Exhibit A of Resolution 2011.15
Agenda Item 9.02

CALIFORNIA CULTURAL AND HISTORICAL ENDOWMENT
FINDINGS OF FACT AND
STATEMENT OF OVERRIDING CONSIDERATIONS
BRIDGE Economic Development Corporation (BREDCO)
R4-43 – BRIDGE Economic Development Corporation

BACKGROUND

The CCHE project involves the rehabilitation and reuse of substantial portions of the historic Beaux Arts-style 16th Street Train Station, with a publicly-accessible plaza in Oakland, California.

The California Cultural and Historical Endowment (CCHE), as a Responsible Agency, will fund part of the rehabilitation and reuse of the 16th Street Train Station, and has independently considered the Environmental Impact Report prepared for the Project by The Lead Agency, the City of Oakland. The final EIR was adopted by the City on May 16, 2005.

As a Responsible Agency, CCHE makes its own Findings of Fact and Statement of Overriding Considerations pursuant to Sections 15091 and 15093 of the State CEQA Guidelines, as provided by Section 15096(h) of the Guidelines.

PROJECT DESCRIPTION

The overall Wood Street project location is approximate 29.2 acres between 10th Street to the south, West Grand Avenue to the north, Wood Street to the east, and the I-880 frontage road to the west in the City of Oakland, County of Alameda.

The project is a collection of mixed use developments consisting of residential, live-work, retail uses, and non-retail commercial space. Uses are flexible, ranging from a residentially oriented scenario with up to 1570 units, 27,847 square feet of commercial uses, and 122,925 square feet of private open space; to a commercially oriented scenario of up to 1048 residential units, 539,626 square feet of commercial uses, and 88,350 square feet of private open space. The project proposes potential means to rehabilitate and reuse substantial portions of the historic southern Pacific 16th Street Train Station, with a publicly-accessible plaza in front.

PORTIONS OF THE PROJECT TO BE FUNDED BY CCHE

When considering mitigation measures, a Responsible Agency is more limited than a Lead Agency. A Responsible Agency has responsibility for mitigating or avoiding only the direct or indirect environmental effects of those parts of the Project which it decides to carry out, finance or approve. The portions of the 16th Street Train Station Restoration and Adaptive Reuse project to be funded by CCHE include:

repairs to fence and roof; building and site security and access regulation; improvements and clean-up of Pavilion and frontage; installation of utilities such as water, power, and plumbing; land preparation such as test soils, removal of gravel and asphalt; lay out of topsoil; subroofing repairs, drainage, interior ceiling repairs and rear exterior power washing in order to protect from further weather damage; and installation of signage to recognize historic nature of site.

FINDINGS ON UNAVOIDABLE, SIGNIFICANT AND POTENTIALLY SIGNIFICANT IMPACTS IDENTIFIED IN THE EIR

Pursuant to and in accordance with Section 21081 of the Public Resource Code, the EIR examined the potential for adverse effects to result from Project implementation. The following environmental impact issue areas were examined: (A) Land Use; (B)Transportation, Circulation, and Parking; (C) Noise; (D) Air Quality; (E) Cultural Resources (F) Hazardous Material; and (G)Biological Resources.

Some of the significant effects can be fully avoided through the adoption of feasible mitigation measures. Others cannot be avoided by the adoption of such measures or feasible environmentally superior alternatives. However, these effects are outweighed by the overriding considerations. The findings, impacts and mitigation measures applicable to the Project are noted below. The numbers of the impacts and mitigation measures are those found in the EIR.

(A) LAND USE

LU-3 The Project would not be consistent with the current General Plan land use classification and zoning districts for the Project Area. (PS)

- ***Mitigation Measure LU3.1***
  General Plan Amendment. The Project Sponsors shall apply for a General Plan Amendment (GPA) to apply the Urban Residential (UR) land use classification to the Project Area for approval by the City. According to the General Plan, this classification allows multi-unit, mid-rise, or high-rise residential structures and allows ground-floor commercial uses and public facilities of compatible character. The GPA, if approved, would eliminate any inconsistencies with the existing General Plan land use classification.
- ***Mitigation Measure LU3.2***
  Zoning Code Amendment. The Project Sponsors shall apply for a Zoning Code Amendment to add the Wood Street Zoning District and to rezone the Project Area to this new zoning district. The Project would be required to adhere to the Wood Street Zoning Regulations, which set forth land use regulations, development standards, design guidelines, and other requirements, including allowable uses, requirements for circulation, open space, streets and public improvements, building heights, massing, maximum densities, setbacks, landscaping, and parking. The change in zoning from the existing industrial and industrial/residential combining districts to the

Wood Street Zoning District, if approved, would eliminate any inconsistencies with the existing zoning.

(B) TRANSPORTATION, CIRUCLATION, AND PARKING

TR-1 Construction would generate a maximum of 3,300 trips daily. Construction-related traffic delays, detours, utility improvements, and activities could adversely affect local circulation. As a result, construction-related transportation impacts would be considered potentially significant. (PS)

- ***Mitigation Measure*** **TR-1.1**
  Construction Traffic Management Plan. The Project Sponsors shall prepare and implement a construction phasing plan and traffic management plan that defines how traffic operations would be managed and maintained during each phase of construction. The plan shall be developed with the direct participation of the City of Oakland; AC Transit shall be given the opportunity to review and comment on the plan. In addition, the property owners of all businesses adjacent to the construction areas shall be consulted. To the maximum practical extent, the plan shall:
  a. Detail how access will be maintained to individual businesses where construction activities may interfere with ingress and egress. Any driveway closures shall take place during non-business hours.
  b. Specify predetermined haul routes from staging areas to construction sites and to disposal areas of agreement with the City prior to construction. The routes shall follow streets and highways that provide the safest route and have the least impact on traffic
  c. During construction, require the contractor to provide information to the public using signs, press releases, and other media tools of traffic closures, detours or temporary displacement of left-turn lanes.
  d. Identify a single phone number that property owners and businesses can call for construction scheduling, phasing, and duration information, as well as for complaints.
  e. Identify construction activities that must take place during off-peak traffic hours or result in temporary road closures due to concerns regarding traffic safety or traffic congestion. Any road closures will be done at night under ordinary circumstances. If unforeseen circumstances require road closing during the day, the City of Oakland shall be consulted

TR-4 The Project could substantially increase traffic hazards to motor vehicles, bicycles, or pedestrians due to a design feature. (PS)

- ***Mitigation Measure TR-4.1***

Turn-Arounds at 11th Street and the 18th and 20th Street Extensions. The Project Sponsor for Development Areas Two, Six, Seven, and Eight shall incorporate the design of a cul-de-sac or other appropriate turn-around at the end of 11th Street and at the end of the 18th and 20th Street extensions and construct these extensions in compliance with City of Oakland Design Standards. Appropriate turn-around designs would allow vehicles to return along 11th Street and enter Wood Street in a front-end-first manner.

TR-5 Development of the Project could fundamentally conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks). (PS)

- ***Mitigation Measure TR-5.1***
  Bicycle Parking. The Project Sponsors shall incorporate into the final design plans the number of bicycle parking spaces specified by the parking space requirements in Table 3.4-7 and install the bicycle parking in compliance with City standards.

TR-8 The Project would increase peak-hour average ridership at the West Oakland BART Station by three percent where average waiting time at fare gates could exceed one minute. (S)

- ***Mitigation Measure TR-8.1***
  Fare Gate Capacity. The Project Sponsors for all development areas except Development Areas Five and Nine shall participate in efforts to provide adequate fare gate capacity at the West Oakland BART Station to accommodate the Project. The City and the Project Sponsors shall provide detailed information regarding development to BART to enable BART to conduct a comprehensive fare gate capacity assessment at the West Oakland BART Station. Based on the results of that assessment, the Project Sponsors shall fund their fair share for adding one or more new fare gates at the West Oakland BART Station.

TR-9 The Project, in combination with other related projects and background growth, would cause some signalized intersections to operate at unacceptable levels of service. (S)

- ***Mitigation Measure TR-9.1*** West Grand Avenue/Frontage Road. The Project Sponsors shall fund, on a fair share basis, the following improvements that would reduce the cumulative operations impact at the intersection of West Grand Avenue/frontage road:[3]

  1. Revise the northbound frontage road lanes to provide:

  - one left-turn lane
  - one combination left-through lane
  - one through lane

- one right-turn lane with overlap signal phasing (green arrow

2. Revise the southbound I-80 East Ramp lanes to provide:
- one left-turn lane
- one combination left-through lane
- one through lane
- one right-turn lane with overlap signal phasing (green arrow)

3. Revise the eastbound West Grand Avenue lanes to provide:
- one left-turn lane
- one through lane
- one combination through-right lane

4. Revise the westbound West Grand Avenue lanes to provide:
- one left-turn lane
- two through lanes
- one right-turn lane

While these improvements would reduce the cumulative operations impacts at the West Grand Avenue/frontage road intersection to an acceptable level of service, improvements would be outside the City of Oakland's jurisdiction and would require Caltrans approvals. As a result, the improvements may not be feasible, and the impact at this intersection would remain significant and unavoidable.

- ***Mitigation Measure TR-9.2***

  West Grand Avenue/Mandela Parkway Intersection. The Project Sponsors shall contribute their fair share of modifications at the West Grand Avenue/Mandela Parkway intersection. The modifications at the intersection shall include providing protected left-turn signal phasing (left-turn green arrows) for the West Grand Avenue approaches to the intersection

- ***Mitigation Measure TR-9.3***

  7th Street/Mandela Parkway Intersection. The Project Sponsors shall contribute their fair share of modifications at the 7th Street/Mandela Parkway intersection. The modifications at the intersection shall include adding a northbound lane on the 3rd Street extension to provide one left-turn lane, one combination through-right turn lane, and protected left-turn signal phasing (left-turn green arrows) for all four approaches to the intersection.

- ***Mitigation Measure TR-9.4***

  West Grand Avenue/Maritime Street and 3rd Street/Market Street Intersections. As part of the cumulative growth of the OARB Area Redevelopment Plan, the Project Sponsors shall contribute their fair

share, as defined in the OARB Area Redevelopment Plan EIR, 2002, to future improvements at these locations.

TR-10 The cumulative impact of the Project in combination with other related projects and background growth would cause some roadway segments on the MTS to operate at LOS F and increase the V/C ratio by more than three percent on segments that would already operate at LOS F under the future baseline conditions. Therefore, the cumulative contribution of the Project under the Maximum Trips Scenario would be significant. (S)

- ***Mitigation Measure TR-10.1***
  Transportation Demand Management. The Project Sponsors shall distribute materials concerning the availability of public transit to initial Project residents and prior to certificate of occupancy shall pay the fee adopted by the City on residential units to assist the City in implementing traffic demand management programs.
- ***Mitigation Measure TR-10.2***
  Shuttle Service. The Project Sponsors shall provide a shuttle service between the Project Area and the West Oakland BART Station and incorporate shuttle stops into the final design plans. In the event Project Sponsors elect not to use a private shuttle service, Project Sponsors will work with AC Transit and BART to design a shuttle service and shall incorporate public transit stops into the final development plans in consultation with AC Transit. The shuttle or transit stops shall be located within the Project Area and would be dispersed such that Project residents would be no more than one-quarter mile from a shuttle or transit stop.

  Shuttle or transit stops at the existing AC transit bus stop on Wood Street by Development Area Three, in front of the 16th Street Plaza (Development Area Nine), and on Wood Street at 20th Street by Development Area Seven should be considered. The shuttle service would operate at 15-minute peak-hour headways during commute hours. The shuttle service shall be designed to meet City of Oakland standards, link with pedestrian access, and be reviewed for approval by the City.

  The shuttle service shall be implemented within three months following the issuance of a Certificate of Occupancy of the 300th residential dwelling within the Project Area. At that time, the Project Sponsors, or their successors in interest, will fund operation and maintenance of the shuttle. Thereafter, and every two years until such time as the Planning Director determines that the shuttle service is no longer necessary, the Project Sponsors or their successors shall report to the Planning Director on the amount of shuttle use by Project residents and occupants, and the availability of other means to reduce the use of private vehicles by Project residents and occupants. The Planning Director shall permit discontinuation of the shuttle service upon finding

either that (a) the shuttle is not being used sufficiently to result in a substantial reduction in private vehicle use by Project residents and occupants, or (b) another means of reducing the use of private vehicles by Project residents and occupants would be feasible and cost the same or less than the shuttle, would create a greater reduction in private vehicle use than would the shuttle, and would result in a substantial reduction in private vehicle use by Project residents and occupants. If the Planning Director determines item (b), above, is the basis for discontinuing the shuttle service, then the Project Sponsors or their successors shall implement other means of reducing private automobile use by Project residents and occupants.

TR-12 The cumulative impact of the Project, in combination with other related projects and background growth, could increase the overall passenger volume such that the passenger volume could exceed the standing capacity of BART trains and could increase peak-hour average ridership by three percent. (S)

- ***Mitigation Measure TR-12.1***

  BART Train Capacity. The Project Sponsors shall participate in efforts to ensure that adequate BART train capacity will be available for riders to and from the Project Area, and fund BART train capacity improvements on a fair share basis.

TR-13 The cumulative impact of the Project in combination with other related projects and background growth, would increase peak-hour average ridership at the West Oakland BART Station by three percent where average waiting time at fare gates could exceed one minute. (S)

- *See Mitigation Measure TR-8.1*

(C) NOISE

NO-1 The Project would result in short-term increases in noise and vibration levels due to construction over the course of multiple years. This would be considered a significant impact. (S)

- ***Mitigation Measure NO-1.1***

  City Council-Adopted Best Management Practices to Reduce Construction Noise. The Project Sponsors shall incorporate the following practices into the construction documents to be implemented by the Project's contractor, and these practices shall be provided to the Department of Building Inspection for approval prior to the issuance of building permits:

  - The Project Sponsors shall require construction contractors to limit standard construction activities as required by the City Building Department. Such activities are generally limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, with pile driving and/or other

extreme noise generating activities greater than 90 dBA limited to between 8:00 a.m. and 4:00 p.m. Monday through Friday, with no extreme noise generating activity permitted between 12:30 and 1:30 p.m. No construction activities shall be allowed on weekends, without prior authorization of the Building Services Division, and no extreme noise-generating activities shall be allowed on weekends and holidays.

- Equipment and trucks used for construction shall utilize the best available noise control techniques (improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically attenuating shields or shrouds) in order to minimize construction noise impacts.
- The physical separation between noise generators and noise receptors shall be maximized as feasible. Such separation
- measures:
    - Use shields, impervious fences, or other physical sound barriers to inhibit transmission of noise to sensitive receptors;
    - Locate stationary equipment to minimize noise impacts on the community; and
    - Minimize backing movements of equipment.
- Impact equipment (e.g., jack hammers and pavement breakers) used for Project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Compressed air exhaust silencers shall be used on other equipment. Other quieter procedures, such as drilling rather than impact equipment, shall be used whenever feasible.
- Prohibit unnecessary idling of internal combustion engines
- Schedule construction activity that produces higher noise levels during less noise-sensitive hours (normally 8:00 a.m. to 4:00 p.m. on weekdays). Minimize noise-intrusive impacts during the most noise-sensitive hours by planning noisier operations during times of highest ambient noise levels.
- Select routes for movement of construction-related vehicles and equipment so that noise-sensitive areas, including residences, hotels, and outdoor recreation areas, are

- routes in materials submitted to the Department of Building Inspection for approval prior to the issuance of building permits.
- h. Designate a noise disturbance coordinator who will be responsible for responding to complaints about noise during construction. The telephone number of the noise disturbance coordinator shall be conspicuously posted at the construction site and shall be provided to the Department of Building Inspection. Copies of the construction schedule shall also be posted at nearby noise-sensitive areas.

- ***Mitigation Measure NO-1.2***

  Pile Driving Noise and Vibration Effects on Structures. To mitigate potential pile driving or other extreme noise-generating 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 Department of Building Inspection to ensure that feasible noise attenuation is achieved to satisfy the City's standards contained in Section 17.120.050 of the Planning Code. These attenuation measures shall include as many of the following control strategies as feasible and shall be implemented prior to any required pile driving activities:
  - Implement "quiet" pile driving technology (e.g., vibratory pile driving or pre-drilled pile holes), where feasible, in consideration of geotechnical and structural requirements and conditions;
  - Erect temporary plywood noise barriers around the entire construction site; c. Adjust the scheduling and duration of pile driving;
  - Utilize noise control blankets on the building structures as the building is erected to reduce noise emissions from the site;
  - 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 during pile driving activities

- ***Mitigation Measure NO-1.3***

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

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

(D) AIR QUALITY

AQ-1 Construction activities for the Project could result in short-term increases in PM_{10} emissions that could violate City and BAAQMD air quality standards. (PS)

- ***Mitigation Measure AQ-1.1***

  Construction Dust Control Measures. The Project Sponsors shall require that the following practices be implemented by including them in the contractor construction documents:

  - Water all active construction areas at least twice daily.
  - Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
  - Pave, apply water three times daily, or apply non-toxic soil stabilizers on all unpaved access roads, parking areas, and
  - Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at the construction sites.
  - Sweep public streets adjacent to construction sites daily (with water sweepers) if visible soil material is carried onto the streets.
  - Hydroseed or apply non-toxic soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
  - Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).

- Limit traffic speeds on unpaved roads to 15 miles per hour.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replant vegetation in disturbed areas as soon as possible.
- k. Install wheel washers for all exiting trucks and equipment leaving the construction site.
- Install wind breaks at the windward sides of the construction areas.
- Suspend excavation and grading activities when wind (as instantaneous gusts) exceeds 25 miles per hour.

(E) CULTURAL RESOURCES

CR-1 Ground disturbing activities have the potential to directly impact previously unknown archaeological resources, including human burials, or paleontological resources in the Project Area by disturbing both surface and subsurface soils**.** Such disturbance could result in the loss of integrity of cultural deposits. (PS)

- ***Mitigation Measure CR-1.1***
  Archaeological Monitoring. The Project Sponsors shall retain a qualified archaeologist, upon any discovery of prehistoric remains or buried historic features. The archaeologist shall prepare a preliminary evaluation to assess the archaeological sensitivity of the specific site(s) under consideration and shall recommend actions to protect archaeological resources. If the archaeologist's evaluation indicates a more detailed site assessment is warranted, a testing program shall be initiated under the supervision of the qualified archaeologist. If, after testing, the archaeologist determines that the discovery is not significant as defined in CEQA, no further investigations or precautions are necessary to safeguard the find. The archaeologist shall prepare a final report to be sent to the responsible agency, the Oakland Landmarks Advisory Board, and the California Historical Resources Information System Northwest Information Center. If, however, after testing, the archaeologist determines that the discovery is significant as defined in CEQA, ground-disturbing activities in the immediate vicinity of the discovery shall remain suspended until an appropriate mitigation plan can be agreed upon by the archaeologist and the City and implemented by the Project Sponsors as discussed in Mitigation Measure CR-1.2.
- ***Mitigation Measure CR-1.2***
  *Cultural Resources Management/Mitigation Plan***.** If further investigations or precautions are necessary or appropriate, as determined by Mitigation Measure CR 1.1, the City of Oakland and the archaeologist shall jointly determine the additional procedures necessary to protect the resource and/or mitigate any significant

impacts. Additional measures to be implemented by the Project Sponsors might include a redesign of the Project, data recovery excavations, or a program to monitor all site excavation, during which the archaeologist shall record observations in a permanent log. The archaeologist shall prepare a final report to be sent to the responsible agency, the Oakland Landmarks Advisory Board, and the California Historical Resources Information System Northwest Information Center .

- ***Mitigation Measure CR-1.3***
  Discovery of Human Remains. Should any human remains be encountered, work in the vicinity shall halt and the County Coroner notified immediately. If the remains are determined to be Native American, the coroner shall contact the California Native American Heritage Commission (NAHC) pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code. The NAHC in Sacramento would identify a Most Likely Descendant (MLD) pursuant to subdivision (a) of Section 5097.98 of the Public Resources Code. The City of Oakland and the archaeologist shall consult with the MLD. The MLD may, with the permission of the owner of the land, or his or her authorized representative inspect the site of the discovery of the Native American remains and may recommend to the owner or the person responsible for the excavation work means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The descendants shall complete their inspection and make their recommendations within 24 hours of their notification by the NAHC. The recommendation may include scientific removal and nondestructive analysis of human remains and items associated with Native American burials. Work may not commence until the coroner's approval has been received.

CR-2 The Project would involve demolition of portions of the 16th Street Train Station, a City landmark and a designated historic structure, which would be considered a significant impact. (S)

- ***Mitigation Measure CR-2.1***
  HABS Recordation of the 16th Street Train Station. The Project Sponsor of Development Areas Five, Six, and Nine shall, within 12 months of the effective date of the Wood Street Zoning District, record the 16th Street Train Station and the Signal Tower in accordance with the procedures of the Historical American Building Survey (HABS). In accordance with the HABS recordation process, the Project Sponsor shall consult with the National Park Service (NPS) to determine the appropriate level of documentation, and all documentation shall be subject to review and approval by NPS with approval determined by compliance with HABS procedures.

- ***Mitigation Measure CR-2.2***

Salvage of Original Building Materials from Structures Proposed for Demolition **.** The Project Sponsor of Development Areas Five, Six, and Nine shall, within 12 months of the effective date of the Wood Street Zoning District, submit a study to the City of Oakland detailing those portions of the Baggage Wing and Elevated Tracks that can be feasibly salvaged. The study shall include an assessment of the feasibility of salvaging terra-cotta cladding, windows, doors and hardware. The City's Planning Director may approve, disapprove, or modify the study to ensure its adequately identifies those parts that can be feasibly salvaged. Following City approval of the study, the Project Sponsor shall salvage parts as indicated in the approved study and shall make the salvaged materials available for reuse in rehabilitating the Main Hall or Signal Tower

- ***Mitigation Measure CR-2.3***
  Stabilization of Main Hall and Signal Tower. The Project Sponsor of Development Areas Five, Six, and Nine shall, within three months of the effective date of the Wood Street Zoning District, take measures designed to preclude further deterioration of the Main Hall and the Signal Tower from rain and to exclude trespassers. These measures must be approved by the City's Planning Director, who shall find them acceptable if they preclude deterioration or vandalism that would occur in the absence of these measures. These measures shall remain in place until the decision regarding reuse of the Main Hall is made. The facilities preserved and protected by this measure include the canopy at the Wood Street entrance to the Main Hall.
- ***Mitigation Measure CR-2.4***
  Restriction on Alteration of the Main Hall and the Signal Tower. The property owner of property containing the Main Hall and the Signal Tower shall not make any alteration to the Main Hall that is not consistent with the preservation, rehabilitation, or reuse recommendations contained in the OARB Area Redevelopment Plan (as amended); the City of Oakland General Plan (as amended); the Wood Street Zoning District; and Secretary of the Interior's Standards for the Treatment of Historic Buildings. Alterations shall be further restricted in accordance with any additional design standards, guidelines, or recommendations when the development plan, adopted pursuant to Mitigation Measure CR-2.5, becomes effective.
- ***Mitigation Measure CR-2.5***
  Application for Redevelopment Agency Funding Approval for Train Station Preservation, Rehabilitation, and Stabilization**.** Consistent with the OARB Area Redevelopment Plan goals as set out in Section 100, the property owner of the property containing the Main Hall shall submit an application to the Agency requesting that the Agency make available tax increment funds provided for in Section 502 of the OARB Area Redevelopment Plan for the preservation, rehabilitation, and stabilization of the Main Hall. In connection with such application, the

property owner shall submit the following materials and information to the Agency:

- a finance plan demonstrating the prudent use of tax increment funds in restoring, preserving, and reusing the Main Hall, including a commitment by the property owner to maximize the leverage of the tax increment funds by seeking additional public funding, tax credits, private financing, and/or private philanthropic grants;
- a management plan demonstrating exemplary and continued stewardship of the Main Hall, with recognition of its cultural and historical importance to the City of Oakland and which is accountable to the goals and policies of the OARB Area Redevelopment Plan and the City of Oakland General Plan;
- a community participation plan providing for input by Oakland community members in decisions concerning the Main Hall's preservation and reuse; and
- a development plan demonstrating that the proposed renovation and reuse of the Main Hall is consistent with the design standards, policies, and goals of the OARB Area Redevelopment Plan (as amended); the City of Oakland General Plan (as amended); and the Wood Street Zoning District; as well as with any other design criteria that the Agency determines is appropriate to meet said goals and policies.

- ***Mitigation Measure CR-2.6***
  Facilitate Rehabilitation and Reuse of Main Hall, Platform and Signal Tower. Upon determination by the OARB Redevelopment Agency of sufficient funding (through Redevelopment Agency approval of the use of sufficient tax increment funding, realization of that funding, and realization of any additional funding referenced in Mitigation Measure CR-2.5 above, all as determined by the Redevelopment Agency), the Project Sponsor of Development Area Five shall use such funding to rehabilitate the facilities depicted for retention in Figure 2-4 of the Draft EIR, in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Buildings, and in conformance with the General Standards referenced in the Dreyfuss report, page 5.[4]
  This rehabilitation shall include using salvaged materials to the extent feasible, and seismically strengthening and rehabilitating the exterior of the Main Hall, including the portions of the platform that are to be preserved. No additions to the structures would be permitted except as specified in the Dreyfuss report, page 5.[5]
- ***Mitigation Measure CR-2.7***
  Reuse of the Main Hall. The reuse of the Main Hall shall incorporate exhibit space commemorating the site's cultural history and its function

as the end of the trans-continental railroad and the gateway arrival point in the West. The exhibit space could also serve as a venue for private and public events, facilitating greater exposure of persons to

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[4] These are: (1) Any renovation, modification or addition to the 16th Street Station shall conform with the standards set forth in the Planning Code "Special regulations of designated landmarks." (2) Any reuse of the 16th Street Station shall include stabilization and repair of exterior materials to improve the exterior appearance and to ensure a water tight building envelope. (3) For the purpose of the standards, the primary portion of the station is defined as the General Waiting Room and the symmetrical wings to the north and south. A water tight building envelope refers to measures designed to preclude rain from entering the building. The General Waiting Room and symmetrical wings to the north and south comprise the Main Hall as that term is used in this EIR.

[5] The standards for additions are: 1(a). No addition to the existing train station shall exceed a total building footprint greater than 20 percent of the existing structure to be retained. 1(b). No addition to the existing train station shall exceed the height of the north or south wings that flank the General Waiting Room (approximately 25 feet in height). 1(c). No addition shall be made to either the primary façade facing the 16th Street Plaza or the southern façade, facing the 14th Street non-development area. 2. No additions are permitted to the Signal Tower.
Plaques shall be installed on the exterior façade of the station and the Signal Tower that identify their historic uses and include additional historical information. A display shall be created on the interior of the Station using historic photos and documents to give a more complete history of the Station and the Signal Tower.

the historical significance of the Station. Oral histories shall be recorded and made available to the extent feasible. The building would not be subjected to extensive night lighting. Reuse shall proceed according to the finance, management, community participation, and development plans submitted pursuant to Mitigation Measure CR-2.5, as approved by the Redevelopment Agency, as well as any other design criteria that the City Planning Director determines is appropriate to meet the City's goals and policies

- ***Mitigation Measure CR-2.8***
  Enhancement of the Train Station Setting. The Project Sponsor of Development Area Nine shall construct and landscape the plaza area to provide an enhanced visual setting for the Main Hall, to provide a visual focus and view corridor, to increase public accessibility to the 16th Street Train Station, and to create a feature that recalls the historic use of the Station. All these improvements shall be completed with private financing by the Project Sponsor; no public funds would be requested with respect to the Plaza.

(F) HAZARDOUS MATERIAL

HM-1 Project-related demolition or renovation could disturb hazardous materials in existing building components and thereby could cause adverse health or safety effects. (PS)

- ***Mitigation Measure HM-1.1***

  Pre-Construction Hazardous Materials Surveys and Management of Hazardous Materials Properly if Identified. Prior to demolition or renovation of any structures, the Project Sponsor of Development

Areas Two, Four, Five, and Six shall retain a qualified environmental specialist (e.g., a certified consultant or lead inspector/assessor or similarly qualified individual) to inspect existing buildings subject to demolition or renovation for the presence of as yet unidentified asbestos, PCBs, mercury, lead, or other hazardous materials. If after inspection and analytical testing, hazardous building materials are found at levels that require special handling (e.g., special packaging prior to transport, separation from other non-hazardous solid waste, keeping material damp with water, etc.), the Project Sponsors and their contractors shall manage these materials as required by law and according to federal and state regulations and guidelines, including those of DTSC, RWQCB, BAAQMD, Cal/OSHA, and any other agency with jurisdiction over these hazardous materials. The Project Sponsors shall obtain permits for demolition and show proof that the building materials have been tested and/or removed by a certified environmental professional.

HM-2 Site grading and landscaping, excavation, and construction of proposed building foundations, utility trenches, and roadwork for the Project could expose construction personnel and the public to existing contaminated soil and/or groundwater if approved remediation cleanup levels have not been achieved. (PS)

- ***Mitigation Measure HM-2.1***

  Site Health and Safety Plan. Because historic uses at the Project Area have led to soil and groundwater contamination, the Project Sponsor and its contractors shall comply with the Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities regulatory requirements for hazardous materials/waste health and safety plans. The site health and safety plan shall establish policies and procedures to protect workers and the public from potential hazards posed by residual contamination in the development area. The plan shall identify contaminants, potential hazards, material handling procedures, dust suppression measures, personal protection clothing and devices, access controls to the site, health and safety training requirements, monitoring equipment used during construction to verify health and safety of workers and the public, measures to protect public health and safety, and emergency response procedures. If petroleum hydrocarbons or VOCs are present in the soil and/or groundwater proposed for the use of backfill or disposal, the handling and disposal of the contaminated soil and groundwater shall be in accordance with applicable local and federal hazardous materials regulations.

- ***Mitigation Measure HM-2.2***

  Compliance with Soil Remediation Standards. Since the RWQCB has already approved the soil remediation standards, the Project Sponsor and its contractors shall be responsible for ensuring that potentially

exposed soils containing concentrations exceeding TTLCs and soils above the proposed remediation standards shall be removed or treated on site prior to development. The soil remediation standards are included in a May 18, 2004, letter from Geomatrix to the RWQCB. Successful completion of remediation activities cannot be confirmed until closure reports have been submitted to and approved by RWQCB that the development areas have been satisfactorily remediated.

(G) BIOLOGICAL RESOURCES

BR-2 Demolition of structures and removal of vegetation from within the Project Area could result in destruction of bird nests. (PS)

- ***Mitigation Measure BR-2.1***

  Preconstruction Surveys and Protection Measures for Nesting Birds. If vegetation is removed outside the nesting season (typically February 1 to August 31), there would be no effect on nesting birds and the following surveys would not be required. Construction activities shall, therefore, be timed to avoid vegetation removal or demolition during the nesting season. If this cannot be accomplished, then a qualified biologist shall conduct preconstruction nesting surveys no more than one week prior to vegetation or building removal to determine if nesting birds are present. If nesting birds are present, an appropriate buffer zone shall be developed by the biologist and construction activities shall be suspended in this zone until future surveys indicate that the chicks have fully fledged (left the nest). Completion of preconstruction surveys and avoidance of bird nests would result in no impacts to nesting birds. Survey results shall be valid for a period of 21 days from the date of the survey. Should vegetation or building removal fail to be conducted within this time frame, a second survey shall be undertaken.

MITIGATION MADE A CONDITION OF FUNDING

All of the mitigation measures set forth in the findings above have been adopted by the Lead Agency, the City of Oakland. As a Responsible Agency, CCHE makes them a condition of funding.

Modifications to the mitigation measures may be made by the City in the following circumstances:

a. The mitigation measure included in the EIR and the Mitigation Monitoring Program is no longer required because the significant environmental impact identified in the EIR has been found not to exist, or to occur at a level which makes the impact less than significant as a result of changes in the project, changes in conditions of the environment, or other factors.

OR

b. The modified or substitute mitigation measure provides a level of environmental protection equal to or greater than that afforded by the mitigation measure included in the EIR and these Findings, and the modified or substitute mitigation measures do not have significant adverse effects on the environment in addition to or greater than those which were considered in the EIR.

The City of Oakland shall inform the Executive Officer of CCHE of any change in mitigation measures.

MITIGATION REPORTING

The City of Oakland has adopted a Mitigation Monitoring and Reporting Plan. City staff will be responsible for monitoring and reporting on the mitigation measures. CCHE will require the City to provide copies of its mitigation reporting to the Executive Officer of CCHE on a quarterly basis, until the completion of construction.

STATEMENT OF OVERRIDING CONSIDERATIONS

CCHE finds that each of the following specific economic, legal, social, technological, environmental and other consideration and benefits of the Project independently outweighs these remaining significant, adverse impacts and is an overriding consideration independently warranting approval. CCHE finds the significant impacts of the Project overridden by each of these considerations, standing alone. The remaining significant adverse impacts of the Project are acceptable in light of each of these overriding considerations.

The Project will bring private investment to an economically distressed area of the City, eliminate blight, and help promote revitalization of the area, in keeping with the goals of the OARB Redevelopment Plan. Promoting viable economic investment is consistence with LUTE Policy I/C1.4.

The Project is proposed by a known group of Project Sponsors who have indicated an interest, backed up by a substantial investment in processing, in pursuing development of the Project Area within a reasonable time frame. This makes the realization of tax increment funding, which ultimately benefits residents of the City of Oakland, more certain and more likely to occur sooner. In contract, there are no developments indicating an interest in developing under the baseline, No Project, or any other scenarios.

The Project will provide much-needed urban infill housing near the center of the Bay Area with convenient access to public transit and an existing major freeway, promotion smart growth principles and helping Oakland to meet its fair share of regional housing. The Project will therefore implement Polices 1.7, 7.3 and 7.4 of the Housing Element of the General plan as well as with Policies T2.3 and N3.1 of the Land Use and Transportation Element of the General Plan (LUTE).

The Project will redevelop and revitalize underutilized and vacant land within the Oakland Army Base Redevelopment Project Areas to create pedestrian-friendly, mix-use, residential and commercial developments including live/work units. The Project would be more consistent with surrounding uses than are the existing uses, thus promoting LUTE Policies N5.3 and N6.1 which support and encourage live/work units and projects which provide a variety of housing types and sizes. The Project is also consistent with City of Oakland Housing Policy 2 which encourages the development of a variety of types of housing opportunities including live/work units. Through revitalization of the area, the Project furthers the goals of Housing element Policy 4.3. Finally, the Project is consistent with LUTE Pedestrian Master Plan Policy 3.2 which promotes land uses and site designs that make walking convenient and enjoyable.

The Project will preserve, and provide opportunities to rehabilitate, the historic 16th Street Train Station's Main Hall, Signal Tower, Baggage Wing and a portion of the Elevated Platform Feasibility Study Area to the extent feasible. This action is consistent with LUTE Policy N9.8 and N9.9, and also with Historic Preservation Element Policy 3.1. Without the project, the historic structures would likely continue to deteriorate. The current uses are restricted because of the dilapidated condition and further because there is no grant setting for the 16th Street Train Station as would be provided by the publicly-accessible plaza. The project will benefit the citizens of Oakland by providing opportunities to make the Main Hall and Baggage wing more accessible, more useable, highlighted in a view corridor to be provided by the plaza, and offer opportunities for reuse that are more respectful of the 16th Street Train Station's history than its current use.

The Project will create a publicly accessible plaza directly in front of the 16th Street Train Station. This action implements the objective of creating new civic open spaces in neighborhood commercial areas and in high-intensity redevelopment areas contained in Policy OS_11.2 of the Open Space, Conservation and Recreation Element of the General Plan (OSCAR).

Project will provide economic incentives for persons of low or moderate incomes to purchase homes within the Project Area, furthering the City's goals of meeting the needs of all economic segments of the community.

DETERMINATION

CCHE has independently considered the significant and unavoidable environmental impacts of the proposed project and concurs with the statement above. For the reasons given above, CCHE finds that economic, legal, social, technological, or other benefits of the project outweigh the unavoidable adverse environmental effects of the project, and the adverse environmental effects are considered acceptable when these benefits of the project are considered.