities (WG99), Earthquake Probabilities in the San Francisco Say @egion

iii) Seismic-related ground failure, including liquefaction?

Comments to VIa(iii):
Seismic shaking can trigger ground-failures caused by liquefaction.7 Liquefaction and issociated. failures could damage foundations, disrupt utility service, and cause damage to roadways. Liquefaction potential is highest in the areas underlain by Bay fills, Bay mud, and unconsolidated alluvium with earthquake intensities greater than MM VI or equivalently, peak ground accelerations of 0.07g or greater. The depth to groundwater also controls the potential for

7 Lictuefactionistheprocessby%yhichsaturatcd.loose,fine-gramed.grmular,soil.likesmdbehaveslikeadensetlwdwhen subjected to prolonged shaking dtinng an earthquake.

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liquefaction in this area; the shallower the groundwater, the higher potential for liquefaction. A geotechnical investigation conducted at a neighborhood property indicated subsurface soils consist of sandy and clayey artificial fill overlying Bay mud, with groundwater encountered approximately 8 feet below grade. Geotechnical analyses performed at the neighboring site concluded localized liquefaction hazards were present, based upon subsurface materials, groundwater depth, anticipated ground shaking intensities, and the site's location within a CGS liquefaction Seismic Hazard Zone (Harza, 2001). Although a geotechnical investigation has not yet been completed for the project site, subsurface characteristics are believed to be similar to those discussed above, and similar liquefaction hazards are therefore likely present.

The Seismic Hazards Mapping Act (SHMA) was enacted in 1990 to protect the public from the effects of strong ground shaking, liquefaction, landslides, or other ground failure, and from other hazards caused by earthquakes. This act requires the State Geologist to delineate various seismic hazard zones and requires cities, counties, and other local permitting agencies to regulate certain development projects within these zones. Before a development permit is granted for a site within a seismic hazard zone, a geotechnical investigation must be conducted and appropriate mitigation measures incorporated into the project design. The CGS Special Publication 117, adopted in 1997 by the State Mining and Geology Board in accordance with the SHMS, constitutes guidelines for evaluating seismic hazards other than surface faulting, and for recominending mitigation measures as required by Public Resources Code Section 2695(a). As the project site is located within a liquefaction Seismic Hazard Zone, the project applicant will be required to comply with the guidelines set by CGS Special Publication 117, and all applicable City of Oakland regulations and standards to address potential geologic and soils impacts, as required prior to the issuance of grading or building permits. An adequate seismic evaluation to assess potential seismic hazards will be conducted in connection with the aeotecilmical investigation, and develop design criteria necessary for design of structures for this seismic region. Compliance with the requirements of SHMA and the City of Oakland would reduce the risk of injury and property damage resulting from potential liquefaction hazards to a less than significant level.

Sources:
California Department of Conservation, Geological Survey (formerly Division of Mines and Geology), Special Publication 117: Guidelinesfor Evaluating and Mitigating Seismic Hazards in California, 1997
California Department of Conservation, Geological Survey (Division of Mines and Geology), Seismic Hazard Zones Map, Parts of San Leandro and Hayward Quadrangles, March 30, 2000
Harza, Georechnical Investigation: Lexus of Oakland Dealership, Oakland, California, July 12, 1.001
Oakland General Plan, Environmental Hazards Element, September 1974.
Oakland Environmental Factors Analysis. Technical Report #6, October 1995.
Oakland General Plan, Open Space, Conservation and Recreation Element, June 1996.

iv) Landslides'? Z

Comments to Vl.a(iv):

The project site is located on relatively level topography in an urbanized area. The potential for landslides is therefore considered less than significant.

Source:
Project Plans

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b) Result in substantial soil erosion or the loss of topsoil? F@ El rV1

Comments to V1.b:
In order to minimize wind or water erosion on the site during Construction, the contractor shall be required to submit a construction period erosion control plan to the Building Services Division for approval prior to the issuance of grading and building permits, consistent with standard City practices. The plan shall be in effect for a period of time sufficient to stabilize the construction site throughout all phases of the project. Long-term erosion potential shall be addressed through installation of project landscaping and storm drainage facilities, both of which shall be designed to meet applicable regulations, resulting in a less-than-significant potential impact. These standard measures typically include the following:

• Construction operations, especially excavation and grading operations, shall be confined as much as possible to the dry season, in order to avoid erosion of disturbed soils (see identified measures required during construction in Mitigation Measure Ell.b); and

• Final project landscaping plans shall be submitted to the Planning Director for review and approval. Landscaping shall be installed concurrent with completion of construction of the building and the site.

In addition to compliance with City standards, the project applicant will be required to obtain a National Pollutant Discharge elimination System (NPDES) permit, as discussed in Section VE11, and implement erosion control measures accordingly. Thus, the proposed project would not result in significant impacts with respect to erosion or loss of topsoil.

The proposed project site is underlain by fill material placed in this area for bay land reclamation in the early 1960's and does not support agriculture. The site is not overlain by developed, high productivity topsoil and therefore, the project would not contribute to a loss of topsoil considered as significant.

Sources:
Oakland General Plan, Open Space, Conservation and Recreation Element, June 1996.
Project Description and Plans.

c) Be located on a geologic unit or soil that is unstable. or

that would become unstable as a result of the project. and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse'?

d) Be located on expansive soil creating substantial risks to life or property?

Comments to VI.c and VI.d-.
Landsliding (section VI-iv-), liquefaction ground faures including lateral spreading (Section VH through iii), soil subsidence, and soil collapse have been determined to be less than significant. The project design would incorporate Coundation recommendations of the project geotechnical

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evaluation, comply with applicable City replations, be constructed to applicable UBC standards, adhere to, where appropriate, guidelines of the CGS Special Publications 117, and will incorporate the proposed mitigation measure to address potential liquefaction hazards.

Soil borings installed during a geotechnical investigation at a neighboring site indicate subsurface materials exhibit strong expansive (shrink-swell) properties. Similar soil conditions are likely to be present on the project site, although actual conditions will be verified during the geotechnical analysis which will be performed for the proposed project. As earlier discussed in Vl.b and VI.c, the geotechnical report required by the City of Oakland includes an assessment of soil properties and recommendations to reduce adverse effects associated with expansive soils to a less than significant level. The geotechnical report will be reviewed by the City of Oakland Engineering Department, prior to issuance of a building permit, to verify its competency in assessing geologic site hazards, and to assure that appropriate structural mitigation measures are included. The potential for risk to life or property due to expansive soils is therefore considered less than significant.

Sources:
H=a, Geotechnical Investigation: Lexus of Oakland Dealership, Oakland, California, July 12, 2001.
Oakland General Plan, Environmental Hazards Element, September 1974.
Oakland Environmental Factors Analysis, Technical Report #6, October 1995.
Oakland General Plan, Open Space, Conservation and Recreation Element, June 1996.

e) 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? 0 21

Comments to V1.e:
Because the project site is located in an urban area, the proposed project would be able to connect to

the existing central sewer system, which provides wastewater collection service for the City of Oakland. Therefore, the project would not result in any significant impacts associated with soils incapable of adequately supporting septic tanks or alternative wastewater disposal systems since neither septic tanks nor alternative wastewater disposal are found in this part of Oakland.

Sources:
Oakland General Plan, Environmental Hazards Element, September 1974.
Oakland Environmental Factors Analysis, Technical Report #6, October 1995.
Oakland General Plan, Open Space, Conservation and Recreation Element, June 1996.

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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? r_1 Z

b) Create a significant hazard to the public or the environment through reasonably forseeable upset and accident conditions involving the release of hazardous materials into the environment? El

Comments to VII.a and VILb

Hazardous Material Use During Construction
T Construction activities would require the use of certain hazardous materials such as fuels, oils, solvents and glues. Inadvertent release of large quantities of these materWs into the environment could adversely impact soil, surface waters, or groundwater quality. On-site storage and/or use of large quantities of materials capable of impacting soil and groundwater are not typically required for a project of size and type proposed herein. However, compliance with NPDES permit requirements, as discussed in Section VM, and implementation of Mitigation Measure VIL I would reduce any risk associated with hazardous materials used during construction to a less than

significant level.

Mitigation Measure VH.l: The project applicant shall use construction best management practices (BMPs) typically implemented as part of construction to minimi e the potential negative effects to groundwater and sods from construction activities. The following shall be implemented as necessary to avoid any significant effects:

• Follow mianufacturer's recommendations on use, storage and disposal of chemical products used in construction;
• Avoid overtopping construction equipment fuel gas tanks;
• During routine maintenance of construction equipment, properly contain and remove grease and ofls; and
• Properly dispose of discarded containers of fuels and other chemicals.

Site Operations

The proposed project would include the installation of one 1,500-gallon underground oil/water separator storage tank. one aboveground 500-gallon anti-freeze storage tank, one aboveground 500 gallon used oil storage tank, and four aboveground 1-00 gallon new oil storage tanks. Potential hazards associated with these materials would be reduced through compLiance with existing federal. state, and local rules and regulations. The City of Oakland Fire Department would oversee the design. installation, and operation of the underground and aboveground storage tanks in accordance with state and Cederal rules and regulations within its jurisdiction. The project applicant is required by the City of Oakland to Cile a Hazardous Materials Business Plan with the C@tv of Oakland Fire Department detailing all hazardous materials at the site, storage methods.

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and spill prevention plans. The project applicant shall also prepare and implement a Spill Prevention Control and Countermeasures (SPCC) Plan, as required by the State Water Resources Control Board. In addition, the proposed project would be required to comply with Chapter 6.95 of the California Health and Safety Code regarding hazardous materials handling, as required by the City of Oakland Municipal Code.

Compliance with federal, state, and local rules and regulations for hazardous materials-handling, and underground and aboveground storage tanks would reduce the potential health and safety issues associated with the storage of hazardous materials to a less-than-significant level.

A Phase I Environmental Site Assessment (Phase I) report completed for the project site in 2003 indicates that based on historic Phase I and II investigations on the project site and surrounding areas which included the collection of soil and groundwater samples, soil underlying the project site may contain hazardous concentrations of lead. The source of this lead is noted as likely being associated with fill imported to the site in the 1940's to 1960's that consisted of dredge spoils, construction debris, asphalt concrete, base rock from road repair, bricks and mortar, and occasional loads of foundry waste consisting primarily of sand (Baseline, 1991, as cited in Kip Prahl Associates, 2003). Groundwater samples collected from wells installed in areas bordering the project site in 1990 did not contain concentrations organic compounds or metals above

California Maximum Contaminant Levels (MCLs). The nearest off-site property of concern is located 1/8 mile west of the project site in the downgradient direction (groundwater flow is north to northwest), indicating that groundwater underlying the project site is unlikely to be impacted by off-site sources of contamination (Kip Praid Associates, 2003).

As noted in the 1.003 Phase I report, past remedial efforts at the project site and surrounding areas have included the removal of approximately 283 cubic yards of lead-impacted soil; however, there stifl exists a potential for soil containing hazardous lead levels to underlie the site (Kip Prabl Associates, 2003). Based on the conclusions of the 2003 Phase I report, implementation of Nfitigation Measures VH.2 and VII.3 would reduce potential hazards associated with handling, transport, and disposal of lead-impacted soil at the site to a less than significant level.

Mitigation Measure V11.2: An environmental site health and safety plan shaH be created and implemented to address worker safety hazards. This plan shaR be prepared in accordance with appUcable state and federal worker protection standards to address potential health and safety issues that may arise during construction activities associated with lead-impacted soils at the project site. The environmental site health and safety plan shall be incorporated into construction specifications for the project and subsequently implemented by the site contractor.

Mitigation Measure VU.3: Excess soil generated by construction activities shaH be sampled for transport and appropriate disposai. Stockpiled soil shall be appropriately managed to prevent contarn'Irtntion of stormwater runoff or intermixing with clean ftH imported to the site. Appropriate management of stockpiled soils shaff be integrated into the site's grading and drainage plan and Stormwater Poilution Prevention Plan and shaH be implemented in order to minimi e potential erosion and/or lead poBution of stormwater runoff, as discussed in Hydrology and Water QuaHty, Section VIH. Transportation and disposal of lead impacted soil generated from the project site by construction activities under the Plan shall be required to comply with appropriate state and federal requirements. Areas of the project site which would be left unpaved for landscaping, or other purposes, shall be underlain by at least 5 feet of clean fill.

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The proposed project would involve paving the majority of the project site, although landscaping would be installed in some areas along the perimeter of the site. Potential flItUTe exposure to landscape workers or the public to lead-impacted soil in these areas would be minimized by compliance Mitigation Measure VII.3 to less-than-significant levels.

Sources:
City of Oakland, Municipal Code 8.12 Hazardous Materials.
Kip Prahl Associates, Phase I Environmental Site Assessment, Two Parcels Located Near Intersection of Oakport Road and Hassler Way in Oakland, California, May 2, 2003.
Project Description and Plans.

c) Emit hazardous ernissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? F@ El

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 it create a significant hazard to the public or the environment? Z

Comments to Vl1.c and VILd:
The operations at the proposed Infiniti Dealership would use and store petroleum products in a manner consistent with current federal and state regulations for hazardous materials and petroleum. Hazardous emissions and release of acutely toxic materials is not anticipated in an automobile dealership. The potential disturbance and handling of lead-impacted soil associated with the proposed project would be mitigated to less-than-significant levels through implementation of Nfitigation Measures VIIA and V11.2, discussed above. Furthermore, the proposed project site is not located within one-quarter mile of an existing or proposed school.

The project site is not included on the hazardous materials sites list compiled pursuant to Government Code Section 65962.5 (Cortese List).

Sources:
Califomia Department of Toxic Substances Control, Office of Environmental Information Management. Hazardous Waste and Substance Sites List, April, 1998.
Kip Prahl Associates, Phase I Environmental Site Assessment, Two Parcels Located Near Intersection of Oakporr Road and Hassler Way in Oakland, California, May 2, 2003.
Thomas Brothers, The Thomas Guide: San Francisco, Alameda and Contra Costa Counties, 1999.

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. would the project result in a safety hazard for people residing or working in the project area'?

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? 7

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Comments to Vl1.e and V11.f:
Oakland International Airport (01A) is located approximately one mile southwest of the project site. Although the project site is not in the designated takeoff flight track for CIA, it is within the

landing flight track, potentially exposing future employees and customers to hazards associated with air traffic accidents. However, the likelihood of incidents causing an injury to employees and customers is so remote, it is considered to be less than significant. The project is consistent with City of Oakland zoning ordinances, which are intended to reduce land use conflicts and minimize the risk of accidents associated with OIA operations. In addition, the project is adjacent to several existing businesses, such as AMB Distributors, Zhone Technologies, and Lexus Dealership. Because the project is in a developed urbanized area consistent with the City of Oakland Zoning Ordinance, and considering the low probability of aircraft-related incidences, the proposed safety hazard associated with its location within the landing flight track for OIA is considered less than significant.

Sources:
Thomas Brothers, The 77?omas Guide: San Francisco, Alameda and Contra Costa Counties, 1999.
Oakland Zoning Regulations, 1966, as amended through April 2001.
U.S. Department of Transportation Federal Aviation Administration, Revised Draft Environmental Impact Statement Proposed Airport Development Program Oakland International Airport, Volume 1: Documentation, September 2000.

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan'

Comments to VII.g:
Review of the City of Oakland's Multi-Hazard Functional Plan, ("City Emergency Plan") indicated that the proposed project would not significantly interfere with emergency response plans or evacuation plans. The proposed project is situated at the comer of two established thoroughfares and the proposed Iemiti dealership would have two access points to the street. The proposed project would not impede or require diversion of rescue vehicles or evacuation traffic in the event of a life-threatening emergency. The City of Oakland Fire Services Agency (Fire Department) is responsible for first response in an emergency (Bell, 2003). Standard notification procedures required by the City are designed to ensure that the Fire Department is notified if construction traffic would block any city streets. Specifically, the job site supervisor is required to call the Fire Department's dispatch center or Fire Station No. 27 which services the project site any day construction vehicles would partially or completely block a city street during the construction process (Bell, 2003). Oakport Avenue is a wide thoroughfare which would provide sufficient space for emergency response vehicles to pass freely (Abram 2003). Because the project will be required to comply with the City's notification requirements, project construction would not significantly interfere with emergency response plans or evacuation plans, nor adversely affect the City's response and operational procedures in the event of a large scale disaster or emergency.

Sources:
Bell, Coleen. Emergency Planning Coordinator. Oakland Fire Department Office of Emergency Services. personal communication, May 28, 2003.
Abram, Captain, Oakland Fire Department. personal communication. May 2003.
Draft Multi-Hazard Functional Plan, Cirv of Oakland, 1993.
Project Description and Plans.

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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 interniixed with wildlands? 0 F-1 21

Comments to VII.h:
The project site is within an urbanized area of Oakland and act located adjacent to forested or gass-covered wildlands. All new structures built on the site would be required to comply with applicable Fire Code and fire suppression systems, as routinely required by the -City. Therefore, the proposed project would not expose people or structures to significant risks associated with wildland fires.

Source:
Project Description and Plans

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VIII. HYDROLOGY AND WATER QUALITY - - Would the project:

a) Violate any water quality standards or waste discharge requirements? El

Comments to VIILa:
Construction of the proposed project could involve excavation, soil stockpiling, boring and pile driving, and grading. As soil erosion can occur on a short-term basis during construction, excess sediment loads may affect the water quality of the San Francisco Bay. Sediment from project-induced on-site erosion could accumulate in the downstream drainage facilities, intmfere with flow, and aggravate downstream flooding conditions. Although the scale of proposed constniction for this project involves grading and other activities that could result in temporary erosion and transportation of sediments to storm sewers and other facilities, compliance with NPDES permit requirements and standard City practices, as discussed below, would reduce this impact to less than significant levels.

Because the amount of area disturbed in the proposed project is over one acre, the project applicant is required to obtain a NPDES General Construction Permit from the San Francisco Bay Regional Water Quality Control Board (RWQCB) in accordance with the Federal Clem Water Act. The RWQCB issues NPDES permits under authority of the State WRCB under the umbrella of the California Environmental Protection Agency (Cal EPA). The permitting process requires the applicant to prepare a Storm Water Pollution Prevention Plan (SWPPP) to instruct and inform

construction workers of appropriate practices to reduce storinwater runoff, erosion of loose sediments, and handling of potentially hazardous materials and dewatering effluent. Implementation of the plan starts with the commencement of construction and continues though the completion of the project. The project applicant is required to submit a Letter of Intent to the RWQCB upon commencement of construction activities. The SWPPP must be maintained an site and be accessible to workers and RWQCB staff. If construction duration exceeds one year, the project applicant is required to submit an annual report to the RWQCB to report on the

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implementation and performance of the SWPPP and Best Management Practices (BMPs) employed for the project. Upon completion of the project, the sponsor must submit a Notice of Termination to the RWRCB to indicate that construction is completed. At a minimum, the SVv`PPP will include the following requirements@

• Excavation and grading activities will be scheduled for the dry season only (April 15 to October 15), to the extent possible. This will reduce the chance of severe erosion from intense rainfall and surface runoff, as well as the potential for soil saturation in swale areas.

• If excavation occurs during the rainy season, storinwater runoff from the construction area will be regulated through a stormwater management/erosion control plan that may include temporary on-site silt traps and/or basins with multiple discharge points to natural drainages and energy dissipaters. Stockpiles of loose material will be covered and runoff diverted away from exposed soil material. If work is stopped due to rain, a positive grading away from slopes will be provided to carry the surface runoff to areas where flow can be controlled, such as the temporary silt basins. Sediment basirL/traps will be located nd operated to minimize the amount of offsite sediment transport. Any trapped sediment will be removed from the basin or trap and placed at a suiable location on-site, away from concentrated flows, or removed to ari approved disposal site.

• Temporary erosion control measures will be provided until perennial revegetation or landscaping is established and can minimize discharge of sediment into nearby waterways. For construction within 500 feet of a water body, straw bales will be placed upstream adjacent to the water body.

• After completion of grading, erosion protection will be provided on all cut-and-fill slopes. Revegetation will be facilitated by mulching, hydroseeding, or other methods and should be initiated as soon as possible after completion of grading and prior to the onset of the rainy season (by November 1).

• Permanent revegetatiGnilandscaping will emphasize drought-tGlerant. perennial ground coverings, shrubs, and trees to improve the probability of slope and soil stabilization without adverse impacts to slope stability due to irrigation infiltration and long-term root development.

• BN[Ps selected and implemented for the project will be in place and operational prior to the

onset of major earthwork on the site. The construction phase facilities will be maintained regularly and cleared of accumulated sediment as necessary.

• Hazardous materials such as fuels and solvents used on the construction sites will he stored in covered containers and protected from rainfall, runoff, and vandalisrn. A stockpile of spill cleanup materials will be readily available at all construction sites. Employees win be trained in spill prevention and cleanup, and individuals will be designated as responsible for prevention and cleanup activities.

As required by the City of Oakland's Municipal Code Section 15.04.780 and 0.16.100, the project applicant shall prepare a grading and drainage plan for the proposed project. The grading plan will include drainage, erosion, and sediment control plans, and incorporate best management practices to prevent pollutants from entering the city storin sewer to the maximwn extent practicable. The drainage plan will include existing, temporary, and final drainage facilities consistent with erosion and sediment control plans, and prescribed procedures to ensure that erosion and sediment management are maintained on the project site during construction.

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Compliance with Mitigation Measure VIf.3 and standard city regulations and procedures would minimize or eliminate potential water quality impacts associated with construction surface water runoff, resulting in less than significant effects.

Depending on the nature of construction activities, groundwater may flow into excavations that extend below the groundwater table. Common practices employed to facilitate construction include either de-watering the excavation (remove groundwater by pumping) or shoring the sides of the excavation to reduce groundwater inflow. If de-watering methods are used, groundwater would be pumped out of the excavation to the surface and then discharged, typically to either the storm drain or sanitary sewer. Water extracted during de-watering may contain chemical contaminants (either from pre-existing sources or from equipment) or may become sediment-laden from construction activities.

Groundwater generated during permanent dewatering would be discharged to the sanitary sewer or storm drain system with authorization of and required permits from East Bay Municipal Utilities District (EBMUD), or City of Oakland Public Works Department and RWQCB. Thus, the following mitigation measure will apply:

Mitigation Measure V1H.l: The project applicant shall obtain a discharge permit from East Bay Municipal UtWties District (EBNHJD) or the City of Oakland Public Works Agency and RWQCB prior to any discharge.

The proposed project would be required to comply with permit conditions, if any, associated with treatment of groundwater prior to discharge. Considering the permitting requirements for treatment and discharge of groundwater generated during temporary or ongoing dewatering, the project would not violate any water quality or waste discharge standards.

Sources:

Oakland General Plan, Land Use and Transportation Element, Technical Report #5, October 1995.
Oakland Municipal Code Sections 15.04.780 and 13.16. 1 00

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)?

Comments to VHI.b:
The East Bay Plain (DWR Groundwater Basin No. 2-9.01) is an important and beneficial groundwater basin underlying the East Bay, extending from Richmond to Hayward which is identified for municipal, industrial, and agricultural water supply. However, water supply for the proposed project area is not provided by groundwater sources, but rather from surface water sources maintained by the East Bay Municipal Utilities District (EBMUD) project area. In addition, shallow groundwater underlying the project site is of poor quality, and is not considered part of this regional groundwater basin due to the relatively impermeable Bay mud sediments which impedes surface water infiltration to the underlying municipal water sources. Therefore, the project would not cause an impact to groundwater resources considering that EBMUD supplies water to the project site and that shallow groundwater is not used as a water supply.

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Sources:
California Department of Water Resources, Division of Planning and Local Assistance, Statewide Planning, Groundwater website.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

Comments to vul.c:
During construction, the existing site drainage pattern will be temporarily altered due to activity during excavation and construction. However, in accordance with NPDES permit requirements and standard City practices, the project applicant shall be required to grade unpaved areas to control surface drainage and redirect surface water away site is very flat with no surface, water flow impediments, drainage will be directed to the existing storm drainage facilities. Thus, no long-term alteration of the existing drainage pattern is expected.

There are no known streams or rivers on the project site; therefore, completion of the proposed project would not require the alteration of a stream or river course.

Sources:
Oakland Community Services Analysis, Technical Report *5, October 1995.
California Department of Water Resources, Division of Planning and Local Assistance, Statewide Planning, Groundwater website.

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site? z F-1

e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

f) Otherwise substantially degrade water quality? 71 7

Comments to VHIA e, and f:
The project site is currently vacant without impervious surfaces such as streets, parking lots, and rooftops that prevent the natural drainage and infiltration of the storm water through the soil. Surface water runoff volumes and rates generated from undeveloped, unpaved areas can increase significantly when that site is paved and the capability of surface water infiltration is reduced or eliminated. The proposed project will involve paving the entire site, thereby increasing surface water run-off. Instantaneous flows will increase substantially as a result of paving the project site; however, as part of standard city development practices, the project sponsor will be required to identify measures to ensure the project's increase in surface water run-off is minimized.

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A car wash will be constructed as part of the proposed project. TO rninirruZe potential water quality impacts associated with oils, fluids, and detergents in run-off from car washing activities, the following mitigation measure shall be implemented:

Mitigation Measure V111.2- Water used for the purposes of vehicle or equipment washing activities shall be directed to discharge into the sanitary sewer system. Wash areas shall be designed to prevent the potential discharge of run-off into the City of Oakland storm drain system. Discharge into the sanitary sewer system associated with the project shall be subject to the review, approval, and conditions of the East Bay Municipal Utility District.

The proposed project will also include automotive sales and repair, the installation of an underground 1,500-gallon sand/oil water separator tank, a 500-gallon aboveground anti-freeze tank, a 500-gallon aboveground used oil tank, and four aboveground 200-gallon new oil tanks. This proposed use could increase the amount of storm water pollutants generated at the project site, particularly levels of oil and grease, petroleum hydrocarbons, and metals. However, the installation and monitoring of aboveground and underground storage tanks will be overseen by the City of Oakland Fire Department in accordance with state, federal and local storage tank guidelines, to reduce the potential for spills or leaks. In addition, the project applicant shall prepare and implement a Hazardous Materials Business Plan and SPCC plan, as discussed in VU.a and VII.b, which would reduce the potential for petroleum products or other hazardous materials stored on the site to adversely impact the water quality of stornawater run-off originating from the site.

In accordance with standard City practices, and in order to minimize any short-term (construction-related) or long-term impacts on surface water quantity (i.e. storm water) or quality, the project applicant shall be required to comply with applicable standards and regulations of the City of Oakland. For example, the proposed project shall comply with the City of Oakland Storm Water Management and Controls Ordinance, Creek Protection Ordinance, Public Works standards, and shall utilize best management practices such as stormwater filtration devices to prevent sediments or pollutants from entering the storm drain system or water courses. In addition, the following mitigation measure shall be implemented:

Mitigation Measure VH1.3: The applicant shall be required to pay fees to compensate the City for the cost of any system upgrades required to accommodate increased runoff from the proposed project:

With implementation of the mitigation measures above, and compliance with federad, state, and local hazardous materials and stormwater protection guidelines, the proposed project would not result in significant impacts with respect to flooding, storrawater drainage capacity, surface water quality or quantity.

Sources:
Oakland General Plan. Land Use and Transportation Element, Technical Report #5, October 1995.
Oakland Community Services Anaiysis. Technical Report #5, October 1995.
Project Plans

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g) 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? Z

h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

Comments for VIH.g and VIH.h:
The project site does not lie within the 100-year flood plain as determined by the Federal Emergency Management Agency (FEMA) flood hazard mapping. Within the City of Oaldaiid, the FEMA 100-year flood plain establishes the base flood elevation for new construction to avoid significant risk of flood hazards. The project site is located outside the 100-year flood hazard area and is therefore considered to have minimal risk for flood hazards.

Sources:
Oakland General Plan, Open Space, Conservation and Recreation Element, June 1996.
Oakland Community Services Analysis, Technical Report #5, October 1995.
Oakland Environmental Factors Analysis, Technical Report #6, October 1995.
Flood Insurance Rate Map, Federal Emergency Management Administration.

i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? 0

Comments to VTH.I:
The only dam that could affect the project in the event of failure is located at Lake Chabot, approximately three miles southeast of the project site. Inundation maps prepared for Chabot Dam by EMBUD indicates that in the event of dam failure, floodwaters could inundate the project site.8 Chabot Dam is managed by EBMUD and overseen by the California Department of Water Resources and, Division of Safety of Dams (DSOD), which supervises dam maintenance and inspections. The dam is required to adhere to rigorous DSOD standards, which includes seismic analysis of existing dams to assure their integrity and regular inspections. Adherence to DSOD standards greatly reduces the probability of dam failure and adequately protects public safety. In addition, the distance from the dam to the project site indicates potential flooding effects would be minimal. Therefore, although the project site is located in the inundation area, the potential for injury or structural damage caused by dam failure is unlikely.

This project is located above sea level and is therefore not subject to loss from failure of a levee.

Sources:
State of California Office of Emergency Services Inundation Map for Chabot Darn.

8 The inundauon scenario for this reservoir sunicture assurnes a total collapse dunng a catasuropruc event such as an earthquake.

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City of Oakland Fire Department, Office of Emergency Services, personal communication.

j) Result in inundation by seiche, tsunami, or mudflow? F1 F1 Z El

Comments to VHIJ:
Wave run-up from tsunami in the San Francisco Bay is expected to range between 0 and 20 feet, and small areas of the Oakland Airport and surrounding vicinity may be affected by tsunamis. Although the elevation of the project site is approximately 5 feet above mean sea level, inundation by tsunami is unlikely due to the project site's location in a relatively protective inlet on San Leandro Bay.

The proposed project site is not located in an area subject to inundation from seiche. The potential for mudslides to occur is low due the developed urbanized nature of the surrounding area,'flat topography, and relative lack of exposed slopes.

Source:
Oakland General Plan, Environmental Hazards Element, September 1974.

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IX. LAND USE AND PLANNING - Would the project:

a) Physically divide an established community? Z

Comments to EX-a:
The proposed auto dealership and associated surface parking would be located within the Central East Oakland Planning Area. Land uses in the vicinity of the project site include business campuses to the east and west (Oakland Executive Center, Lexus Dealership and the Zhone Technologies campus), the Airport Business Park with warehouse and industrial uses to the south, and the 1-990 and Network Associates Coliseum to the north. The proposed project is located in an industrial area. The proposed project is consistent with land uses within the vicinity of the site and would not physically divide an established commumity.

Sources:
Oakland General Plan, Land Use and Transportation Element, March 24, 1998.
Oakland General Plan, Open Space, Conservation and Recreation Element, June 1996.
Project Description and Plans.

b) 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? F7 F7 Z 7

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Comments to IX.b:
As per the Oakland General Plan Land Use and Transportation Element (LUTE), the project site is located in the Central East Oakland Planning Area and within the Colisuem Area Showcase, an area designated for economic growth and change. The project site is classified by the General Plan Land Use and Transportation Element as "Business Mix." The Business Mix classification is "intended to create, preserve and enhance areas of the City that are appropriate for a wide variety of business and related commercial and industrial establishments" (p. 152). This classification is a flexible "economic development zone" which strives to accommodate a mix of business uses such as light industrial, manufacturing, commercial, and office. The maximum FAR is 4.0 (for non-residential uses) with special consideration provided for the development of campus-like business settings or in development with higher-impact uses. The proposed project would result in an FAR of 0.18 9 which is within the allowable FAR for the Business Mix land use classification. The proposed auto dealership is encouraged by the Business Mix classification, and would generally conform to policies outlined within the General Plan as the proposed project provides a new commercial business on an underutilized site in the Coliseum Area.

The Oakland Bicycle Master Plan is part of the LUTE and contains a series of recommendations for bicycle parking to be included in new development. The bicycle parking recornmendations for the proposed project. an Automotive Sales, Rental, and Delivery Use, is 4 long-term (or I per 10 employees) and 2 short-term spaces. The project sponsor intends to provide the recommended bicycle parking on-site as part of the project.

The proposed project would be consistent with relevant policies in the Open Space, Conservation and Recreation Element (OSCAR) including the enhancement of city identity through prominent signage and commercial presence along the 1-880 corridor (Policy OS-9.3). As views of the San Leandro Bay are not easily discerned from the project vicinity, the proposed project would generally conform to policies outlined within the General Plan's OSCAR Element.

The project site is located within the M-40 Heavy 1ndustrW Zone per the Oakland Zoning Regulations. The M-40 Zone is "intended to create, preserve, and enhance areas containing manufacturing or related establishments which are potentially incompatible with most other establishments, and is typically appropriate to areas which are distant from residential areas and which have extensive rail or shipping facilities" (□17.72.010). The proposed project is classified as an Automotive Sales, Rental and Delivery Activity (□17.10.460) which is consistent with

permitted uses in the M-40 Zone. The parking requirement for this project is 35 off-street parking spaces (I off-street parking space per 1,000 square feet of commercial autornotive sales, rental, and delivery use) (17.116.080). The loading requirement for the project is I off-street loading berth (1 berth per 10,000-24,999 square feet of cominercial automotive sales, rental and delivery use) (L7.116.140). The proposed project would exceed the zoning requirements by providing 42 to 52 parking spaces: (21 spaces for customers and 20 to 30 spaces for employees). An additional 305 to 320 parking spaces would be dedicated for inventory/display and service purposes. Off-street loading would occur on the project site, near the auto service portion of the site on the western side of the proposed building.

In accordance with standard practices. a final site plan will need to be subraitted to the City for review to ensure conformity will all development standards of the Zoning Ordinance. Similarly, the pylon sign for the Infiniti dealership will need to be submitted to the City for review to ensure conforritim with Section 17.72.090 regarding signs in the M-40 zone. with Section 17.104,

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General Limitations On Signs, and with the Oakland Sign Code. Similarly, the pylon signs for the Infiniti dealership will need to need to be submitted to the City for review to ensure conforniity with Section 17.72.090 regarding signs in the M-40 zone, with Section 17.104, General Limitations on Signs and with the Oakland Sign Code

The Coliseum Area Redevelopment Plan is a redevelopment plan that encompasses a total land area of approximately 6,500 acres. The project site is located within the Edgewater Industrial Planning District and the East Bay Municipal Utility District/Edgewater Sites Target Area. The proposed project would be generally consistent with the goals and objectives of the Plan as it would develop and improve a vacant and underutilized parcel adjacent to the 1-990. Furthermore, the project would fulfill the goal of attracting new businesses to the Coliseum Redevelopment Area; thus, the project would be consistent with the policy objectives as outlined in the Plan.

Sources:
Oakland General Plan, Land Use and Transportation Element, March 24, 1998.
Oakland General Plan, Open Space, Conservation and Recreation Element, June 1996.
Oakland Zoning Regulations, 1966, as amended through April 200 1.
Oakland Bicycle Master Plan, Part of the Land Use and Transportation Element of the Oakland General Plan, July 20, 1999.
Oakland Coliseum Area Redevelopment Plan, June 23, 1995, as amended through July 22,1997.
Project Description and Plans.

c) Conflict with any applicable habitat conservation plan or
natural community conservation plan? Z

Comments to IX.c:
The proposed project site is located in an area that is not governed by any habitat conservation plan or natural community conservation plan. Therefore, the proposed project would not conflict with any applicable habitat conservation plan or natural community conservation plan.

Sources:
Oakland General Plan, Land Use and Transportation Element, March 24, 1998.
Oakland General Plan, Open Space, Conservation and Recreation Element, June 1996.
Project Description and Plains.

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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? Z

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? Z

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VaTIAL STUDY AND ENVIRONMENTAL REVIEW CHECKLIST
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Comments to X.a and X.b:
The proposed project would be located on a currently vacant site in an industrial area and would entail the construction of an approximately '35,000 square-foot, two-stor-y building with mezzanine as well as surface parking. The project site has no known existing mineral resources. The project would not require quarrying, mining, dredging, or extraction of locally important mineral resources on site, nor would it deplete any nonrenewable natural resource.

Sources:
Oakland General Plan, Open Space, Conservation and Recreation Element, June 1996.
Project Description and Plans.
Site visit.

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M. NOISE - Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

b) Exposure of persons to or generation of excessive groundbome vibration or groundbome noise levels?

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

The following analysis is partly based on the Noise Technical Study (200 1) prepared for the Lexus Dealership currently operating next to the project site.

Comments toG.a, XI.b and MA:
Noise standards are addressed in local General Plan policies and local noise ordinance standards. A project could expose people to, or generate, noise levels in excess of General Plan standards in two ways. First, the project could expose sensitive receptors to noise above applicable standards by introducing land uses that are incompatible with the existing noise environment. Second, the project itself could lead to an increase in ambient noise levels thereby affecting existing sensitive receptors in the project vicinity. Since the proposed project would not locate any noise sensitive uses at the site, compatibility of the site with the existing noise environment is not an issue. Therefore the focus of the following analysis is on the impacts of the proposed project on existing ambient noise environment in the vicinity of the project site. These potential impacts are discussed below.

The City of Oakland regulates short-term noise through enforcement of city ordinances, which includes a general provision against nuisance noise sources (Plarming Code, Section.17.120). The factors that are considered when determining whether the ordinance is violated include: a) the level. intensitv, character, and duration of the noise; b) the level, intensity, and character of the background noise; and c) the time when, and the place and zoning district where, the noise occurred. Table I presents the maximum allowable receiving noise standards for commercial and

manufacturing land uses during the day. Table 2 presents noise level standards that apply to temporary exposure to short- and long-term construction noise.

Construction noise levels at and near locations an the project site would fluctuate depending on the particular type, number, and duration of use of various types of construction equipment. The effect of construction noise would depend upon how much noise would be generated by construction. the distance between construction activities and the nearest noise-sensitive uses, and the existing noise levels at those uses.

Typical noise levels generated during the different stages of construction vary from 78 dBA (during construction of foundations) to 105 dBA (during pile driving), at 50 feet. At this stage, it is not clear if pile driving would be required as part of project construction; the potential need for pile driving will be determined by site-specific engineering studies. Pile-driving would be the most noise generating activity during construction and can generate noise levels of 90 to 105 dBA at a distance of 50 feet. Noise levels of 78 to 93 dBA are therefore possible at the AMB Distribution site located south of the project site. These predicted noise levels would exceed the standards of the Oakland Noise Ordinance, which states that, for commercial and industrial receptors, the maximum allowable receiving noise for weekday (Monday through Friday, 7:00 a.m. to 7:00 p.m.) construction activity of greater than 10 days duration is 70 dBA. For construction activity of 10 days or less the residential receiving standard is 85 dBA. Consequently, the noisiest phases of construction would have the potential to exceed the construction noise standard of the City of Oakland's Noise Ordinance. Other noise-sensitive uses located within approximately 1,600 feet of pile-driving activity could also be substantially affected, depending on the presence of intervening barriers or other insulating materials. At noise levels of 85 dBA, normal conversation is extremely difficult. Intermittent noises such as pfie-driving noise ar more disturbing to many people than typical construction noise. Without restrictions on the hours of pile riving, this impact would be considered significant.

TABLE 1
MAMA" ALLOWABLE RECEIVING NOISE STANDARDS FOR
COMMERCLAL AND MANUFACTURING LAND USES, dBA

Cumulative Number of Minutes in either the Anytime Daytime or Nighttime one hour period'	Commercial	Manufacturing
20	65	70
10	70	75
5	75	90
1	80	85
0	85	90

The concept of -20 minutes in an hour" is equivalent to the L33.3 , whichis anoisedescriptor identifying the noise level
exceeded one-Lffird (33.3 percent) of the time. Likewise, '10 minutes in an hour," `5 minutes in an ham," and"I minute in an
hour"ameqLuvalentcotheLI6.-,,Lg.3-andL,.,,respecnvely. L@ax,ormaximmnoiselevei.representsthe5tandard defined in Lerms of "O minutes in an hour."

SOURCE: Oakland Noise Ordinance No. 11 895, 19%; Environmental Science Associates.

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INITIAL STUDY AND ENVIRONMENTAL REVIEW CHECKLIST
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TABLE2
MAXIMLIM ALLOWABLE RECEIVING NOISE STANDARDS FOR
TEMPORARY CONSTRUCTION ACTIVITIES, dBA

Operation/Receiving Land Use	Daily 7:00 a.m. to 7:00 p.m.	Weekends 9:00 a.m. to 8:00 p.m.
Short-Term Operation (less than 10 days)		
Residential	80	65
Commercial, Industrial	85	70
Long-Tenn Operation (more than 10 days)		
Residential	65	55
Commercial, Industrial	70	60

SOURCE: Oakland Noise Ordinance No. 11895, 1996

To reduce the noise impact of construction on nearby businesses, the contractor shall be required to implement the following measures throughout the duration of construction activity. Compliance with the Noise Ordinance may be considered achieved if the following mitigation measures are implemented:

Mitigation Measure 11.1a: Standard construction activities shall be limited to between 7:00 am. and 9:00 p.m., Monday through Sunday.

Mitigation Measure U.1b: To reduce daytime noise impacts due to construction, the City shall require construction contractors to implement the following measures:

0 Signs. shall be posted at-We construction site that include permitted construction days and hours, a day and evening contact number for the job site, and a day and evening contact number for the Contractor in the event of problem .

0 An on-site complaint and enforcement manager shall be posted to respond to and track complaints.

0 A preconstruction meeting shall be held with the job inspectors and the general contractor/ou-site project manager to confirm that noise mitigation and practices are completed prior to the issuance of a building permit (including construction hours, neighborhood notification, posted signs, etc.)

a Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers,

ducts, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible);

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• Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulicaHy 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; and

• Stationary noise sources shall be located as far from sensitive receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate ibsulation barriers, or other measures to the extent feasible.

• The noisiest phases of construction shall be limited to less than 10 days to show compliance with the local noise ordinance.

PUe-Driving Requirements and Conditions

Mitigation Measure X1.1c: Pile-driving and/or other extreme noise generating activities (greater than 90 dBA) shall be limited to between 7:00 a-m. and 7:00 p.m., Monday through Sunday, with no extreme noise-generating activity permitted between 12:30 and 1:30 p.m.

Nfltigation Measure X1.1d: To further mitigate potential pile-driving and/or other extreme noise generating construction impacts, a set of site-spedric noise attenuation measures shall be completed under the supervision of a quallfied acoustical consultant. This plan shall be submitted for review and approval by the City to ensure that maximum feasible noise attenuation is achieved. These attenuation measures shaR include as many of the following control strategies as feasible and shall be implemented prior to any potential pile-driving activities:

* Implement "quiet" pile-driving technology, where feasible, in consideration of geotechnical and structural requirements and conditions;

0 Erect temporary plywood noise barriers around the entire construction site;

0 Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;

0 Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings; and

a Monitor the effectiveness of noise attenuation measures by taking noise measurements.

Mitigation Measure.Xl.le: A process with the following components shall be estabUshed for responding to and tracking complaints pertaining to pile-driving construction noise:

a A procedure for notifying City Budding Division staff and Oakland Police Department;

& A plan for posting signs on-site pertaining to permitted construction days and hours and complaint procedures and who to notify in the event of a problem;

a A listing of telephone numbers (during regular construction hours and off-hours);

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INITIAL STUDY AND ENVIRONMENTAL REVIEW CHECKLIST
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

• The designation of a construction complaint manger for the project; and

• Notify property owners of neighboring businesses 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. Develop a reasonable schedule for the hours of pile driving to minimize the noise impacts on nearby businesses, to the greatest degree possible, while still enabling a reasonable construction schedule.

Sources:
City of Oakland, Oakland Noise Ordinance No. 11895, 1996.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

Comments to Xl.c:
The Oakland Comprehensive Plan identifies the noise at the project site as being part of an "Existing Critical Noise Impact Area". Primary sources of permanent ambient noises that influence the environment at the project site include: (1) vehicle traffic on I-880 located just 50 feet north of the project site. (2) Aircraft activity associated with Metropolitan Oakland International Airport and (3) traffic activity along the local roadway network adjacent to the project site are considered secondary noise sources.

Over the long-term, the impact of the project on the ambient noise environment would be primarily due to the increase in traffic that would affect roadside noise levels, particularly during peak traffic. The proposed project would generate about 1,340 daily vehicle trips, with about 80 and 100 vehicle trips during the a.rrL and p.m. peak hour, respectively. The noise analysis for the Lextis dealership now operating next to the project site included an assessment of cumulative noise impacts assuming development of a hotel/restaurant on the project site. The trip-generating potential for the hoteUrestaurant project was estimated at 1,680 trips (daily), 102 trips (AK, and

135 trips (PM), i.e., more vehicle trips than the current project. The Lexus study concluded that the increase in noise levels along all analyzed roadway segments under cumulative conditions would be less than significant (i.e. the increase would be less than 3 dBA and hence not perceivable). If the increase in cumulative noise assuming greater trip-generating development at the site was found to be less than 3 dBA, the proposed project (with lesser trip generating potential) would also result in noise increases of less than 3 dBA. Therefore, permanent ambient noise levels are expected to be a less than significant impact.

Sources:
Environmental Science Associates, Lexus Dealership Project Noise Technical StudY, August 2001.

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, would the project expose people residing or working in the project area to excessive noise levels?

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? 7 z F1

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INITIAL STUDY AND ENVIERONNIENTAL REVIEW CHECKLIST
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Comments to XLe and XI-f:
The project site is located within one mile of the Oakland International Airport. However, it is not located within the Noise Impact Zones (65-dBA contour) for the Airport, adopted by the Airport Land Use Commission of Alameda County. Therefore, the project would not expose employees or patrons to excessive noise levels and the impact would be considered less than significant.

There are no private airstrips located in the vicinity of the project. Therefore, the impact of noise private airstrips on people working at the project site would be considered less than significant.

Sources:
Air port r and Use Commission of Aiameda County, Alameda County Airport Land Use Policy Plan, July 16, 1986.

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MI. POPULATION AND HOUSING -- Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other

infrastructare)?

b) Displace substantial numbers of existing housing,
necessitating the construction of replacement housing
elsewhere? z

c) Displace substantial numbers of people, necessitating the
construction of replacement housing elsewhere? z

Comments to X[La, b, and c:
As the proposed project would construct an approximately 26 to 30 foot-tall building and on-site surface parking on a currently vacant lot, it would not displace housing or persons.

The proposed project would provide approximately 35,wo square feet of showroom office, and auto service space, and about 42 to 52 parking spaces in an urban area of Central East Oakland, near the 1-880 and the Network Associates Coliseum As the project is not proposing residential units, it would not induce population growth. The project would result 'in approximately 47 fulltime employees to the area; however, these employees would likely already live and work in the Bay Area. Hours of operation would be 7:00 a.m. to 7:00 pan. on weekdays, Saturdays 8:00 a.m. to 5:00 p.m., and Sundays 11:00 a.m to 5:00 p.m. Weekdays would result in most of the employees, approximately 35, which would drop to around 15 in the evenings. Saturdays would result in 25 employees, and Sundays would result in 10 to 15 employees. The total increase in the daytime population on site and in the surrounding area is expected to be minimal and is consistent with General Plan land use projections; thus, the project would not result in any significant impacts related to population and housing.

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INITIAL STUDY AND ENVIRONMENTAL REVIEW CHECKLIST
CALIFORNIA F@ZVIRGNMENTAL QUALITY ACT (CEQA@

Sources:
Oakland General Plan, Land Use and Transportation Element, March 24, 1998.
Project Description and Plans.

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XIII. PUBLIC SERVICES - - Would the project result in
substantial adverse physical impacts associated with the
provision of new or physically altered governmental facilities.
or the 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:

a) Fire protection? z

b) Police protection? z

c) Schools? z

d) Parks? z

e) Other public facilities? F@ z F-1

Comments to XM.a, b, c, d, e:
The proposed project site is located in a developed urban area already served by public services. Fire protection and emergency medical response services would be provided to the project site by the Oakland Fire Services Agency. The nearest fire station, Station 27, is located about 2 miles south of the project site at 8501 Pardee Drive, Oakland. The estimated response time to the project site is approximately three minutes. In accordance with standard City practices, the proposed project would be designed in compliance with Oakland's Building Code. The Fire Services Agency will also 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 compliance with all applicable state and city fire safety requirements.

Police protection services would be provided to the project site by the Oakland Police Services Agency, headquartered in downtown Oakland at 455 Seventh Street, which would serve the project site and provide first response to priority calls. The project site is located within the Police Service Agency's Community Policing Area 3, District 5, Beat 31X. A Neighborhood Services Coordinator is assigned to Beat 3 1X to work with businesses and other institutions to set priorities and develop strategies to improve public safety and crime.

The Oakland Unified School District (OUSD) operates the public school system in Oakland. The project site lies within the boundaries serviced by Lockwood Elementary School located north on East 14'h Street. The project site also lies within the boundaries of Havenscourt Middle/Junior l1igh School located northwest on 66h Avenue and Castiemont High School located further north on MacArthur Boulevard. The project would not impact the operations of existing schools as the

project would not result in an increase to the residential population (see Section X11, Population and Housing). In addition, prior to issuance of building permits, the project sponsor would be required to pay school impact fees of $0.31 per square foot of commercial space to offset any forseeable impacts to school facilities from the proposed project.

The project site is located in an industrial area of Central East Oakland, northwest of the Oakland International Airport and just north of the San Leandro Bay and shoreline. The project site is within 1/z mile of existing parks including the Martin Luther King, Jr. Regional Shoreline, located a few blocks to the south and west of the project site, and Curt Flood Field located to the west of the project site at the end of 66h Avenue. Other open space and parks in the project site vicinity include the Galbraith Golf Course and Galbraith Field located southeast of the project site on Doolittle Drive.

Sources:
Oakland General Plan, Land Use and Transportation Element, March 1998.
Oakland General Plan, Open Space, Conservation and Recreation Element, June 1996.
Oakland Community Services Analysis, Technical Report #5, October 1995.
Official City of Oakland website, Oakland Police Department homepage, http://www.oaldandnet.con-i/govemment/govemment0l.hnnl, accessed April 30, 2003.
Official City of Oaldand website, Oakland Fire Department homepage, http://www.oaklandnet.coni/government/goverranent6.html, accessed April 30, 2003.
Oakland Unified School District website, http://www.ousd.kl'@.ca.us/default-ad.hm accessed April 30, 2003.
Willie, Huey, Neighborhood Services Coordinator, Oakland Police Services Agency, telephone commun 0 cation, May 2, 2003.
Williams, James, Public Information Officer, Oakland Fire Department, telephone Communication, April 30, 2003.
Project Description and Plans.

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)UV. 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? z

b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment'? z

Comments 'GV.a and 'KrV.b:
See response to XIIL above. The proposed project is located in an industrial area that has some existing access to parkland and recreational facilities around San Leandro Bay including Martin Luther King, Jr. Regional Shoreline. Curt Flood Field, and Galbraith Golf Course. Additional parks and recreational facilities such as the Coliseum are located across the 1-880. As the proposed project would not induce significant population growth, it is not anticipated to result in adverse effects on any of the existing parks or recreational facilities in the area.

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Sources:
Oakland General Plan, Open Space, Conservation and Recreation Element, June 1996.
Project Description and Plans.

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XV. TRANSPORTATION/TRAFFIC - - Would the project:

a) Cause an increase in traffic that 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)?

b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? 7

Comments XV.a and X-Vb.-
Vehicular access to the project site would be provided from O&kport Street, a two-lane road (except for a segment south of Hassler Way, which has four lanes) that connects to 66th Avenue and the 1-880 / 66th Avenue interchange (to the north) and to Edgewater Drive and the I-880 / Hegenberger Road interchange (to the south). Traffic conditions in the vicinity of the project site were assessed through the evaluation of a.m. and p.m. peak-hour levels of service (LOS) at the following four key intersections:

Oakport Street and 66th Avenue
• 66th Avenue and 1-880 Southbound Off-Ramp
• Oakport Street and Hassler Way
• Hegenberger Road and Edgewater Drive

The concept of level of service qualitatively characterizes traffic conditions (i.e., congestion) associated with varying levels of traffic on a six-level grading system (from LOS A, little or no delays, to LOS F, excessive delays). The City of Oakland's Level of Service standard for intersection operations outside of the downtown area is LOS D. Current traffic conditions at the study intersections are acceptable (LOS D or better). IO

The proposed project would generate about 1,340 daily vehicle trips, with about 80 and 100 vehicle trips during the a.m. and p.m. peak hour, respectively. The traffic study for the Lexus dealership now operating next to the project site, included assessment of cumulative impacts with development of a hotel/restaurant on the project site. The trip-generating potential for the

hotel/restaurant project was estimated at 1,680 trips (daily), 102 trips (AM), and 135 trips (PM), i.e., more vehicle trips than the current project. The Lexus study concluded that traffic conditions under cumulative conditions would be acceptable. The proposed project therefore would neither

I 0 The inEersections of Oakpon Street / 66th Avenue and 66di Avenue 1 1-880 Southbound Off-ramp wffe recently signalized.
which improved intersection LOS conditions compared to conditions under stop sign control.

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cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system, nor cause established level Of service standards to be exceeded.

Sources:
Institute of Transportation Engineers, Trip Generation, 6th Edition, 1997.
Korve Engineering, Lexus Dealership Traffic Impact Analysis, October 5, 200 1.
Project Description and Plans.
Field Reconnaissance.

c) 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 fisks?

Comments XV.c-
Although the project site is located within one mile of the Oakland International Airport, the proposed maximum height of the auto dealership building is 26 to 30 feet, a height similar to the neighboring business campuses and the Network Associates Coliseum directly across 1-990. The project would not include transmission towers or flashing lights or any other physical feature or equipment that could interfere with aircraft operations or transmissions, and therefore the project effect would be considered less than significant.

Sources:
Project Description and Plans.

d) Substantially increase hazards due to a design feature (e.g**.. sharp curves or dangerous intersections) or** incompatible uses (e.g., farm equipment)? El N 11

e) Result in inadequate emergency access? F@ 7

f) Result in inadequate parking capacity? El

COM ntS to XV.d, e, f-
Two driveways would provide site access from Oakport Street. Each driveway would consist of one inbound lane and one outbound lane. In accordance with standard City requirements for roadway widths and site access design, adequate access would be reviewed by the City prior to construction, and thus, would ensure adequate emergency access.

As per the City of Oakland's zoning requirements, the proposed project would be required to provide one parking space per 1,000 square feet of commercial automotive sales, rental, and delivery use (□17.116.080). The proposed project would need to provide at least 35 parking spar-es on-site. The proposed supply of 42 Lo 52 parking spaces (22 spaces for customers, plus 2_0 to 30 spaces for employees) would provide an adequate parking capacity.

Sources:
Project Description and Plans.

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INTrIAL STUDY AND ENVERONMENTAL REVIEW CHECKLIST
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)7

Comments to XV.g:
The proposed project would not conflict with adopted policies, plans, or programs supporting alternative transportation. The project sponsor intends to provide the recommended amount of bicycle parking spaces (4 long-term 2 short-term) on-site, as per the Oakland Bicycle Master Plan.

Sources:
Project Description.

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XVL UTILITIES A-ND SERVICE SYSTEMS - - Would the project:
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a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? F7

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing

facilities, the construction of which could cause significant environmental effects? z

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? F-1

d) Have sufficient water supplies available to serve the project from existing entitierwrits and resources, or are new or expanded entitlements needed? z

e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing cominitments? z

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? z

g) Comply with federal, state, and local statutes and regulations related to solid waste? 7 F7 7

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CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Comments to XVIa, b, c, d, e, f, and g:
The proposed project site is located in an area already served by utilities and service systems. The Community Services Analysis prepared for the Land Use and Transportation Element of the General Plan stated that future in-fill development through the General Plan horizon year of 2015 would not be likely to exceed the capacity of existing utilities and service systems.

As part of standard project review, confirmation of sufficient distribution capacity in existing water, wastewater, and storm water drainage facilities to serve the proposed project will be completed. The project sponsor would be required to provide any infrastructure improvements and pay required installation and hookup fees to the affected service providers to'ensure provision of adequate service, prior to service connection as part of the building permit. Thus, the proposed project would not result in significant impacts related to the utilization of water supplies, wastewater treatment facilities, or storm water drainage facilities.

Assembly Bill 939 required all cities to divert 50 percent of their solid waste from landfills by December 31, 2000. The current waste diversion rate in the City of Oakland is only 42 percent. The project sponsor shall be required to comply with the City's construction and demolition debris recycling ordinance, which requires submittal of a plan to divert at least 50 percent of the

construction waste generated by the project from landfill disposal. Compliance with this ordinance would result in less-than-significant short-term impacts on solid waste.

In addition, the following mitigation measure shall be implemented to avoid adverse long-term solid waste disposal impacts:

Mitigation Measure XVIJ: The project sponsor shall submit a plan which demonstrates a good faith effort to divert at least 50 percent of the solid waste generated by construction and operation of the project from landrW disposal.

The above measure would reduce the potential long-term impacts of the proposed project on solid waste disposal to a less than significant level.

Source:
Oakland General Plan, Land Use and Transportation Element, March 24, 1998.
Oakland Community Services Analysis, Technical Report #5, October 1995.

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XVILMANDATORY 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

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INITIAL STUDY AND ENVTRONMNTAL REVIEW CHECKLIST
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

prehistory?

Comments to Mandatory Findings of Significance:
The proposed project will not degrade the quality of the environment with respect to plant or animai habitats as the proposed project site is located in an urban area where no known significant species or habitats currently exist. No important examples of major periods of California istory or prehistory exist on the site.

Source:
Oakland Generl Plan, Land Use and Transportation Element, March 1.4, 1998.

Oakland General Plan, Open Space, Conservation and Recreation Element, June 1996.
Project Description and Plans.

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.) 7 0 E-1

Comments to Mandatory Findings of Significance:
The proposed project will not result in significant cumulatively considerable effects.

Source:
Project Description and Plans.

c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly? Z

Comments to Mandatory Findings of Significance:
The project will not result in any potential environmental effects that will cause substantial adverse effects on human beings, upon implementation of the identified mitigation measures. The proposed project does not entail the use, storage or handling of any significant amounts of hazardous substances.

Source:
Oaldand Zoning Regulations. 1966, as amended through April 2001.
Oakland General Plan, Land Use and Transportation Element, March 24, 1998.
Oaidand General Plan, Open Space, Conservation and Recreation Element, June 1.996.
Project Description and Plans.

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R11ITIAL STUDY AND ENVIRONNITNTAL REVrEW CMFCXIIST
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

APPENDMA
Summary of Mitigation Measures for Infiniti Dealership Project

(ER03 0013)

111. AIR QUALITY

Mitigation Measure IILb: During construction, the project sponsor shall require the construction contractor to implement BAAQNM's basic dust control procedures required for sites smaller than four acres, such as the project site, to maintain construction related impacts at acceptable levels; this mitigates the potential impact to a less-than-ignificant level.

Elements of the "basic" dust control program for project components that disturb less than four acres shall include, but not necessarily be limited to the following:

• 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 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.

V. CULTURAL RESOURCES

Mitigation Measure VA: If archaeological or paleontological resources are accidentally discovered during the project excavation, or construction, the project sponsor shall ensure that excavation or construction work is halted and a qualified cultural resource consultant has evaluated the situation, assessed the potential significance and uniqueness of the artifact under the provisions of Public Resources Code Section 21083.2, and provided mitigation recommendations, if warranted. Cultural resources include, but are not limited to, railroad ties, foundations, privies, shell and bone artifacts. Any identified cultural resources found shall be recorded on DPR 523 (historic properties) forms.

Mitigation Measure V.2: In the event that human skeletal remains are encountered during demolition or construction activities for the proposed project, the project sponsor shall immediately notify the County Coroner and stop ail work in the immediate vicinity of the remains. If the County Coroner determines that the remains are Native American, the City shall contact the California Native Heritage Commission, pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease.

U'4TTIAL STUDY AND ENVIRONMENTAL REVIEW CHFCKLIST
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

VIL HAZARDS AND HAZARDOUS MATERIALS

Mitigation Measure VIIJ: The project applicant shall use of construction best management practices (BMPs) typically implemented as part of construction to minimize the potential negative effects to groundwater and soils from construction activities. The following shall be implemented as necessary to avoid any significant effects:

• Follow manufacturer's recommendations on use, storage and disposal of chemical products used in construction;

• Avoid overtopping construction equipment fuel gas tanks;

• During routine maintenance of construction equipment, properly contain and remove grease and oils; and

• Properly dispose of discarded containers of fuels and other chemicals.

Mitigation Measure VIL2: An envirommental site health and safety plan shail be created and implemented to address worker safety hazards. Ms plan shall be prepared in accordance with applicable state and federal worker protection standards to address potential health and safety issues that may arise during construction activities associated with lead-impacted soils at the project site. The environmental site health and safety plan shall be incorporated into construction specifications for the project and subsequently implemented by the site contractor.

Mitigation Measure VIL3: Excess soil generated by construction activities shall be sampled for transport and appropriate disposal. Stockpiled soil shall be appropriately managed to prevent contamination of stormwater runoff or intermixing with clean fill imported to the site. Appropriate management of stockpiled soils shall be integrated into the site's grading and drainage plan and Storrawater Pollution Prevention Plan and shall be implemented in order to minimize potential erosion and/or lead pollution of stornawater runoff, as discussed in Hydrology and Water Quality, Section VIU. Transportation and disposal of lead impacted soil generated from the project site by construction activities under the Plan shall be required to comply with appropriate state and federal requirements. Areas of the project site which Would be left unpaved for landscaping, or other purposes, shall be underlain by at least 5 feet of clean fill.

VIIL HYDROLOGY AND WATER QUALITY

Mitigation Measure VHIJ: The project applicant shall obtain a discharge permit from East Bay Municipal Utilities District (EBMUD) or the City of Oakland Public Works Agency and RWQCB prior to any discharge.

Mitigation Measure VHL2: Water used for the purposes of vehicle or equipment washing activities shall be directed to discharge into the sanitary sewer system. Wash areas shall be designed to prevent the potential discharge of run-off into the City of Oakland storm drain system.

Discharge into the sanitary sewer system associated with the project shall be subject to the review, approval, and conditions of the East Bay Municipal Utility District.

Mitigation Measure VHL3: The applicant shall be required to pay fees to compensate the City for the cost of any system upgrades required to accommodate increased ninoff from the proposed project.

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INMAL STUDY AND EWIRONNEENTAL REVIEW CHECKLIST
CALIFORNIA ENVIRONMENTAL QUALTY ACr (CEQA)

XI. NOISE

Standard Construction Requirements

Mitigation Measure XI.12: Standard construction activities shall be [imited to between 7:00 a.m. and 9@00 p.m., Monday through Sunday.

Mitigation Measure XI.lb: To reduce daytime noise impacts due to construction, the City shall require construction contractors to implement the following measures:

• Signs shall be posted at the construction site that include permitted construction days and hours, a day and evening contact number for the job site, and a day and evening contact number for the Contractor in the event of problems.

• An on-site complaint and enforcement manager shall be posted to respond to and track complaints.

• 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 are completed prior to the issuance of a building permit (including construction hours, neighborhood notification, posted signs, etc.)

• 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 acousticaily-attenuating shields or shrouds, wherever feasible);

• 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 are completed prior to the issuance of a building permit (including construction hours, neighborhood notification, posted signs, etc.)

• 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 acousticaUy-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; and

• Stationary noise sources shall be located as far from sensitive receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or other measures to the extent feasible.

• The noisiest phases of construction shall be limited to less than 10 days to show compliance with the local noise ordinance.

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INITIAL STUDY AND ENVIRONMFNTAL REVIEW CHECKLIST
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Pile-Driving Requirements and Conditions

Mitigation Measure XI.1c: Pile-driving and/or other extreme noise generating activities (greater than 90 dBA) shall be limited to between 7:00 a.m. and 7:00 p.m., Monday through Sunday, with no extreme noise-generating activity permitted between 12:30 and 1:30 p.m.

Mitigation Measure XI.Id: To further mitigate potential pile-driving and/or other extreme noise generating constniction impacts, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. This plan shall be submitted for review and approval by the City to ensure that maximum feasible noise attenuation is achieved. These attenuation measures shall include as many of the following control strategies as feasible and shall be implemented prior to any potential pile-driving activities:

• Implement "quiet" pile-driving technology, where feasible, in consideration of geotechnical and structural requirements and conditions;

• Erect temporary plywood noise barriers around the entire construction site;

• Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;

0 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.

Mitigation Measure X1.1e: A process with the following components shall be established for

responding to and tracking complaints pertaining to pile-driving construction noise:

0 A procedure for notifying City Building Division staff and Oakland Police Department;

• A plan for posting signs on-site pertaining to 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 a construction complaint manger for the project; and

• Notify property owners of neighboring businesses 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. Develop a reasonable schedule for the hours of pile driving to minimize the noise impacts on nearby businesses, to the greatest degree possible, while still enabling a reasonable construction schedule.

XV1. UTILITIES AND SERVICE SYSTEMS

Nfitigation Measure XVI.l: The project sponsor shall submit a plan which demonstrates a good faith effort to divert at least 50 percent of the solid waste generated by construction and operation of the project from landfill disposal.

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LEGAL DESCRIPTION
PARCEI-2

Real property located in the City of Oakland, County of Alameda, State of California, also being a portion of Lot 1 as shown on the Parcel Map Waiver and Certificate of Compliance recorded October 7, 1999 as series 99382176, more particularly described as follows:

Beginning at the most northerly corner of said Lot 1 as shown on said Parcel Map Waiver and Certificate of Compliance; thence, along the northeasterly line of said Lot 1, South 33050'12" East, 289.43 feet; thence, leaving said northeasterly line of Lot 1, South 56009'36" West, 514.71 feet to a point on the southwesterly line of Lot 1 0 as shown on said Parcel Map Waiver and Certificate of Compliance; thence, along the southwesterly line of said Lot 1 0, North 33050'24" West, 289.43 feet to the intersection with the northwesterly line of Lot 1 extended southwesterly; thence, along said extension and said northwesterly line of Lot 1, North 56009'36" East, 514.72 feet to the Point of Beginning.

Containing 3.42 acres, more or less, measured in ground distances.

END OF DESCRIPTION

Bearings and distances described herein are based upon the California Coordinate System of 1983, Zone III, 1966 adjustment. All distances described herein are grid distances. To obtain ground distances, multiply grid distances by 1.0000708.

Surveyor's Statement
This description was prepared pursuant to section 8726 of the Business and Professions Code of the State of California by or under the supervision of:

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RECORDING REQUESTED BY: ALAMEDA COUNTY
PATRICK O'CONNELL
City of Oakland, a Municipal
Corporation

PGS
WHEN RECORDED MAIL TO:

Frank Fanelli, ASA
Manager, Real Estate Division
City of Oakland
Community & Economic Development Agency
250 Frank H. Ogawa Plaza

4'@ floor
Oakland, CA 94612

TAX ROLL PARCEL NUMBER &

(ASSESSOR'S REFERENCE NUMBER) 11-4
041-3902-013-00
MAP BLOCK PARCEL SUB (Space above for Recorder's use only)

GOkRIE&IO01 DOCUMENT
To Correct and Amend
The
Certificate of Compliance
Recorded on Aprit 27, 2001 by the City ci OakIand, as Document Number 20011413S4, Alameda County Records.

This Correction Document is being recorded for the following reason:

There is an error in the distance label an the northwesterly line The
Mr
distancewaslabeled4l4.72feet,butshouldhaveread5l4.72feetE "Qrevised
description and plat are attached.

Owner: Redevelopment Agency of the City of Oakland

Date: -IWO -2-

APPROVED:

Date: Z

ary on
Zoning Administrator
Local Agency Official

LEGAL DESCRIPTION

Real property located in the City of Oakland, County of Alameda, State of California, being a portion of Lot IO, as shown on Parcel Map 6003, recorded in Book 205 of Parcel Maps at pages 94-98, Alameda County Records, more particularly described as follows: Beginning at the most westerly corner of Parcel 2 as shown on Certificate of Compliance, recorded April 27, 2001 as series number 2001141354, Alameda County Records; thence, along the westerly line of said Lot 1 0, North 33050'24" West 1282.76 feet to a point on a curve concave to the southwest having a radius of 372.21 feet; thence northwesterly 26.45 feet along said curve through a central angle of 4'04'1 6";

thence North 56009'36" East 20.05 feet to a point on a non-tangent curve concave to the southwest having a radius of 392.21 feet to which point a radial line bears North 52017'51 " East, said point also being on the easterly line of said Lot IO; thence southeasterly 26.44 feet along said curve through a central angle of 03051'45"; thence continuing along said easterly line of Lot 1 0 the following 3 courses:
1. South3305O'24!'East253-55feet;
2. North 56009'36" East, 14.00 feet;
3. South 33050'24" East 1 029.21 feet to a point on the northwesterly line of said Parcel 2;
Thence along said northwesterly line South 56009'36" West 34.00 feet to the Point of Beginning.

Containing 40,593 square feet, more or less, measured in grid distances.

END OF DESCRIPTION

This description is based upon the North American Datum of 1983, (1986 Adjustment) as shown upon Record of Survey 990, filed for record in Book I 8 of Record of Surveys, Pages 50-60, in the Office of the Recorder of Alameda County. All distances called for by this description are grid distances. To obtain ground distances, multiply distances called for herein by 1.0000708.

Surveyor's Statement
I hereby state that this description and its accompanying plat were prepared by me or under my direction in December 2001.

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RECORDING REQUESTED BY: OFFICIAL RECORDS OF RECORDING FEE: 0.00
ALAMEDA COUNTY
City of Oakland, a Municipal 1PATRICK O'CONNELL

Corporation

WHEN RECORDED MAIL TO: I 4 PCs

Frank Fanelli, ASA
Manager, Real Estate Division
City of Oakland
Community & Economic Development Agency
250 Frank H. Ogawa Plaza
4th floor
Oakland, CA 94612

TAX ROLL PARCEL NUMBER
(ASSESSOR'S REFERENCE NUMBER)
041-3902-013-00
MAP BLOCK PARCEL SUB (Space above for Recorder's use only)

CERTIFICATE OF COMPLIANCE

For the subdivision of the remainder of Lot IO resulting from the recording of the Certificate of Compliance filed April 27, 2001 as Series No. 2001141354, Alameda County Records, and which property is shown in its entirety on Parcel Map 6003 filed June 2, 1993 in Book 205 of Parcel Maps at pages 94-98, Alameda County Records.

Pursuant to sections33166.20 1/2 and 66499.35 of the Government Code of the State of California and City of Oakland Municipal Code section 16.24.020, the City of Oakland, a municipal corporation, hereby records this Certificate of Compliance for the parcels of land described in the attached Legal Descriptions and accompanying plats, after finding

that the parcels described are in compliance with section 66428 by virtue of a Parcel Map Waiver attached and hereby made a part of this Certificate of Compliance.

Ownen Redevelopment Agency of the City of Oakland,

Date:

APPROVED:

14@41@ t@ Date:
Gary Patton
Zoning Administrator
Local Agency Official

CITY OF OAKLAND

Community and Economic Development Agency,Planning & Zoning Services Division
2 5 0 Frank H. Ogawa Plaza, Suite 3330, Oakland, California, 94612-2032

August 21, 2003

Responses to Comments Received on the Infiniti Dealership Mitigated Negative Declaration (Issued June 12, 2003)

Submitted by: Claudia Cappio, Development Director C

Letter from Reizional Water Quality Control Board (RWOCB) - August 8. 2003

1) The commentor notes that the stormwater runoff discussion of potential impacts is incomplete, and that the Initial Study/Mitigated Negative Declaration (IS/MND) should include a further discussion of the most recent Alameda County National Pollutant Discharge Elimination System permit requirements, information and specifications.

StaffResponse: These comments are noted. During the design development phase of the project for the site and related infrastructure improvements, the NPDES requirements, specifications and information will be part of the Public Works and Engineering Services Division requirements for a grading, drainage and public improvement plan prior to issuing a building, grading or encroachment permit for the project. Oakland, as part of the Alameda Countywide Clean Water Program, Storm Water Management Plan (SMP), will fully implement the requirements and specifications for new development.

The following text is hereby added to the discussion of Vill. Hydrology and Water Quality of the IS/MND@

Page 33 -- Second paragraph: **..... The permitting process requires the applicant to** prepare a Storm Water Pollution Prevention Plan (SWPPP) which is prepared to instruct and inform construction workers of the appropriate practices to reduce stormwater runoff, erosion of loose sediments and handling of potentially hazardous materials and dewatering effluent. This plan shall reference, to the extent applicable, the Start at the Source Report, a design guidance manual for storm water quality protection and storm water management practice **..... "**

Page 34 - Second paragraph: -' The drainage plan would include existing, temporary, and final drainage facilities consistent -,kith erosion and sediment control plans, and

Response to Comments
Infinity IS/NWD
August 21, 2003
Pagc I

prescribed procedures to ensure that erosion and sediment management are maintained on the project site during construction and during the operation of the pro*ect. Both construction and operation measures shall follow the Start at the Source Stormwater management practices for storm water quality protection.

Letter from East Bay Municipal Utility District (EBMUD) - August 14, 2003

1) The commentor notes that there may be existing groundwater contamination and that EBNfUD workers require health and safety protection plans in order to install waterlines, etc.

StaffResponse: Mitigation Measure V11.2 requires that an environmental site health and safety plan be created to address safety hazards. This plan operates on a comprehensive site basis, and the provisions of the plan apply to any workers involved on the site, including EBMUD personnel.

2) The commentor requests that information be provided to confirm that the project will not have an additional impact on stormwater or sewer capacity, particularly adequate wet weather capacity.

StaffResponse: As part of the final development plans for the project, the applicant must confirm, to the satisfaction of the Public Works Agency, that sufficient stormwater and sewer capacity exist in the area, and that the conveyance system is adequate to service the project. This site is in the center of a intensely developed mixed use area and the amount of sewer flow and storm water drainage resulting from the 4.35 acre site is considered deminimus.

3) The commentor requests that all water conservation measures be instituted to comply with the Oakland Water Efficient Landscape Requirements.

Staff Response: This requirement will be a part of the star,.daTd plan check of site improvements and landscape plan review prior to the issuance of a building permit for the project.

California Regional Water Quality Control Board

San Francisco Bay Region

Winston ckox Internet Address: htrp://@.s,vrcb.ca.gov Gray Davis
Secretaryfor 151 XJlua-SWw-LAQoQe4i4"d,Califomia 94612 Governor
Environmental 510) 622-2460
Protection

Date: August 8, 2003
File No. 2198.09 (BKW)

Catherine Payne
City of Oakland
Community & Economic Development Agency
Planning Division
250 Frank H. Ogawa Plaza, Suite 3330
Oakland, CA 94612

Re: Mitigated Negative Declaration and Initial Study for Infiniti of Oakland Auto Dealership Project, SCH #2003072095

Dear Ms. Payne:

Regional Water Quality Control Board (Regional Board) staff have reviewed the Mitigated Negative Declaration & Initial Study (MND&IS) for the Infiniti of Oakland Auto Dealership Project. The MND&IS will evaluate the potential environmental impacts that might reasonably be anticipated to result from the proposed actions, which includes construction of a one-story 35,000 square foot building for use as an auto showroom, auto sales and service/repair facility as well as construction of a 300-space parking/auto sales lot and a 35' tall pylon sign for the Infiniti dealership. Regional Board staff have the following comments on the M],M&IS.

Comment I
Environmental Setting, Impacts and Mitigation Measures, Secdon VIII, Hydrology and Water Quality, pages 33-35.
The discussion of stormwater impacts in this section is incomplete. Most of the discussion on page 33 is related to minimizing storrawater impacts related to construction of the projects. The discussion of potential water quality impacts in the MND&IS should be expanded to include a discussion of Alameda County's National Pollutant Discharge Elimination System (NPDES) permit for stonnwater discharges. Under the terms of the NPDES permit, post-construction best management practices (BNLps) at new development and significant redevelopment projects are to meet the maximum extant practicable (MEP) definition of treatment specified in the Clean Water Act (CWA). Alameda County is implementing the current NDPES permit for discharges of stormwater under the Alameda Countywide Clean Water Program, Stormwater Management Plan (SMP) (EOA, Inc., February 1997). New Development and Construction Goals are discussed in Section 7 of the SMP. These goals include the following:

Incorporate storrnwater quality controls into the planning and permitting of new

development/significant redevelopment projects;

California Environmental Protection Agency

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Ms. Payne - 2 - Infiniti of Oaklnd Mitigated Neg. Dec.

0 Continue to promote implementation of the Regional Board Staff Recommendationsfor New and Redevelopment Controlsfor Stormwater Programs.

Tables 2 and 4 of the Regional Board Staff Reconiniendationsfor New and Redevelopment Controlsfor Slormwater Programs state that residential and commercial projects with an acre of impervious surfaces are required to implement Tier I post-construction stormwater best management practices (BMPs). Tier I BMPs include swales, vegetated filter strips, and stream erosion control.

The Alameda County NDPES permit was re-issued on February 19, 2003. New development and significant redevelopment Projects that are constructed after February of 2005 will be required to comply with the numeric standards for post-construction stormwater BMPs in the re-issued permit. Treatment BWs are to be constructed that incorporate, at a minimum, the following hydraulic sizing design criteria to treat stormwater runoff. As appropriate for each criterion, local rainfall data are to be used or appropriately analyzed for the design of the BMPs.

Volume Hydraulic Design Basis: Treatment BN[Ps whose primary mode of action

depends on volume capacity, such as detention/retention units or infiltration structures, shall be designed to treat stormwater runoff equal to:
1 .the maximized stormwater quality capture volume for the area, based on historical rainfall records, deter-mined using the fortriula and volume capture coefficients set forth in Urban Runoff Quality Management, WEF Manual of Practice No. 231 ASCE Manual of Practice No. 87, (1998), pages 175-178 (e.g., approximately the 85 Ih percentile 24-hour storm runoff event); or
2. the volume of annual runoff required to achieve 80 percent or more capture, deterrnined in accordance with the methodology set forth in Appendix D of the California Stormwater Best Management Practices Handbook, (1993), using local rainfall data.
Flow Hydraulic Design Basis: Treatment BN/[Ps whose primary mode of action depends on flow capacity, such as swales, sand filters, or wetlands, shall be sized to treat:

California Environmental Protection Agency
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Ms.Payne - 3 - Infutiti of Oakland Mitigated Neg. Dec.

1. IO% of the 50-year peakflow rate; or

7' theflow of runoffproduced by a rain event equal to at least two times the 85th percentile hourly rainfall intensityfor the applicable area, based on historical records of hourl.v rainfall depths; or
3. the flow of runoff resulting fi-om a rain event equal to at least 0.2 inches per hour intensity.

Regional Board staff strongly encourage the use of landscape-based stormwater treatment measures, such as biofilters and vegetated swales, to manage runoff ftom the project sites. Since landscape-based stormwater treatment measures require that some of the site surface area be set aside for their construction, the proper sizing and placement of these features should be evaluated early in the design process to facilitate incorporation of the features into the site landscaping. Regional Board staff discourage the use of inlet filter devices for stormwater management. Filtration systems require a maintenance program that is adequate to maintain the fanctional integrity of the systems and to ensure that improperly maintained filtration devices do not themselves become sources of stormwater contaminants or fail to function. Regional Board staff have observed problems with the use of inlet filter inserts, since these devices require high levels of maintenance and are easily clogged by leaves or other commonly occurring debris, rendering them ineffective. Research conducted by the Califort-da Department of Transportation has demonstrated that inlet filters can be clogged by a single storm event. The study found that these devices

required maintenance before and after storm events as small as 0. 1 inch of rain. In addition, trash, debris, and sediment in the catchment had a significant impact on the fi7equency of maintenance. Therefore, adequate maintenance of inlet filters to provide MEP water quality treatment would be prohibitively expensive and impractically time consuming.

Regional Board staff recommend that the City refer to Start at the Source, a design guidance manual for storm water quality protection, for a fuller discussion of the selection of stormwater management practices. This manual provides innovative procedures for designing structures, parking lots, drainage systems, and landscaping to mitigate the impacts of stormwater runoff on receiving waters. This manual may be obtained from most cities' planning departments, or from me via email, by sending a request to the email address given in the last paragraph of this letter.

California Environmental Protection Agency
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Ms. Payne - 4 - Infiniti of Oakland Mitigated Neg. Dec.

If you have any questions, please contact me at (510) 622-5680 or by e-mail at bkwprb2.swrcb.ca.gov.

Sincerely,

Brian Wines
Water Resources Control Engineer
South/East Bay Section

cc State Clearinghouse, Attn: Katie Shulte Joung, P.O. Box 3044, Sacramento, CA 95812-3044

California Environmental Protection Agency
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P.O. Box 24055
Oakland, CA W23-1055
Phone: 510 287-1084
F". 510 287-0790

Rmi

To; Catherine Payne Frowc MaHe A. Valmores

Fa3c (510) 238-6538 Date, August 14,2003

Pbons: (510) 238-6316 Pages: 4

Re: NOP IVIND Infinili Auto Dealership cc,

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- Comments

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From the desk of Sue Baker
Secretary to 0111 I(Irkl3atrick
(510) 287-1104

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EAST BAY
MUNICIPAL UTILITY DISTRICT

August 14,2003

Catherine Payne, Planner IV
City of Oakland
Community and Economic Development Agency
Planning & Zoning Services Division
250 Frank Ogawa Plaza, Suite 3330
Oakland, CA 94612

Dear Ms. Payne:

Re: Notice of Intent to Adopt a Mitigated Negative Declaration - Infiniti Auto Dealership

East Bay Municipal Utility District (EBMUD) appreciates this opportunity to comment on the Mitigated Negative Declaration (MND) for the Infiniti Auto Dealership in Oakland. EBMUD has the following comments regarding water service, wastewater, and water conservation.

WATER SERVICE

The proposed project is located within EBMUD's Central (GOA) Pressure Zone that provides water service to customers within an elevation range of 0 to 100 feet. The project site fronts a 12-inch water main in Oakport Street. The project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine costs and conditions for providing water service to the proposed development.

The Phase I Environmental Site Assessment referred to in the Initial Study and Environmental Review Checklist for this project indicates that soil contamination is present within the project site. EBMUD will not install pipeline in contaminated soil or groundwater (if groundwater is present at any time during the year at the depth piping is to be installed) that must be handled as a hazardous waste, or that may be hazardous to the health and safety of construction or maintenance personnel wearing Level D personal protective equipment. Nor will EBMUD mstall piping in areas where groundwater contaminant concentrations exceed specified Emits fbr discharge to sanitary sewer systems or sewage treatment plants.

Applicants for EBMI JD services requiring excavation in contaminated areas must submit copies of all known, existing information regarding soil and groundwater quality within or Aacent to the project boundary and a legally sufficient, complete and specific written remedial plan establishing the methodology, planning and design of all necessary systems for the removal, treatment, and disposal of all identified contaminated soil and/or groundwater. EBMUD will not

design the installation of pipelines until such time as soil and groundwater quality data and remediation plans are received and reviewed and will not install pipelines until remediation has been carried out and documentation of the effectiveness of the remediation has been received and reviewed. If no soil or groundwater quality data exists or the infbrmation supplied by the project sponsor is insufficient, EBMUD may require the project sponsor to perform sampling and Of% 4@

375 ELEVENTH STREET . OAKLAND . CA 946074240. (510) M-3WO

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analysis to characterize the soil being excavated and groundwater that may be encountered during excavation or perform such sampling and analysis itself at the project sponsors expense.

WASTEWATER

EBM`UD's Main Wastewater Treatment Plant is anticipated to have adequate dry weather capacity to treat the proposed wastewater flow from this project, provided this wastewater meets the standards of EBMTJD's Environmental Services Division. However, the City of Oakland's Infiltration4nflow (YI) Correction Program set a maximum aflowable peak wastewater flow from each subbasin within the City and EBMUD agreed to design and construct wet weather conveyance and treatment facilities to accommodate these flows. EBNIUD prol-dbits discharge of wastewater flows above the allocated peak flow for a subbasin because conveyance and treatment capacity for wet weather flows may be adversely impacted by flows above this agreed limit. The project sponsor for this project needs to confirm with the City of Oakland Public Works Department that there is available capacity within the subbasin flow allocation and that it has not been allocated to other developments. The proj ected peak wet weather wastewater flows from this project need to be determined to assess the available capacity within the subbasin and conf=ation included in the MND. Suggested language to include in the MND is as follows: "The City of Oakland Public Works Department has confirmed that there is available wastewater capacity within Subbasin (insert subbasinnumber here) for this project."

In general, the project should address the replacement or rehabilitation of the existing sanitary sewer collection system to prevent an increase in I/I. Please include a provision to control or reduce the amount of I/f in the environmental documentation for this project The main concern is the increase in total wet weather flows, which could have an adverse impact if the flows are greater ffian the maximum allowable flows from this subbasin.

If a groundwater cleanup project is necessary for this site, and the project sponsor proposes discharge to the sanitary sewer, a Wastewater Discharge Permit fi7om EBMUD will be required. The permit will require monitoring to document pollutants of concern, and treatment to achieve compliance with EBMUD's Wastewater Control Ordinance. A Discharge Permit would be subject to compliance with Permit term and conditions and payment of appropriate fees.

The project sponsor is required to obtain a Wastewater Discharge Permit from EBMUD for

discharges related to the vehicle or equipment washing activities. 'ne wash area shall be constructed so as to prevent stormwater from flowing to the sanitary sewer system. The discharge permit shall be subject to compliance with permit terms and conditions and payment of appropriate fees.

WATER CONSERVATION

The project presents an opportunity to incorporate water conservation measures. The City should include in its conditions of approval for the implementation of the project that project applicants comply with the Oakland Water Efficient Landscape Requirements, Article 10, Chapter 7, of the Municipal Code and, if not enforced by the City, the project would &Jl under

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the jurisdiction of Assembly Bill 325, Statewide Model Water Efficient Landscape Ordinance (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490-495).

If you have any additional questions, please contact me at (510) 287-1084.

Sincerely,

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MARlE A. VALMORES
Senior Civil Engineer, Water Service Planning

MAV:AMV:sb
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item (O
CED Committee
September 23, 2003