PUBLIC UTILITIES COMMISSION
505 Van Ness Avenue
San Francisco CA 94102-3298

Pacific Gas & Electric Company
ELC (Corp ID 39)
Status of Advice Letter 6545E
As of April 29, 2022

Subject: Advice Letter regarding an Encroachment Agreement with Peralta Community College District of Alameda County for construction of a multipurpose Learning Resource Center Request for Approval Under Section 851 and General Order 173

Division Assigned: Energy

Date Filed: 04-01-2022

Date to Calendar: 04-08-2022

Authorizing Documents: None

Disposition:	**Accepted**
Effective Date:	**04-30-2022**

Resolution Required: No

Resolution Number: None

Commission Meeting Date: None

CPUC Contact Information:

edtariffunit@cpuc.ca.gov

AL Certificate Contact Information:

Annie Ho
415-973-8794
PGETariffs@pge.com

STATE OF CALIFORNIA **GAVIN NEWSOM,** *Governor*

PUBLIC UTILITIES COMMISSION
505 Van Ness Avenue
San Francisco CA 94102-3298

To: Energy Company Filing Advice Letter

From: Energy Division PAL Coordinator

Subject: Your Advice Letter Filing

The Energy Division of the California Public Utilities Commission has processed your recent Advice Letter (AL) filing and is returning an AL status certificate for your records.

The AL status certificate indicates:

Advice Letter Number
Name of Filer
CPUC Corporate ID number of Filer
Subject of Filing
Date Filed
Disposition of Filing (Accepted, Rejected, Withdrawn, etc.)
Effective Date of Filing
Other Miscellaneous Information (e.g., Resolution, if applicable, etc.)

The Energy Division has made no changes to your copy of the Advice Letter Filing; please review your Advice Letter Filing with the information contained in the AL status certificate, and update your Advice Letter and tariff records accordingly.

All inquiries to the California Public Utilities Commission on the status of your Advice Letter Filing will be answered by Energy Division staff based on the information contained in the Energy Division's PAL database from which the AL status certificate is generated. If you have any questions on this matter please contact the:

Energy Division's Tariff Unit by e-mail to
edtariffunit@cpuc.ca.gov

Pacific Gas and Electric Company

Sidney Bob Dietz II
Director
Regulatory Relations

Pacific Gas and Electric Company
77 Beale St., Mail Code B13U
P.O. Box 770000
San Francisco, CA 94177

Fax: 415-973-3582

April 1, 2022

Advice 6545-E
(Pacific Gas and Electric Company ID U 39 E)

Public Utilities Commission of the State of California

Subject: Advice Letter regarding an Encroachment Agreement with Peralta Community College District of Alameda County for construction of a multipurpose Learning Resource Center – Request for Approval Under Section 851 and General Order 173

Purpose

The purpose of this Advice Letter is to allow for the building of a multipurpose Learning Resource Center for the Peralta Community College District of Alameda County (College).

Pacific Gas and Electric Company (PG&E) therefor requests California Public Utilities Commission (Commission) approval under Public Utilities Code Section 851 and General Order (GO) 173 to allow for the construction of the Learning Center at 900 Fallon St, Oakland, CA (the Property). The Encroachment Agreement (Attachment 1) will be necessary because the Learning Center would extend over a portion of PG&E's underground electric transmission easement.

PG&E has determined that the approval of the Encroachment Agreement will not interfere with PG&E's operations or its ability to provide safe and reliable service.

Background

PG&E currently owns and operates a 115kv electric transmission underground duct bank within its easement on the Property. The easement provides, in part: "Grantor shall not erect or construct any building or other structure, or drill or operate any well, or construct any reservoir or other obstruction within said (easement area)." The College contacted PG&E and presented their plans to build a new learning resource center. The College has requested PG&E to allow an encroachment into the easement area for a portion of the building footing. The encroachment will cover an area of approximately 313 square feet as shown in Attachment 1 - Exhibit B.

PG&E has determined that the encroaching structure would not interfere with PG&E's operation of its electric transmission facilities. This is due to (i) the small footprint of the encroachment and (ii) the fact that no PG&E facilities are nearby.

On October 5, 2021, PG&E and the College executed the Encroachment Agreement to allow for a portion of the new proposed building to encroach onto the easement footprint, conditioned on Section 851 approval. PG&E respectfully requests the Commission approve this Section 851 Advice Letter and the Encroachment Agreement between PG&E and the College.

Tribal Lands Policy

On December 5, 2019, the Commission adopted a policy titled, "Investor-Owned Utility Real Property – Land Disposition - First Right of Refusal for Disposition of Real Property Within the Ancestral Territories of California Native American Tribes" (Policy). The Policy directs investor-owned utilities to (1) notify the appropriate local Native American Tribes of any proposed dispositions of utility-owned real property that are subject to Section 851 and (2) to allow 90 days for the Tribes to respond as to their interest in purchasing the subject real property.

Resolution E-5076, effective January 14, 2021, adopted Guidelines to Implement the CPUC Tribal Land Policy (Guidelines). Section 1.3.d of the Guidelines states that "disposition" means the transfer, sale, donation, or disposition by any other means of a fee interest in real property. Therefore, the Encroachment Agreement subject to this Advice Letter is not covered by the Policy.

Other Information

In accordance with General Order 173, Rule 4, PG&E provides the following information related to the proposed transaction:

(a) Identity and Addresses of All Parties to the Proposed Transaction:

Pacific Gas and Electric Company	Peralta Laney College
Steve Frank	Atheria Smith
Law Department	Interim District Vice Chancellor for
P.O. Box 7442	General Services
San Francisco, CA 94120	333 East 8th Street
Telephone: (415) 971-5091	Oakland, CA 94606
Facsimile: (415) 973-5520	Telephone: (510) 587-7864
Email: Steven.Frank@pge.com	Email: Atheriasmith@peralta.edu

(b) Complete Description of the Property Including Present Location, Condition and Use:

The Property is in the City of Oakland, County of Alameda**,** State of California, Assessor's Parcel Number 018-0445-011. The Property is currently used as the campus of Laney College.

(c) Intended Use of the Property:

Upon CPUC approval of the Encroachment Agreement, the College will construct a learning resource center building on the campus that abuts the easement footprint, where the building design overlaps the easement by approximately 313 square feet. See Attachment 1 - Exhibit B.

(d) Complete Description of Financial Terms of the Proposed Transaction:

No consideration has been paid for the Encroachment Agreement as the proposed learning center benefits the College and due to the low value of the encroachment area.

e) Description of How Financial Proceeds of the Transaction Will Be Distributed:

Not applicable.

(f) Statement on the Impact of the Transaction on Ratebase and Any Effect on the Ability of the Utility to Serve Customers and the Public:

There is no impact to PG&E's rate base nor will approving the Encroachment Agreement affect PG&E's ability to provide safe and reliable service.

(g) The Original Cost, Present Book Value, and Present Fair Market Value for Sales of Real Property and Depreciable Assets, and a Detailed Description of How the Fair Market Value Was Determined (e.g., Appraisal):

Not applicable.

(h) The Fair Market Rental Value for Leases of Real Property, and a Detailed Description of How the Fair Market Rental Value Was Determined:

Not applicable.

(i) The Fair Market Value of the Easement or Right-of-Way, and a Detailed Description of How the Fair Market Value Was Determined:

An internal valuation was performed by PG&E using comparable sales transactions. The valuation analyzed eight similar local property sales of land to determine an average cost of $50 per square feet and that amount was applied to the 313 square feet (size of encroachment area). Using this methodology, the fair market value of the Easement was valued at $5,500.00. PG&E Land personnel have reviewed the valuation and support the appraised amount of $5,500.00 and the valuation methodology used to determine the fair market value. See Attachment 2.

(j) A Complete Description of any Recent Past (Within the Prior Two Years) or Anticipated Future Transactions that May Appear To Be Related to the Present Transaction:

Not applicable.

(k) Sufficient Information and Documentation (Including Environmental Information) to Show that All of Eligibility Criteria Set Forth in Rule 3 of General Order 173 are Satisfied:

PG&E has provided information in this Advice Letter to satisfy the eligibility criteria under General Order 173 in that:

- The activity proposed in the transaction will not require environmental review by the CPUC as a Lead Agency;
- The transaction will not have an adverse effect on the public interest or on the ability of PG&E to provide safe and reliable service to its customers at reasonable rates;
- The transaction will not materially impact the rate base of PG&E; and
- The transaction does not warrant a more comprehensive review that would be provided through a formal Section 851 application.

(l) Additional Information to Assist in the Review of the Advice Letter:

PG&E does not believe any additional information is necessary for the review of the Advice Letter.

(m) Environmental Information:

Pursuant to General Order 173, the Advice Letter program applies to proposed transactions that will not require environmental review by the CPUC as a lead agency under the California Environmental Quality Act (“CEQA") either because: (a) a statutory or categorical exemption applies (the applicant must provide a Notice of Exemption from the Lead Agency or explain why an exemption applies), or (b) because the transaction is not a project under CEQA (the applicant must explain the reasons why it believes that the transaction is not a project), or (c) because another public agency, acting as the Lead Agency under CEQA, has completed environmental review of the project, and the Commission is required to perform environmental review of the project only as a Responsible Agency under CEQA.

The College prepared and completed the Initial Study/Mitigated Negative Declaration for this project in compliance with CEQA and the CEQA Guidelines on July 8, 2019 and the Board of Trustees of Peralta Community College District approved the Project on November 12, 2019.

a. The name, address, and phone number of the Lead Agency, the type of CEQA document that was prepared (Environmental Impact Report, Negative Declaration, Mitigated Negative Declaration), the date on which the Lead Agency approved the CEQA document, the date on which a Notice of Determination was filed.

Lead Agency	Peralta Community College Atheria Smith, Director of Planning & Development 333 East 8th Street Oakland, CA 94607 atheriasmith@peralta.edu
Type of CEQA Prepared	Initial Study & Mitigation Negative Declaration – June 2019. See Attachment 3.
Date Initial Study & Mitigation Negative Declaration Approved	Initial Study & Mitigation Negative Declaration on November 12, 2019. See Attachment 3.
Initial Study & Mitigation Negative Declaration Dated	Initial Study & Mitigation Negative Declaration publication date is October 4, 2019. See Attachment 3.
Date Notice of Determination Filed	Notice of Determination filed on November 15, 2019. See Attachment 4.

b. A copy of all CEQA documents prepared by or for the Lead Agency regarding the project and the Lead Agency's resolution or other document approving the CEQA documents.

Initial Study & Mitigation Negative Declaration – June 2019 in Attachment 3

Notice of Determination filed on November 15, 2019 in Attachment 4.

c. A list of section and page numbers for the environmental impacts, mitigation measures, and findings in the prior CEQA documents that relate to the approval sought from the Commission.

A discussion of the environmental impacts associated with the approved project can be found in Chapter 3 (starting on page 8 Initial Study) of Attachment 3 – (Resolution of the Board of Trustees of Peralta Community College District Adopting Initial Study and Mitigated Negative Declaration).

d. An explanation of any aspect of the project or its environmental setting which has changed since the issuance of the prior CEQA document.

The environmental setting described in the CEQA document prepared by the College for this project has not changed since the issuance of the Notice of Determination.

e. A statement of whether the project will require approval by additional public agencies other than the Commission and the Lead Agency, and, if so, the name and address of each agency and the type of approval required.

No additional public agencies other than the Commission and the Lead Agency is required for approval

Protests

Anyone wishing to protest this submittal may do so by letter sent electronically via E-mail, no later than April 21, 2022, which is 20 days after the date of this submittal. Protests must be submitted to:

CPUC Energy Division
ED Tariff Unit
E-mail: EDTariffUnit@cpuc.ca.gov

The protest shall also be electronically sent to PG&E via E-mail at the address shown below on the same date it is electronically delivered to the Commission:

Sidney Bob Dietz II
Director, Regulatory Relations
c/o Megan Lawson
E-mail: PGETariffs@pge.com

Any person (including individuals, groups, or organizations) may protest or respond to an advice letter (General Order 96-B, Section 7.4). The protest shall contain the following information: specification of the advice letter protested; grounds for the protest; supporting factual information or legal argument; name and e-mail address of the protestant; and statement that the protest was sent to the utility no later than the day on

which the protest was submitted to the reviewing Industry Division (General Order 96-B, Section 3.11).

Effective Date

Pursuant to the review process outlined in General Order 173, PG&E requests that this Tier 3 advice letter become effective upon Commission Approval.

Notice

In accordance with General Order 96-B, Section IV, a copy of this advice letter is being sent electronically to parties shown on the attached list. Address changes to the General Order 96-B service list should be directed to PG&E at email address PGETariffs@pge.com. For changes to any other service list, please contact the Commission's Process Office at (415) 703-2021 or at Process_Office@cpuc.ca.gov. Send all electronic approvals to PGETariffs@pge.com. Advice letter submittals can also be accessed electronically at: http://www.pge.com/tariffs.

/S/
Sidney Bob Dietz II
Director, Regulatory Relations

Attachment 1: Encroachment Agreement (See Exhibit B for Encroachment Area)
Attachment 2: Valuation Report.
Attachment 3: Resolution of the Board of Trustees of Peralta Community College District Adopting Initial Study/Mitigation Negative Declaration.
Attachment 4: Notice of Determination

********** SERVICE LIST for Advice 6545-E **********
APPENDIX A

Jonathan Reiger
Legal Division
505 Van Ness Avenue
San Francisco, CA 94102
(415) 355-5596
jzr@cpuc.ca.gov

Mary Jo Borak
Energy Division
505 Van Ness Avenue
San Francisco, CA 94102
(415) 703-1333
bor@cpuc.ca.gov

Robert (Mark) Pocta
Public Advocates Office
505 Van Ness Avenue
San Francisco, CA 94102
(415) 703- 2871
robert.pocta@cpuc.ca.gov

Andrew Barnsdale
Energy Division
505 Van Ness Avenue
San Francisco, CA 94102
(415) 703-3221
bca@cpuc.ca.gov

**********AGENCIES**********

Alameda County Clerk-Recorder Office
1106 Madison Street
Oakland, CA 94607
Telephone: (510) 272-6362
crocustomerservice@acgov.org

**********3rd Parties**********

Peralta Community College
Atheria Smith, Director of Planning & Development
333 East 8th Street
Oakland, CA 94607
atheriasmith@peralta.edu

California Public Utilities Commission

ADVICE LETTER SUMMARY

ENERGY UTILITY

MUST BE COMPLETED BY UTILITY (Attach additional pages as needed)

Company name/CPUC Utility No.: Pacific Gas and Electric Company (ID U39 E)

Utility type:
☑ ELC ☐ GAS ☐ WATER
☐ PLC ☐ HEAT

Contact Person: Annie Ho
Phone #: (415) 973-8794
E-mail: PGETariffs@pge.com
E-mail Disposition Notice to: AMHP@pge.com

EXPLANATION OF UTILITY TYPE
ELC = Electric GAS = Gas WATER = Water
PLC = Pipeline HEAT = Heat

(Date Submitted / Received Stamp by CPUC)

Advice Letter (AL) #: 6545-E

Tier Designation: 3

Subject of AL: Advice Letter regarding an Encroachment Agreement with Peralta Community College District of Alameda County for construction of a multipurpose Learning Resource Center – Request for Approval Under Section 851 and General Order 173

Keywords (choose from CPUC listing): Section 851; Agreement

AL Type: ☐ Monthly ☐ Quarterly ☐ Annual ☑ One-Time ☐ Other:

If AL submitted in compliance with a Commission order, indicate relevant Decision/Resolution #:

Does AL replace a withdrawn or rejected AL? If so, identify the prior AL:

Summarize differences between the AL and the prior withdrawn or rejected AL:

Confidential treatment requested? ☐ Yes ☑ No

If yes, specification of confidential information:
Confidential information will be made available to appropriate parties who execute a nondisclosure agreement. Name and contact information to request nondisclosure agreement/ access to confidential information:

Resolution required? ☑ Yes ☐ No

Requested effective date: No. of tariff sheets: N/A

Estimated system annual revenue effect (%): N/A

Estimated system average rate effect (%): N/A

When rates are affected by AL, include attachment in AL showing average rate effects on customer classes (residential, small commercial, large C/I, agricultural, lighting).

Tariff schedules affected: N/A

Service affected and changes proposed[1]: N/A

Pending advice letters that revise the same tariff sheets: N/A

[1]Discuss in AL if more space is needed.

Clear Form

Protests and correspondence regarding this AL are to be sent via email and are due no later than 20 days after the date of this submittal, unless otherwise authorized by the Commission, and shall be sent to:

California Public Utilities Commission
Energy Division Tariff Unit Email:
EDTariffUnit@cpuc.ca.gov

Contact Name: Sidney Bob Dietz II, c/o Megan Lawson
Title: Director, Regulatory Relations
Utility/Entity Name: Pacific Gas and Electric Company

Telephone (xxx) xxx-xxxx: (415)973-2093
Facsimile (xxx) xxx-xxxx: (415)973-3582
Email: PGETariffs@pge.com

Contact Name:
Title:
Utility/Entity Name:

Telephone (xxx) xxx-xxxx:
Facsimile (xxx) xxx-xxxx:
Email:

CPUC
Energy Division Tariff Unit
505 Van Ness Avenue
San Francisco, CA 94102

Clear Form

Attachment 1

Encroachment Agreement
(See Exhibit B for Encroachment Area)

RECORDING REQUESTED BY AND RETURN TO:

PACIFIC GAS AND ELECTRIC COMPANY
245 Market Street, N10A, Room 1015
P.O. Box 770000
San Francisco, California 94177

Location: (City)/Uninc Oakland
Recording Fee $ _____
Document Transfer Tax $ 0
[X] This is a conveyance where the consideration and Value is less than $100.00 (R&T 11911).
[ ] Computed on Full Value of Property Conveyed, or
[ ] Computed on Full Value Less Liens & Encumbrances Remaining at Time of Sale
[ ] Exempt from the fee per GC 27388.1 (a) (2); This document is subject to Documentary Transfer Tax

_____
Signature of declarant or agent determining tax

(APN 018-0445-011)
LD# 2301-04-10070

ENCROACHMENT AGREEMENT

This Encroachment Agreement (this "**Agreement**") is made and entered into this 5 day of October, 2021 by PACIFIC GAS AND ELECTRIC COMPANY, a California corporation, hereinafter called "**PG&E**", and PERALTA COMMUNITY COLLEGE DISTRICT OF ALAMEDA COUNTY, STATE OF CALIFORNIA, a public corporation hereinafter (collectively) called "**Owners.**"

RECITALS

A. Owners are the fee title owners of certain real property within the City of Oakland, County of Alameda, State of California, Assessor's Parcel Number 018-0445-011 (hereinafter, the "**Property**") legally described in **Exhibit "A"** attached hereto and made a part hereof.

B. PG&E is the owner of that certain easement and right-of-way (the "**Easement**") for the describe facilities and for all other purposes connected therewith, as set forth in the Grant of Easement dated July 1, 1968 and recorded in Book 2214 of Official Records at page 379, Alameda County Records. The portion of the Property encumbered by the Easement is hereinafter referred to as the "**Easement Area.**" The Easement provides in part that "Grantor shall not erect or construct any building or other structure, or drill or operate any well, or construct any reservoir or other obstruction within said (easement area)."

C. Owners will construct a learning resource center including other improvements associated therewith (the **"Improvements"**) on the Easement Area, the construction of which violates the prohibition against buildings or other structures contained in the Easement. The portion of the Easement Area upon which the improvements were constructed (the **"Encroachment Area"**) is outlined by the heavy dashed lines and shown on the map labeled **Exhibit "B"** attached hereto and made a part hereof.

D. Owners have requested that PG&E grant permission for the construction of the Improvements within the Easement Area. PG&E has determined that the Improvements, to be constructed pursuant to plans and specifications approved by PG&E, do not interfere with the present full use of the Easement Area by PG&E, and PG&E is therefore willing to agree to allow such encroachment on the Easement Area on the terms and subject to the conditions set forth herein.

NOW, THEREFORE, in consideration of the foregoing and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Owners and PG&E hereby agree as follows:

1. Consent to Encroachment. Notwithstanding the prohibition in the Easement, PG&E hereby consents to the encroachment of the Improvements onto the Easement Area by approximately 62 feet, in the manner and location as more specifically set forth in Exhibit "B" subject to the terms and conditions set forth herein. In addition, Owners shall have the right of ingress and egress over the Easement Area to obtain access to the Encroachment Area and the Improvements when necessary to fulfill Owners' obligations under this Agreement, in such areas as PG&E determines, in its sole and absolute discretion, will occasion the least practicable damage and inconvenience to PG&E, its facilities and operations.

2. Governmental Approvals. This Agreement shall not become effective, notwithstanding that it may have been executed and delivered by the parties, and Owners shall not commence any activity hereunder, unless and until PG&E notifies Owners in writing of receipt of final, unconditional, and unappealable approval of this Agreement by the California Public Utilities Commission (the "**CPUC**") and that the terms and conditions of such CPUC approval are satisfactory to PG&E in its sole and absolute discretion. This Agreement is made subject to all the provisions of such approval, as more particularly set forth in CPUC (☐Disposition Letter ☑ Advice Letter ☐Decision) _____, in like manner as though said provisions were set forth in full herein.

3. Indemnification; Release.

(a) Indemnification. Owners shall, to the maximum extent permitted by law, indemnify, protect, defend and hold harmless PG&E, its parent corporation, subsidiaries and affiliates, and their respective officers, managers, directors, representatives, agents, employees, transferees, successors and assigns (each, an "**Indemnitee**" and collectively, "**Indemnitees**") from and against all claims, losses (including, but not limited to, diminution in value), actions, demands, damages, costs, expenses (including, but not limited to, experts fees and reasonable attorneys' fees and costs) and liabilities of whatever kind or nature (collectively, "**Claims**"), which arise from or are in any way connected with the occupancy or use of the Easement Area by Owners or Owners'

contractors, agents, or invitees, or the exercise by Owners of its rights hereunder, or the performance of, or failure to perform, Owners' duties under this Agreement, including, but not limited to, Claims arising out of: (1) injury to or death of persons, including but not limited to employees of PG&E; (2) injury to property or other interest of PG&E, Owners or any third party; (3) violation of any applicable federal, state, or local laws, statutes, regulations, or ordinances, including all legal requirements relating to human health or the environment, and including any liability which may be imposed by law or regulation without regard to fault; excepting only with respect to any Indemnitee, any Claim arising from the negligence or willful misconduct of such Indemnitee. In the event any action or proceeding is brought against any Indemnitee for any Claim against which Owners are obligated to indemnify or provide a defense hereunder, Owners upon written notice from PG&E shall defend such action or proceeding at Owners' sole expense by counsel approved by PG&E, which approval shall not be unreasonably withheld, conditioned or delayed.

(b) Release. Owners accept all risk relating to its occupancy and use of the Easement Area. PG&E shall not be liable to Owners for, and Owners hereby waive, release, exonerate, discharge and covenant not to sue PG&E and the other Indemnitees from, any and all liability, whether in contract, tort or on any other basis, for any injury, damage, or loss resulting from or attributable to the use or occupancy of the Easement Area by Owners, except in the case of any Indemnitee, any injury, damage, or loss arising from the negligence or willful misconduct of such Indemnitee.

4. Compliance with Laws. Owners shall, at its sole cost and expense, promptly comply with all laws, statutes, ordinances, rules, regulations, requirements or orders of municipal, state, and federal authorities now in force or that may later be in force, with the conditions of any permit, relating to Owners' use or occupancy of the Easement Area.

5. Alterations. Except for the Improvements authorized pursuant to this Agreement, Owners shall not construct any additional buildings or structures on the Easement Area, nor shall Owners make any alteration, addition or improvement to the Easement Area that would increase the Encroachment Area, either horizontally or vertically.

6. Damage or Destruction. In the event that the Improvements which encroach onto the Easement Area shall be destroyed or demolished, Owners shall not rebuild the Improvements on any part of the Easement Area except pursuant to plans and specifications approved by PG&E.

7. Condition of Easement Area. Owners accept the Encroachment Area and the Easement Area in its existing physical condition, without warranty by PG&E. Owners understand that numerous hazards, environmental or otherwise, may be located in, on, or underlying the Easement Area, and that hazardous materials may be used in connection with PG&E facilities that may be operated in the Easement Area, and agrees that entry onto the Easement Area is at Owners' sole risk and expense

8. Maintenance. Owners shall be responsible for the maintenance of the Improvements in good condition and repair, and Owners shall coordinate all activities regarding the maintenance of the Improvements to reasonably minimize any interference with the use by PG&E of the Easement Area, and Owners shall conduct its activities in such a manner so as not to

endanger the Easement, the environment and human health and safety. Owners shall be responsible for remediation of any hazardous materials release caused by Owners, and to clean and remove debris and/or promptly repair any damages to the Easement Area following any entry or activity by Owners, returning the Easement Area to a like or better condition.

9. Reserved Rights. PG&E reserves the right to use the Easement Area pursuant to the Easement. Furthermore, PG&E reserves the right to restrict access to the Easement Area if emergency repairs or maintenance are required to PG&E facilities in the vicinity of the Easement Area.

10. Insurance. Prior to the Effective Date of this Agreement, Owners shall procure, and thereafter Owners shall carry and maintain in effect at all times the following insurance: Worker's Compensation in compliance with applicable labor codes, acts, laws or statutes, state or federal, where Owners perform work and Employer's Liability insurance with limits not be less than $1,000,000 for injury or death, each accident; Commercial General Liability for bodily injury and property damage with limits of not less than $1,000,000 each occurrence/$2,000,000 aggregate; Business Auto, code 1 "any auto" combined single limit no less than $1,000,000 each accident. Owners are also responsible for causing its agents, contractors and subcontractors to comply with the insurance requirements of this Agreement at all relevant times.

11. Notice. Any notices or communications hereunder shall be in writing and shall be personally delivered or sent by first class mail, certified or registered, postage prepaid, or sent by national overnight courier, with charges prepaid for next business day delivery, addressed to the addressee party at its address or addresses listed below, or to such other address or addresses for a party as such party may from time to time designate by notice given to the other party. Notices shall be deemed received, if sent by personal delivery upon actual receipt by the party being sent the notice, or on the expiration of three (3) business days after the date of mailing, or on the following business day if sent by overnight courier

If to PG&E:

Manager, Encroachment Management
Pacific Gas and Electric Company
6111 Bollinger Canyon Road
San Ramon, CA 94583

With a copy to:

Pacific Gas and Electric Company
P.O. Box 7442, Mail Code B3OA
San Francisco, California 94120
Attention: Grant Guerra

If to Owners:

Peralta Community College District
333 East 8th Street
Oakland, California 94606

12. Governing Law. This Agreement shall in all respects be interpreted, enforced, and governed by and under the laws of the State of California.

13. Entire Agreement. This Agreement and the Grant of Easement, supersedes all previous oral and written agreements between and representations by or on behalf of the parties and constitutes the entire agreement of the parties with respect to the subject matter hereof. This Agreement may not be amended except by a written agreement executed by the parties.

14. Binding Effect. This Agreement and the covenants and agreements contained herein shall be binding upon, and shall inure to the benefit of, the parties hereto and their respective heirs, successors and assigns (subject to the provisions of Section 17 below). No assignment or delegation by Owners, whether by operation of law or otherwise, shall relieve Owners of any of its duties, obligations or liabilities hereunder, in whole or in part. The covenants of Owners hereunder shall run with the land.

15. Assignment. This Agreement and the rights of Owners hereunder are appurtenant to the Property presently owned by Owners and may not be separately assigned, transferred, conveyed or encumbered. Any purported assignment, transfer, conveyance or encumbrance violating the foregoing condition shall be void and of no effect.

16. Attorneys' Fees. Should either party bring an action against the other party, by reason of or alleging the failure of the other party with respect to any or all of its obligations hereunder, whether for declaratory or other relief, then the party which prevails in such action shall be entitled to its reasonable attorneys' fees (of both in-house and outside counsel) and expenses related to such action, in addition to all other recovery or relief. A party shall be deemed to have prevailed in any such action (without limiting the generality of the foregoing) if such action is dismissed upon the payment by the other party of the sums allegedly due or the performance of obligations allegedly not complied with, or if such party obtains substantially the relief sought by it in the action, irrespective of whether such action is prosecuted to judgment.

17. Survival of Obligations. Owners' obligations under Sections 3 and 4 of this Agreement, and all representations, warranties, indemnities or other provisions which by their nature survive termination shall survive the exercise of PG&E's termination rights pursuant to Section 3 of this Agreement.

18. No Waiver. No waiver with respect to any provision of this Agreement shall be effective unless in writing and signed by the party against whom it is asserted. No waiver of any provision of this Agreement by a party shall be construed as a waiver of any subsequent breach or failure of the same term or condition, or as a waiver of any other provision of this Agreement.

19. Captions. The captions in this Agreement are for reference only and shall in no way define or interpret any provision hereof.

20. Counterparts. This Agreement may be executed in identical counterpart copies, each of which shall be an original, but all of which taken together shall constitute one and the same agreement.

21. Recording. Owners hereby consent and agree to the recording by PG&E of this Agreement against the Property. Owners agree to sign any additional documents reasonably required to complete such recording.

22. Ratification of Grant of Easement. Except as modified by this Agreement in regard to the Easement Area, all of the terms, conditions and provisions of the Grant of Easement shall remain in full force and effect and are hereby ratified and confirmed. To the extent the terms of the Grant of Easement are inconsistent with this Agreement, the terms of this Agreement shall control.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first set forth above.

"PG&E"

PACIFIC GAS AND ELECTRIC COMPANY,
a California corporation

By: _____
Its: Manager, Land Rights
Land Management

"Owners"

PERALTA COMMUNITY COLLEGE DISTRICT OF ALAMEDA COUNTY, STATE OF CALIFORNIA, a public corporation

By: _____
Name:
Title: Interim Chancellor

By: _____
Name:
Title:

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of ~~California~~ Texas
County of Hays)

On 30th August 2021, before me, Itzel Marie Vanostrand (Insert name) Notary Public, personally appeared Jannette Noel Jackson,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Itzel Marie Vanostrand
Signature of Notary Public

ITZEL MARIE VANOSTRAND NOTARY PUBLIC STATE OF TEXAS NOTARY ID 13067828-4 MY COMM. EXP. 07-23-2024 (Seal)

CAPACITY CLAIMED BY SIGNER

[ ] Individual(s) signing for oneself/themselves

[ ] Corporate Officer(s) of the above named corporation(s)

[ ] Trustee(s) of the above named Trust(s)

[ ] Partner(s) of the above named Partnership(s)

[ ] Attorney(s)-in-Fact of the above named Principal(s)

[ ] Other _____

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Placer)

On Oct 5, 2021 before me, T. Cruz, Notary public
(insert name and title of the officer)

personally appeared Dawn marie Plise —,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

T. CRUZ
COMM. # 2335175
NOTARY PUBLIC - CALIFORNIA
SACRAMENTO COUNTY
COMM. EXPIRES OCT. 9, 2024

Signature T. Cruz (Seal)

Administrative Information

Attach to LD: 2301-04-10070
Area, Region or Location: 2 East Bay Division
Land Service Office: Concord RMC
Line of Business: Electric Transmission (42)
Business Doc Type: Agreements
MTRSQ: 23.01.04.36.34, 23.01.04.36.31
FERC License Number: N/A
PG&E Drawing Number: N/A
Plat No.: G0502
LD of Affected Documents: 2301-04-0767
LD of Cross Referenced Documents: N/A
Type of interest: Agreements (56), Encroachment Agreements (69)
SBE Parcel: N/A
% Being Quitclaimed: N/A
Order or PM: 44376832
JCN: N/A
County: Alameda
Utility Notice Number: N/A
851 Approval Application No: ;Decision:
Prepared By: f1gl
Checked By: P1A8

Date: 12/14/2021
File: 1920106

EXHIBIT "A"
LEGAL DESCRIPTION
ENCROACHMENT AGREEMENT

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA BEING N ENCROACHMENT OF A PORTION OF A 30 FEET WIDE PACIFIC GAS AND ELECTRIC COMPANY EASEMENT AS DESCRIBED IN DOCUMENT: REEL 2214, IMAGE 379 OF OFFICIAL RECORDS OF ALAMEDA COUNTY, RECORDED JULY 9, 1968, OVER A PORTION OF THE LANDS OF PERALTA COMMUNITY COLLEGE DISTRICT AS DESCRIBED IN THE GRANT DEED AT REEL 2074, IMAGE 235 OF OFFICIAL RECORDS OF ALAMEDA COUNTY, RECORDED NOVEMBER 14, 1967 UNDER RECORDER`S SERIES NO. AZ117192, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF FALLON STREET AND SEVENTH STREET MARKED WITH A MONUMENT WELL WITH PIN "15 NW 3" AS SHOWN ON A RECORD OF SURVEY FILED ON OCTOBER 11, 1968 IN BOOK 7 OF RECORD OF SURVEYS AT PAGES 27 AND 28, ALAMEDA COUNTY RECORDS; THENCE NORTH 50°50'00" EAST, A DISTANCE OF 128.27 FEET TO THE CENTERLINE OF SAID PG&E EASEMENT AND A NON-TANGENT CURVE TO THE LEFT, CONCAVE TO THE NORTHEAST, WHOSE CENTER BEARS NORTH 78°27'00" EAST; THENCE ALONG SAID NON-TANGENT CURVE, HAVING A RADIUS OF 80.00 FEET, THROUGH A CENTRAL ANGLE OF 51°02'30" AND AN ARC LENGTH OF 71.27 FEET; THENCE SOUTH 62°35'30" EAST, A DISTANCE OF 621.30 FEET; THENCE LEAVING SAID CENTERLINE OF SAID PG&E EASEMENT, SOUTH 27°24'30" WEST, A DISTANCE OF 7.01 FEET TO **THE POINT OF BEGINNING**;

THENCE SOUTH 27°24'30" WEST, A DISTANCE OF 7.99 FEET TO THE SOUTHERLY LINE OF SAID PG&E EASEMENT AND A NON-TANGENT CURVE TO THE LEFT, CONCAVE TO THE NORTHEAST, WHOSE CENTER BEARS NORTH 27°24'30" EAST;

THENCE ALONG SAID SOUTHERLY LINE AND NON-TANGENT CURVE, HAVING A RADIUS OF 215.00 FEET, THROUGH A CENTRAL ANGLE OF 15°45'55" AND AN ARC LENGTH OF 59.16 FEET;

THENCE NORTH 62°41'17" WEST, A DISTANCE OF 58.42 FEET TO **THE POINT OF BEGINNING**.

SAID ENCROACHMENT AREA CONTAINING 313 SQUARE FEET MORE OR LESS.

SEE EXHIBIT "B" PLAT ATTACHED HERETO AND MADE A PART HEREOF.

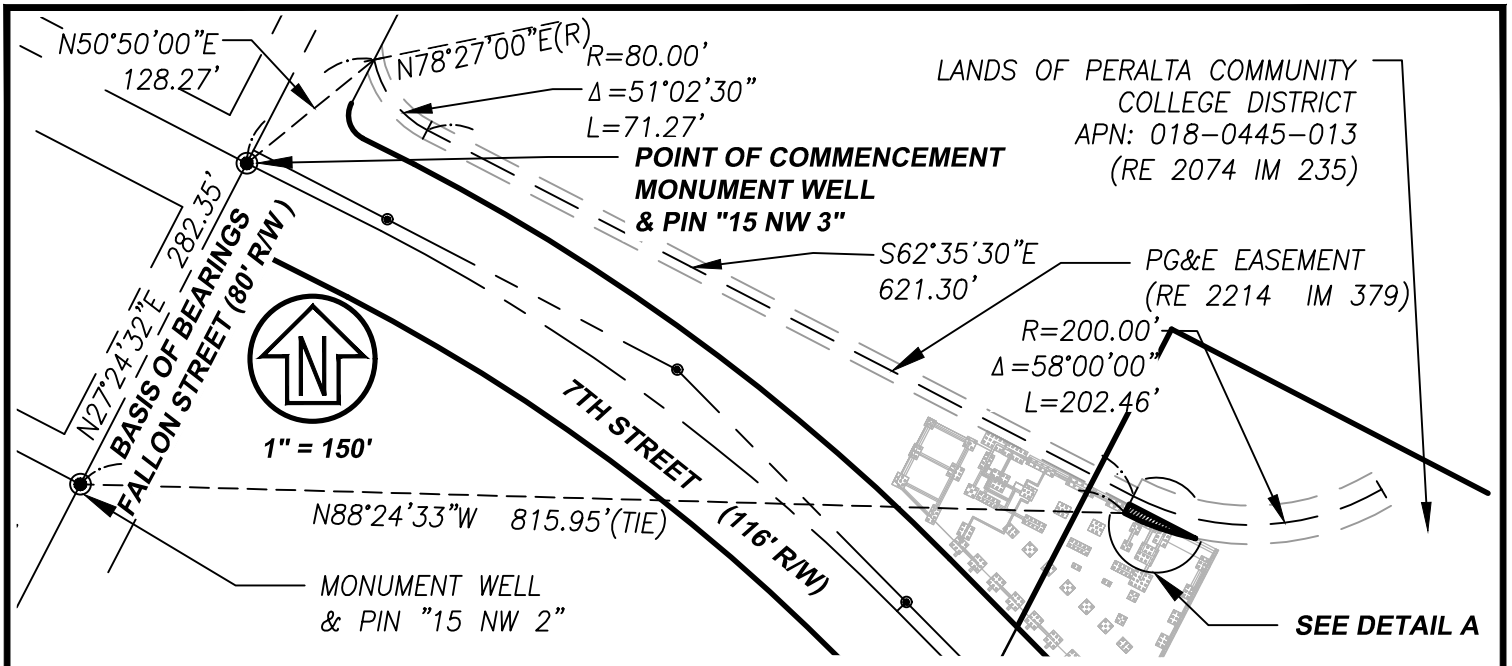
THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS THE MONUMENT LINE OF FALLON STREET BEING NORTH 27°24'32" EAST BETWEEN FOUND PIN IN MONUMENT WELL "15 NW 2" AND FOUND PIN IN MONUMENT WELL "15 NW 3" AS SHOWN ON RECORD OF SURVEY, FILED IN BOOK 7 OF RECORDS OF SURVEY AT PAGES 27-28, ALAMEDA COUNTY RECORDS.

Date: 12/14/2021
File: 1920106

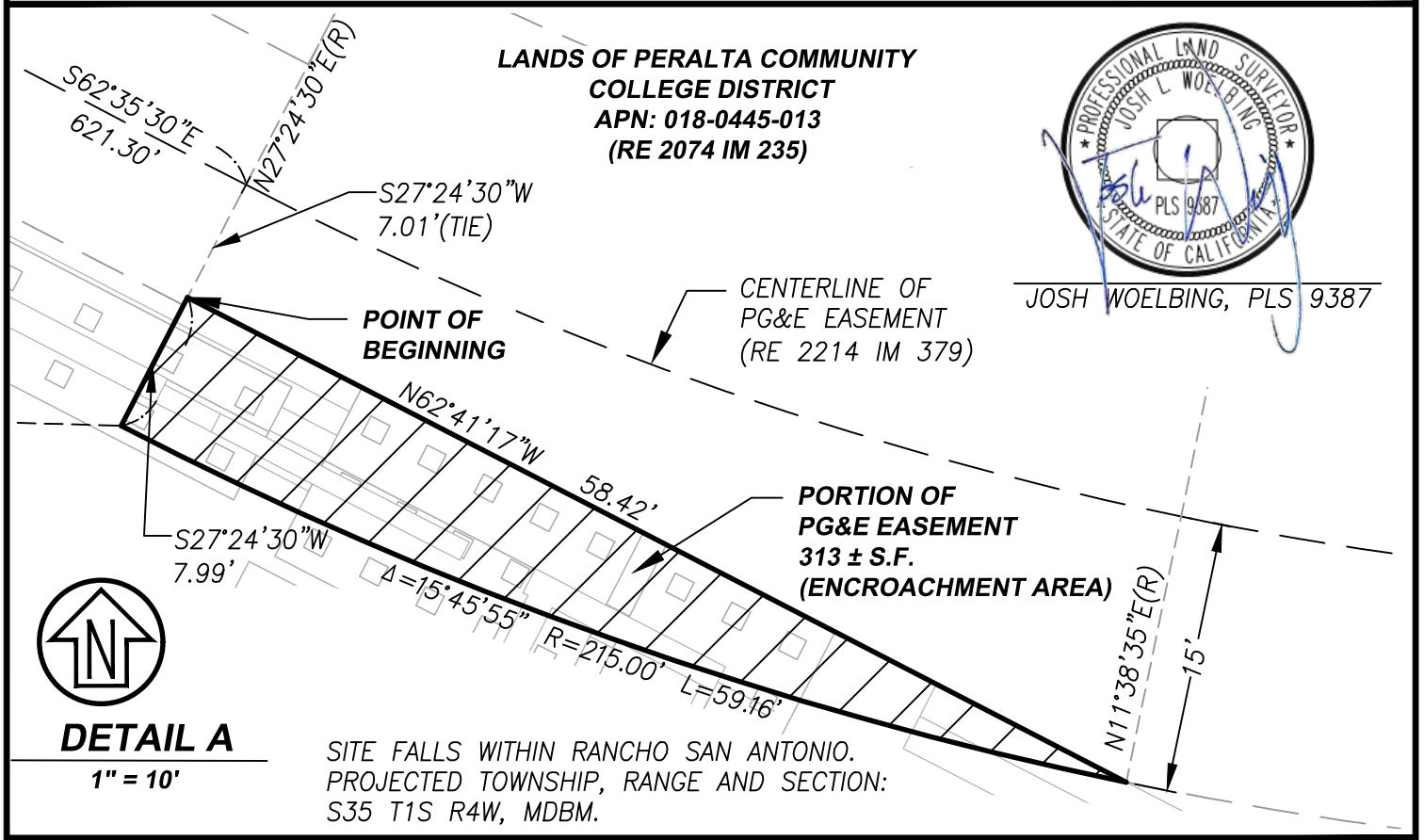
SITE FALLS WITHIN RANCHO SAN ANTONIO. PROJECTED TOWNSHIP, RANGE AND SECTION IS SECTION 35 OF TOWNSHIP 1 SOUTH, RANGE 4 WEST, MOUNT DIABLO MERIDIAN.

Prepared by:
CSW/STUBER-STROEH ENGINEERING GROUP, INC.

Josh Woelbing
P.L.S. # 9387



THE BASIS OF BEARINGS IS THE MONUMENT LINE OF FALLON STREET BEING NORTH 27°24'32" EAST BETWEEN FOUND PIN IN MONUMENT WELL "15 NW 2" AND FOUND PIN IN MONUMENT WELL "15 NW 3" AS SHOWN ON RECORD OF SURVEY, FILED OCTOBER 11, 1968 IN BOOK 7 OF RECORDS OF SURVEY AT PAGES 27–28, ALAMEDA COUNTY RECORDS.



PROFESSIONAL LAND SURVEYOR
JOSH L. WOELBING
PLS 9387
STATE OF CALIFORNIA

JOSH WOELBING, PLS 9387

SITE FALLS WITHIN RANCHO SAN ANTONIO.
PROJECTED TOWNSHIP, RANGE AND SECTION:
S35 T1S R4W, MDBM.

CSW | ST2

CSW/Stuber-Stroeh Engineering Group, Inc.

Civil & Structural Engineers | Surveying & Mapping | Environmental Planning
Land Planning | Construction Management

45 Leveroni Court
Novato, CA 94949

tel: 415.883.9850
fax: 415.883.9835

http://www.csw-st2.com

Rev. -	Date: 12/14/2021
Job No. 1920106	Scale: 1" = 150' & 1" = 10'

EXHIBIT "B"
ENCROACHMENT AGREEMENT
PLAT TO ACCOMPANY LEGAL DESCRIPTION

OAKLAND ALAMEDA COUNTY CALIFORNIA

Attachment 2

Valuation Report

Exhibit D-1a

Valuation Estimate: (Encroachment on PG&E Easement)
Laney College - Oakland

As requested, attached is a summary report of the estimated market value for the proposed encroachment into a portion of a PG&E easement on Laney College property. In most cases a valuation estimate (waiver valuation) is sufficient for both project planning and pre-litigation negotiations, however if the real estate transaction is part of an eminent domain action, the valuation problem is complex, or if an unusually high degree of certainty is needed for decision making or risk mitigation, an appraisal may be necessary.

Please be aware of the following assumptions, all of which are critical to understanding and using this valuation estimate. If any of the assumptions are proven incorrect, this valuation estimate may need to be revised:

- The estimates contained within this waiver valuation are for forecasting and pre-litigation negotiation purposes and should not be considered an appraisal for condemnation/eminent domain uses. If an actual appraisal were to be performed on this property, it is possible that information discovered about the property or the market could result in opinions of value that differ from those presented in this estimate.
- METHODOLOGY and HYPOTHETICAL CONDITIONS: To estimate the value of the encroachment onto a portion of a larger easement this estimate will employ several steps:
    - First, the valuation will establish an estimate of underlying land value.
    - Second, the valuation will establish an estimate of the easement's value under the **hypothetical condition** that it is being acquired today.
    - Finally, the estimate will assign a value to the small portion of the easement that is being encroached upon as a result of the District's project.
- The estimated land value of the subject was based on the assumption that the Highest and Best Use of the land, as vacant, is Mixed-Use. This supposition was made after researching the zoning designation for the parcel and the surrounding neighborhood with the City of Oakland.
    - The subject is under a public/quasi-public "Institutional" zoning distinction with limited market value. This valuation takes place under a **hypothetical condition** that the subject has been rezoned to a marketable designation. The surrounding neighborhood allows commercial/office/residential/light industrial uses.
- No title report has been provided or reviewed. It is assumed that there are no issues, other than those highlighted in the report, affecting title that would play a significant role in the valuation of the subject parcel.
- No environmental review of the property has been performed. The property is assumed to be "clean" or at least as clean as the comparable sales. If this supposition is incorrect, the value of the property could be significantly lower than what is indicated in this report.
- The scope of this Valuation Estimate is limited: The estimator has not visited the subject or comparable properties. Data has not been personally verified but is assumed reasonably accurate.
- This valuation is based on limited information provided by the project team and ascertained via desktop research. If, in the future, better or more complete information becomes available, this valuation can be updated/revised.
- The dollar figures generated for this estimate are influenced by real estate market conditions and will change over time.

Exhibit D-1a

Valuation Estimate: (Encroachment on PG&E Easement)
Laney College - Oakland

DATE: 12/28/21
INTENDED USER: PG&E Land Rights Department
INTENDED USE: Estimate the value of a quitclaim of a portion of a PG&E easement
FROM: PG&E Appraisal Department
ORDER NUMBER: 44376832

PROPERTY OWNER: Peralta College District (Laney College)
EASEMENT OWNER: PG&E

PROPERTY IDENTIFICATION:
APN: 018-0455-013 (Alameda County)
ADDRESS: 7th Street, Oakland (North of Lake Merritt Channel)

INTEREST ESTIMATED: Building encroachment into a portion of an existing PG&E easement

ZONING: D-LM-5 (LMSA District Institutional Zone)
GENERAL PLAN: Institutional
HIGHEST and BEST USE, as vacant and rezoned for economic use (Assumed): Mixed-Use (Central Business District)

PARCEL VALUATION ESTIMATE:

Larger Parcel and Subject of the Valuation:

The larger parcel is a conglomeration of parcels that work in concert to support the roughly 60-acre Laney College campus and athletic fields which are located in downtown Oakland. The larger parcel is bisected by both Lake Merritt Channel and E 8th Street, which creates 4 "pockets" of development or use.

The subject of this valuation is the encroachment into a small portion (313ft²) of an existing PG&E easement. The easement conflicts with Laney College's planned construction of a resource center and according to the PG&E Land Agent the encroachment into this portion of the easement has been reviewed and approved by the ET asset manager.

As mentioned above, the campus is separated into 4 "pockets" of use areas (Campus, Parking, Administration and Athletic Fields) by the Lake Merritt Channel and E 8th Street. The encroachment impacts a small portion of the existing easement on the "Campus Pocket" of the Laney College grounds.

Exhibit D-1a

Valuation Estimate: (Encroachment on PG&E Easement)
Laney College - Oakland

Zoning, General Plan, and Highest and Best Use:

The zoning and general plan designations of the subject both indicate public uses (Institutional). This is not surprising as the parcel is currently developed as Laney College (Public). While public-use properties have societal "value" in that they benefit all of the neighboring parcels by providing a critical service, they do not tend to transact on the open market as their uses are typically extremely limited and generally focused on activities not designed to maximize the economic benefits accruing directly to the subject parcel. In other words, publicly zoned lands serve to make the community in general more valuable, but usually have little quantifiable economic value on their own.

Exhibit D-1a

Valuation Estimate: (Encroachment on PG&E Easement)
Laney College - Oakland

In order to assign an economic value to a property under public-use zoning, appraisers often look to a *hypothetical* situation where the public use has ceased, zoning has been changed, and the property is being sold on the open market for private use. Under this scenario, they look for clues to support a *hypothetical* zoning and use of the property. This application of appraisal methodology often manifests itself with the use of the "Across the Fence" (ATF) technique which values the subject land by comparing it to the adjoining properties, hence the name "across the fence." This does not necessarily mean that the subject is limited to *only* the adjacent use, but rather that the predominant land uses in the area should be considered, amongst other factors affecting the subject parcel such as topography, environmental issues, demand, etc.

In the case of the subject, the adjoining properties, as well as the bulk of the neighborhood are commercial in nature. The adjoining zones are D-LM-2 and D-LM-4 which are both commercial zones that allow office use. The D-LM-4 zone also allows some residential and light industrial uses. This is also consistent with the general plan of the neighborhood which is largely Central Business District. As such, the highest and best use of the subject parcel is assumed to be Mixed-Use, under the *hypothetical condition* that the current public use is discontinued, and that the City has rezoned the property in accordance with the neighborhood.

Methodology:

This valuation estimate has the goal of estimating the value of a 313ft² encroachment into a portion of an existing PG&E easement. The existing PG&E easement carries primary rights (e.g. to install, use maintain, upgrade utility infrastructure) and secondary 'support' rights (e.g. access, vegetation and building restrictions). Both the primary and secondary rights that PG&E currently owns will be effectively lost in the 313ft² encroachment footprint as the agreement would allow development of a resource center (structure) for Laney College and would disallow this portion of the easement to be used by PG&E for installation/operation/maintenance of, or buffer from, utility facilities. In the after condition, PG&E will have given up nearly all of its rights in the 313ft² encroachment area (similar to a quitclaim).

In order to arrive at a current market value for the encroachment into the 313ft² portion of the easement the estimator has taken several steps:

1. Estimate the current market value of the underlying land;
2. Estimate the diminution in market value that would be attributed to the PG&E easement which encumbers the land;
3. Calculate the value of the 313ft² portion of the easement which is to be encroached upon by Laney College and effectively lost by PG&E.

STEP 1: Establish Underlying Land Value using Comparable Sales:

The subject is a 60-acre college campus in downtown Oakland. Unsurprisingly, there are no recent sales of similar properties, but there have been some smaller sales for residential/office/commercial mixed-uses that we can examine to approximate the subject's market value.

Exhibit D-1a

Valuation Estimate: (Encroachment on PG&E Easement)

Laney College - Oakland

Address	City	Property Type	Land Area (AC)	Price/Land SF	Sale Price	Sale Date	Sale Status
2107 Poplar St (Part of a 8 Property Sale)	Oakland	Land	2.27	$43.76	$4,327,492	9/24/2021	Sold
2001 Poplar St (Part of a 8 Property Sale)	Oakland	Land	1.11	$43.76	$2,116,108	9/24/2021	Sold
533 Kirkham St	Oakland	Land	1.19	$101.33	$5,250,000	3/10/2021	Sold
260 Brooklyn Basin Way	Oakland	Land	2.70	$187.75	$22,065,000	12/22/2020	Sold
8TH Ave	Oakland	Land	2.05	$265.45	$23,751,280	2/10/2020	Sold
8TH Ave	Oakland	Land	1.19	$284.16	$14,700,000	2/10/2020	Sold
Brooklyn Basin Way	Oakland	Land	1.44	$260.34	$16,281,000	9/23/2019	Sold

Based on the comp sales search the range in values for mixed use property in Oakland is currently $44 to $280/ft². Those sales at the higher end of the range consist of very dense residential mixed-use developments with ground floor commercial. It is unlikely that the subject 60-acres could be developed to this density and therefore the subject is likely more similar in value to those sales at the bottom of the value range. The subject is superior in location to the Poplar street sales and this bracket helps to develop a tighter range of values between $44 and $101/ft². Given the large size and need for size-based adjustments, the subject is estimated at roughly $50/ft²

Proposed Encroachment:

This valuation estimate covers a proposal to allow a 313ft² encroachment into a portion of an existing PG&E easement (LD 2301-04-0767) (RE2214 IM379). The existing easement gives PG&E the right to install, maintain, operate and replace utility facilities on the subject property. It also grants PG&E the right to access the easement and restricts the underlying landowner (Laney College) from building any structures within the easement area.

Laney College desires to build a resource center that will infringe 313ft² into the existing easement. Because the existing easement has a 'no structures' clause and PG&E will be unable to use this portion of its easement for utility purposes in the future, an encroachment agreement is needed. Once the encroachment agreement is in place PG&E will effectively relinquish its rights in this 313ft² portion of the existing easement.

STEP 2: Estimate Value of *Existing* Easement:

The value of an easement is a function of what the property owner *could* have done within the easement area in the "before condition" versus what *can* be done in the "after condition," based on the restrictions imposed by the easement language. The resulting loss of utility is then expressed in terms of a percentage of fee simple land value for valuation purposes.

The easement language restricts buildings and some vegetation, but the parcel would require significant parking, ingress/egress and open space areas for development at its highest and best use, all of which are allowed in the easement area in the 'after' condition, therefore the easement space remains useful and valuable to Laney College in the 'after' condition.

Regarding the percentage of fee simple value to apply to this easement: On one end of the valuation spectrum, a valuation of 90-99% would indicate that nearly all use and utility of the property had been lost by the owner in the after condition (Example: A fenced, exclusive easement

Valuation Estimate: (Encroachment on PG&E Easement)
Laney College - Oakland
over previously unencumbered land). The *existing* easement is clearly *less* impactful than 90% of fee simple value.

On the other end of the spectrum, a valuation of 5-10% of fee simple value would indicate that the easement has little to no effect on the use and utility of the property in the after condition (Example: An underground, non-exclusive easement over land already encumbered by a similar easement). No title report has been reviewed; thus, this valuation assumes that the land is free and clear of any potential encumbrances that could affect value. As such, the *existing* easement is clearly *more* impactful than 10% of fee simple value.

This valuation estimate will use 35% of fee simple value for the *existing* easement as it is underground, non-exclusive and the portion of the property that the easement encumbers will retain significant utility in terms of parking, ingress/egress and open space in the after condition.

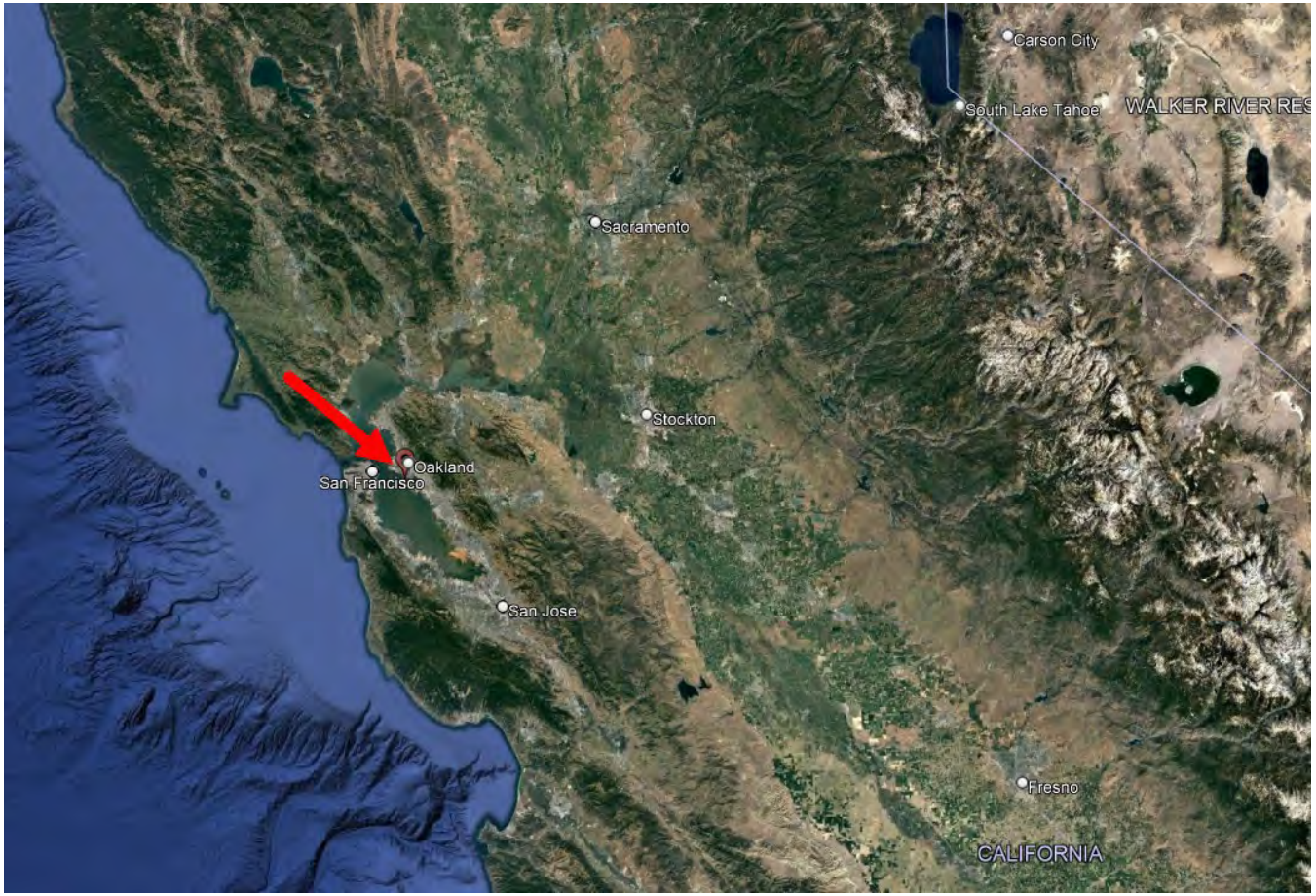
STEP 3: Value of Encroachment into a Portion of Existing PG&E Easement:

Subject property land value = $50 per square foot (Fee Simple Value)
Value of Existing PG&E Easement = 35% of fee simple value
Encroachment into Existing Easement = 313 square feet

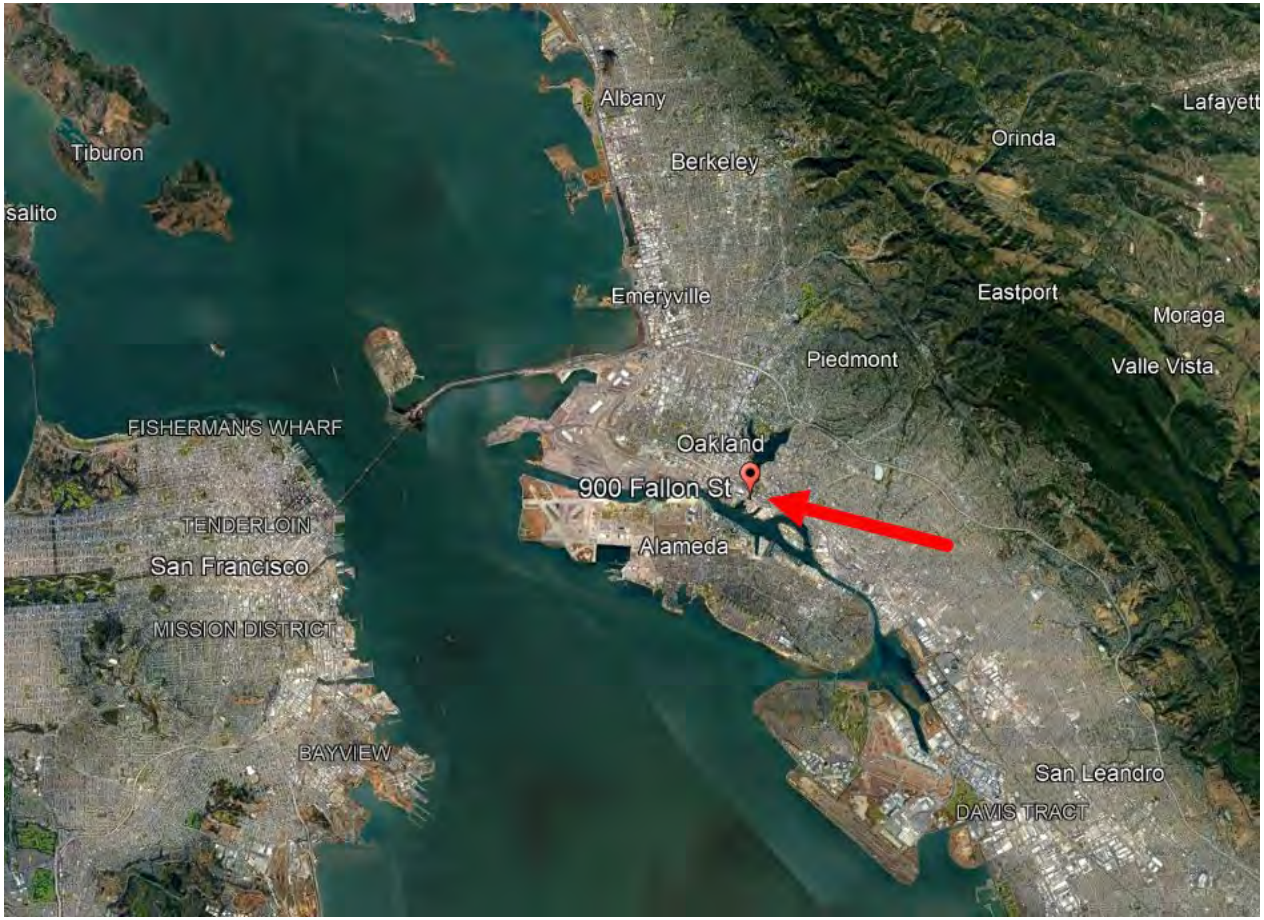
313ft² multiplied by $50/ft² = $15,650 (Full Fee Simple Value of Easement Footprint)
$15,650 multiplied by 35% of fee = $5,478 (Value of Easement in Encroachment Footprint)

Easement Value Lost due to Encroachment:
$5,500 ROUNDED

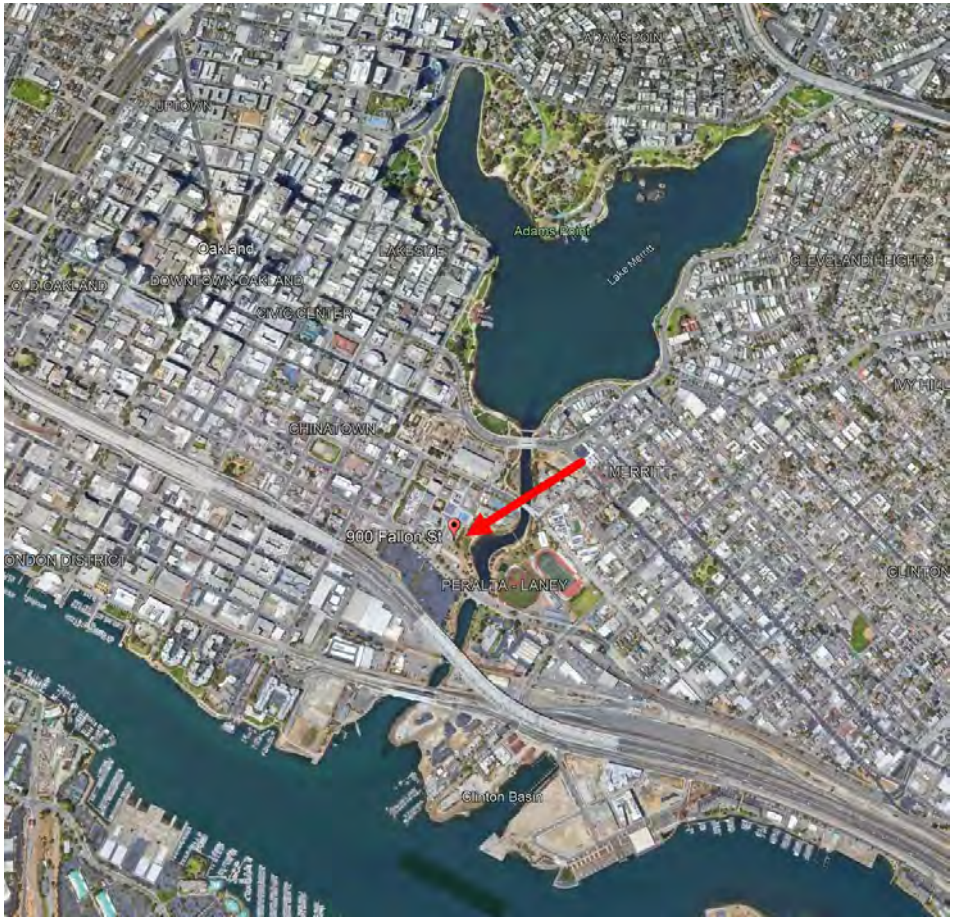
General Location



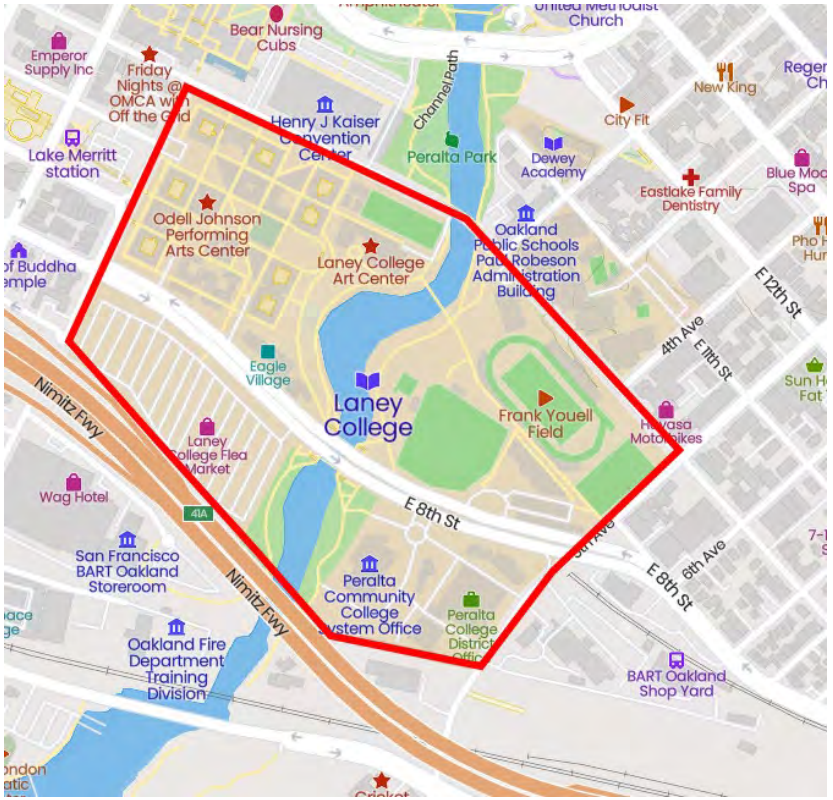
Location


Albany
Lafayett
Tiburon
Orinda
Berkeley
salito
Emeryville
Eastport
Moraga
Piedmont
Valle Vista
FISHERMAN'S WHARF
Oakland
900 Fallon St
TENDERLOIN
Alameda
San Francisco
MISSION DISTRICT
BAYVIEW
San Leandro
DAVIS TRACT

Specific Location



Laney College
(Encroachment Location Identified with Arrow)

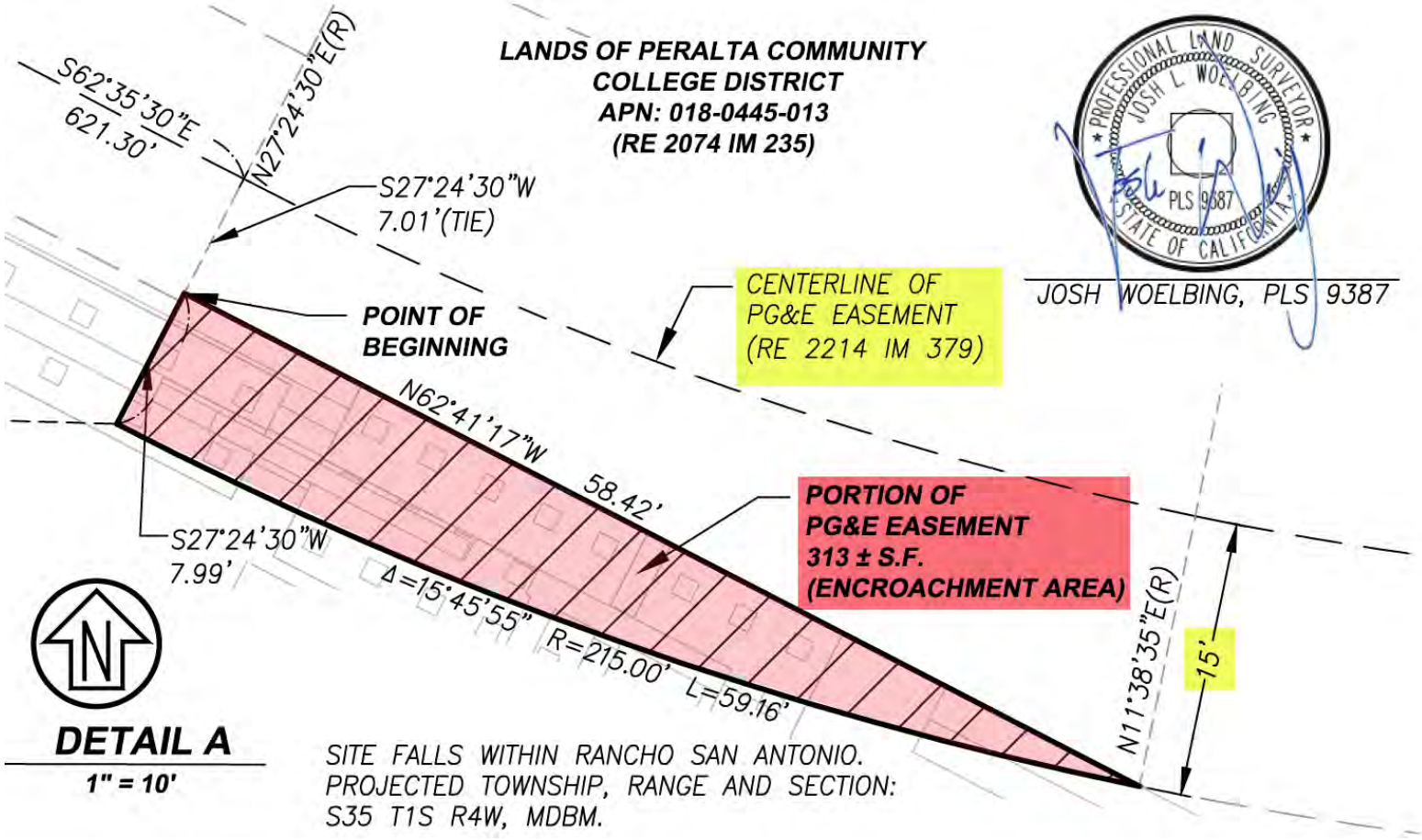


Street View of existing easement corridor

(arrow indicates approximate area of the easement that will effectively be relinquished by the encroachment agreement)

Approximate Location of Proposed Encroachment

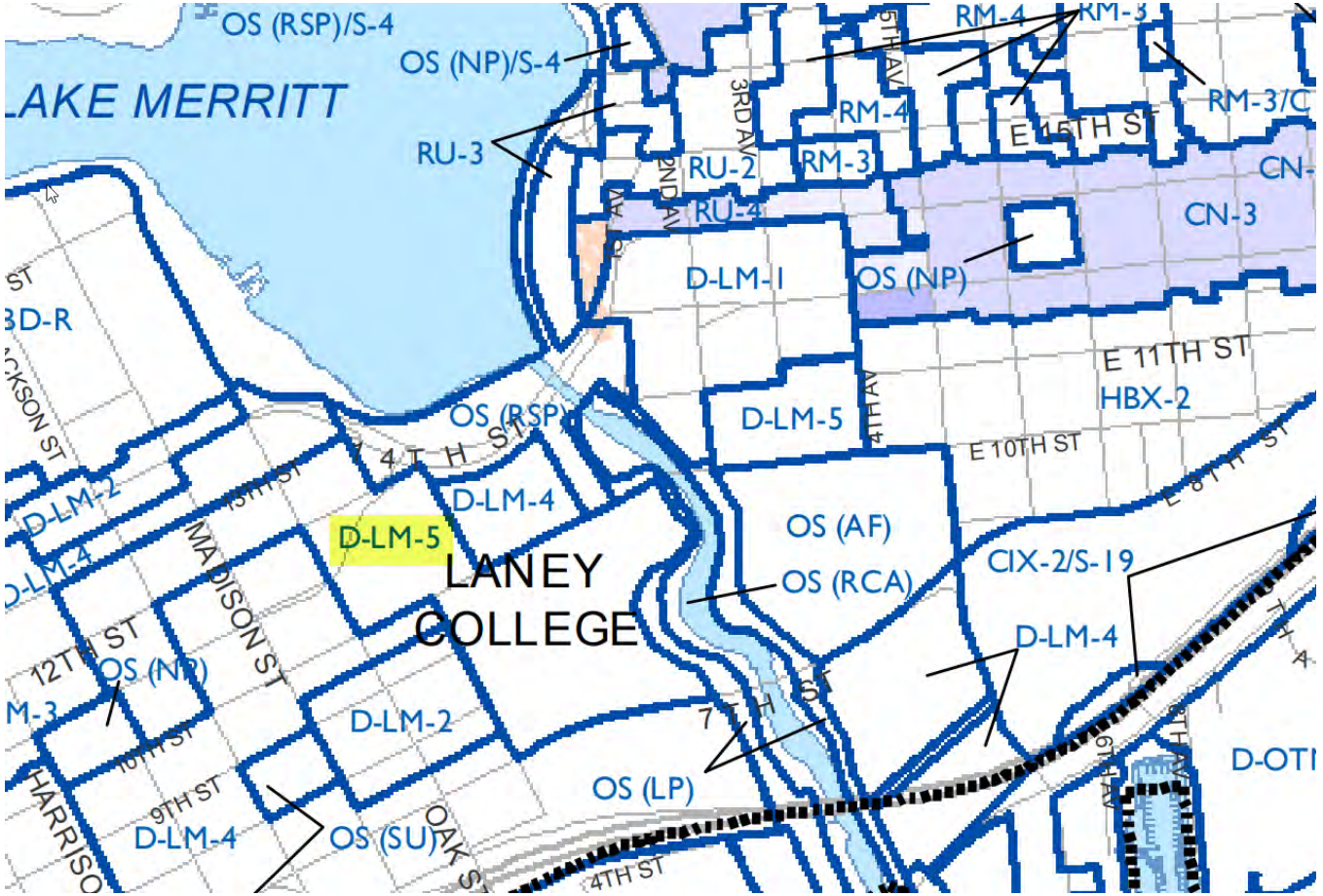
Proposed Encroachment and Existing 30’ Easement (15’ each side of centerline)



Zoning

LAKE MERRITT STATION AREA DISTRICT ZONING

D-LM-1	Lake Merritt Station Area District Mixed Residential Zone-1
D-LM-2	Lake Merritt Station Area District Pedestrian Commercial Zone-2
D-LM-3	Lake Merritt Station Area District General Commercial Zone-3
D-LM-4	Lake Merritt Station Area District Mixed Commercial Zone-4
D-LM-5	Lake Merritt Station Area District Institutional Zone-5

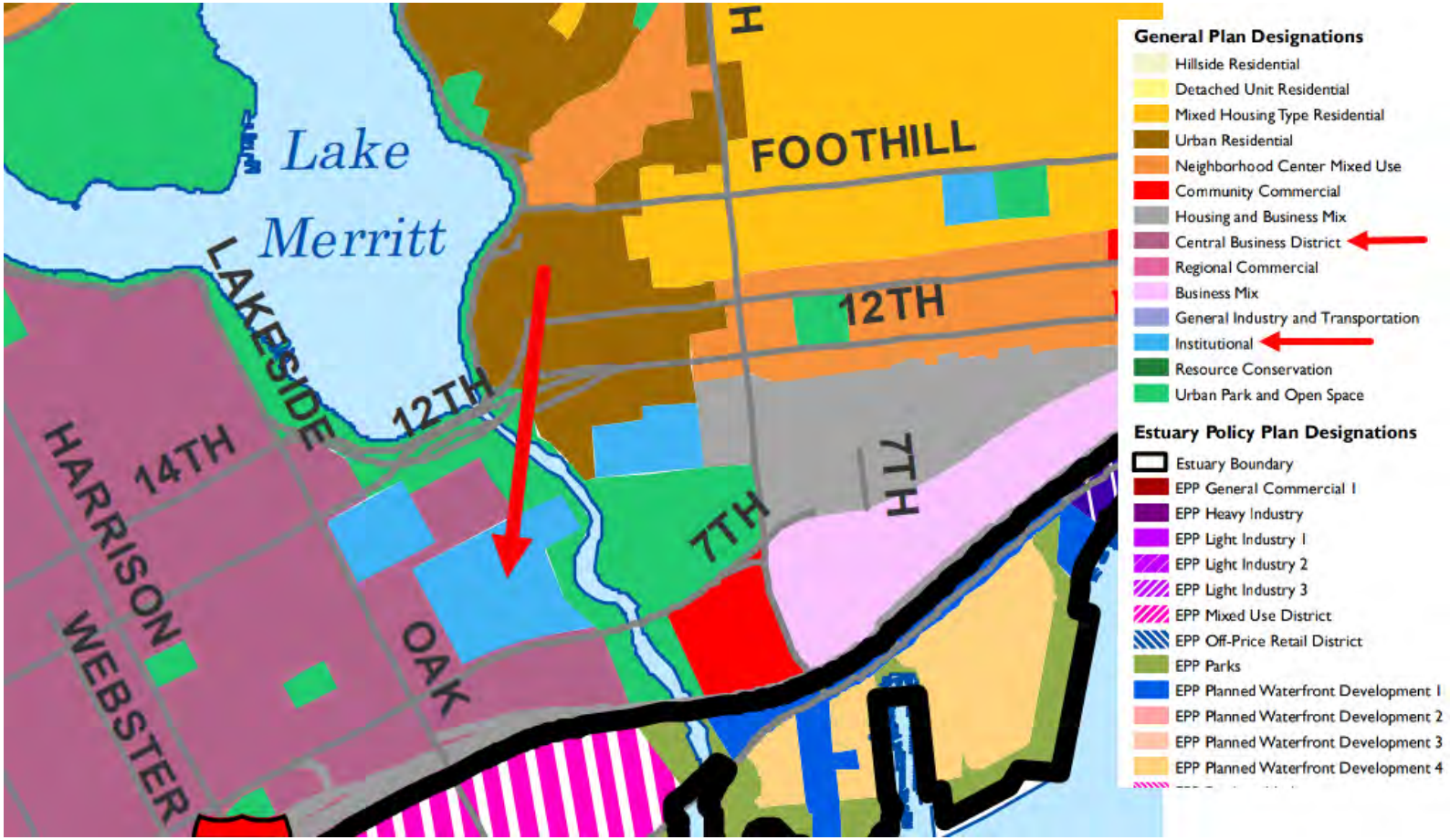


Zoning

B. Description of zones. This Chapter establishes land use regulations for the following five (5) zones:

1. **D-LM-1 Lake Merritt Station Area District Mixed - 1 Residential Zone.** The intent of the D-LM-1 Zone is to create, maintain, and enhance areas of the Lake Merritt Station Area Plan District appropriate for high-density residential development with compatible Commercial Activities.
2. **D-LM-2 Lake Merritt Station Area District Pedestrian - 2 Commercial Zone.** The intent of the D-LM-2 Zone is to create, maintain, and enhance areas of the Lake Merritt Station Area Plan District for ground-level, pedestrian-oriented, active storefront uses. Upper story spaces are intended to be available for a wide range of Office and Residential Activities.
3. **D-LM-3 Lake Merritt Station Area District General - 3 Commercial Zone.** The intent of the D-LM-3 Zone is to create, maintain, and enhance areas of the Lake Merritt Station Area Plan District appropriate for a wide range of ground-floor Commercial Activities. Upper-story spaces are intended to be available for a wide range of Residential, Office, or other Commercial Activities.
4. **D-LM-4 Lake Merritt Station Area District Mixed - 4 Commercial Zone.** The intent of the D-LM-4 Zone is to designate areas of the Lake Merritt Station Area Plan District appropriate for a wide range of Residential, Commercial, and compatible Light Industrial Activities.
5. **D-LM-5 Lake Merritt Station Area District - 5 Institutional Zone.** The intent of the D-LM-5 Zone is to create, preserve, and enhance areas devoted primarily to major public and quasi-public facilities and auxiliary uses.

General Plan



Comparable Sales

Address	City	Property Type	Land Area (AC)	Price/Land SF	Sale Price	Sale Date	Sale Status
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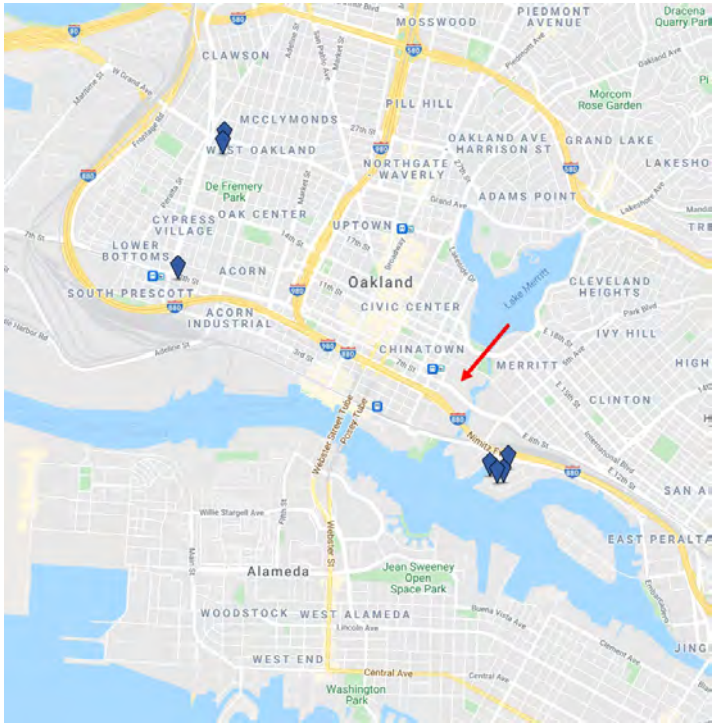
533 Kirkham St	Oakland	Land	1.19	$101.33	$5,250,000	3/10/2021	Sold
260 Brooklyn Basin Way	Oakland	Land	2.70	$187.75	$22,065,000	12/22/2020	Sold
8TH Ave	Oakland	Land	2.05	$265.45	$23,751,280	2/10/2020	Sold
8TH Ave	Oakland	Land	1.19	$284.16	$14,700,000	2/10/2020	Sold
Brooklyn Basin Way	Oakland	Land	1.44	$260.34	$16,281,000	9/23/2019	Sold



EXISTING PG&E EASEMENT

2301-04-0767

RE 2214 PM 379

BA 74428

AFTER RECORDING, RETURN TO:

PLEASE MAIL TO:
PACIFIC GAS & ELECTRIC COMPANY,
ATTN. LAND SUPERVISOR
66 JACK LONDON SQUARE
OAKLAND, CALIFORNIA 94607

No Consideration

FOR RECORDER'S USE ONLY

RECORDED at REQUEST OF
PACIFIC GAS AND ELECTRIC COMPANY
At 8 Min. Past 3 P.M.
JUL 9 - 1968
OFFICIAL RECORDS OF
ALAMEDA COUNTY, CALIFORNIA
JACK G. BLUE
COUNTY RECORDER

DOCUMENTARY TRANSFER TAX $ None
SIGNED - PARTY OR AGENT
P.G.&E.
FIRM NAME

5-20

COPY SENT TO DIVISION MAK

PERALTA JUNIOR COLLEGE DISTRICT, a public body, hereinafter called first party, hereby grants to PACIFIC GAS AND ELECTRIC COMPANY, a California corporation, hereinafter called second party, the right to (a) excavate for, install, replace, remove, maintain and use such wires and calbes (enclosed at second party's option by means of conduits) as second party shall from time to time deem necessary for the transmission of electric energy, and for communication purposes, and all necessary manholes, riser pipes and other applicances and fixtures for use in connection therewith, together with a right of way, within the strip of land situate in the City of Oakland, County of Alameda, State of California, and described as follows:

A strip of land extending from the southeasterly boundary line of Fallon Street southeasterly to the northwesterly boundary line of Fifth Avenue and lying 7.5 feet on each side of the initial 692.56 feet and lying 15.0 feet on each side of the remainder of the line which begins at a point in the southeasterly boundary line of Fallon Street from which the city monument marking the intersection of the monument line of Fallon Street with the monument line of Seventh Street bears south 50° 50' west 128.27 feet distant and runs thence southeasterly on a curve to the left with a radius of 80 feet, through a central angle of 51° 02.5' and tangent at the northwesterly terminus thereof to a line which has a bearing of south 11° 33' east, an arc distance of 71.26 feet; thence south 62° 35.5' east 621.30 feet; thence northeasterly on a curve to the left with a radius of 200 feet, through a central angle of 58° 00' and tangent at the southwesterly terminus thereof to the preceding course, an arc distance of 202.46 feet; thence north 59° 24.5' east 5.46 feet; thence northeasterly on a curve to the right with a radius of 190 feet, through a central angle of 58° 00' and tangent at the southwesterly terminus thereof to the preceding course, an arc distance of 192.33 feet; thence south 62° 35.5' east 429.79 feet; thence southeasterly on a curve to the right with a radius of 130 feet, through a central angle of 21° 44.5' and tangent at the northwesterly terminus thereof to the preceding course, an arc distance of 49.16 feet; thence south 40° 51' east 632.89 feet; thence northeasterly on a curve to the left with a radius of 160 feet and tangent at the southwesterly terminus thereof to the preceding course, an arc distance of 124 feet, more or less, to a point in the northwesterly boundary line of Fifth Avenue.

and (b) the right to excavate for, install, replace (of the initial or any

other size), maintain and use such pipe lines as second party shall from time to time elect for conveying gas, with necessary and proper valves and other appliances and fittings, and devices for controlling electrolysis for use in connection with said pipe lines, together with adequate protection therefor, and also a right of way, within the strip of land situate in said City of Oakland and described as follows:

> A strip of land extending from the southeasterly boundary line of Fallon Street to the northwesterly boundary line of Fifth Avenue and lying 20 feet on the right side and 20 feet on the left side of the initial 1414.61 feet, and 18 feet on the right side and 18 feet on the left side of the remainder of the line which begins at a point in the southeasterly boundary line of Fallon Street from which the city monument marking the intersection of the monument line of Fallon Street with the monument line of Sixth Street bears north 8° 50.2' west 86.34 feet distant and runs thence south 49° 38.7' east 78.28 feet; thence south 60° 25.6' east 1274.36 feet; thence north 31° 34.3' east 41.94 feet; thence south 61° 32.5' east 296.82 feet; thence south 55° 29.8' east 379 feet, more or less, to a point in the northwesterly boundary line of Fifth Avenue.

Said strips of land are portions of the lands situate in said City of Oakland and described as follows:

> The parcel of land bounded on the northwesterly side by the southeasterly boundary line of Fallon Street, on the northeasterly side by the southwesterly boundary line of Tenth Street and the southwesterly boundary line of East Tenth Street, on the southeasterly side by the northwesterly boundary line of Fifth Avenue and on the southwesterly side by the northeasterly boundary of the Nimitz Freeway.

First party further grants to second party:

(a) the right of ingress to and egress from said strips of land over and across said lands by means of roads and lanes thereon, if such there be, otherwise by such route or routes as shall occasion the least practicable damage and inconvenience to first party; provided that such right of ingress and egress shall not extend to any portion of said lands which is isolated from said strips of land by any public road or highway now crossing or hereafter crossing said lands; provided, further, that if any portion of said lands is or shall be subdivided and dedicated roads or highways on such portion shall extend to said strips of land, said right of ingress and egress on said portion shall be confined to such dedicated roads and highways.

(b) the right to use such portion of said lands contiguous to said strip as may be reasonably necessary in connection with the installation and replacement of said wires, cables, manholes, and pipe lines;

(c) the right from time to time to trim and to cut down and clear away any and all trees and brush now or hereafter on said strips, provided, however, that all trees which second party is hereby authorized to cut and remove, if valuable for timber or wood, shall continue to be the property of first party, but all tops, lops, brush and refuse wood shall be burned or removed by second party;

(d) the right to install, maintain and use gates in all fences which now cross or shall hereafter cross said strips of land;

(e) the right to mark the location of said strips of land by suitable markers set in the ground; provided that said markers shall be placed in fences or other locations which will not interfere with any reasonable use first party shall make of said strips of land.

Second party hereby covenants and agrees:

(a) second party shall not fence said strips of land;

(b) second party shall promptly backfill any trench made by it on said strips of land and repair any damage it shall do to first party's private roads or lanes on said lands;

(c) second party shall indemnify first party against any loss and damage which shall be caused by the exercise of said ingress and egress or by any wrongful or negligent act or omission of second party or of its agents or employees in the course of their employment.

First party reserves the right to use said strips of land for purposes which will not interfere with second party's full enjoyment of the rights hereby granted; provided that first party shall not erect or construct any building or other structure, or drill or operate any well, or construct any reservoir or

other obstruction on said strips of land, or diminish or substantially add to the ground cover over said wires, cables, and pipe lines.

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto, and all covenants shall apply to and run with the land.

IN WITNESS WHEREOF first party has executed these presents this 1st day of July, 19 68.

PERALTA JUNIOR COLLEGE DISTRICT

By _____
Its President

And By _____
Its Secretary

East Bay
GM 169597
GM 440650
T.1S., R.4W.,
M.D.B.& M.
Section 35
E½ of SE¼
Section 36
NW¼ of SW¼
S½ of SW¼
T.2S., R.4W.,
M.D.B.& M.
Section 1
N½ of NW¼
68-089
cl

Prepared _____

Checked _____

JUN. 6 1968

BA 74428

P.G.E. Easement Map

10TH ST.

2ND AVE.

T. 1 S. R. 4 W. M.D.B. & M.

9TH ST.

8TH ST.

7TH ST.

6TH ST.

4TH ST.

FALLON ST.

City Mon.

TIE: S.50°50'W. 128.27'

TIE: N.8°50.2'W. 86.32'

EAST 10TH ST.

3RD AVE.

Park Boundary

Relocated Lake Merritt Channel

8TH ST.

Δ=51°02.5' R=80' L=71.26'

S.62°35.5'E.-621.30'

Δ=58°00' R=200' L=202.48'

Δ=58°00' R=190' L=192.33'

N.59°24.5'E. 5.48'

S.62°35.5'E.-429.79'

Δ=12°44.5' R=130 L=29.16'

S. F. B. A. R. T. D. R/W

E. Proposed Underground 115 KV. Transmission Line

EAST 8TH ST.

S.40°51'E.-632.89'

Δ=44°24.5' R=160' L=124'±

4TH AVE.

EAST 7TH ST.

RELOCATED 8TH STREET

E.B.M.U.D. 40' R/W

S.49°38.7'E.-78.26'

S.61°32.5'E.-20.03'

S.61°32.5'E.-276.79'

S.55°29.8'E.-379'±

S.31°34.3'E.-41.94'

E. Proposed 16" Gas Line

E. Proposed 30" Gas Line

6TH ST.

S.60°25.6'E.-1274.36'

5TH AVE.

Park Boundary

Relocated Lake Merritt Channel

Park Boundary

4TH ST.

NIMITZ FREEWAY

WESTERN PACIFIC RAILWAY CO. R/W

CENTRAL PACIFIC RAILWAY CO. R/W

CITY OF OAKLAND
ALAMEDA COUNTY

2301-04-0767

RELOCATION OF GAS & ELECTRIC FACILITIES
AT PERALTA COLLEGE DISTRICT

G.M. 169597 & G.M. 440650 BY F.F. DR. S.L. CH. J.A.K.

SCALE: 1" = 100'

Revised 8-5-68

P-4113

RE 2214 IM 383

State of California

Oakland County of Alameda

On this 1st day of July, in the year 1968, before me, LURA L. O'DONNELL, a Notary Public in and for the said Alameda County, duly commissioned and sworn, personally appeared WILLIAM H. MC FARLAND and JOHN W. DUNN known to me to be the President and Secretary of the PERALTA JUNIOR COLLEGE DISTRICT, the School District that executed the within and foregoing instrument, and to be the persons- who executed the said instrument on behalf of said district therein named, and acknowledged to me that such district executed the within instrument pursuand to a resolution of its board of trustees.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, in the City of Oakland, County of Alameda, the day and year in this certificate first above written.

Notary Public in and for the County of ALAMEDA, State of California

Subscribed and sworn to before me this 1st day of July 1968
Lura L. O'Donnell
NOTARY PUBLIC IN AND FOR THE STATE OF CALIFORNIA

LURA L. O'DONNELL, Notary Public Alameda County
My Commission Expires August 3, 1968

BA 74428

2301-04-0767

ORIGINAL

THIS AGREEMENT made this 18th day of March, 1968, by and between PACIFIC GAS AND ELECTRIC COMPANY, a California corporation, hereinafter called Pacific, and PERALTA JUNIOR COLLEGE DISTRICT, a public body, hereinafter called College,

W I T N E S S E T H:

WHEREAS, College is presently planning the construction of a new college campus in the City of Oakland, known generally as its Civic Center Site,and the boundaries of said proposed campus, as shown upon the map attached hereto as Exhibit "A", incorporated herein by this reference, include portions of the following City streets: 8th Street, 3rd Avenue, 4th Avenue, East 7th Street, and East 8th Street; and

WHEREAS, Pacific owns, maintains, and operates gas and electric transmission and distribution facilities and appurtenances within said streets, and said facilities are necessary for the supply of gas and electricity to areas of the City of Oakland outside of said project boundaries; and

WHEREAS, College intends to acquire title to property on each side of said portions of existing streets and to thereafter petition the City of Oakland to vacate and abandon said portions of said streets, and College contends that it is entitled to have said streets abandoned by City without the reservation of easements for utility purposes, and that it can thereafter compel Pacific to relocate its facilities without compensation; and

WHEREAS, the parties are unable to agree upon the compensation or reimbursement of costs due Pacific for such relocation of its said gas and electric facilities and desire that the work proceed notwithstanding the lack of agreement or a determination of any liability of College for such compensation or reimbursement;

NOW, THEREFORE, it is agreed by the parties as follows:

1. College shall grant to Pacific easements, in a form approved by Pacific, in the approximate locations shown in red on the attached map for the installation of said relocated facilities of

Pacific. Said easement areas shall be cleared of all improvements at no expense to Pacific, and title to said easements shall vest in Pacific prior to said gas and electric facility installations.

2. Pacific agrees not to protest the abandonment of the aforesaid portions of city streets without reservation of public utility easements subject, however, to the provisions of Section 4 hereof. Notwithstanding the abandonment of said portions of city streets, Pacific may maintain and operate its existing facilities until the installation of substitute facilities has been completed.

3. Pacific shall proceed with due diligence to design the installation of its said facilities in the new locations. Upon notice from College to Pacific of not less than the time estimated by Pacific as required to perform its work, Pacific shall commence and diligently prosecute the work required on its facilities so as to minimize or avoid interference with construction by College. Upon completion of construction of said new facilities, Pacific will either remove or abandon in place its existing facilities. College agrees to assume full title and responsibility for any of said facilities abandoned in place.

4. The failure of Pacific to protest the closing of streets by the City Council of the City of Oakland or to request the reservation of public utility easements in said proceedings and the performance of work by Pacific in relocating its said facilities shall not be deemed a waiver by Pacific of any right it may have for compensation or reimbursement therefor, and Pacific shall have and retain the same rights and claims against College as it would have if Pacific had refused to perform said work until compelled to do so by court order or judgment and in accordance with the terms thereof. The execution of this Agreement by College shall not be deemed an admission by College that it is in any way liable to Pacific for such compensation or reimbursement.

5. It is understood and agreed that the aforesaid work by Pacific is solely a relocation of existing facilities, and that gas

ORIGINAL

and electric service to said new campus will be provided in accordance with Pacific's rules, regulations and tariffs on file with the California Public Utilities Commission.

6. This agreement shall bind the successors in interest of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this agreement by their respective officers thereunto duly authorized on the date first above written.

PERALTA JUNIOR COLLEGE DISTRICT

Margaret Fair Hayes

By President, Board of Trustees of Peralta Junior College District

and by

John W. Dunn
Secretary, Board of Trustees of
Peralta Junior College District

PACIFIC GAS AND ELECTRIC COMPANY

By

Its Vice President-Personnel and General Services

Attest:

SECRETARY

APPROVED:

ENGR. LAND DEPT.

P G & E CO.—APPROVED	
DIV'N.	LAND
DESG.	OPER.
LAW	ENG'R.

P. G. & E. CO. COPY

PERALTA JUNIOR COLLEGE DISTRICT
RESOLUTION NO. 67/68-83

GOOD CAUSE APPEARING THEREFOR, it is hereby ordered that Resolution No. 67/68-64 dated the 15th day of January, 1968, is rescinded.

BE IT RESOLVED that the certain Agreement submitted by Pacific Gas and Electric Company, a California Corporation, and between Pacific Gas and Electric Company and Peralta Junior College District, a copy of which is attached hereto, in connection with the relocation of utility facilities as required for the development of a campus for Laney College at the Civic Center Site is approved, and the President and Secretary of this Board of Trustees are hereby authorized and directed to execute this said Agreement on behalf of the Peralta Junior College District.

PASSED AND ADOPTED by the following called vote this 18th day of March, 1968:

Ayes: Trustees

Noes: Trustees

Absent: Trustees

Secretary, Board of Trustees of
Peralta Junior College District

PERALTA JUNIOR COLLEGE DISTRICT
RESOLUTION NO. 67/68-125

COPY SENT TO DIVISION

RESOLUTION OF INTENTION TO DEDICATE EASEMENTS FOR GAS LINES AND ELECTRIC UNDERGROUND PURPOSES TO PACIFIC GAS AND ELECTRIC COMPANY

Pursuant to Sections 16251 through 16255 of the Education Code of the State of California.

WHEREAS, the PERALTA JUNIOR COLLEGE DISTRICT of Alameda County, State of California, hereinafter called "District", is the owner of the following described real property situated in said District and in said County, to wit:

The parcel of land bounded on the northwesterly side by the southeasterly boundary line of Fallon Street, on the northeasterly side by the southwesterly boundary line of Tenth Street and the southwesterly boundary line of East Tenth Street, on the southeasterly side by the northwesterly boundary line of Fifth Avenue and on the southwesterly side by the northeasterly boundary of the Nimitz Freeway.

The route of said gas lines and electric underground across said real property shall be as follows:

(a) Gas Lines:

A strip of land extending from the southeasterly boundary line of Fallon Street to the northwesterly boundary line of Fifth Avenue and lying 20 feet on the right side and 20 feet on the left side of the initial 1414.61 feet, and 18 feet on the right side and 18 feet on the left side of the remainder of the line which begins at a point in the southeasterly boundary line of Fallon Street from which the city monument marking the intersection of the monument line of Fallon Street with the monument line of Sixth Street bears north 8° 50.2' west 86.34 feet distant and runs thence south 49° 38.7' east 78.28 feet; thence south 60° 25.6' east 1274.36 feet; thence north 31° 34.3' east 41.94 feet; thence south 61° 32.5' east 296.82 feet; thence south 55° 29.8' east 379 feet, more or less, to a point in the northwesterly boundary line of Fifth Avenue.

(b) Electric Underground:

A strip of land extending from the southeasterly boundary line of Fallon Street southeasterly to the northwesterly boundary line of Fifth Avenue, and lying 7.5 feet on each side of the initial 692.56 feet and lying 15.0 feet on each side of the remainder of the line which begins at a point in the southeasterly boundary line of Fallon Street from which the city monument marking the intersection of the monument line of Fallon Street with the monument line of Seventh Street bears south 50° 50' west 128.27 feet distant and runs thence southeasterly on a curve to the left with a radius of 80 feet, through a central angle of 51° 02.5' and tangent at the northwesterly terminus thereof to a linewhich has a bearing of south 11° 33' east, an arc distance of 71.26 feet; thence south 62° 35.5' east 621.30 feet; thence northeasterly on a curve to the left with a radius of 200 feet, through a central angle of 58° 00' and tangent at the southwesterly terminus thereof to the preceding course, an arc distance of

192.23 feet; thence south 62° 35.5' east 429.79 feet; thence southeasterly on a curve to the right with a radius of 130 feet, through a central angle of 21° 44.5' and tangent at the northwesterly terminus thereof to the preceding course, an arc distance of 49.16 feet; thence south 40° 51' east 632.89 feet; thence northeasterly on a curve to the left with a radius of 160 feet and tangent at the southwesterly terminus thereof to the preceding course, an arc distance of 124 feet, more or less, to a point in the northwesterly boundary line of Fifth Avenue.

WHEREAS, it is to the best interest and advantage of said District that the gas lines and electric underground be laid, constructed, maintained and operated by PACIFIC GAS AND ELECTRIC COMPANY over, under, upon through and across the hereinabove described real property belonging to said District; and

WHEREAS, it is necessary for said District to grant an easement to PACIFIC GAS AND ELECTRIC COMPANY for said purposes.

NOW, THEREFORE, BE IT RESOLVED that this Board intends and hereby declares its intention to grant an easement to PACIFIC GAS AND ELECTRIC COMPANY of all the real property hereinabove described for the purpose of gas lines and electric underground and that this Board on the 17th day of June, 1968, in its meeting room located in Oakland, California, which said room constitutes the regular place of meeting of said Board in public meeting, at the hour of 8:00 o'clock, P.M, will hold a public hearing upon the question granting an easement over said real property to PACIFIC GAS AND ELECTRIC COMPANY for the purpose of gas lines and electric underground.

AND BE IT FURTHER RESOLVED that no vote of the electors of said District shall first be taken before such dedication is made; and

BE IT FURTHER RESOLVED that said real property will be granted to PACIFIC GAS AND ELECTRIC COMPANY upon the following terms and conditions, to wit:

Grantee shall pay cost of legal advertising.

AND BE IT FURTHER RESOLVED that at said time and place such public hearing shall be held, and at said time and place or at any other meeting of this Board held within (60) days thereafter, this Board will adopt a resolution by two-thirds vote of all its members, authorizing and directing the Secretary of this Board to execute a Grant of Easement of said property and to deliver the same to PACIFIC GAS AND ELECTRIC COMPANY.

PROVIDED, HOWEVER, that if a petition protesting the proposed Grant of Easement, signed by at least ten percent (10%) of the qualified electors of the District, as shown by the affidavit of one of the petitioners, be filed with this Board at the meeting held at the time and place hereinabove fixed, this Board, before taking any further action on the proposed dedication, will submit the question of whether the proposed dedication should be made to the Superintendent of Schools of the County of Alameda, whose decision shall be final; and

BE IT FURTHER RESOLVED that the Secretary of this Board be and he is hereby authorized and directed to post or cause to be posted, copies of this resolution signed by at least a majority of the members of this Board

in three (3) public places in said Peralta Junior College District not less than ten (10) days before the date of meeting, and he is hereby further directed to cause this resolution to be published in Inter-City Express Newspaper, a newspaper of general circulation published and circulated in said District once not less than five (5) days before the date of said meeting in the Board Room of the Administration Building, Oakland Unified School District, 1025 Second Avenue, Oakland, California.

Dated at Peralta Junior College District this 17th day of June, 1968.

Carl Dechow, Jr. Trustee

Richard A. G. Foster Trustee

Absent
Cheryl Kleinhammer Trustee

Stanley E. McCaffrey Trustee

William H. McFarland Trustee

R. Bryce Young Trustee

Absent
Margaret Fair Hayes President

As and comprising
of the members of the Board of Trustees
of Peralta Junior College District

PASSED AND ADOPTED at a regular meeting this 17th day of June, 1968:

AYES: Trustees Dechow, Foster, McCaffrey, Young, Vice President McFarland

NOES: Trustees None

ABSENT: Trustees Hayes, Kleinhammer

John W. Dunn, Secretary of the
Board of Trustees of
Peralta Junior College District

I hereby certify that the foregoing is a full, true and correct copy of the resolution adopted by the Board of Trustees of the Peralta Junior College District, State of California, at its regular meeting held at 8:00 p.m. on the 17th day of June, 1968.

Secretary, Board of Trustees
Peralta Junior College District

Dated: June 18, 1968

PERALTA JUNIOR COLLEGE DISTRICT
RESOLUTION NO. 68/69-04

DEDICATION OF AN EASEMENT AND RIGHT-OF-WAY TO
PACIFIC GAS AND ELECTRIC COMPANY
FOR GAS LINES AND ELECTRIC UNDERGROUND PURPOSES

WHEREAS, this Board by unanimous vote passed and adopted Resolution No. 67/68-125 on the 17th day of June, 1968, giving notice of its intention to dedicate an easement and right-of-way to the Pacific Gas and Electric Company for GAS LINES AND ELECTRIC UNDERGROUND PURPOSES over, under, and upon the real property belonging to Peralta Junior College District and therein described; and

WHEREAS, said Resolution No. 67/68-125 has been posted and published all in accordance with law; and

WHEREAS, no petition signed by at least 10% of the qualified electors of the Peralta Junior College District objecting to the dedication of an easement has been received by this Board;

NOW, THEREFORE, BE IT RESOLVED that the President and Secretary of this Board be and they are hereby authorized and directed to execute the form of Grant of Easement on file with this Board and to cause the same to be delivered to the Pacific Gas and Electric Company.

Dated at Peralta Junior College District this 1st day of July, 1968.

Carl Dechow, Jr. Trustee

Richard A. G. Foster Trustee

Cheryl Kleinhammer Trustee

Stanley E. McCaffrey Trustee

William H. McFarland Trustee President

R. Bryce Young Trustee

Margaret Fair Hayes Trustee

As and comprising
of the members of the Board of Trustees
of Peralta Junior College District,
State of California

PASSED AND ADOPTED by the following called vote this 1st day of July 1968:

Ayes: Trustees

Noes: Trustees

Absent: Trustees

Secretary, Board of Trustees of
Peralta Junior College District

Attachment 3

Resolution of the Board of Trustees of Peralta Community College District Adopting Initial Study/Mitigation Negative Declaration

PERALTA COMMUNITY COLLEGE DISTRICT
Resolution No. 19/20-13

RESOLUTION OF THE BOARD OF TRUSTEES OF PERALTA COMMUNITY COLLEGE DISTRICT ADOPTING THE INITIAL STUDY / MITIGATED NEGATIVE DECLARATION, CEQA FACTS AND FINDINGS, MITIGATION MEASURES, AND THE MITIGATION MONITORING AND REPORTING PROGRAM FOR THE LANEY COLLEGE LIBRARY LEARNING RESOURCE CENTER PROJECT (PROJECT), AND APPROVING THE PROJECT

WHEREAS, Peralta Community College District ("District") is proposing the construction of a three-story, 71,800 gross square foot (approx.) new Laney College Library Learning Resource Center Project at its Laney College campus, which would include upgrades to telecommunication infrastructure, additional study space for collaborative and individual learning, video conference space, a SMART classroom, an enlarged Media Center, an expanded reference collection and adjacent study area to accommodate increased student use, and would allow for ADA and earthquake safety improvements ("Project"); and

WHEREAS, the District is the lead agency on the Project, and the Board of Trustees ("Board") is the decision-making body for the proposed Project; and

WHEREAS, prior to commencement of work on the Project, the District must comply with the California Environmental Quality Act of 1970, as amended, Public Resources Code Sections 21000, *et seq.* ("CEQA"); and

WHEREAS, the District retained Placemakers to prepare an Initial Study and a Mitigated Negative Declaration for the Project in accordance with the requirements of CEQA and the CEQA Guidelines (14 Cal. Code Regs. 15000, *et seq.*); and

WHEREAS, the scope of the Project analyzed under the Initial Study/Mitigated Negative Declaration is further described in the Initial Study/Mitigated Negative Declaration. A copy of the Initial Study/Mitigated Negative Declaration is attached hereto as Exhibit "A" and incorporated herein by reference; and

WHEREAS, the Initial Study/Mitigated Negative Declaration concludes that implementation of the Project will not result in a significant effect on the environment because the mitigation measures described in the Initial Study/Mitigated Negative Declaration are included in the Project to reduce potential impacts to a less than significant level; and

WHEREAS, pursuant to CEQA Guidelines section 15072 and Public Resources Code Sections 21091 and 21092, the IS/MND was sent via overnight mail to the State Clearinghouse, responsible agencies, and requesting parties in accordance with CEQA on July 8, 2019. Likewise, on October 4, 2019, the District posted a Notice of Intent on the District's website and on Laney College's website, as well as published the Notice of Intent in the Oakland Tribune. The NOI and a hardcopy of the IS/MND was provided to the County Clerk for posting on October 7, 2019. The Public review period commenced on October 4, 2019, through November 4, 2019, and was extended until November 7, 2019. A copy of the NOI is attached hereto as Exhibit "C" and incorporated herein by reference; and

WHEREAS, the Board has evaluated any comments received from the public or other interested agencies regarding the Initial Study/Mitigated Negative Declaration that were received by the District during the public review period; and

WHEREAS, the District held a properly noticed public hearing at the regular Board Meeting on November 12, 2019, to solicit public comments on the Initial Study/Mitigated Negative Declaration, during which the Board heard, received, and considered all oral and written testimony and evidence that was made, presented, or filed, and all persons present at the meeting were given an opportunity to hear and be heard with respect to any matter related to the Initial Study/Mitigated Negative Declaration, Facts and Findings, proposed MMRP, and the Project; and

WHEREAS, in connection with the approval of a project involving the preparation of an Initial Study/Mitigated Negative Declaration that identifies one or more potentially significant environmental effects, CEQA requires the decision making body of the lead agency to incorporate feasible mitigation measures that would reduce those potentially significant environment effects to a less-than-significant level; and

WHEREAS, whenever a lead agency approves a project requiring the implementation of measures to mitigate or avoid potentially significant effects on the environment, CEQA also requires a lead agency to adopt a mitigation monitoring and reporting program to ensure compliance with the mitigation measures during project implementation. A copy of the Mitigation Monitoring and Reporting Program ("MMRP") for the Project, which defines the measures which would be imposed on the Project to mitigate or avoid potentially significant environmental impacts, is attached hereto as Exhibit "B" and incorporated herein by reference; and

WHEREAS, the Board has carefully reviewed and considered the final Initial Study/Mitigated Negative Declaration for the Project, which includes, without limitation, the draft Mitigated Negative Declaration, the Initial Study, comments from the public and interested agency(ies), together with the proposed mitigation measures, Mitigation Monitoring and Reporting Program ("MMRP") for the Project, and all other relevant information contained in the administrative record for the Project, at its regularly scheduled meeting of November 12, 2019; and

WHEREAS, based on the CEQA facts and findings, mitigation measures, and other findings set forth in this Resolution, and based on staff's recommendations, public and agency input, and evidence received, and all other evidence in the administrative record, the Board desires to adopt the Initial Study/Mitigated Negative Declaration and the MMRP; and

WHEREAS, the Board further desires to approve the Project; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution and approval of the Project have occurred.

NOW, THEREFORE, the Board of Trustees of the Peralta Community College District hereby finds, determines, declares, orders, and resolves as follows:

Section 1 - Recitals. That all of the recitals set forth above are true and correct.

Section 2 - Compliance with CEQA. That the Board has to its satisfaction independently reviewed and analyzed the Initial Study/Mitigated Negative Declaration and other

information in the administrative record and has considered the information contained therein prior to acting upon or approving the Project. Based on all evidence in the administrative record for the Project, the Board hereby makes the following specific findings:

(1) Finding 1: The Initial Study/Mitigated Negative Declaration prepared for the Project has been completed in compliance with CEQA and the CEQA Guidelines.

Evidence: The relevant documents used in the preparation of the Initial Study/Mitigated Negative Declaration are filed in the Project record. The IS/MND was sent via overnight mail to the State Clearinghouse, responsible agencies, and requesting parties in accordance with CEQA on July 8, 2019. The District provided notice to the public through preparation of a Notice of Intent ("NOI"), which was published in the Oakland Tribune on October 4, 2019, as well as on the District's and Laney College's websites. The NOI and a hardcopy of the IS/MND was provided to the County Clerk for posting on October 7, 2019. The Public review period commenced on October 4, 2019, through November 4, 2019, and was extended until November 7, 2019 (5PM).

(2) Finding 2: The Initial Study/Mitigated Negative Declaration prepared for the Project contains a complete and accurate reporting of the environmental impacts associated with the Project.

Evidence: The Initial Study/Mitigated Negative Declaration describes the Project and evaluates potential environmental impacts of the Project across 20 environmental topics in accordance with the CEQA Guidelines.

(3) Finding 3: The Board has considered the Initial Study/Mitigated Negative Declaration, together with all comments received during the public review process, and all other relevant information contained in the record for the Project.

Evidence: Public review of the Initial Study/Mitigated Negative Declaration was conducted from October 4, 2019, through November 4, 2019, and then was extended until November 7, 2019 (5PM). Additionally, the District held a public hearing to solicit public comments on the Initial Study/Mitigated Negative Declaration and the proposed Project at its regular Board Meeting on November 12, 2019. At the November 12, 2019, Board Meeting, the Board has considered all information provided in the Initial Study/Mitigated Negative Declaration and all other information in the record, including public comments from the public and interested agencies and District response to public comments, together with the proposed mitigation measures, CEQA findings, MMRP for the Project, and all other relevant information contained in the record for the Project.

(4) Finding 4: The Initial Study/Mitigated Negative Declaration represents the independent judgment and analysis of the District as lead agency for the Project.

Evidence: The District, assisted by Placemakers, a professional environmental consultant, prepared and circulated the Initial Study/Mitigated Negative Declaration. The District independently reviewed the Initial Study/Mitigated Negative Declaration, and exercised overall control and direction of the CEQA review process for the Project. The Board considered and reviewed the Initial Study/Mitigated Negative Declaration and considered all public comments and information received, prior to taking action on the Initial Study/Mitigated Negative Declaration. The Board, exercising its independent judgment and analysis, decided to adopt the Initial Study/Mitigated Negative Declaration.

(5) Finding 5: The Project will not result in a significant effect upon the environment because the mitigation measures described in the MMRP have been added to the Project.

Evidence: After consideration of the Initial Study/Mitigated Negative Declaration, public comments received, MMRP, and other information in the record, the Board has found that the proposed mitigation measures will reduce potential effects to less than significant and that no new evidence has been presented to the Board to indicate that revisions to the proposed mitigation measures or the Project will reduce potentially significant effects to less than significant. The Initial Study/Mitigated Negative Declaration has not been substantially revised since public notice of its availability was provided, and no mitigation measures or Project revisions were added or required. In particular, the Board finds:

(a) ENVIRONMENTAL EFFECTS OF THE PROJECT THAT DO NOT REQUIRE FINDINGS

Environmental effects that the MND/IS found to be Less Than Significant without mitigation do not require findings under CEQA. These effects include the following:

Project Impacts on Agricultural and Forestry Resources
Project Impacts on Cultural Resources
Project Impacts on Greenhouse Gas Emissions
Project Impacts on Land Use and Planning
Project Impacts on Mineral Resources
Project Impacts on Population and Housing
Project Impacts on Public Services
Project Impacts on Recreation
Project Impacts on Tribal Cultural Resources
Project Impacts on Utilities and Service Systems
Project Impacts on Wildfire

(b) ENVIRONMENTAL EFFECTS OF THE PROJECT THAT REQUIRE FINDINGS

The environmental effects that were found by the MND/IS to be significant and/or potentially significant prior to the application of mitigation measures include the effects listed below. As required by CEQA, the Board must make findings with respect to each of these significant effects. The Board's findings, and the evidence in support of those findings, are detailed below:

i. The LRC Project would establish a new light source at the Project site and exterior building materials may generate glare.

EFFECT: Night lighting associated with the LRC building may be intrusive and reflective exterior building materials may cause glare.

MITIGATION: Mitigation Measure AES-1 identified in the MND/IS will substantially lessen or eliminate intrusive light and glares impacts.

FINDING: Implementation of Mitigation Measures AES-1 and AES-2 identified in the MND/IS will reduce light and glare impacts to a less-than-significant level (Initial Study pages 8-10).

ii. Construction of the LRC Project would result in temporary emissions of reactive organic gases (ROG) exceeding Bay Area Air Quality Management District (BAAQMD) thresholds.

EFFECT: Project construction activities could temporarily violate air quality standards for ROG.

MITIGATION: Mitigation Measure AIR -1 identified in the MND/IS will substantially lessen temporary construction-related air emissions to achieve attainment of BAAQMD emission standards for ROG.

FINDING: Implementation of Mitigation Measure AIR-1 identified in the MND/IS will reduce construction-related air quality impacts to a less-than-significant level (Initial Study pages 12 -22).

iii. Construction of the LRC Project would result in the removal of seven trees.

EFFECT**:** The removal of trees during the breeding season could result in the incidental loss of fertile eggs or nestlings or nest abandonment.

MITIGATION: Mitigation Measures-BIO 1 identified in the MND/IS will fully mitigate potentially significant impacts on special-status species of birds.

FINDING: Implementation of Mitigation Measure BIO-1 identified in the MND/IS will reduce potential adverse impacts to special-status species of birds to a less-than-significant level (Initial Study pages 23 - 31).

iv. Proximity of the LRC site to Lake Merritt Channel.

EFFECT: The LRC building raises the possibility of bird collisions and deaths if appropriate design considerations are not incorporated into the LRC building design.

MITIGATION: Mitigation Measure BIO-2 identified in the MND/IS will reduce impacts on movement opportunities by bird species.

FINDING: Implementation of Mitigation Measure BIO-2 identified in the MND/IS will reduce impacts on movement opportunities by bird species to a less-than-significant level (Initial Study pages 23 - 31).

v. The LRC Project would increase energy use at the Laney College campus.

EFFECT: The LRC building energy conserving features are not yet designed, therefore it is unknown if the building will be consistent with the *Peralta Community College District Sustainability and Resiliency Goals and Policies*.

MITIGATION: Mitigation Measures ENERGY-1 and ENERGY-2 identified in the MND/IS will ensure the building design is in compliance with California Green Building Standards and is designed to achieve a minimum of LEED Gold certification.

FINDING: Implementation of Mitigation Measures ENERGY- 1 and ENERGY-2 identified in the MND/IS will reduce energy consumption to a less-than-significant level (Initial Study pages 33-34).

vi. Strong ground shaking may be expected at the Project site during the design lifetime of the LRC building.

EFFECT: The Project site is located within the seismically active Bay Area and is located in a Liquefaction Hazard Zone. The LRC building may be exposed to a significant seismic event that could result in structural damage to the building.

MITIGATION: Mitigation Measure GEO-1 identified in the MND/IS specifies that the design recommendations included in the geotechnical report be incorporated into the LRC building design developed by the Project architect.

FINDING: Implementation of Mitigation Measure GEO-1 will reduce the potential for structural damage to the LRC buildings to a less-than-significant level (Initial Study pages 34 – 36).

vii. The central plant building located on the Project site may contain hazardous materials.

EFFECT: The presence of asbestos-containing materials (ACMs) or other hazardous building materials in the central plant building represents a potential health risk during demolition activities.

MITIGATION: Mitigation Measure HAZ-1 identified in the MND/IS requires preparation of a Phase I Environmental Assessment for the central plant building.

FINDING: Implementation of Mitigation Measure HAZ-1 will reduce the potential for exposure to ACMs or other hazardous materials during Project demolition activities to a less-than-significant level (Initial Study pages 40 - 42).

viii. Project construction activities will result in substantial ground disturbance.

EFFECT: Project construction activities would expose site soils to erosion during precipitation events resulting in water quality impacts associated with sediment, oil and grease, petroleum hydrocarbons and metals.

MITIGATION: Mitigation Measures HYDRO-1 and HYDRO-2 identified in the MND/IS require preparation of a Storm Water Pollution Prevention Plan and Best Management Practices in compliance with the San Francisco Bay Regional Water Quality Control Board.

FINDING: Implementation of Mitigation Measures HYDRO-1 and HYDRO-2 will reduce erosion and siltation impacts to a less-than-significant level (Initial Study pages 43 - 46).

ix. The LRC Project would increase the impervious surface area at the site.

EFFECT: The increase in impervious surface area may result in an increase in the rate or amount of surface runoff.

MITIGATION: Mitigation Measures HYDRO-3 will implement low impact development (LID) techniques to reduce stormwater runoff post Project development.

FINDING: Implementation of Mitigation Measure HYDRO-3 will reduce potential impacts associated with stormwater runoff to a less-than-significant level (Initial Study pages 43 - 46).

x. During Project construction activities, noise levels in areas close to construction activity could rise to levels incompatible with leisure activities in outdoor areas. Vibration from construction equipment could cause on-going annoyance to occupants in buildings nearest the Project construction site.

EFFECT: Project construction activities could temporarily expose occupants of nearby classrooms, offices and the library to significant noise and vibration impacts.

MITIGATION: Mitigation Measure NOISE-1 identified in the MND/IS will reduce temporary construction noise impacts to acceptable levels. Mitigation Measure NOISE-2 will reduce temporary construction vibration impacts to acceptable levels.

FINDING: Implementation of Mitigation Measures NOISE-1 and NOISE-2 will reduce significant temporary construction noise and vibration impacts to a less-than-significant level (Initial Study pages 48 - 54).

xi. During Project construction there is the potential for disruption to traffic, transit, bicycle and pedestrian circulation.

EFFECT: Disruption to traffic, transit, bicycle and pedestrian circulation may occur during the weekday AM and PM peaks periods.

MITIGATION: Mitigation Measures TRANS-1 and TRANS-2 identified in the MND/IS will restrict truck movements and deliveries to, from and around the Project site and require preparation of a traffic control plan to reduce potential circulation conflicts.

FINDING: Implementation of Mitigation Measures TRANS-1 and TRANS 2 will reduce the potential for circulation conflicts at and near the Project site to a less-than-significant level (Initial Study pages 57 – 62).

(6) Finding 6: Based on its review of the whole record before it, there is no substantial evidence in the record supporting a fair argument that the Project will have a significant effect on the environment.

Evidence: After consideration of the Initial Study/Mitigated Negative Declaration, public comments received, District responses to public comments, and other information in the

record, the Board has found that the Project as proposed and described in the Initial Study/Mitigated Negative Declaration, with the adoption of the mitigation measures in the MMRP, would not have a significant effect on the environment.

Section 3 - Location and Custodian of Records. The location and custodian of records with respect to all of the relevant documents and any other material which constitutes the administrative record for the Initial Study/Mitigated Negative Declaration are as follows:

Atheria Smith
Director of Facilities Planning and Development
Peralta Community College District
333 East Eighth Street
Oakland, CA 94606

The Initial Study/Mitigated Negative Declaration and MMRP are: (1) on file in at the District Office, located at 333 East Eighth Street, Oakland, CA 94607; and (2) available for inspection by any interested person.

Section 4 - Adoption of Initial Study/Mitigated Negative Declaration and MMRP. That the Board hereby adopts the Initial Study/Mitigated Negative Declaration and the MMRP, including all of the mitigation measures set forth in the MMRP.

Section 5- Approval of Project. The Board hereby approves the Project as identified and evaluated in the Initial Study/Mitigated Negative Declaration and authorizes the Superintendent, or his authorized designee, to take all steps necessary to proceed with the Project.

Section 6 - Notice of Determination. That the Board hereby directs School District staff to file a Notice of Determination, attached hereto as Exhibit "D" within five (5) working days after the Board's adoption of the Initial Study/Mitigated Negative Declaration.

APPROVED, PASSED AND ADOPTED at a regular meeting of the Board of Trustees of the Peralta Community College District, City of Oakland, State of California, held on this 12th day of November, 2019, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

By:_____
President, Board of Education
Peralta Community College District

Attest:

_____
Secretary, Board of Trustees
of the Peralta Community College District

EXHIBIT “A”

Initial Study / Mitigated Negative Declaration
Laney College Library Learning Resource Center Project

MITIGATED NEGATIVE DECLARATION

PROJECT DESCRIPTION

The proposed Laney College Library Learning Resource Center (proposed Project) would be located on the southeast part of the main campus on a site comprising approximately 52,058 square feet. The Project site currently contains a central plant, a single-story portable classroom building containing seven classrooms, one single story portable restroom building, lawn area and paved pathways.

Development adjacent to the Project site includes a small campus parking lot to the west; Building E and a community garden to the north; a paved pathway, Lake Merritt Trail and Lake Merritt Channel to the east; and 8th Street to the south.

The Project would not increase student enrollment capacity at the Laney College campus. It is proposed in response to PCCD's plan to provide a new campus library to meet current and future learning needs. The Library Learning Resource Center (LRC) would be designed to achieve a minimum of LEED Gold certification. The building would contain about 71,800 gross square feet and would be three stories tall with an approximate height of 52 feet. The building exterior would include stucco, steel and glass.

PROJECT LOCATION

Laney College
900 Fallon Street
Oakland, CA 94607

PROJECT SPONSOR

Peralta Community College District (PCCD)
333 East 8th Street
Oakland, CA 94607

FINDING

The Project will not have a significant effect on the environment based on the Initial Study prepared according to CEQA Guidelines. Mitigations have been incorporated into the Project to reduce the identified potentially significant impacts to a less-than-significant level.

POTENTIALLY SIGNIFICANT IMPACT

The attached Initial Study indicates that the Project could adversely affect the environment. Potentially significant impacts were identified and are presented below.

MITIGATION MEASURES

In the interest of reducing the potential impact to the point where the net effect of the Project is insignificant, mitigation measures are recommended. A discussion of the potential impacts of interest and the associated mitigation measures is provided below.

AESTHETICS

Impact: The LRC building may introduce a new source of light and glare at the Project site.

Mitigation Measures:

AES-1 To reduce the potential impacts from Library Learning Resource Center lighting:

- All outdoor lighting shall be dark sky-compliant and consistent with California Green Building Standards Code Section 5.106.8 Light Pollution Reduction.
- All light fixtures shall include shrouds (either fixed or adjustable), other shielding, or be directed in such a way as to block direct light as seen from Peralta Park and Lake Merritt Park.
- Lighting that is not required for safety and security during nighttime hours shall be controlled by the use of timed switches and/or motion detector activation controls so lights are only on when necessary.

AES-2 To reduce the potential impacts from Library Learning Resource Center glare:

- The Library Learning Resource Center building shall use non-reflective materials. Metal shall be painted with a matte finish or low gloss paint: All windows and doors shall use non-reflective glass. Bird collision techniques on building glazing shall be employed as specified in Mitigation Measure BIO-2.

Residual Impact: Less than significant with implementation of the recommended mitigation measures.

AIR QUALITY

Impact: During Project construction, the proposed Project would exceed the Bay Area Air Quality Management District (BAAQMD) threshold for reactive organic gases (ROG).

Mitigation Measure:

AIR-1 Project reactive organic gases (ROG) emissions from architectural coating application shall be reduced to 54 lbs./day or less through the implementation of any of the following measures or some combination thereof as required:

- Stretch out the architectural coating applications phases for the Learning Resource Center building to three weeks or more;
- Use architectural coatings with a lower ROG content than BAAQMD regulations require; and/or
- Use building components that have had their surfaces factory-finished and so reduce the need for on-site painting or finishing with ROG-containing paints.

Prior to the beginning of Project construction, final plans shall be submitted for Peralta Community College District approval that demonstrate attainment of the BAAQMD 54 lbs./day limit on ROG emissions during all phases of construction.

BIOLOGICAL RESOURCES

Impact: The removal of trees located on the Project site during bird nesting season could have a potentially significant impact on nesting birds.

Mitigation Measure:

BIO-1 Adequate measures shall be taken to avoid inadvertent take of raptor nests and other nesting birds protected under the Migratory Bird Treaty Act and State Fish and Game Code when in active use. This shall be accomplished by taking the following steps:

- If construction is proposed during the nesting season (February through August), a focused survey for nesting raptors and other migratory birds shall be conducted by a qualified biologist within 14 days prior to the onset of tree removal or construction, in order to identify any active nests on the project sites and in the vicinity of proposed construction.
- If no active nests are identified during the survey period, or if development is initiated during the non-breeding season (September through February), construction may proceed with no restrictions.
- If bird nests are found, an adequate setback shall be established around the nest location and construction activities restricted within this no-disturbance zone until the qualified biologist has confirmed that any young birds have fledged and are able to function outside the nest location. Required setback distances for the no-disturbance zone shall be based on input received from the California Department of Fish and Wildlife (CDFW), and may vary depending on species and sensitivity to disturbance. As necessary, the no-disturbance zone shall be fenced with temporary orange construction fencing if construction is to be initiated on the remainder of the construction area.
- A report of findings shall be prepared by the qualified biologist and submitted to the Peralta Community College District for review and approval prior to initiation of construction within the no-disturbance zone during the nesting season (February through August). The report either shall confirm absence of any active nests or shall confirm that any young within a designated no-disturbance zone have fledged and construction can proceed.

Residual Impact: Less than significant with implementation of the recommended mitigation measure.

Impact: The Library Learning Resource Center building would alter the physical characteristics of the site and the new Library Learning Resource Center building could result in bird collisions and mortalities

Mitigation Measure:

BIO-2 Bird safe design characteristics shall be incorporated into the new building to minimize the potential risk of bird collisions on the project site. These shall include consideration of bird-

safe design guidelines and use of specific Best Management Practice (BMP) strategies to reduce bird strikes. Of particular concern is the importance of avoiding the use of highly reflective glass as an exterior treatment, which appears to reproduce natural habitat and can be attractive to some birds. To limit reflectivity and prevent exterior glass from attracting birds, the project shall utilize low-reflectivity glass and provide other non-attractive surface treatments. Low-reflectivity glass or other glazing treatments shall be used for the entirety of the building's glass surface, not just the lower levels, to minimize the risk of bird collisions. In addition, all roof mechanical equipment shall be covered by low-profile angled roofing so that obstacles to bird flight are minimized, all interior light "pollution" shall be reduced during evening hours through the use of a lighting control system, and exterior lighting shall be directed downward and screened to minimize illuminating the exterior of the building at night.

Residual Impact: Less than significant with implementation of the recommended mitigation measure.

ENERGY

Impact: The proposed Project may result in the inefficient consumption of energy resources.

Mitigation Measures:

ENERGY-1 The Library Learning Resource Center building shall comply with all applicable Chapter 5 Non-Residential Mandatory Measures listed in the California Green Building Standards Code (CCR, Title 24, Part 11 - CAL Green).

ENERGY-2 The Library Learning Resource Center building shall be designed to meet Energy and Atmosphere standards to achieve a minimum of LEED Gold certification.

Residual Impact: Less than significant with implementation of the recommended mitigation measures.

GEOLOGY AND SOILS

Impact: The Laney College campus, including the Project site, is located within a Liquefaction Hazard Zone and may include subsurface expansive soils. There is the potential for liquefaction seismic activity and damage due to subsurface expansive soils which could cause human injury or damage to structures and infrastructure facilities.

Mitigation Measure:

GEO-1 A Geologic Hazards/Geotechnical Investigation Report shall be prepared by a qualified geotechnical engineer. The design recommendations included in this report shall be incorporated into the Library Learning Resource Center building design developed by the project architect.

Residual Impact: Less than significant with implementation of the recommended mitigation measure.

HAZARDS AND HAZARDOUS MATERIALS

Impact: The central plant building located on the Project site may contain hazardous materials.

Mitigation Measure:

HAZ-1 A Phase I Environmental Assessment (Phase I EA) shall be prepared to assess the presence of asbestos-containing, lead-containing and other hazardous materials that may be present at and around the central plant building. The recommendations included in the Phase I EA shall be implemented.

Residual Impact: Less than significant with implementation of the recommended mitigation measure.

HYDROLOGY AND WATER QUALITY

Impact: Construction activities would result in substantial ground disturbance causing significant soil erosion and sedimentation during precipitation events.

Mitigation Measures:

HYDRO-1 Prior to Project construction, a Storm Water Pollution Prevention Plan (SWPPP) shall be prepared. The SWPPP shall include the following:

- Site map which shows the construction site perimeter, existing and proposed buildings, lots, roadways, storm water collection and discharge points, general topography both before and after construction, and drainage patterns across the Project site.
- Best Management Practices (BMPs) to protect storm water runoff and placement of those BMPs
- A visual monitoring program; a chemical monitoring program for "non-visible" pollutants to be implemented if there is failure of BMPs; and a sediment monitoring plan if the site discharges directly to a water body.

HYDRO-2 Peralta Community College District and their contractor shall implement Best Management Practices (BMPs) to control erosion and sedimentation and prevent pollutants from entering the stormwater runoff during construction. BMPs may include, but are not limited to:

- Conduct grading during dry months (April - September).
- Cover disturbed areas with soil stabilizers, mulch, fiber roles, or temporary vegetation.
- Locate construction-related equipment or processes that contain or generate pollutants in secure areas, away from storm drains and gutters.
- Prevent or contain potential leakage or spilling from sanitary facilities by surrounding them with a berm and do not allow a direct connection to the storm drainage system.
- Park, fuel and clean all vehicles and equipment in one designated and contained area.
- Designate concrete washout areas.

- Provide inlet protection, such as filters.
- Monitor the site during rainy season to replace or adjust BMPs as needed.

Residual Impact: Less than significant with implementation of the recommended mitigation measures.

Impact: There would be an increase in impervious surface area which would increase stormwater runoff from the site.

Mitigation Measure:

HYDRO-3 Peralta Community College District and their contractor shall implement low impact development (LID) techniques such as porous pavement, vegetated swales, green roofs, rain barrels, cisterns, flow-through planters, bio-retention gardens and tree planting.

Residual Impact: Less than significant with implementation of the recommended mitigation measure.

NOISE

Impact: Project construction noise and vibration could be disruptive to on-campus educational/leisure activities in adjacent outdoor areas and buildings, and in the adjacent areas of Peralta Park.

Mitigation Measures:

NOISE-1 The following Best Management Practices shall be incorporated into the construction documents to be implemented by the Project contractor:

- Provide enclosures and noise mufflers for stationary equipment, shrouding or shielding for impact tools, and barriers around particularly noisy activity areas on the site.
- Use quietest type of construction equipment whenever possible, particularly air compressors.
- Provide sound-control devices on equipment no less effective than those provided by the manufacturer.
- Locate stationary equipment, material stockpiles, and vehicle staging areas as far as practicable from sensitive receptors.
- Prohibit unnecessary idling of internal combustion engines.
- Require applicable construction-related vehicles and equipment to use designated truck routes when entering/leaving the site.
- Designate a noise (and vibration) disturbance coordinator who shall be responsible for responding to complaints about noise (and vibration) during construction. The telephone number of the noise disturbance coordinator shall be conspicuously posted at the construction site. Copies of the project purpose, description and construction schedule shall also be distributed to the surrounding residences.
- Limit project construction activity to the hours of 7 am to 9 pm on weekdays as required under the City of Oakland Municipal Code Chapter 8.18.020.

NOISE-2 To the extent feasible, in instances where vibration-intensive construction equipment is located next to on-campus vibration-sensitive receptors that would result in major disruption, the Peralta Community College District shall temporarily relocate the vibration-sensitive receptors to minimize disruption.

Residual Impact: Less than significant with implementation of the recommended mitigation measures.

TRANSPORTATION

Impact: There is the potential for disruption to traffic, transit, bicycle and pedestrian circulation during the weekday AM and PM peak periods.

Mitigation Measures

TRANS-1 To minimize potential disruptions to traffic, transit, bicycle and pedestrian circulation during the weekday AM and PM peak periods, the Project contractor, to the greatest extent feasible, shall restrict construction-related truck movements and deliveries to, from and around the Project site during peak hours (generally 7:00 to 9:00 AM and 3:00 to 6:00 PM). These hours also correspond to the College's peak periods of arrival and departure on a typical school day.

TRANS-2 The Project contractor shall prepare and obtain an approved Obstruction Permit and Traffic Control Plan from the City of Oakland for work within the City's right-of-way, specifically that which affects the temporary narrowing or closure of the northern sidewalk on East 7th Street abutting the Project site. The Traffic Control Plan shall contain a set of comprehensive traffic control measures for pedestrian accommodations (or detours, if accommodations are not feasible), including detour signs if required, closure procedures, signs, cones for drivers, and designated construction access routes. The Traffic Control Plan shall be in conformance with the City's Supplemental Design Guidance for Accommodating Pedestrians, Bicyclists, and Bus Facilities in Construction Zones. The Project contractor shall implement the approved Traffic Control Plan during Project construction.

Residual Impact: Less than significant with implementation of the recommended mitigation measures.

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LANEY COLLEGE LIBRARY LEARNING RESOURCE CENTER PROJECT DRAFT INITIAL STUDY

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PROJECT INFORMATION

Project Title:	Laney College Library Learning Resource Center
Lead Agency Name and Address:	Vice Chancellor of General Services - Leigh Sata Peralta Community College District 333 East 8th Street Oakland, CA 94607
Contact Person and Email Address:	Director of Planning & Development - Atheria Smith 510-587-7864 atheriasmith@peralta.edu
Project Location:	Laney College 900 Fallon Street Oakland, CA 94607 APN: 18-450-2
Project Sponsor's Name and Address:	Peralta Community College District (PCCD) 333 East 8th Street Oakland, CA 945607
General Plan Designation:	Institutional
Zoning Designation:	D-LM-5

PROJECT DESCRIPTION

BACKGROUND

In 2014, the Peralta Community College District published the Peralta Community College District 2016 - 20 Five Year Construction Plan (2016 - 2017 First Funding Year) (PCCD 2014) which included the 2014 Statement of Five Year Laney College Facilities Master Plans. The 2014 Statement of Five Year Laney College Facilities Master Plans identified long-range facilities project goals which included the construction of a new library - a Learning Resource Center -that would upgrade the telecommunication infrastructure, provide additional study space for collaborative and individual learning, create a video conference space for distance learning and staff development activities, enlarge and convert the "electronic classroom" into a SMART classroom to accommodate the increased number of instructors requesting assignment orientations, enlarge the Media Center to add more computer workstations, expand the reference collection and adjacent study area to accommodate increased student use, allow ADA and earthquake compliance and create a safe, healthy and attractive structure.

PROJECT LOCATION

The Laney College campus is located at 900 Fallon Street in downtown Oakland. The campus is bounded by Fallon Street to the west, 10th Street to the north, 5th Street and Lake Merritt Channel to the east and Interstate 880 to the south. Figure 1, Project and Regional Location Map, shows the location of Laney College.

EXISTING CONDITIONS

Laney College Campus

Laney College comprises approximately 59.5 acres. Approximately half of the College's instructional space is devoted to laboratories and shops that serve vocational programs. Most administrative, student personnel, counseling and faculty offices are located in the Tower building. Other facilities include the Student Center building, gymnasium, swimming pool, library, childcare center, forum, and theater. Student Services are scattered around campus, primarily in the Tower and A buildings. Figure 2 shows the Campus Plan. The campus features about 30 acres of open space and athletic facilities for baseball, football, track and tennis. The student and staff parking area contain 964 parking spaces located at the southern portion of the campus (PCCD 2014).

The campus is open from 8:00 am to 10:00 pm seven days a week. In Fall 2018, Laney College supported 8,973 FTEs students.

Weekend use of campus facilities may include: local flea market, college football and basketball games, community swimming events, Chinatown Children's orchestra and various community sponsored events.

Surrounding Land Uses

The Laney College campus is surrounded by a mix of commercial, industrial, residential and institutional land uses. To the west along Fallon Street is multi-family residential and parking lots. North of the campus across 10th Street are institutional uses including the Oakland Museum of California, Henry J. Kaiser Convention Center and Peralta Park. East of the campus along 5th Avenue (northeast portion of the campus) is a mix of industrial and residential uses and the Lake Merritt Channel (southeast portion of the campus). Interstate 880, a six-lane freeway, abuts the southern boundary of the campus.

PROPOSED PROJECT

The proposed Laney College Library Learning Resource Center (proposed Project) would be located on the southeast part of the main campus on a site comprising approximately 52,058 square feet (Figure 3). The Project site currently contains a central plant, a single-story portable classroom building containing seven classrooms, one single story portable restroom building, lawn area and paved pathways.

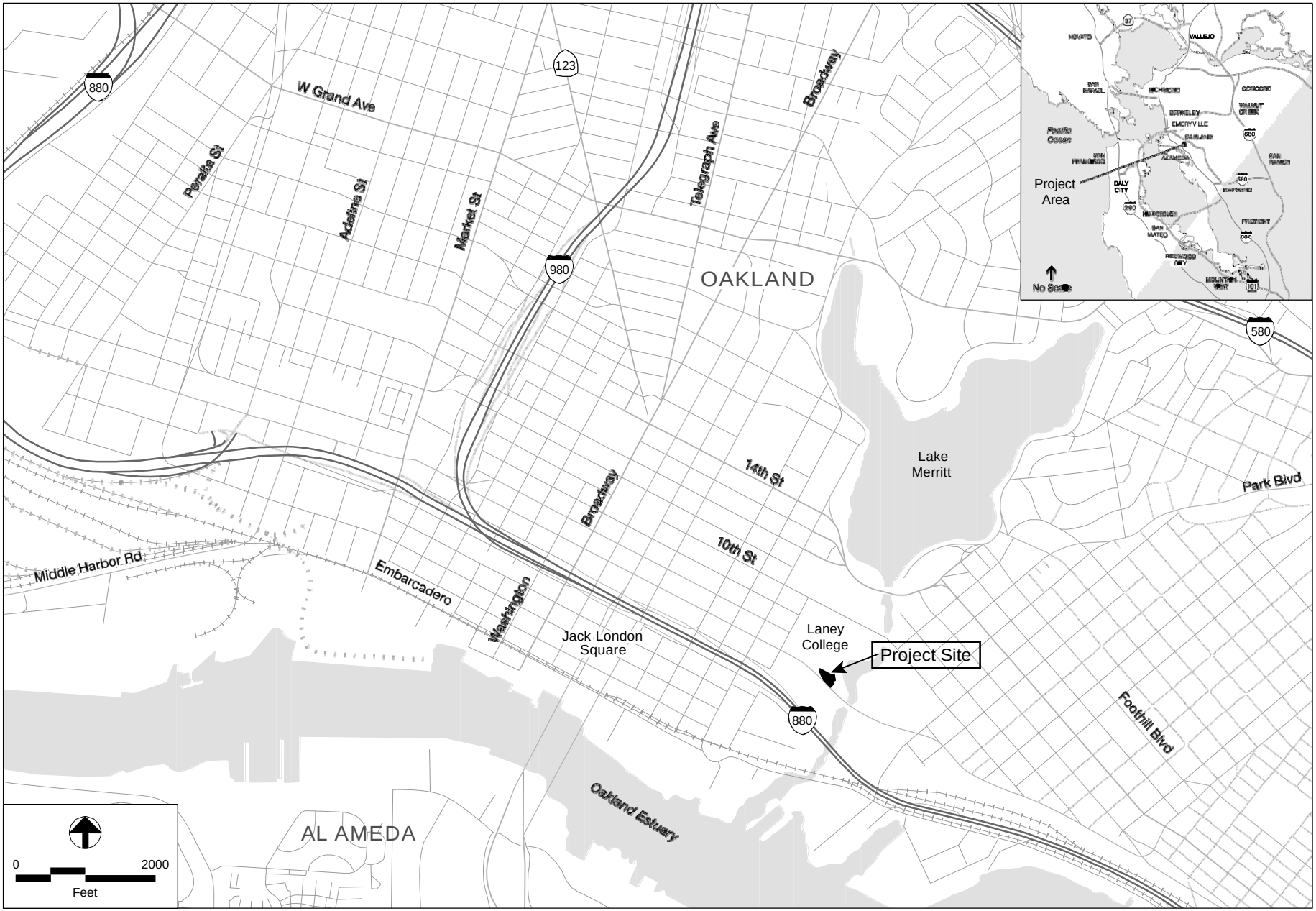
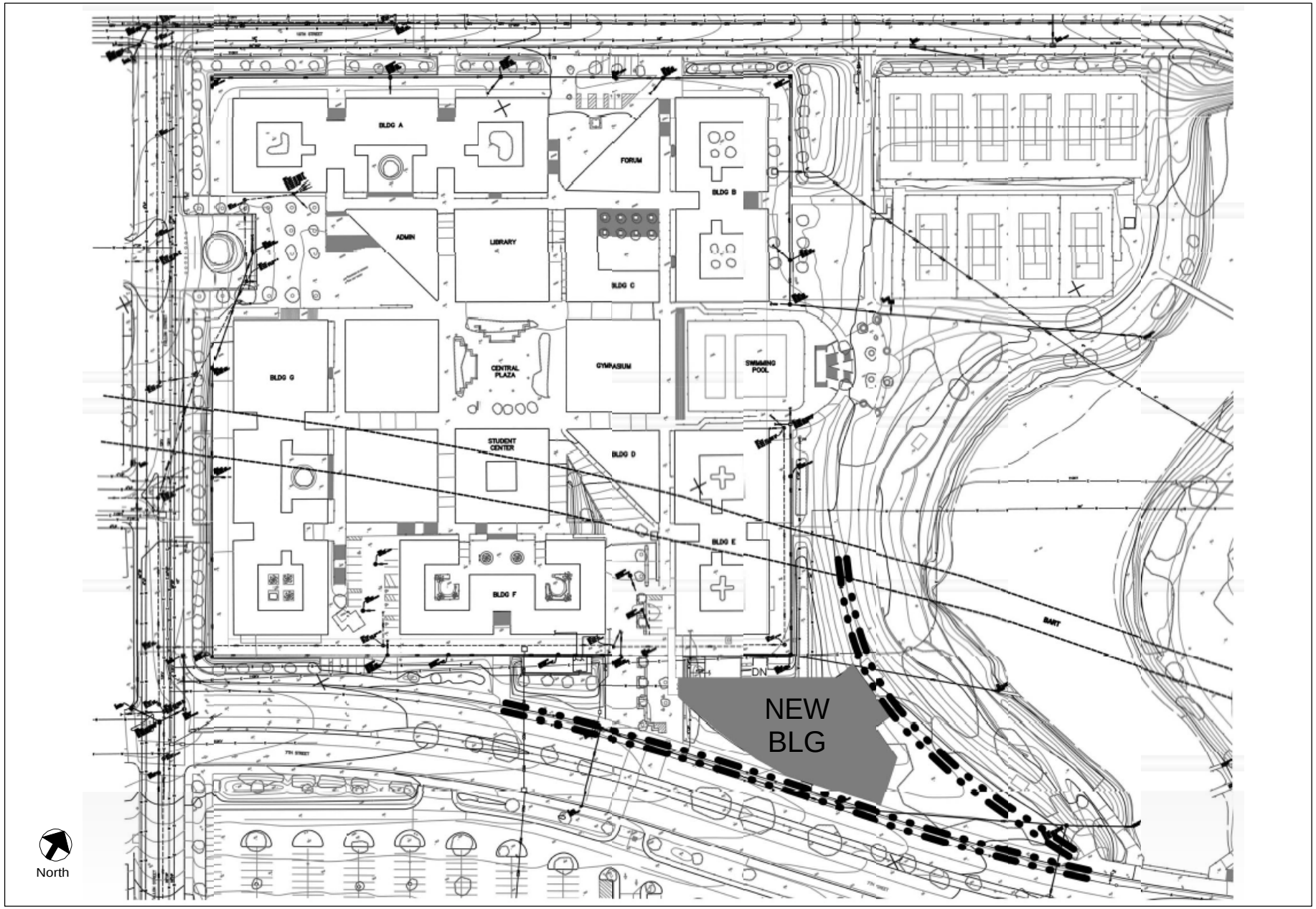
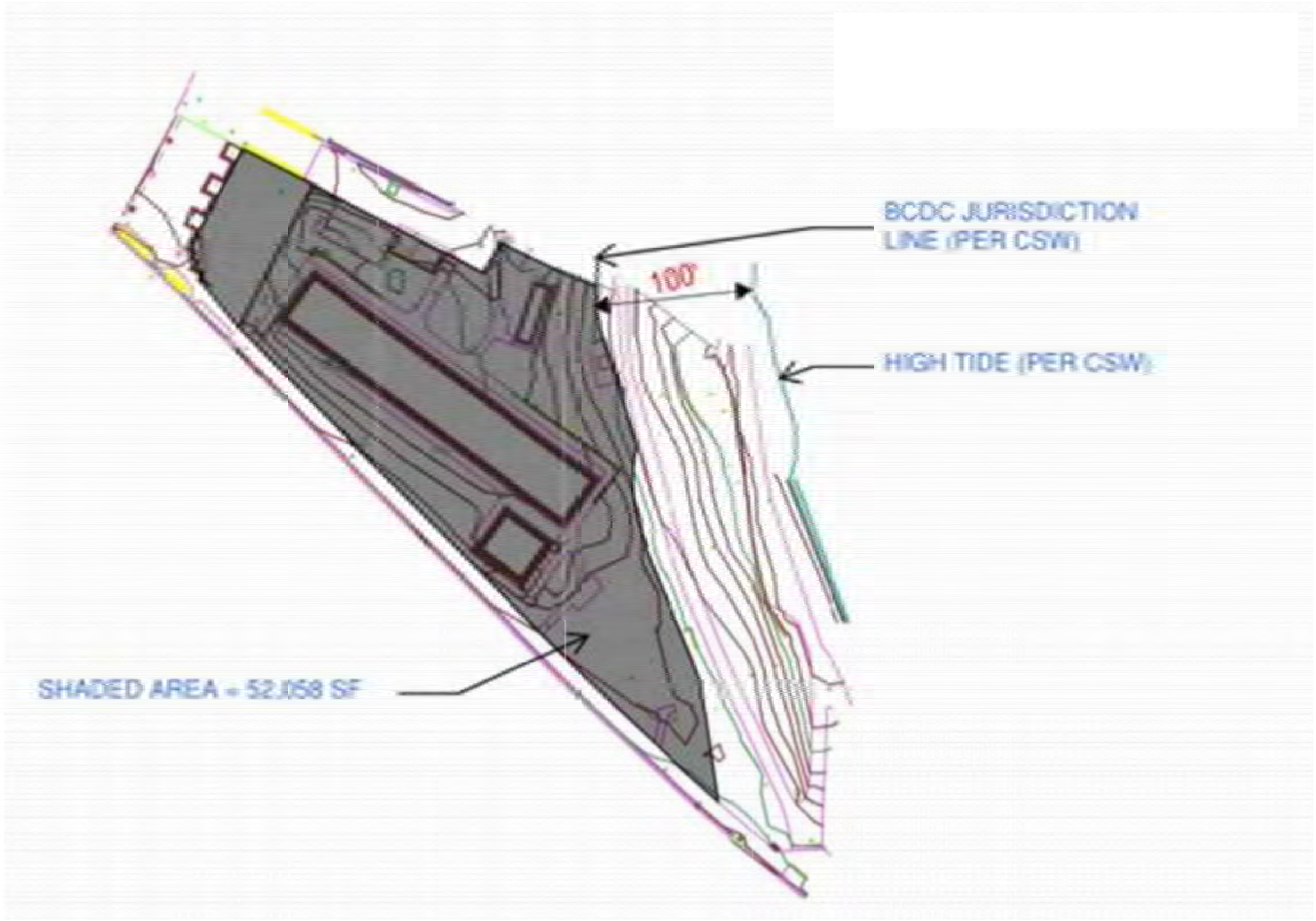


Figure 1
Project Site Location Map



Source: Noll & Tam

Figure 2
Campus Plan



North

Source: Noll & Tam

Figure 3
Learning Resource Center Site Diagram

Development adjacent to the Project site includes a small campus parking lot to the west; Building E and a community garden to the north; a paved pathway, Lake Merritt Trail and Lake Merritt Channel to the east; and 7th Street to the south.

The Project would not increase student enrollment capacity at the Laney College campus. It is proposed in response to the District's plan to provide a new campus library to meet current and future learning needs. The Library Learning Resource Center (LRC) would be designed to achieve a minimum of LEED Gold certification[1]. The building would contain about 71,800 gross square feet and would be three stories tall with an approximate height of 52 feet. The building exterior would include stucco, steel and glass.

Project Construction Activities and Schedule

Project construction is anticipated to begin in September 2020 and be completed in August 2022. Construction hours would be from 7:00 am to 5:00 pm Monday through Friday.

Project Approvals

- Division of the State Architect (DSA) for building, disabled access, fire and life safety systems.
- California Department of Education for State funding.
- Department of Toxic Substances (DTSC) for Phase I Environmental Assessment.
- State Water Resources Control Board, San Francisco Bay - Region 2 for NPDES General Permit and Storm Water Pollution Prevention Plan (SWPPP.)
- City of Oakland Fire Department for site access and fire hydrants/water pressure.
- City of Oakland Public Works Agency for water, sewer and stormwater connections.
- City of Oakland Department of Transportation for obstruction permit.

REFERENCES

PCCD, 2014 Five Year Construction Plan (2016 - 2017 First Funding Year) Submittal Date July 1, 2014.

[1] Leadership in Energy and Environmental Design (LEED) certification levels are based on assigned points: Certified (40-49 points); Silver (50-59 points); Gold (60-79 points) and Platinum (80+ points). LEED advocates for the design and construction of green building which is the practice of designing, constructing and operating buildings to maximize occupant health and productivity, use fewer resources, reduce waste and negative environmental impacts, and decrease lifecycle costs.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

[gJ Aesthetics	D Agricultural and Forestry Resources	[gJ Air Quality
[gJ Biological Resources	D Cultural Resources	[gJ Energy
[gJ Geology and Soils	D Greenhouse Gas Emissions	[gJ Hazards and Hazardous Materials
[gJ Hydrology and Water Quality	D Land Use and Planning	D lvfineral Resources
[gJ Noise	D Population and Housing	D Public Services
D Recreation	[gJ Transportation	D Tribal Cultural Resources
D Utilities and Service Systems	D Wildfire	[gJ Mandatory Findings of Significance

DETERMINATION:

On the basis of this initial evaluation:

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

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

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

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

D 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 a e imposed upon the proposed project, nothing further is required.

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Atheria Smtth, Director of Planning & Development Date

EVALUATION OF ENVIRONMENTAL IMPACTS

A brief explanation is required for all answers except "No Impact" answers if these answers are adequately supported by the information sources listed in the References section for each environmental issue.

ENVIRONMENTAL ISSUES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	☐	☒	☐	☐

Impact Discussion

The LRC preliminary building design proposes a three-story building that would be approximately 52 feet in height. The LRC building would be compatible with adjacent and nearby campus buildings and would not adversely affect scenic vistas. The LRC building may introduce a new source of light and glare which is considered a potentially significant impact, but with implementation of Mitigation Measures AES 1 and AES-2, potentially significant light and glare impacts would be less than significant. A discussion of each environmental issue included under Section 1 is presented below.

(a) Would the project have a substantial adverse effect on a scenic vista?

The Project site is located immediately west of the Lake Merritt Channel and fronts on Peralta Park which extends along the entire length of the Lake Merritt Channel and includes Lake Merritt Trail. Across the channel is Lake Merritt Channel Park which extends along the entire length of the channel and includes Lake Merritt Trail. Both parks offer views of the Laney College campus, including the Project site, and the downtown Oakland skyline beyond. Urban views available from Peralta and Lake Merritt Parks, while visually interesting, are not considered scenic. With development of the proposed Project, the LRC building would become part of the Oakland skyline and consequently, would not adversely affect any scenic vistas and is considered a less than significant impact.

(b) Would the project substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a scenic highway?

The Laney College campus (including the Project site) is not located within a designated scenic highway view shed (Caltrans 2019). There are no rock outcroppings or historic buildings located on the Project site (refer to Section 5 Cultural Resources and Section 7 Geology and Soils). The Project could result in the removal of up to seven trees all of which were planted as landscaping for the college. The replacement landscaping provided as part of the Project would serve to replace trees and other landscaping removed to accommodate the LRC building and associated improvements. Development of the Project site with the LRC building is considered a less than significant impact.

(c) In non-urbanized areas, would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

Laney College is located in downtown Oakland, a highly urbanized area. The proposed Project would be visible from Peralta Park and Lake Merritt Channel Park. Visibility of the LRC building is not considered a significant visual impact because the LRC building would be comparable in height to existing campus buildings and would become part of the downtown urban skyline visible from Peralta Park and Lake Merritt Channel Park. Although the proposed Project is not subject to City of Oakland land use regulations, the LRC building would not conflict with the City's D-LM-5 zoning for the Laney College campus. The D-LM-5 zoning allows a maximum height, by right, of 85 feet (City of Oakland 2019). The preliminary conceptual design for the LRC building proposes a height of 52 feet well below the D-LM-5 height limit for the site. The proposed Project would not conflict with City of Oakland zoning and would not adversely affect scenic quality. Project development represents a less than significant impact and no mitigation measures are necessary.

(d) Would the project create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?

Currently, the Project site has minimal night-time lighting for security purposes. Plans for the LRC building have not been prepared, so detailed information on lighting was not available at the time the Initial Study was prepared. The LRC building would establish a new light source at the Project site that could possibly result in intrusive night-light, which represents a potentially significant impact. With implementation of Mitigation Measure AES-1, potentially significant night lighting impacts due to the Project would be less than significant.

The preliminary concept for the LRC building exterior walls proposes stucco, steel and glass. Because the exterior building materials are not confirmed, there is the potential for significant glare impacts which is considered a potentially significant impact. With implementation of Mitigation Measure AES-2, potential glare impacts would be less than significant.

Recommended Mitigation Measures

AES-1 To reduce the potential impacts from Library Learning Resource Center lighting:

- All outdoor lighting shall be dark sky-compliant and consistent with California Green Building Standards Code Section 5.106.8 Light Pollution Reduction.
- All light fixtures shall include shrouds (either fixed or adjustable), other shielding, or be directed in such a way as to block direct light as seen from Peralta Park and Lake Merritt Park.
- Lighting that is not required for safety and security during nighttime hours shall be controlled by the use of timed switches and/or motion detector activation controls so lights are only on when necessary.

AES-2 To reduce the potential impacts from Library Learning Resource Center glare:

- The Library Learning Resource Center building shall use non-reflective materials. Metal shall be painted with a matte finish or low gloss paint: All windows and doors shall use non-reflective glass. Bird collision techniques on building glazing shall be employed as specified in Mitigation Measure BIO-2.

References

Caltrans. 2019. California Scenic Highway Mapping System. www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/CaliforniaScenicHighwayMapping System.

City of Oakland. 2019. Interactive Planning and Zoning Map. Oakgis.maps.arcgis.com/apps/webappviewer/index.html?id=3676148ea4924fc7b75e7350903c7224. Viewed April 11, 2019.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
2. AGRICULTURE AND FORESTRY RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest protocols adopted by the California Air Resources Board. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒

2. AGRICULTURE AND FORESTRY RESOURCES (cont.)	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

Impact Discussion

There would be no impacts to agriculture or forest resources due to the proposed Project. A discussion of each environmental issue included under Section 2 is presented below.

a) Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps and prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

The Laney College campus, which includes the Project site, is zoned Lake Merritt Station Area District Institutional Zone 5 (D-LM-5). Surrounding lands are urbanized and developed with office buildings, commercial, institutional, residential and park uses. The proposed Project would not affect any prime farmland, unique farmland or farmland of statewide importance.

b) Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

The proposed Project would not create zoning conflicts with agricultural land uses. There are no lands zoned for agricultural use in downtown Oakland and no lands under a Williamson Act contract.

c) Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

As discussed in Criterion 2a above, the Project site is zoned D-LM-5 and is surrounded by urban development. There are no forest lands or lands zoned Timberland Production.

d) Would the project result in the loss of forest land or conversion of forest land to non-forest use?

The proposed Project would not result in the loss of any forest land or conversion of forest land to non-forest use.

e) Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland, to non-agricultural use or conversion of forest land to non-forest use?

The proposed Project would not result in the conversion of farmland to non-agricultural nor forest land to non-forest use.

Recommended Mitigation Measures

None required.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
3. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
b) 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?	☐	☒	☐	☐
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☒	☐

Existing Conditions

According to the Bay Area Air Quality Management District (BAAQMD), the City of Oakland is in the Northern Alameda/Western Contra Costa climatological sub-region of the Bay Area (BAAQMD 2017, Appendix C) where the westerly marine air flow through the Golden Gate is predominant. Compared with inland areas, temperatures here have a narrower range and solar radiation intensity is less because of increased fog and cloud cover. In most parts of this sub-region, the air pollution potential is low due to the steady wind flow with little influx of pollutants from upwind stationary sources. However, downtown Oakland (with the Laney College campus at its southeastern edge) includes many stationary sources of air pollutants, and is crossed by major freeways and many high-traffic-volume roadways. The dispersion of local pollutant emissions is constrained by the confining terrain of the East Bay hills and by regular seasonal episodes of atmospheric stability with resultant elevated ambient pollutant concentrations.

Ozone (which is formed from chemical precursors - reactive organic gases [ROG] and nitrogen oxides [NOx]) and suspended particulate matter (specifically, two types - particulate matter less than ten microns in diameter [PM_{10}] and particulate matter less than 2.5 microns in diameter [$PM_{2.5}$]) are of particular concern in the Bay Area, which is currently designated "nonattainment" for state and national ozone ambient air quality standards, for the state PM_{10} standards, and for state and national $PM_{2.5}$ standards. It is "attainment" or "unclassified" with respect to the other major air pollutants: nitrogen oxides (NO_x), carbon monoxide (CO) and sulfur dioxide (SO_2). The BAAQMD maintains a number of air quality monitoring stations, which continually measure the ambient concentrations of major air pollutants throughout the Bay Area. The closest such monitoring station to the Project site is in the Laney College 8th Street parking lot, a few hundred feet south of the Project site; only NO_2, CO and $PM_{2.5}$ are monitored there. The nearest ozone monitor is at 1100 21st Street in west Oakland about 1.5 miles northwest of the Project site. A recent data summary (refer to Table 1) from the two stations show violations of the $PM_{2.5}$ particulate standard, which have steadily become more frequent over the last three years (probably reflecting the effects of major wildfires in recent years).

TABLE 1: LOCAL AMBIENT AIR QUALITY MONITORING SUMMARY

Pollutant	Air Quality Standard	Maximum Concentrations and Number of Days Standards Exceeded		
		2016	2017	2018
Ozone*				
Maximum 8-hour concentration (ppm)		52	68	50
# Days 8-hour California standard exceeded	70 ppb	0	0	0
Nitrogen Dioxide (NO_2)**				
Maximum 1-hour concentration (ppb)		54	68	73
# Days national 1-hour standard exceeded	100 ppb	0	0	0
Carbon Monoxide (CO)**				
Maximum 8-hour concentration (ppm)		1.1	1.3	1.6
# Days national 24-hour standard exceeded	9 ppm	0	0	0
Suspended Fine Particulates ($PM_{2.5}$)**				
Maximum 24-hour concentration ($\mu g/m^3$)		20.2	70.8	168.2
# Days national 24-hour standard exceeded	35 $\mu g/m^3$	0	8	14

Notes:
* As monitored at the BAAQMD station at 1100 21st Street west of downtown Oakland.
**As monitored at the BAAQMD station in the Laney College 8th Street parking lot.

µg/m3 = micrograms per cubic meter
ppb = parts per billion.
ppm = parts per million.

Source: BAAQMD Annual Bay Area Air Quality Summaries http://www.baaqmd.gov/about-air-quality/air-quality-summaries

In downtown Oakland, residential, public sector, commercial and industrial land uses are all present in a dense urban cluster. Air pollution sources are closely associated with commercial and industrial activity (and some governmental facilities) and with high traffic volumes. Large stationary sources of air

pollutants operate under BAAQMD permits and their locations, emissions, and health risk estimates are available to the public (BAAQMD, Stationary Source Screening Analysis Tool). The BAAQMD data identifies five permitted stationary sources within 1,000 feet of the Project site: three of them are emergency diesel-powered generators operated by the Alameda County Public Works Agency, the City of Oakland or BART, the forth is the Oakland Museum. But the major influence on pollutant levels on or near the Project site is local motor vehicle emissions, specifically from traffic on I-880, which passes a few hundred feet south of the Project site, and on 7th Street, which passes adjacent to the southern project site boundary (BAAQMD, Highway Screening Analysis Tool).

Methodology and Significance Thresholds

The air quality analyses addressing the Initial Study air quality checklist items above were performed using the methodologies and significance thresholds recommended in CEQA Air Quality Guidelines (BAAQMD 2017). The major air pollutants evaluated are: reactive organic compounds (ROG) and nitrogen dioxide (NO_2) (both being precursors to ozone formation), and PM_{10} and $PM_{2.5}$. According to the CEQA Air Quality Guidelines, any project would have a significant potential for causing/contributing to a local air quality standard violation or making a cumulatively considerable contribution to a regional air quality problem if its pollutant emissions would exceed any of the following thresholds during construction or operation as presented in Table 2.

TABLE 2: CEQA AIR QUALITY SIGNIFICANCE THRESHOLDS FOR CRITERIA AIR POLLUTANT EMISSIONS

Pollutant	Construction Average Daily (lbs./day)	Operational	
		Average Daily (lbs./day)	Maximum Annual (tons/year)
Reactive Organic Gases (ROG)	54	54	10
Oxides of Nitrogen (NO_x)	54	54	10
Inhalable Particulate Matter (PM_{10})	82 (exhaust)	82	15
Fine Inhalable Particulate Matter ($PM_{2.5}$)	54 (exhaust)	54	10
$PM_{10}/PM_{2.5}$ (Fugitive Dust)	BMPs[a]	N/A	N/A

Notes: BMPs = Best Management Practices
N/A = Not Applicable

[a] If BAAQMD Best Management Practices (BMPs) for fugitive dust control are implemented during construction, the impacts of such residual emissions are considered to be less than significant.

Source: Bay Area Air Quality Management District, 2017, California Environmental Quality Act Air Quality Guidelines.

In addition to the major air pollutants, many other chemical compounds, generally termed toxic air contaminants (TACs), pose a potential hazard to human health through airborne exposure. A wide variety of sources, stationary (e.g., dry cleaning facilities, gasoline stations, and emergency diesel-powered generators, etc.) and mobile (e.g., motor vehicles, construction equipment, etc.), emit TACs. The health effects associated with TACs are quite diverse. TACs can cause adverse health effects from long-term

exposure (e.g., cancer, birth defects, neurological damage, asthma, bronchitis, or genetic damage) and/or from short-term exposure (e.g., eye watering, respiratory irritation, running nose, throat pain, and headaches). Most of the estimated carcinogenic/chronic health risk in California can be attributed to relatively few airborne compounds, the most important being particulate matter from diesel-fueled engines (DPM). The California Air Resources Board (CARB) has identified DPM as being responsible for about 70 percent of the cumulative cancer risk from all airborne TAC exposures in California (CARB).

The CEQA Air Quality Guidelines also establish a relevant zone of influence for an assessment of project-level and cumulative health risk from TAC exposure to an area within 1,000 feet of a project site. Project construction-related or project operational TAC impacts to sensitive receptors within this "zone of influence" that exceed any of the following thresholds are considered significant:

- An excess cancer risk level of more than 10 in one million.
- A non-cancer hazard index greater than 1.0.
- An incremental increase of greater than 0.3 micrograms per cubic meter (µg/m3) for annual average $PM_{2.5}$ concentrations.

Cumulative impacts from TACs emitted from freeways, state highways or high-volume roadways (i.e., the latter defined as having traffic volumes of 10,000 vehicles or more per day or 1,000 trucks per day), and from all BAAQMD-permitted stationary sources sources within the zone to sensitive receptors within the zone that exceed any of the following thresholds are considered cumulatively significant:

- A combined excess cancer risk levels of more than 100 in one million.
- A combined non-cancer hazard index greater than 10.0.
- A combined incremental increase in annual average $PM_{2.5}$ concentrations greater than 0.8 µg/m^3.

Impact Discussion

Project construction and operational emissions of the major air pollutants, and health risks imposed by TACs emitted during Project construction would be below BAAQMD thresholds. Fugitive dust emitted from Project construction activities would have significance potential, but would be avoided with the implementation of required BAAQMD best management practices. Ozone precursor emissions during Project construction would be less than significant with implementation of Mitigation Measure AIR-1. A discussion of each environmental issue included under Section 3 is presented below.

a) Would the project conflict with or obstruct implementation of the applicable air quality plan?

The BAAQMD's current Clean Air Plan (BAAQMD 2017), focuses on two closely-related goals: protecting public health from air pollutant/TAC exposures and reducing Bay Area emissions of heat-trapping gases (termed greenhouse gases [GHG]) that promote global climate change (Refer to Section 8 Greenhouse Gas Emissions).

Key elements in the 2017 Clean Air Plan control strategies, with the underlined items having particular applicability to the Project, are:

Controls on Transportation Sources:

- Reduce motor vehicle travel by promoting transit, bicycling, walking and ridesharing.
- Implement pricing measures to reduce travel demand.
- Direct new development to areas that are well-served by transit, and conducive to bicycling and walking.
- Accelerate the widespread adoption of electric vehicles.
- Promote the use of clean fuels and low- or zero-carbon technologies in trucks and heavy-duty vehicles.

Controls on Buildings and Energy Sources:

- Expand the production of low-carbon, renewable energy by promoting on-site technologies such as rooftop solar, wind and ground-source heat pumps.
- Support the expansion of community choice energy programs throughout the Bay Area.
- Promote energy and water efficiency in both new and existing buildings.
- Promote the switch from natural gas to electricity for space and water heating in Bay Area buildings.

The Laney College campus is well served by transit: the nearest BART station (Lake Merritt), is located on Oak Street one block west of campus; and Alameda Contra Costa Transit bus lines link downtown Oakland to outlying cities/communities. The Project will be designed to achieve a minimum of LEED Gold certification and must comply with applicable California CALGreen building energy code efficiency standards (State of California 2016). Mitigation Measures ENERGY-1 and 2 included in Section 6 Energy will mitigate for increased energy consumption on the campus. Most important, the Project would not result in an increase in student enrollment capacity, beyond what is currently planned, thus avoiding the additional motor vehicle commute trips. Thus, it would not have the potential to substantially increase regional housing, employment, and/or population levels in Alameda County or the Bay Area, which are the bases of the Clean Air Plan regional emission inventories and control strategies. Consequently, the proposed Project would not conflict with the Clean Air Plan.

b) Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard?

Project Construction-Related Impacts

Project construction would generate air pollutant emissions from construction equipment, delivery/haul trucks and worker commute vehicles, and fugitive dust from equipment travel over unpaved ground and material handling. The CEQA Air Quality Guidelines recommend quantification of construction-related exhaust emissions and comparison of those emissions to the CEQA significance thresholds. Thus, the

CalEEMod emissions model Version 2016.3.2 (California Air Pollution Control Officers Association) was used to quantify construction-related pollutant emissions.

Table 3 shows the estimated short-term Project construction emissions from equipment, delivery/haul trucks and worker commute vehicles and comparisons to the CEQA significance thresholds. Except for ROG emissions associated with application of architectural coating during the final stages of LRC construction, daily emissions of air pollutants from the other construction phases would be below the CEQA significance thresholds.

TABLE 3: PROJECT CONSTRUCTION POLLUTANT EMISSIONS

Year Phase	ROG	NOX	PM10	PM2.5
	Maximum lbs./day			
Demolition	2.35	22.72	1.39	1.23
Site Preparation	1.75	19.51	6.75	3.78
Grading	1.45	16.06	5.72	3.22
Building Construction	2.45	17.61	1.26	0.98
Paving	0.89	8.49	0.58	0.46
Architectural Coating	75.14	1.70	0.16	0.12
Peak Daily Total	75.14	22.72	6.75	3.78
Significance Thresholds	54	54	82	54
Significant Impact?	Yes	No	No	No

The CalEEMod model default settings assume that all architectural coatings would be applied in a short period during the final stages of construction (i.e., the last two weeks of construction). Emissions of ROG from architectural coatings application are regulated under BAAQMD Regulation 8 (Organic Compounds), Rule 3 (Architectural Coatings). Use of coatings for Project construction meeting the BAAQMD requirements (i.e., ROG content of 100 grams per liter for interior surfaces and 150 grams per liter for exterior surfaces) would not be sufficient to keep the Project from exceeding the 54 lbs./day BAAQMD threshold. With implementation of Mitigation Measure AIR-1 Project construction emissions impacts would be less than significant.

The CEQA Air Quality Guidelines require a number of construction Best Management Practices (BMPs) to control fugitive dust, and the use of paints and coatings compliant with BAAQMD volatile organic compounds (VOC) control regulations. Thus, the following measures must be implemented by the Project construction contractor:

BAAQMD Required Dust Control Measures: The construction contractor shall reduce construction-related air pollutant emissions by implementing BAAQMD's basic fugitive dust control measures, including:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.

- All haul trucks transporting soil, sand, or other loose material off site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved surfaces shall be limited to 15 miles per hour.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- A publically visible sign shall be posted with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action with 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

BAAQMD Regulation 8, Rule 3 for Architectural Coatings: Emissions of volatile organic compounds (VOC) due to the use of architectural coatings are regulated by the limits contained in Regulation 8: Organic Compounds, Rule 3: Architectural Coatings (Rule 8-3). Rule 8-3 was revised to include more stringent VOC limit requirements. The revised VOC architectural coating limits, which went into effect on January 1, 2011, was projected to result in a 32 percent reduction of VOC emissions in the Bay Area associated with architectural coating applications.

- The construction contractor shall use paints and solvents with a VOC content of 100 grams per liter or less for interior and 150 grams per liter or less for exterior surfaces.

Project Operational Impacts

Air Pollutant Emissions. The CalEEMod was also used to estimate emissions that would be associated with Project operation (i.e., motor vehicle use, space and water heating, maintenance equipment etc.).

Estimated operational daily and annual emissions that would be produced by the Project are presented in Tables 4 and 5 and compared with CEQA thresholds of significance. As indicated, the estimated Project operational emissions would be below the thresholds and would be less than significant.

TABLE 4: NET NEW PROJECT DAILY OPERATIONAL CRITERIA POLLUTANT EMISSIONS (POUNDS PER DAY)

Emission Category	ROG	NOx	PM_{10}	$PM_{2.5}$
Area	1.57	0.00	0.00	0.00
Energy	0.05	0.41	0.03	0.03
Mobile	----*	----*	----*	----*
Total Project	1.62	0.41	0.03	0.03
Significance Thresholds	54	54	82	54
Significant Impact?	No	No	No	No

* Construction of the proposed LRC would not increase Laney College's student/faculty/staff population above what is currently planned. Thus, the LRC would not generate additional motor vehicle trips nor the air pollutant emissions associated with them.

TABLE 5: NET NEW PROJECT ANNUAL OPERATIONAL CRITERIA POLLUTANT EMISSIONS (TONS PER YEAR)

Emission Category	ROG	NOx	PM_{10}	$PM_{2.5}$
Area	0.29	0.00	0	0
Energy	0.01	0.08	0.01	0.01
Mobile	----*	----*	----*	----*
Total Project	0.30	0.08	0.01	0.01
Significance Thresholds	10	10	15	10
Significant Impact?	No	No	No	No

* Construction of the proposed LRC would not increase Laney College's student/faculty/staff population above what is currently planned. Thus, the LRC would not generate additional motor vehicle trips nor the air pollutant emissions associated with them.

Project-related emissions would be below the BAAQMD significance thresholds. Therefore, the Project would not make cumulatively considerable contributions to the Bay Area's regional problems with ozone or particulate matter. Cumulative emission impacts would be less than significant.

c) Would the project expose sensitive receptors to substantial pollutant concentrations?

Ambient TAC concentrations produced by Project sources and other substantial local TAC sources within 1,000 feet of a project site are considerd significant if they exceed the CEQA health risk thresholds at senstive receptors within this zone. Land uses around the Project site include mostly commercial and public sector land uses, but there are existing residential uses in the areas west of campus. The nearest existing residential land uses to the Project site are west of the Fallon Street/7th Street intersection. They would be considered the maximally exposed sensitive receptors (MESR) to TAC emissions from Project construction and from other substantial local TAC sources.

Project Construction-Related TAC Impacts

Cancer risk is the lifetime probability of developing cancer from exposure to carcinogenic substances. Following health risk assessment (HRA) guidelines established by California Office of Environmental Health Hazard Assessment (OEHHA) and the BAAQMD in Recommended Methods for Screening and Modeling Local Risks and Hazards (BAAQMD 2012), incremental cancer risks were estimated by applying established toxicity factors to modeled TAC concentrations. The maximum cancer risk from Project construction DPM for the closest residential receptor would be 1.98 per million. Thus, the cancer risk due to Project construction activities would be below the BAAQMD threshold of ten per million and less than significant.

Adverse health impacts unrelated to cancer are measured using a hazard index (HI), which is defined as the ratio of the Project's incremental TAC exposure concentration to a published reference exposure level (REL) as determined by OEHHA. If the HI is greater than 1.0, then the impact is considered to be significant. The non-cancer reference exposure level for DPM as determined by OEHHA is 5 $\mu g/m^3$.

The non-cancer HI from Project construction would be 0.03, well below the BAAQMD threshold of one and less than significant.

The modeled maximum annual $PM_{2.5}$ concentration from Project construction would be 0.26 µg/m^3, which is below the BAAQMD threshold of 0.3 µg/m^3 and less than significant.

Project Operational TAC Impacts

The Project would not add any motor vehicle traffic to local streets and freeways, nor add any new stationary TAC sources to the Laney College campus. Thus, the cancer risk, non-cancer hazard and $PM_{2.5}$ from Project operations would be zero and less than significant.

Cumulative TAC Impacts

The CEQA Air Quality Guidelines method for determining cumulative TAC health risk requires the tallying of risk from project sources and all permitted stationary sources and major roadways within a 1,000 feet of a project site and adding them for comparison with the cumulative health risk thresholds.

A database of permitted stationary emissions sources and their health risks is available online from the BAAQMD through the Stationary Source Risk Screening Analysis Tool (BAAQMD). Five such permitted sources are located within 1,000 feet of the Project site. A database of major freeways/highways in the Bay Area and their health risks is available online from the BAAQMD through the Highway Screening Analysis Tool. The health risks from traffic on major local streets can be estimated using the BAAQMD Roadway Screening Analysis Calculator (BAAQMD). Two roadways, the I-880 freeway and 7th Street, are located within 1000 feet of the Project site.

Table 6 shows the health impacts from the Project source (i.e., TAC emissions from construction) and from other TAC sources that meet the BAAQMD conditions for their inclusion in the cumulative impact analysis. The cumulative risk from all sources at the MESR (i.e., the residential areas west of Fallon Street) would be below the BAAQMD cumulative significance threshold. Thus, cumulative TAC impacts would be less than significant.

d) Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

The BAAQMD's significance criteria for odors are based on the number of odor complaints generated by a particular odor source. Generally, the BAAQMD considers any project with the potential to frequently expose members of the public to objectionable odors to cause a significant impact. With respect to the proposed Project, diesel-fueled construction equipment exhaust would generate some odors. However, these emissions typically dissipate quickly and would be unlikely to affect a substantial number of people. Post construction odors from the LRC would be minimal. Therefore, odor impacts associated with construction and operation of the Project would be less than significant.

TABLE 6: CUMULATIVE TAC IMPACTS ON THE MAXIMALLY EXPOSED SENSITIVE RECEPTOR IN THE PROJECT SITE ZONE OF INFLUENCE

Source #	Facility Type	Address	Cancer Risk*	Hazard Index*	PM2.5 Concentration*
From Permitted Stationary TAC Sources					
2089	SF Bay Area Rapid Transit District (Emergency Generator)	1018th Street	3.3009	0.0017	0.0043
2238	City of Oakland Environmental Services Division (Emergency Generator)	1010th Street	0.7396	0.0004	0.0010
4388	Alameda County Public Works Agency (Emergency Generator)	8th Avenue & Fallon Street	0.5627	0.0009	0.0007
6157	Oakland Museum of California	1000 Oak Street	0.0087	0.0000	0.0000
From Major Roadways					
I-880			37.72	0.03	0.23
7th Street			10.27	---	0.20
From Project Sources					
Project Construction			1.98	0.05	0.26
Total Cumulative Impacts			54.58	0.09	0.69
Significance Thresholds			100	10	0.8
Significant Impact?			No	No	No

* The BAAQMD stationary source and roadway cancer risks, hazard indexes, and PM2.5 concentrations from its database represent maximum TAC impacts at locations close to the sources. The BAAQMD also provides distance adjustment factors to estimate risks, hazards and concentrations at more distant locations. These distance adjustments have been applied to obtain the cancer risks, hazard indexes, and PM2.5 concentrations at the MESR, the closest existing residential area to the Project construction site.

Mitigation Measures

AIR-1 Project reactive organic gases (ROG) emissions from architectural coating application shall be reduced to 54 lbs./day or less through the implementation of any of the following measures or some combination thereof as required:

- Stretch out the architectural coating applications phases for the Library Learning Resource Center building to three weeks or more;
- Use architectural coatings with a lower ROG content than Bay Area Quality Management District (BAAQMD) regulations require; and/or
- Use building components that have had their surfaces factory-finished and so reduce the need for on-site painting or finishing with ROG-containing paints.

Prior to the beginning of Project construction, final plans shall be submitted for Peralta Community College District approval that demonstrate attainment of the BAAQMD 54 lbs./day limit on ROG emissions during all phases of construction.

References

Bay Area Air Quality Management District (BAAQMD). 2017. California Environmental Quality Act Air Quality Guidelines. May 2017. http://www.baaqmd.gov/ /media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en

BAAQMD. Air Quality Standards and Attainment Status. http://www.baaqmd.gov/about-air-quality/research-and-data/air-quality-standards-and-attainment-status

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BAAQMD. Roadway Screening Analysis Calculator. http://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/ceqa-tools

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California Air Pollution Control Officers Association (CAPCOA). California Emissions Estimator Model (CalEEMod) User's Guide. http://www.caleemod.com/

State of California. 2016. California Green Building Standards Code (CCR, Title 24, Part 11 - CAL Green). Available at: https://www.dgs.ca.gov/BSC.

Office of Environmental Health Hazard Assessment (OEHHA). Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments, February 2015. https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf

Lakes Environmental. SCREEN View User's Guide. https://www.weblakes.com/products/screen/resources/lakes_screen_view_user_guide.pdf

	Potentially Significant Impact	Potentially Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
4. BIOLOGICAL RESOURCES. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☐	☐	☒
c) Have a substantial adverse effect on state or federally protected (including, but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☒	☐	☐
e) 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, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Impact Discussion

Information regarding biological and wetland resources for the Project site is based on the review of available information, including preliminary Project design and the occurrence records of the California Natural Diversity Data Base (CNDDB) of the California Department of Fish and Wildlife (CDFW). A field reconnaissance survey was conducted by the Initial Study biologist on April 23, 2019, to inspect existing conditions and assess the potential impacts of the proposed Project. The Project site is part of the Laney College campus and contains two existing structures, several coast redwoods (Sequoia sempervirens), smaller planted trees, areas of irrigated turf and ruderal (weedy) cover. No special-status species, regulated wetlands, or other highly sensitive resources occur on the project site, although the nearby Lake Merritt Channel is a regulated waters known to provide important wildlife habitat.

The removal of trees located on the Project site during bird nesting season could have a potentially significant impact on nesting birds and is considered a significant impact. However, with implementation of Mitigation Measure BIO-1, special-status species would be fully mitigated. The LRC building would alter the physical characteristics of the sit and the new structure could result in bird collisions and mortalities which is considered a potentially significant impact, but with implementation of Mitigation

Measure BIO-2, impacts on movement opportunities by bird species would be reduced to a less-than-significant level. A discussion of each environmental issue included under Section 4 is presented below.

a) Would the project 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?

A record search conducted by the CNDDB and the other relevant information sources indicate that numerous plant and animal species with special status have either been recorded from or are suspected to occur in the Oakland vicinity. Special-status species[2] are plants and animals that are legally protected under the State of California and/or federal Endangered Species Acts[3] or other regulations, as well as other species that are considered rare enough by the scientific community and trustee agencies to warrant special consideration, particularly with regard to protection of isolated populations, nesting or denning locations, communal roosts, and other essential habitat. Species protected by the CESA and FESA often represent major constraints to development, particularly when the species are wide-ranging or highly sensitive to habitat disturbance and where proposed development would result in a "take"[4] of these species.

Figures 4 and 5 show the distribution of special-status plant and animal species, respectively, as reported by the CNDDB within approximately five miles of the Project site. A table with the name and status of each of these species reported from the Oakland vicinity is contained in Appendix A. According to the CNDDB records, no special-status plant or animal species have been reported from the Project site or immediate vicinity. As indicated in Figure4, numerous occurrences of special-status plant species have been reported from other locations in Oakland, but most of these have been extirpated[5] as a result of urbanization over the past 150 years. This includes occurrences of Kellogg's horkelia (Horkelia cuneata var. sericea), bent-flowered fiddleneck (Amsinckia lunaris), Santa Cruz tarplant (Holocarpha macradenia), San Joaquin spearscale (Extriplex joaquinana) and other species with known occurrences a few miles to the northwest. No

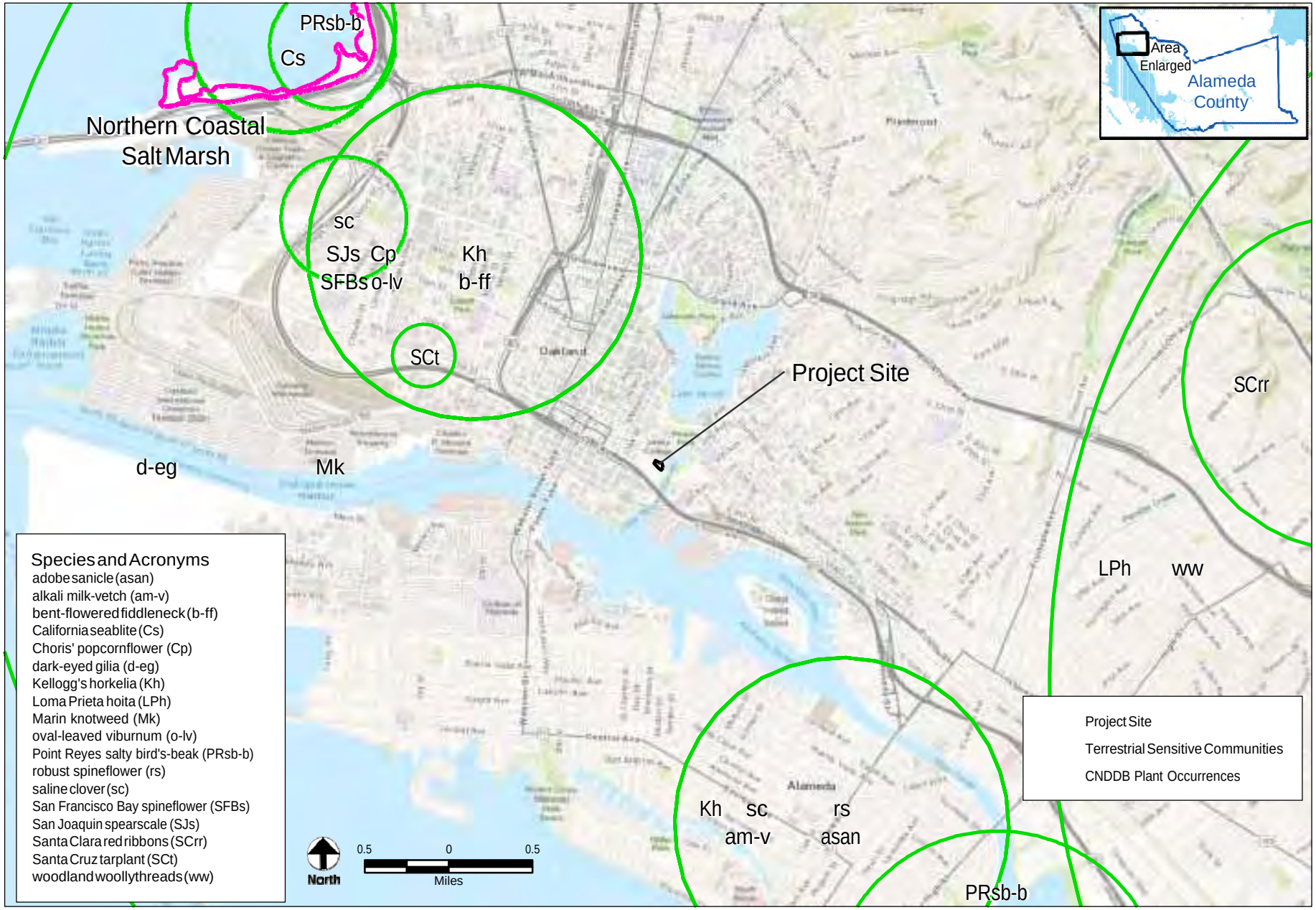
[2] Special-status species include:

- Officially designated (rare, threatened, or endangered) and candidate species for listing identified by the California Department of Fish and Wildlife (CDFW;
- Officially designated (threatened or endangered) and candidate species for listing identified by the U.S. Fish and Wildlife Service (USFWS);
- Species considered to be rare or endangered under the conditions of Section 15380 of the California Environmental Quality Act (CEQA) Guidelines, such as those with a rank of 1 or 2 in the Inventory of Rare and Endangered Plants of California maintained by the California Native Plant Society (CNPS); and
- Possibly other species that are considered sensitive or of special concern due to limited distribution or lack of adequate information to permit listing or rejection for state or federal status, such as those with a rank of 3 and 4 in the CNPS Inventory or identified as animal "Species of Special Concern" (SSC) by the CDFW. Species of Special Concern have no legal protective status under the California Endangered Species Act (CESA) but are of concern to the CDFW because of severe decline in breeding populations in California.

[3] The federal Endangered Species Act (FESA) of 1973 declares that all federal departments and agencies shall utilize their authority to conserve endangered and threatened plant and animal species. The CESA of 1984 parallels the policies of the FESA and pertains to native California species.

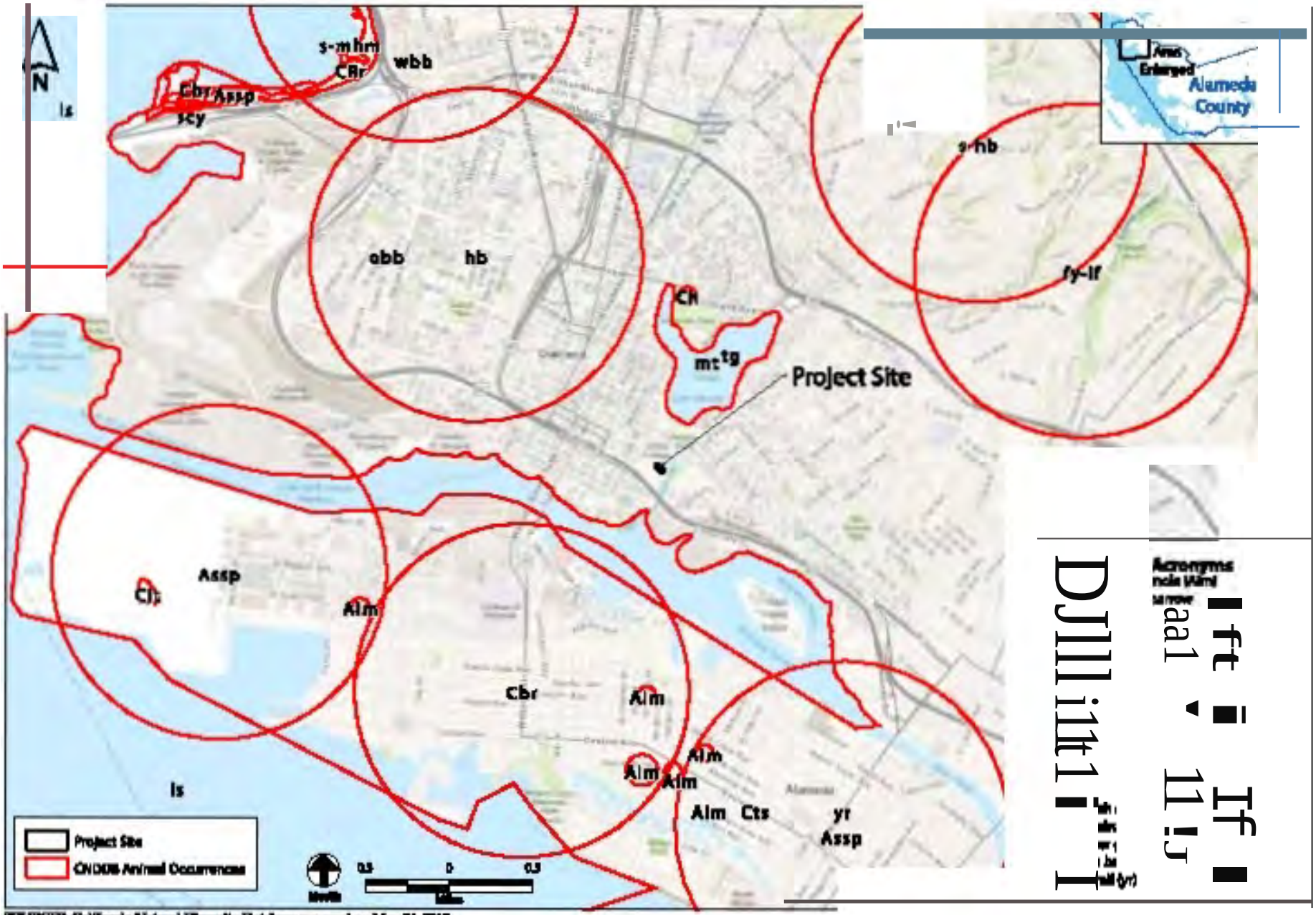
[4] "Take" as defined by the FESA means "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect" a threatened or endangered species. "Harm" is further defined by the USFWS to include the killing or harming of wildlife due to significant obstruction of essential behavior patterns (i.e., breeding, feeding, or sheltering) through significant habitat modification or degradation. The CDFW also considers the loss of listed species habitat as take, although this policy lacks statutory authority and case law support under the CESA.

[5] Extirpation is the elimination of a localized population from a particular area.



SOURCES: California Natural Diversity Database accessed on May 24, 2019;
USGS base map by ESRI and NGS. Map produced by www.digitalmappingsolutions.com on 5/27/2019.

Figure 4
Special-Status Plant Species and Sensitive Plant Species



SOURCES: California Natural Diversity Database accessed on May 24, 2019;
USGS base map by ESRI and NGS. Map produced by www.dfgillelmapping.solutions.com on 5/24/2019.

Figure 5
Special-Status Animal Species

special-status plant species were observed on the Project site during the April 2019 field survey by the Initial Study biologist, or are suspected to be present because of the extent of past disturbance associated with construction of the existing campus structures, ornamental landscaping and other development activities. No impacts on special-status plant species are anticipated.

Most of the special-status species animal species reported from the Oakland vicinity (refer to Figure 2) were known from natural habitats such as coastal salt marsh and open waters of the Oakland Estuary, habitat types that are absent on the project site. A habitat suitability analysis was conducted for the Project site by the Initial Study biologist during the April 2019 field survey. With the exception of possible presence of nesting birds that would be protected under state and federal regulations when the nests are in active use, no special-status species are suspected to occur on the Project sites.

Nests of most bird species are protected under the federal Migratory Bird Treaty Act (MBTA) and California Department of Fish and Game Code when the nests are in active use. The Fish and Game Code also includes provisions that protect nests of raptors (birds-of-prey) when the nests are in active use. No nesting or roosting locations have been identified by the CNDDB for the Project site or immediate vicinity, or were observed during the April 2019 field survey by the Initial Study biologist. However, mature trees on the Project site contain suitable nesting substrate for some bird species recognized as Species of Special Concern (SSC) by the CDFW, such as white-tailed kite (Elanus leucurus), as well as more common species, and new nests could be established in the future. Tree removal, building demolition, and other construction activities during the breeding season could result in the incidental loss of fertile eggs or nestlings or nest abandonment. This would be considered a potentially significant impact.

A standard method to address the potential for nesting birds is either to initiate construction during the non-nesting season, which in Alameda County is typically from September 1 to January 31, or to conduct a nesting survey within 14 days prior to initial tree removal, building demolition, and construction to determine whether any active nests are present that must be protected until any young have fledged and are no longer dependent on the nest. Protection of the nests, if present, would require that construction setbacks be provided during the nesting and fledging period, with the setback depending on the type of bird species, degree to which the individuals have already acclimated to other ongoing disturbance, and other factors. Without these controls, tree removal and construction activities could have a potentially significant impact on nesting birds. With implementation of Mitigation Measure BIO-1, potentially significant impacts on special-status species would be fully mitigated.

b) Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

Sensitive natural communities are community types recognized by CDFW and other agencies because of their rarity. In the Oakland vicinity, sensitive natural community types include coastal salt marsh, brackish water, freshwater marshlands, and native grasslands. However, sensitive natural community types are absent from the project site and vicinity of proposed construction, and no adverse impacts are anticipated. No significant impacts are anticipated and no mitigation is required.

c) Would the project have a substantial adverse effect on state or federally protected wetlands (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Although definitions vary to some degree, wetlands are generally considered to be areas that are periodically or permanently inundated by surface or ground water and support vegetation adapted to life in saturated soil. Wetlands are recognized as important features on a regional and national level due to their high inherent value to fish and wildlife, use as storage areas for storm and flood waters, and water recharge, filtration, and purification functions.

The CDFW, U.S. Army Corps of Engineers (Corps), and California Regional Water Quality Control Board (RWQCB) have jurisdiction over modifications to wetlands and other "waters of the United States." Jurisdiction of the Corps is established through provisions of Section 404 of the Clean Water Act, which prohibits the discharge of dredged or fill material without a permit. The RWQCB jurisdiction is established through Section 401 of the Clean Water Act, which requires certification or waiver to control discharges in water quality, and the State Porter-Cologne Act. Jurisdictional authority of the CDFW over wetland areas is established under Sections 1600-1607 of the State Fish and Game Code, which pertain to activities that would disrupt the natural flow or alter the channel, bed, or bank of any lake, river, or stream.

A preliminary wetland assessment was conducted during the April 2019 field survey by the Initial Study biologist. No indications of any jurisdictional waters were observed on the project site. The Lake Merritt Channel is a regulated waters, consisting primarily of open waters, but fringed with emergent wetland vegetation. But all improvements associated with the Project would be restricted over 100 feet from the limits of the regulated waters of this feature, and no direct impacts would occur. As discussed under Section 10 Hydrology and Water Quality, standard Best Management Practices would be utilized (refer to Mitigation Measure HYDRO-1) to avoid construction-related sedimentation or other water quality impacts, preventing any potential for indirect impacts on water quality of the nearby channel. No direct or indirect impacts on the jurisdictional waters are anticipated, and therefore no adverse impacts are anticipated and no mitigation is required.

d) Would the project 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?

The Project site is already intensively developed with existing structures and ornamental landscaping and provides only limited wildlife habitat values. Important habitat for fish and wildlife remains along the nearby Lake Merritt, Lake Merritt Channel and the Oakland Estuary. Lake Merritt serves as a major wintering site for thousands of ducks and other waterfowl during the fall, winter, and early spring. Migratory fish may also use the Oakland Estuary and Lake Merritt Channel to the south of the site as part of dispersal and to access Lake Merritt. However, the LRC building would be located more than 100 feet from the edge of the Lake Merritt Channel, separated by the Lake Merritt Trail, community gardens, paved pathway and ornamental landscaping, and no new crossings or other modifications to the banks or narrow band of native vegetation along the channel would occur as part of the Project. Wildlife that currently utilize the few trees, existing

structures, and landscaping would avoid the site during demolition and construction, but similar habitat is available in the surrounding area. The new landscaping provided around the LRC building would eventually serve as replacement habitat for the existing low value habitat on the Project site.

Plans for the new structure have not been prepared, so detailed information on the height, mass, surface treatment, and transparency were not available at the time the Initial Study was prepared. But the proximity of the Project site to the Lake Merritt Channel, and the importance of this feature for access by flying birds between Lake Merritt and the Oakland Estuary raise concerns over the possibility of bird collisions and deaths if appropriate design considerations are not incorporated into the building design to reduce these risks. Avian injury and mortality resulting from collisions with buildings, towers and other man-made structures is a common occurrence in city and suburban settings. Some birds are unable to detect and avoid glass and have difficulty distinguishing between actual objects and their reflected images, particularly when the glass is transparent and views through the structure are possible. Night-time lighting can interfere with movement patters of some night-migrating birds, causing disorientation or attracting them to the light source. The frequency of bird collisions in any particular area is dependent on numerous factors, including: characteristics of building height, fenestration and exterior treatments of windows and their relationship to other buildings and vegetation in the area; local and migratory avian populations, their movement patterns, and proximity of water, food and other attractants, time of year; prevailing winds; weather conditions; and other variables.

The LRC building would alter the physical characteristics of the site and the new structure could result in bird collisions and mortalities. Although the exterior treatment of the proposed new building have not been defined, options are available to minimize the risk of bird collisions through the use of well-documented bird-safe designs for window treatments, roof top equipment, and night-time lighting. While any bird collisions that do occur should not have a substantial adverse effect on special-status bird species or more common bird species that may be flying through the vicinity, with implementation of Mitigation Measure BIO-2 would reduce impacts on movement opportunities by bird species to a less-than-significant level.

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

In general, the proposed Project would not conflict with relevant policies in the Open Space, Conservation, and Recreation (OSCAR) Element of the Oakland General Plan (City of Oakland, 1996). These pertain to protection of native plant communities (Policy CO-7.1), encouraging native plant restoration (Policy CO-7.2), discouraging the removal of large trees on developed sites (Policy CO-7.4), protecting habitat for special-status species (Policy CO-9.1), and protecting and enhancing wildlife movement corridors (Policy CO-11.2). The Project site generally does not contain sensitive biological resources addressed under the OSCAR Element, with the exception of a few mature trees which are proposed for removal, as discussed below. No significant conflicts with the City's OSCAR Element are anticipated and no mitigation is necessary. It is noted that PCCD is exempt from local land use regulations.

Based on preliminary schematic plans for the Project, several mature landscape trees that meet the criteria used to identify a protected tree under the City's Tree Protection Ordinance would be removed

or could be damaged by construction activities. These include five coast redwoods with trunk diameters ranging from an estimated 24 to 38 inches diameter at breast height (DBH), and two bottle brush (Callistemon sp.) with trunk diameters ranging from an estimated 10 to 18 inches DBH. Some of these trees could be avoided, depending on the final plans for the Project, but all were planted as landscaping for the college campus.

Detailed landscape plans have not yet been prepared for the Project, but would include new plantings of trees, shrubs, and groundcover species. Appropriate controls would be implemented to ensure that trees on the Project site in the vicinity of construction are adequately protected. The replacement landscaping provided as part of the Project would serve to replace any trees and other landscaping removed to accommodate the new structure and associated improvements, and would serve to ensure that there are no major conflicts with the OSCAR Element or provisions in the Oakland Municipal Code. The Project would be considered to have a less than significant impact, and no mitigation measures are necessary.

As discussed above under Criterion 4c, no direct or indirect impacts are anticipated on creeks or ephemeral drainages due to the distance between the Project site and implementation of Mitigation Measure HYDRO (refer to Section 10 Hydrology and Water Quality) to avoid indirect impacts on downstream waters. With implementation of Mitigation Measure HYDRO-1 potential impacts to downstream waters would be less than significant,

f) Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

This criterion is not applicable to the Project because there are no adopted habitat conservation plans or natural community conservation plans in that encompass the site or vicinity. The closest Habitat Conservation Plan is the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP), located more than 15 miles east of the site. Therefore, there would be no impact related to a conflict with an adopted conservation plan.

Recommended Mitigation Measures

BIO-1 Adequate measures shall be taken to avoid inadvertent take of raptor nests and other nesting birds protected under the Migratory Bird Treaty Act and State Fish and Game Code when in active use. This shall be accomplished by taking the following steps:

- If construction is proposed during the nesting season (February through August), a focused survey for nesting raptors and other migratory birds shall be conducted by a qualified biologist within 14 days prior to the onset of tree removal or construction, in order to identify any active nests on the project sites and in the vicinity of proposed construction.
- If no active nests are identified during the survey period, or if development is initiated during the non-breeding season (September through February), construction may proceed with no restrictions.

- If bird nests are found, an adequate setback shall be established around the nest location and construction activities restricted within this no-disturbance zone until the qualified biologist has confirmed that any young birds have fledged and are able to function outside the nest location. Required setback distances for the no-disturbance zone shall be based on input received from the California Department of Fish and Wildlife (CDFW), and may vary depending on species and sensitivity to disturbance. As necessary, the no-disturbance zone shall be fenced with temporary orange construction fencing if construction is to be initiated on the remainder of the construction area.
- A report of findings shall be prepared by the qualified biologist and submitted to the Peralta Community College District for review and approval prior to initiation of construction within the no-disturbance zone during the nesting season (February through August). The report either shall confirm absence of any active nests or shall confirm that any young within a designated no-disturbance zone have fledged and construction can proceed.

BIO-2 Bird safe design characteristics shall be incorporated into the Library Learning Resource building to minimize the potential risk of bird collisions on the project site. These shall include consideration of bird-safe design guidelines and use of specific Best Management Practice (BMP) strategies to reduce bird strikes. Of particular concern is the importance of avoiding the use of highly reflective glass as an exterior treatment, which appears to reproduce natural habitat and can be attractive to some birds. To limit reflectivity and prevent exterior glass from attracting birds, the project shall utilize low-reflectivity glass and provide other non-attractive surface treatments. Low-reflectivity glass or other glazing treatments shall be used for the entirety of the building's glass surface, not just the lower levels, to minimize the risk of bird collisions. In addition, all roof mechanical equipment shall be covered by low-profile angled roofing so that obstacles to bird flight are minimized, all interior light "pollution" shall be reduced during evening hours through the use of a lighting control system, and exterior lighting shall be directed downward and screened to minimize illuminating the exterior of the building at night.

References

City of Oakland. Title 12, Chapter 12.36 of the City of Oakland Municipal Code.

City of Oakland, 1996, Open Space, Conservation, and Recreation (OSCAR) Element of the City of Oakland General Plan, Adopted by Oakland City Council, June.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
5. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☒	☐
c) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒

Impact Discussion

The proposed Project would not adversely affect cultural resources. A discussion of each environmental issue included under Section 5 is presented below.

a) Would the project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

Laney College was constructed in the 1960s and has undergone many campus improvements since then including the modernization of existing buildings and construction of new buildings and facilities. The Laney College campus is not a designated landmark, nor is the campus located in a local historic district (City of Oakland 2019).

b) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

There are no archaeological resources known to be present on the Laney College campus, including the Project site. The Project site is underlain by artificial fill associated with the partial filling of the historic Lake Merritt tidal channel during the initial development of the downtown Oakland area in the late 19th and early 20th century (Fugro 2008). The construction of Laney College in the 1960s and subsequent construction activities associated with modernization of existing campus buildings and facilities and construction of new buildings and facilities has not resulted in the disturbance/discovery of archaeological resources. The potential for discovery of archaeological resources is remote and considered less than significant.

c) Would the project disturb any human remains, including those interred outside of formal cemeteries?

There are no human remains known to be present on the Laney College campus, including the Project site.

Recommended Mitigation Measures

None required.

References

Fugro. 2008. Geotechnical Review, Proposed New Laney College Library Site Study, Oakland, California. June 10, 2088.

City of Oakland. 2019. List of Designated Landmarks: www.2.oaklandnet.com/government/o/PBN/OurServices/DOWD009012. Viewed on April 11, 2019.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
6. ENERGY. Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☒	☐	☐
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☒	☐	☐

Impact Discussion

The proposed Project may result in the inefficient consumption of energy resources, but with implementation of Mitigation Measures ENERGY-1 and 2, potentially significant energy impacts would be less than significant. A discussion of each environmental issue included under Section 6 is presented below.

a) Would the project result in potentially significant impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

The Project would increase energy use at the Laney College campus. Plans for the LRC building have not been prepared, but it is intended for the LRC building to be designed to achieve a minimum of LEED Gold certification. The extent to which the proposed LRC building would incorporate green building methods is unknown. The proposed Project would be subject to the California Green Building Standards Code (State of California 2016) and Peralta Community College District Sustainability and Resiliency Goals and Policies (PCCD 2017). Non-compliance with applicable California Green Building Standards Code Non-Residential Mandatory Measures is considered a potentially significant impact. With implementation of Mitigation Measures ENERGY-1 and 2, potentially significant energy impacts would be less than significant.

b) Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

The proposed Project could conflict with applicable State goals pertaining to renewable energy or energy efficiency. However, with implementation of Mitigation Measures ENERGY-1 and 2, potentially significant impacts would be less than significant.

Recommended Mitigation Measures

ENERGY-1 The Library Learning Resource Center building shall comply with all applicable Chapter 5 Non-Residential Mandatory Measures listed in the California Green Building Standards Code (CCR, Title 24, Part 11 - CAL Green).

ENERGY-2 The Library Learning Resource Center building shall be designed to meet Energy and Atmosphere standards to achieve a minimum of LEED Gold certification.

References

State of California. 2016. California Green Building Standards Code (CCR, Title 24, Part 11 - CAL Green). Available at: https://www.dgs.ca.gov/BSC.

PCCD. 2017. Peralta Sustainability and Resiliency Master Plan, Report Progress and Next Steps Webinar. Available at: https://www.peraltasustainabilityplan.org.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
7. GEOLOGY AND SOILS. Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a know fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☒	☐
ii) Strong seismic ground shaking?	☐	☒	☐	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☒	☐	☐
iv) Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☒	☐	☐
c) Be located on a geologic unit of 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, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
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?	☐	☐	☐	☒
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒

Impact Discussion

The Laney College campus, including the Project site, is located within a Liquefaction Hazard Zone and may include subsurface expansive soils, which represent potentially significant impacts. However with implementation of Mitigation Measure GE0-1, potentially significant impacts would be less than significant. A discussion of each environmental issue included under Section 7 is presented below.

a) Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: i) rupture of a known earthquake fault; ii) strong seismic ground shaking; iii) seismic-related ground failure including liquefaction; and iv) landslides?

i. Laney College campus is not located within an Alquist-Priolo Earthquake Zone. Thus, the campus, including the Project site, would not likely be subject to fault rupture (California Department of Conservation 2019).

ii. The San Francisco Bay region is considered to be one of the more seismically active regions of the world. The Hayward Fault is located about five miles to the east of the Laney College campus and the San Andreas Fault is located about 20 miles to the west of the campus. Given the campus is located within a seismically active region; there is the potential for site exposure to a strong seismic event, which is considered a potentially significant impact. With implementation of Mitigation Measure GEO-1, potential impacts would be less than significant.

iii. The City of Oakland identifies the Laney College campus, which includes the Project site, as located in a Liquefaction Hazard Zone (City of Oakland 2019). This is considered a potentially significant impact, but with implementation of Mitigation Measure GEO-1, potentially significant impacts would be less than significant.

iv. The Project site is located on relatively level topography (CSW 2019). The Oakland foothills are located over three miles away. No impact associated with landslides would occur.

b) Would the project result in substantial soil erosion or the loss of topsoil?

Earthmoving across the Project site would expose site soils to erosion from heavy winds, rainfall, or runoff. Mitigation Measure HYDRO-1, included in Section 10 Hydrology and Water Quality, will mitigate soil erosion impacts due to Project construction activities.

c) Would the project 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?

There is the potential for liquefaction at the Project site during a seismic event (refer to Subsection a (iii) above). Implementation of Mitigation Measure GEO-1 would reduce potentially significant liquefaction impacts to less than significant.

d) Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

Subsurface field exploration at the Project site conducted in 2002 encountered surficial clayey to sandy artificial fill, possibly native sands and gravels overlying soft Bay Mud. Some of the soils encountered may be expansive. The presence of expansive soils represents a potentially significant impact. Implementation of Mitigation Measure GEO-1 would reduce the potential risk associated with expansive soils to less than significant.

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?

The LRC building will be connected to the City of Oakland sanitary sewer system.

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

The entire Laney College campus, including the Project site, underwent extensive site disturbance prior to construction of the college. Consequently, it is unlikely that paleontological resources are present on the Project site.

Recommended Mitigation Measures

GEO-1 A Geologic Hazards/Geotechnical Investigation Report shall be prepared by a qualified geotechnical engineer. The design recommendations included in this report shall be incorporated into the Library Learning Resource Center building design developed by the project architect.

References

California Department of Conservation. Alquist-Priolo Earth Quake Fault Zones in the San Francisco Bay Region. https://www.arcgis.com. Viewed May 26, 2019.

CSW. 2019. Peralta CCD Laney College Library Topographic Map. Dated March 15, 2019.

Fugro. 2008. Geotechnical Review, Proposed New Laney College Library Site Study, Oakland, California. June 10, 2008.

City of Oakland. 2019. Parcel Information. oakgis.maps.arcgis.com. Viewed April 1, 2019.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
8. GREENHOUSE GAS EMISSIONS. Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

Environmental Setting

Greenhouse gases (GHGs) are atmospheric gases that capture and retain a portion of the heat radiated from the earth after it has been heated by the sun. The primary GHGs are carbon dioxide (CO_2), methane (CH_4), and nitrous oxide (N_2O), ozone, and water vapor. While GHGs are natural components of the atmosphere, CO_2, CH_4 and N_2O are also emitted from human activities and their accumulation in the atmosphere over the past 200 years has substantially increased their concentrations. This accumulation of GHGs has been implicated as the driving force behind global climate change.

Human emissions of CO_2 are largely by-products of fossil fuel combustion, whereas CH_4 results from off-gassing associated with organic decay processes in agriculture, landfills, etc. Other GHGs, including hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, are generated by certain industrial processes. The global warming potential of GHGs are typically reported in comparison to that of CO_2, the most common and influential GHG, in units of "carbon dioxide-equivalents" (CO_2e).[6]

There is international scientific consensus that human-caused increases in GHGs have and will continue to contribute to global warming. Potential global warming impacts in California may include, but are not limited to, loss in snow pack, sea level rise, more extreme heat days per year, more high ozone days, increased forest fires, and more drought years. Secondary effects are likely to include a global rise in sea level, impacts to agriculture, changes in disease vectors, and changes in habitat and biodiversity (OPR 2018).

The California Air Resources Board (CARB) estimated that in 2011 California produced 448 million gross metric tons of CO_2e, or about 535 million U.S. tons. CARB found that transportation is the source of 37.6 percent of the state's GHG emissions, followed by industrial sources at 20.8 percent and electricity generation (both in-state and out-of-state) at 19.3 percent. Commercial and residential fuel use (primarily for heating) accounted for 10.1 percent of GHG emissions (CARB 2018).

In the San Francisco Bay Area, fossil fuel consumption in the transportation sector (on-road motor vehicles, off-highway mobile sources, and aircraft) and the industrial and commercial sectors are the two largest sources of GHG emissions, each accounting for approximately 36 percent of the San Francisco Bay Area's 95.8 million metric tons of CO_2e emitted in 2007. Electricity generation accounts for approximately 16 percent of the San Francisco Bay Area's GHG emissions followed by residential fuel usage at seven percent, off-road equipment at three percent and agriculture at one percent (BAAQMD 2010).

Regulatory Setting

Assembly Bill 32 (AB 32), the California Global Warming Solutions Act, requires the CARB to lower State GHG emissions to 1990 levels by 2020 - a 25 percent reduction statewide with mandatory caps for significant GHG emission sources. AB 32 directed CARB to develop discrete early actions to reduce GHG while preparing the Climate Change Scoping Plan to identify how best to reach the 2020 goal. Statewide strategies to reduce GHG emissions to attain the 2020 goal include the Low Carbon Fuel Standard (LCFS), the California Appliance Energy Efficiency regulations, the California Renewable Energy Portfolio standard, changes in the motor vehicle corporate average fuel economy (CAFE) standards, and other early action measures that would ensure the state is on target to achieve the GHG emissions reduction goals of AB 32 (CARB AB 32 overview).

[6] Because of the differential heat absorption potential of various GHGs, GHG emissions are frequently measured in "carbon dioxide-equivalents," which present a weighted average based on each gas's heat absorption (or "global warming") potential.

In an effort to make further progress in attaining the longer-range GHG emissions reductions required by AB 32, an additional goal was set by the Governor's Office in 2015 to reduce California's GHG emissions to 40 percent below 1990 levels by 2030 by implementing additional climate change strategies:

- Reduce present petroleum use in cars and trucks by up to 50 percent;
- Increase from one-third to 50 percent the share of California's electricity derived from renewable sources;
- Double the energy efficiency savings achieved at existing buildings and make heating fuels cleaner;
- Reducing the release of methane, black carbon, and other short-lived GHGs;
- Manage farm and rangelands, forests and wetlands to more efficiently store carbon; and
- Periodically update the State's climate adaptation strategy.

The California Green Building Standards Code (CALGreen) provides minimum standards that buildings need to meet to be certified for occupancy, but does not prevent a local jurisdiction from adopting more stringent requirements. CALGreen is intended to (1) reduce GHG emissions from buildings; (2) promote environmentally responsible, cost-effective, healthier places to live and work; and (3) reduce energy and water consumption.

The Bay Area Air Quality Management District (BAAQMD) is the primary agency responsible for air quality regulation in the nine-county San Francisco Bay Area Air Basin. As part of that role, the BAAQMD has prepared CEQA Air Quality Guidelines (BAAQMD 2017) that provide CEQA thresholds of significance for operational GHG emissions from land use projects: 1,100 metric tons of CO_2e per year. This threshold is also considered the definition of a cumulatively considerable contribution to the global GHG burden and, therefore, of a significant cumulative impact. The BAAQMD has not defined thresholds for project construction GHG emissions. The CEQA Air Quality Guidelines methodology and thresholds of significance have been used in this Initial Study's analysis of potential GHG impacts associated with the Project.

Impact Discussion

With implementation of Mitigation Measures ENERGY-1 and 2 the Learning Resource Center (LRC) building would achieve a maximum feasible reduction of GHG emissions and would not exceed the CEQA significance threshold. A discussion of each environmental issue included under Section 8 is presented below.

a) Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

The CalEEMod (California Emissions Estimator Model, Version 2016.3.2) model was used to quantify long-term net new GHG operational emissions produced by Project energy use, water use, and solid waste generation. CalEEMod incorporates GHG emission factors for motor vehicles, electricity generation, water use and solid waste generation.

The Project's estimated operational GHG emissions are presented in Table 7. Project GHG emissions would not exceed the BAAQMD threshold of 1,100 metric tons and operational GHG impacts would be less than significant.

TABLE 7: PROJECT OPERATIONAL GREENHOUSE GAS EMISSIONS (METRIC TONS PER YEAR)

Project GHG Source	CO2	CH4	N2O	CO2e
Area	0.00	0.00	0.00	0.00
Energy Use	252.74	0.01	0.00	253.92
Motor Vehicles	----*	----*	----*	----*
Solid Waste Disposal	13.42	0.79	0.00	33.25
Water Use	7.83	0.07	0.00	10.20
Total	273.99	0.88	0.01	297.37
Significance Threshold				1100
Significant Impact?				No

* Construction of the proposed LRC would not increase Laney College's student/faculty/staff population above what is currently planned. Thus, the LRC would not generate additional motor vehicle trips nor the GHG emissions associated with them.

The 297-metric-ton net new increment from Project stationary GHG sources (i.e., the sum of net new emissions from area, energy, solid waste and water use GHG sources) as calculated by CalEEMod is a worst-case estimate and is below the significance threshold. With implementation of Mitigation Measures Energy-1 and 2, GHC emissions would be even lower.

b) Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

The proposed LRC building would be below the threshold for GHG emissions and would not conflict with the GHG reduction strategies of AB 32.

Recommended Mitigation Measures

None required.

References

Bay Area Air Quality Management District (BAAQMD). 2017. California Environmental Quality Act (CEQA) Air Quality Guidelines. http://www.baaqmd.gov/ /media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en

BAAQMD. 2010. Source Inventory of Bay Area Greenhouse Gas Emissions. https://mtc.ca.gov/sites/default/files/Bay_Area_Greenhouse_Gas_Emissions_2-10.pdf

BAAQMD. 2017. Spare the Air Cool the Climate A Blueprint for Clean Air and Climate Protection in the Bay Area. http://www.baaqmd.gov/ /media/files/planning-and-research/plans/2017-clean-air-plan/attachment-a_-proposed-final-cap-vol-1-pdf.pdf?la=en

California Governor's Office of Planning and Research (OPR). 2018. California's Changing Climate 2018, A Summary of Key Findings from California's Fourth Climate Change Assessment. http://climateassessment.ca.gov/state/docs/20180827-SummaryBrochure.pdf

CAPCOA (California Air Pollution Control Officers Association). 2013. California Emissions Estimator Model [CalEEMod], Version 2016.3.2 User's Guide and Appendix D - Default Data Tables. http://www.caleemod.com/

California Air Resources Board (CARB). 2018. California Greenhouse Gas Emissions for 2000 to 2016 - Trends of Emissions and Other Indicators. https://www.arb.ca.gov/cc/inventory/pubs/reports/2000_2016/ghg_inventory_trends_00-16.pdf

CARB. Assembly Bill 32 Overview. https://www.arb.ca.gov/cc/ab32/ab32.htm

Peralta Community College District (PCCD). 2017. Peralta Sustainability and Resiliency Master Plan, Report Progress and Next Steps Webinar. https://www.peraltasustainabilityplan.org

State of California. 2016. California Green Building Standards Code (CCR, Title 24, Part 11 - CAL Green). https://www.dgs.ca.gov/BSC

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
9. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☒	☐	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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 or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☐	☒

Impact Discussion

The central plant building located on the Project site may contain hazardous materials, but with implementation of Mitigation Measure HAZ-1, potentially significant impacts would be less than significant. A discussion of each environmental issue included under Section 9 is presented below.

a) Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

The existing central plant building located on the Project site would be demolished. This building may contain asbestos-containing and lead-containing materials. Demolition of the central plant building represents a potentially significant impact. Mitigation Measure HAZ-1 requires preparation of a Phase I Environmental Assessment ((Phase I ESA) to identify presence of asbestos-containing materials, lead-containing materials and other hazardous materials that may be present. The Phase I ESA will include measures to safely transport and dispose of hazardous materials in compliance with State and federal requirements. With implementation of Mitigation Measure HAZ-1, potentially significant impacts would be less than significant.

b) Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

The proposed LRC building is a library facility. It will not contain hazardous materials and therefore will not release hazardous materials into the environment.

c) Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

The nearest schools beyond the Laney College campus are Dewey Academy located approximately 0.25 mile northeast of the campus and American Indian Public Charter School located about 0.40 mile northwest of the campus. The LRC building would not emit hazardous emissions or store hazardous materials within the building.

d) Would the project 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?

The Project site is not included on the Department of Toxic Substance Control's site cleanup list as per Government Code Section 65962.5 (California Department of Toxic Substance Control 2019).

e) Would the project be 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 or excessive noise for people residing or working in the project area?

Laney College campus is located about 4.5 miles northeast of the Oakland International Airport and thus, is not located within the Oakland International Airport Comprehensive Land Use Plan (Alameda County).

The Project would not result in a safety hazard of or expose students and staff to excessive noise generated by Oakland International Airport.

f) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

The existing emergency evacuation plan for Laney College will be updated to include the LRC building.

g) Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

The proposed Project would not expose people or structures to wildland fire risk. Laney College is located in a highly urbanized area of Oakland. The college campus is not located in a Wildfire Assessment District (City of Oakland 2019).

Recommended Mitigation Measures

HAZ-1 A Phase I Environmental Assessment (Phase I EA) shall be prepared to assess the presence of asbestos-containing, lead-containing and other hazardous materials that may be present at and around the central plant building. The recommendations included in the Phase I EA shall be implemented.

References

Alameda County. Oakland International Airport Comprehensive Land Use Plan. http://www.acgov.org/cda/planning/generalplans/airportlandplans.htm.

California Department of Toxic Substance Control. 2019. DTSC's Hazardous Waste and Substances Site List (Cortese List). www.dtsc.ca.gov/SiteCleanup/Cortese_List.cfm Viewed May 24, 2019.

City of Oakland. 2019. Parcel Information. oakgis.maps.arcgis.com. Viewed April 1, 2019.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
10. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☒	☐	☐
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				

10. HYDROLOGY AND WATER QUALITY (cont.)	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(i) result in substantial erosion or siltation on- or off-site;	☐	☒	☐	☐
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	☐	☒	☐	☐
(iii) 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; or	☐	☒	☐	☐
(iv) impede or redirect flood flows?	☐	☒	☐	☐
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☐	☒

Impact Discussion

The proposed Project would result in substantial ground disturbance during construction activities which could result in significant soil erosion and sedimentation during precipitation events. However, with implementation of Mitigation Measures HYDRO-1 and 2, potential impacts would be less than significant. There would be an increase in impervious surface area which would increase stormwater runoff from the site. Mitigation Measure HYDRO-3 would reduce potentially significant stormwater runoff impacts to less than significant. A discussion of each environmental issue included under Section 10 is presented below.

a) Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Project construction would involve demolition, earthwork and trenching associated with construction of the LRC building on the Project site. These activities could expose site soils to erosion during precipitation events. Because the Project area is greater than one acre (approximately 52,058 square feet or 1.20 acres), the proposed Project is subject to the National Pollution Discharge Elimination System (NPDES) Construction General Permit (CGP) for Discharges of Storm Water Associated with Construction Activity The CGP requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP) (San Francisco Bay Regional Water Control Board 2015). Project-related construction activities could result in potential water quality impacts associated with sediment, oil and grease, petroleum hydrocarbons and metals. This is considered a potentially significant impact. However, with implementation of Mitigation Measure HYDRO-1 and HYDRO-2 potential water quality degradation would be less than significant.

Stormwater discharges in Oakland are permitted under San Francisco Bay Regional Water Quality Control Board (RWQCB) NPDES Permit (MRP) Section C.3 of the MRP (New Development and

Redevelopment) requires that local agencies use their planning authorities to include appropriate source control, site design and stormwater treatment measures in new development and redevelopment projects to address both soluble and insoluble stormwater runoff pollutant discharges and prevent increases in runoff flows from new development and redevelopment projects. This goal is to be accomplished primarily through the implementation of low impact development (LID) techniques (San Francisco Bay Regional Water Control Board 2015). As the proposed Project would involve the replacement of more than 5,000 square feet of impervious surface, the permit's C.3 requirements apply. This is considered a potentially significant impact, but with implementation of Mitigation Measure HYDRO-3, potential impacts associated with stormwater runoff pollutant discharges and increased stormwater flows would be less than significant.

b) Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

With the Project, impervious surface area would increase, however, with implementation of Mitigation Measure HYDRO-3, groundwater below the site would not be depleted and is considered a less than significant impact.

c) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: (i) result in substantial erosion or siltation on- or off-site; (ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; (iii)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; or (iv) impede or redirect flood flows?

There are no water courses on the Project site and the Project would not result in the alteration of the course of a stream or river. The Project would increase impervious surface area on the Project site.

i) During construction activities there is the potential for substantial erosion. Mitigation Measures HYDRO-1 and 2 would reduce potential erosion and siltation impacts to less than significant. Refer to Criterion 10a above.

ii) The proposed project would increase impervious surface area which may result in an increase in the rate or amount of surface runoff. Mitigation Measure HYDRO-3 would reduce potential impacts associated to stormwater runoff to less than significant.

iii) There is the potential for an increase in stormwater runoff that could affect storm drains. Mitigation Measure HYDRO-3 would reduce potential impacts associated to stormwater runoff to less than significant.

iv) The Project site is not located within a flood hazard zone; consequently it would not impede or redirect flood flows.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

The Laney College campus, including the Project site, is not located in a flood, tsunami or seiche zone (City of Oakland).

e) Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

With implementation of Mitigation Measures HYDRO-1, 2 and 3, the proposed Project would be consistent with the San Francisco Bay Regional Water Quality Control Board planning policies and requirements.

Recommended Mitigation Measures

HYDRO-1 Prior to Project construction, a Storm Water Pollution Prevention Plan (SWPPP) shall be prepared. The SWPPP shall include the following:

- Site map which shows the construction site perimeter, existing and proposed buildings, lots, roadways, storm water collection and discharge points, general topography both before and after construction, and drainage patterns across the Project site.
- Best Management Practices (BMPs) to protect storm water runoff and placement of those BMPs
- A visual monitoring program; a chemical monitoring program for "non-visible" pollutants to be implemented if there is failure of BMPs; and a sediment monitoring plan if the site discharges directly to a water body.

HYDRO-2 Peralta Community College District and their contractor shall implement Best Management Practices (BMPs) to control erosion and sedimentation and prevent pollutants from entering the stormwater runoff during construction. BMPs may include, but are not limited to:

- Conduct grading during dry months (April - September).
- Cover disturbed areas with soil stabilizers, mulch, fiber roles, or temporary vegetation.
- Locate construction-related equipment or processes that contain or generate pollutants in secure areas, away from storm drains and gutters.
- Prevent or contain potential leakage or spilling from sanitary facilities by surrounding them with a berm and do not allow a direct connection to the storm drainage system.
- Park, fuel and clean all vehicles and equipment in one designated and contained area.
- Designate concrete washout areas.
- Provide inlet protection, such as filters.
- Monitor the site during rainy season to replace or adjust BMPs as needed.

HYDRO-3 Peralta Community College District and their contractor shall implement low impact development (LID) techniques such as porous pavement, vegetated swales, green roofs, rain barrels, cisterns, flow-through planters, bio-retention gardens and tree planting.

References

City of Oakland. Oakland General Plan, Chapter 6 Safety Element. https://www.oaklandca.gov/topics/city-of-oakland-general-plan.

San Francisco Bay Regional Water Quality Control Board. 2015. Municipal Regional Stormwater Permit (MRP) No. R2-2015-0049. Adopted November 18, 2015. https://www.waterboards.ca.gov.

		Less Than Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
11.	LAND USE PLANNING. Would the project:				
	a) Physically divide an established community?	☐	☐	☐	☒
	b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒

Impact Discussion

The proposed Project would not conflict with adjacent and nearby land uses. A discussion of each environmental issue included under Section 11 is presented below.

a) Would the project physically divide an established community?

The proposed Project would not physically divide an established community. The proposed Project would construct the LRC building on the Laney College campus at a site that currently is developed with campus facilities. To the northeast and east of the Project site are community gardens located on the college campus that are available to Laney College students, staff and neighbors. The proposed Project would not disrupt access to the community gardens located on the Laney College campus. Special accommodations and safe passage (during construction hours) will be put into place during Project construction activities.

b) Would the project cause a significant impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

The proposed Project would not conflict with the Oakland General Plan (City of Oakland 2019) or the Oakland Planning Code (City of Oakland 2019). The Laney College Campus is designated Institutional under the Oakland General Plan, which allows development of college facilities. The Laney College campus is zoned D-LM-5 which allows construction of new campus facilities by right under the Planning Code, with a maximum height of 85 feet. The proposed LRC building would be 52 feet in height. The proposed Project would not conflict with the City of Oakland General Plan and Planning Code. It is noted that PCCD is legally exempt from local land use regulations.

Recommended Mitigation Measures

None required.

References

City of Oakland. General Plan Map. Viewed May 20, 2019. www2.oaklandnet.com.

City of Oakland Planning Code. Viewed May 20, 2019. https://www.oaklandca.gov/resources/planning-code.

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

Impact Discussion

The proposed Project will not affect any known mineral resources. A discussion of each environmental issue included under Section 12 is presented below.

a) Would the project 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?

The Project site is located on the Laney College which is zoned D-LM-5 (Institutional). The college campus is surrounded by commercial, industrial, residential and institutional development. The Project will not affect known mineral resources (City of Oakland 2019).

b) Would the project 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?

Refer to Subsection 12a above.

Recommended Mitigation Measures

None required.

References

City of Oakland. General Plan Map. Viewed May 20, 2019. www2.oaklandnet.com.

13. NOISE. Would the project result in:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies?	☐	☒	☐	☐
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☒	☐	☐
c) For a project located within the vicinity of a private airstrip or 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?	☐	☐	☒	☐

Existing Conditions

Sound is created when vibrating objects produce pressure variations that move rapidly outward into the surrounding air. The more powerful the pressure variations, the louder the sound perceived by a listener. The decibel (dB) is the standard measure of loudness relative to the human threshold of perception. Noise is a sound or series of sounds that are intrusive, objectionable or disruptive to daily life. Many factors influence how a sound is perceived and whether it is considered disturbing to a listener; these include the physical characteristics of sound (e.g., loudness, pitch, duration, etc.) and other factors relating to the situation of the listener (e.g., the time of day when it occurs, the acuity of a listener's hearing, the activity of the listener during exposure - is s/he sleeping, working, talking? etc.). Environmental noise has many documented undesirable effects on human health and welfare both psychological (e.g., annoyance and speech interference) and physiological (e.g., hearing impairment and sleep disturbance).

The Noise Element City of Oakland General Plan (City of Oakland, 2005) identifies the major noise sources in Oakland as transportation activities, specifically motor-vehicle traffic on major thoroughfares, rail operations (including those of the Bay Area Rapid Transit - BART), and aircraft operations at Oakland International Airport (OAK).

The Project site and adjacent parts of the Laney College campus were surveyed to identify existing noise-sensitive receptors and existing noise sources that could adversely impact the proposed Library Learning Resource Center (LRC), a noise-sensitive land use. The Laney College campus is located on the southeastern fringe of downtown Oakland, a dense urban mix of residential, public-sector, commercial and industrial land uses. Local motor vehicle traffic has the dominant influence on local ambient noise levels in Oakland. In the vicinity of the Project site; motor vehicle traffic on I-880 and 7th Street are the largest contributors to the ambient background. The nearest off-campus noise-sensitive receptors are the existing residential uses west of Fallon Street. During the survey, three short-term noise measurements were taken on-site, as shown in Table 8, to establish baseline noise levels that affect existing noise-sensitive uses on/near the Project site.

TABLE 8: PROJECT ON-SITE NOISE MEASUREMENT DATA AND SURVEY OBSERVATIONS

Measurement Location	L_{min}	L_{90}	L_{eq}	L_{10}	L_{max}	Observations during Measurement Period
#1: Northeast corner of Project site near community creekside gardens. Begin 12:27	57.7	58.4	59.5	60.2	66.2	Traffic on 7th Street is the most influential noise source, but the one-story portable buildings now on site offer substantial attenuation of traffic noise levels; noise peak from helicopter overflight.
#2: Northwest corner of Project site near Laney College physical plant cooling towers. Begin 12:46	70.4	70.7	71.6	72.5	76.7	Measurement location is about 15 feet from physical plant cooling towers; their influence is steady and dominant.
#3: Near southern boundary of Project site facing 7th Street. Begin 13:07	61.6	62.8	67.1	70.2	73.3	Traffic noise from 7th Street is dominant and unattenuated by any structures or barriers; cars pass in groups in sync with traffic signal timing.

The decibel (dB) is the standard measure of a sound's loudness relative to the human threshold of perception. Decibels are said to be A-weighted (dBA) when corrections are made to a sound's frequency components during a measurement to reflect the known, varying sensitivity of the human ear to different frequencies. The Equivalent Sound Level (L_{eq}) is a constant sound level that carries the same sound energy as the actual time-varying sound over the measurement period. Statistical Sound Levels - L_{min}, L_{90}, L_{10} and L_{max} - are the minimum sound level, the sound level exceeded 90 percent of the time, the sound level exceeded ten percent of the time and the maximum sound level, respectively; all as recorded during the full measurement periods, which for all cases above was 15 minutes.

7th Street passes adjacent to the Project site's south boundary and so its traffic has the dominant influence on ambient noise levels on site. The single-story classroom building containing seven classrooms that occupies the Project site form a continuous barrier that substantially blocks traffic noise propagation from 7th Street (and from I-880 farther to the south) to northern portions of the site and adjacent portions of the Laney campus. The closest existing outdoor noise-sensitive areas within 200 feet or less are Peralta Park, the community gardens and the outdoor eating area of the Laney Bistro. The nearest off-campus residential receptors are more than 600 feet west of the Project site. Considering the high noise background levels that these residences (which face 7th Street and Fallon Street) are exposed to, any influence from noise generated on the Project site (for instance, from Project construction equipment/activity) is likely to be minor, if not inaudible.

Regulatory Setting

Although PCCD is under no mandates to apply/enforce the noise control policies/standards of the Federal Transit Agency (FTA) the Federal Highway Administration (FHWA), or the City of Oakland General Plan and Noise Ordinance, the noise analysis conducted for this Initial Study applied FTA and City of Oakland methodologies and standards, as appropriate, to assess noise impacts.

Environmental Protection Agency

Protective Noise Levels (EPA, 1974) identifies a 24-hour exposure level of 70 dBA L_{eq} as a protective standard for preventing any measurable hearing loss over a lifetime exposure. Likewise, 24-hour exposure levels of 55 dBA outdoors (i.e., L_{dn} for residential uses, 24-hour L_{eq} for other sensitive uses such as office workspace, schools, etc.) and 45 dBA indoors (i.e., L_{dn} for residential uses, 24-hour L_{eq} for other sensitive uses such as office workspace, schools, etc.) are identified as preventing any substantial activity interference and annoyance. These levels of noise are considered those that will permit relaxed spoken conversation and prevent any substantial interference with other activities such as sleeping, working and recreation. These exposure levels recommended by the EPA provide the scientific basis as starting-points for State and local governments' judgments in setting community-specific standards in their General Plans and Noise Ordinances.

Federal Transit Agency

Transit Noise and Vibration Impact Assessment (FTA, 2006) has the most authoritative criteria for what constitute substantial vibration impacts. It is most common for government agencies to rely on the FTA vibration assessment methodologies, impact standards and vibration-reduction strategies. According to FTA criteria, limiting vibration levels to 94 vibration decibels (abbreviated VdB, a unit similar to the decibel, but measuring vibration intensity) or less would avoid structural damage to building types that are typical of most residential, commercial and governmental uses, while limiting vibration exposure to 80 VdB or less at residential locations would avoid significant annoyance to building occupants.

City of Oakland

The City of Oakland Noise Element (City of Oakland, 2005) provides the following noise control policies, actions and exposure standards to minimize noise exposure (as selected for their applicability to the Project, with sections of particular Project applicability underlined):

- POLICY 1: Ensure the compatibility of existing and, especially, of proposed development projects not only with neighboring land uses but also with their surrounding noise environment.
    - ACTION 1.1: Use the noise-land use compatibility matrix (Figure 6 [in the Noise ElementJ) in conjunction with the noise contour maps [in the Noise ElementJ (especially for roadway traffic) to evaluate the acceptability of residential and other proposed land uses and also the need for any mitigation or abatement measures to achieve the desired degree of acceptability.
    - ACTION 1.2: Continue using the City's zoning regulations and permit processes to limit the hours of operation of noise-producing activities which create conflicts with residential uses and to attach noise-abatement requirements to such activities.
- POLICY 2: Protect the noise environment by controlling the generation of noise by both stationary and mobile noise sources.

The compatibility standards from the "Noise Land Use Compatibility Matrix" referred to in ACTION 1.1 above for the noise-sensitive land use categories "residential," "schools," 'libraries," etc. are shown below:

- Normally Acceptable - up to 60 dBA L_{dn} - no special noise insulation features are required.
- Conditionally Acceptable - between 60 and 70 dBA L_{dn} - detailed analysis of noise reduction/ insulation features should be undertaken and its recommendations should be included in the design.
- Normally Unacceptable - greater than 70 dBA L_{dn} - development should generally be discouraged, however it may be allowed if a detailed analysis of the noise reduction/insulation features shows that acceptable exterior/interior levels can be attained.

The Municipal Code (City of Oakland, Municipal Code, Chapter 8.18.020 Persistent noises a nuisance) prescribes the following restrictions on construction noise:

> The persistent maintenance or emission of any noise or sound produced by human, animal or mechanical means, between the hours of nine p.m. and seven a.m. next ensuing, which, by reason of its raucous or nerve-racking nature, shall disturb the peace or comfort, or be injurious to the health of any person shall constitute a nuisance.
>
> Failure to comply with the following provisions shall constitute a nuisance.
>
> A. All construction equipment powered by internal combustion engines shall be properly muffled and maintained.
> B. Unnecessary idling of internal combustion engines is prohibited.
> C. All stationery noise-generating construction equipment such as tree grinders and air compressors are to be located as far as is practical from existing residences.
> D. Quiet construction equipment, particularly air compressors, are to be selected whenever possible.
> E. Use of pile drivers and jack hammers shall be prohibited on Sundays and holidays, except for emergencies and as approved in advance by the Building Official.

Impact Discussion

Project construction noise and vibration could be disruptive to on-campus educational/leisure activities in adjacent outdoor areas and buildings, and in the adjacent areas of Peralta Park, but would be reduced to a less-than-significant level with implementation of Mitigation Measures NOISE-1 and 2. A discussion of each environmental issue included under Section 13 is presented below.

a) Would the project generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Construction equipment/activity is widely recognized as a major noise source and for its potential to cause substantial disturbance when a construction site is located near noise-sensitive receptors (e.g., residential areas, schools, hospitals/nursing homes, public parks, etc.). Construction of the proposed LRC will require a substantial fleet of construction equipment and supply delivery trucks operating over a period of a year or more. The Federal Highway Administration (FHWA) Roadway Construction Noise Model (RCNM) was used to estimate the noise levels at various distances from the locus of work produced by a small working group of construction equipment (i.e., a dump truck, a backhoe and a crane) likely to be used for construction of the LRC, as shown in Table 9.

TABLE 9: RCNM MODELED CONSTRUCTION NOISE LEVELS[1]

Distance from Area of Construction Activity (feet)	Average Construction Daytime Noise Level L_{eq} (dBA)	Maximum Construction Daytime Noise Level Lmax (dBA)
50	82	85
100	76	79
200	70	73
400	64	67
800	58	61

[1] All pieces of equipment operating at any one time during the construction of a particular project component will not have comparable noise impacts at any one place. The noise impact of the closest piece of equipment to a receptor is dominant and only a limited number of additional equipment can operate effectively in close proximity to the closest piece. The FTA recommends that construction noise impacts be estimated using a 2-3 piece working group of equipment characteristic of a particular project's construction type or phase.

Source: Federal Highway Administration, Roadway Construction Noise Model (RCNM).

During Project construction, noise levels in areas close to construction activity (i.e., within about 200 feet and with an uninterrupted line-of-sight from source to receptor) could rise to levels incompatible with leisure activities in outdoor areas. But the dense buildout of the existing Laney College campus will shield all but the noise-sensitive areas close to the Project site with a direct line-of-sight to the construction activities (i.e., Peralta Park, community gardens and the outdoor seating areas of the Laney Bistro). Thus, noise levels in most outdoor areas of the campus would remain acceptable for many leisure and recreational activities during construction. The nearest off-campus sensitive receptors to the Project site are the existing residential uses west of Fallon Street more than 600 feet from the site. At this distance, Project construction average noise levels would only reach the low 60s dBA, which is substantially less than their current traffic noise exposure levels.

Nevertheless, it is standard practice for all construction projects to implement standard noise reduction measures and limitations on construction work times, required by most Noise Element policies and Municipal Code regulations, including the City of Oakland (refer to Municipal Code, Chapter 8.18.020 in Setting above). With implementation of Mitigation Measure NOISE-1, temporary noise impacts associated with construction activities would be reduced to a less-than-significant level.

After Project construction, the LRC would not increase Laney College's student/faculty/staff population above what is currently planned. Thus, the LRC would not generate additional motor vehicle trips on local streets, nor have the permanent traffic noise increments usually associated with them, a less than significant impact.

b) Would the project generate excessive groundborne vibration or groundborne noise levels?

Just as vibrating objects radiate sound through the air, if they are in contact with the ground they also radiate acoustical energy through the ground. If such an object is massive enough and/or close enough to an observer, the ground vibrations can be perceptible and, if the vibrations are strong enough (as

measured in vibration decibels, abbreviated VdB), they can cause annoyance to the observer and damage to buildings. Background ground vibration levels in most inhabited areas are usually 50 VdB or lower, well below the threshold of perception (i.e., typically about 65 VdB).

The most vibration-intensive piece of construction equipment is a pile driver (not needed for Project construction); other types of construction equipment are far less vibration-intensive. Yet all construction equipment has the potential for causing structural damage and/or annoyance if the construction activity is too close to vibration-sensitive receptors. The closest residential area is more than 600 feet from the Project site and according to FTA vibration screening methodology would be far outside the range where there would be any potential for on-going annoyance or structural damage from Project construction vibration. Thus, the Project's construction vibration impact on off-campus receptors would be less than significant.

This would not be the case for the closest on-campus vibration sensitive receptors; some existing Laney College buildings at the southeast corner of the campus come very close to the northern Project site boundary. Construction of the LRC could cause disruption at times to any vibration-sensitive receptors (i.e., classrooms, offices, library) in these buildings. But with implementation of Mitigation Measure NOISE-2, vibration impacts would be less than significant.

c) For a project located within the vicinity of a private airstrip or 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?

Oakland International Airport is located approximately seven miles to the southeast of the Project site and is far outside the airport's 65 dBA L_{dn} noise contour, which is widely accepted as the metric of significant aircraft noise impact potential. Thus, the potential for aircraft noise impacts to future users of the LRC or to Laney students or Project vicinity residents is less than significant.

Mitigation Measures

NOISE-1 The following Best Management Practices shall be incorporated into the construction documents to be implemented by the Project contractor:

- Provide enclosures and noise mufflers for stationary equipment, shrouding or shielding for impact tools, and barriers around particularly noisy activity areas on the site.
- Use quietest type of construction equipment whenever possible, particularly air compressors.
- Provide sound-control devices on equipment no less effective than those provided by the manufacturer.
- Locate stationary equipment, material stockpiles, and vehicle staging areas as far as practicable from sensitive receptors.
- Prohibit unnecessary idling of internal combustion engines.

- Require applicable construction-related vehicles and equipment to use designated truck routes when entering/leaving the site.
- Designate a noise (and vibration) disturbance coordinator who shall be responsible for responding to complaints about noise (and vibration) during construction. The telephone number of the noise disturbance coordinator shall be conspicuously posted at the construction site. Copies of the project purpose, description and construction schedule shall also be distributed to the surrounding residences.
- Limit project construction activity to the hours of 7 am to 9 pm on weekdays as required under the City of Oakland Municipal Code Chapter 8.18.020.

NOISE-2 To the extent feasible, in instances where vibration-intensive construction equipment is located next to on-campus vibration-sensitive receptors that would result in major disruption, the Peralta Community College District shall temporarily relocate the vibration-sensitive receptors to minimize disruption.

References

Federal Transit Administration (FTA). 2006. Transit Noise and Vibration Impact Assessment. https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA_Noise_and_Vibration_Manual.pdf

Federal Highway Administration (FHWA). 2006. Roadway Construction Noise Model User's Guide. https://www.gsweventcenter.com/Draft_SEIR_References/2006_01_Roadway_Construction_Noise_Model_User_Guide_FHWA.pdf

City of Oakland. 2005. Noise Element City of Oakland General Plan. http://www2.oaklandnet.com/oakca1/groups/ceda/documents/webcontent/oak035231.pdf

City of Oakland. Municipal Code, Chapter 8.18.020. https://library.municode.com/ca/oakland/codes/code_of_ordinances?nodeId=TIT8HESA_CH8.18NU

Environmental Protection Agency (USEPA). 1974. Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety. (more commonly cited by the shorter title Protective Noise Levels) http://www.nonoise.org/library/levels74/levels74.htm

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
14. POPULATION AND HOUSING. Would the project:				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and business) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Impact Discussion

The proposed Project will not affect population or housing. A discussion of each environmental issue included under Section 14 is presented below.

a) Would the project induce substantial population growth in an area, either directly (for example, by proposing new homes and business) or indirectly (for example, through extension of roads or other infrastructure)?

The proposed Project would provide a Library Learning Resource Center to accommodate current and future needs of the student population which are not presently being met. The proposed Project would not induce an increase in student enrollment.

b) Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

The proposed Project is located on the Laney College campus and would not displace any housing.

Recommended Mitigation Measures

None required.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
15. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection?	☐	☐	☒	☐
b) Police protection?	☐	☐	☒	☐
c) Schools?	☐	☐	☐	☒
d) Parks?	☐	☐	☐	☒
e) Other public facilities?	☐	☐	☐	☒

Impact Discussion

The proposed LRC Project would not adversely affect public services. A discussion of each environmental issue included under Section 15 is presented below.

a) Oakland Fire Department Station 12, the closest fire station (less than 0.5 mile) to the Laney College campus, is located at 822 Alice Street. The LRC building would not adversely affect Oakland Fire Department's ability to respond to emergencies at the Project site. Oakland Fire Department will review and approve site access, the number of fire hydrants required and their location and water pressure. The LRC building will meet all local and State life safety requirements.

b) Peralta Police Services (Alameda County Sheriff's Office) provides security for the Laney College campus. Their office is located at 333 East 8th Street, in Oakland. Hours of operation are Monday

thru Friday 7:00 am to 11:00 pm. ABC Security provides swing shift and weekend security for the campus.

c) Laney College provides a range of educational opportunities including Associate Degrees, Career and Technical Education programs, Certificates of Achievement and Proficiency and distance education. The proposed Project would provide a new library offering upgraded telecommunication infrastructure and provide additional study space for collaborative and individual learning existing resources. The Project would enhance educational resources available to Laney College students and staff.

d) The Project would not increase student population at the Laney College campus. Thus, there would not be an increase in potential student and staff use of the nearby Peralta Park and Lake Merritt Channel Park due to the proposed Project.

e) The proposed Project will not adversely affect other public facilities that may be located in the campus vicinity.

Recommended Mitigation Measures

None required.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
16. RECREATION. Would the project:				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	☐	☐	☐	☒

Impact Discussion

The proposed Project would not increase student enrollment capacity at Laney College. Consequently, the Project would not cause and increase in use of nearby parks. A discussion of each environmental issue included under Section 16 is presented below.

a) Would the project 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?

The proposed Project would not increase student enrollment capacity at the Laney College campus. Thus, there would not be an increase in the potential use of nearby parks: Peralta Park and Lake Merritt Channel Park by Laney College students and staff; or other parks and recreation facilities.

b) Would the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

The proposed Project does not include recreational facilities. Laney College currently provides ball fields and a swim facility for Laney College students and staff. These facilities are available to the public when not in use by students.

Recommended Mitigation Measures

None required.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
17. TRANSPORTATION. Would the project:				
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☒	☐	☐
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☐	☐	☐	☒
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
d) Result in inadequate emergency access?	☐	☐	☐	☒

Existing Conditions

The LRC site is located in the southwest corner of the Laney College campus. The site is located immediately north of 7th Street and west of Peralta Park. East 7th Street (becoming 7th Street west of the Lake Merritt Channel) is a four-lane roadway with on-street parking and buffered Class II bicycle lanes. Peralta Park connects the Oakland Estuary with Lake Merritt proper providing walking and bicycle paths for recreational users. Figure 6 illustrates the proposed Project site in relation to the campus and local circulation network.

Impact Discussion

The proposed Project would not result in significant operational transportation and circulation impacts. There would be no increase in college enrollment with the development of the Project and no new vehicle, transit, biking or walking trips to the site would result. There is the potential for disruption to traffic, transit, bicycle and pedestrian circulation during the weekday AM and PM peak periods. With implementation of Mitigation Measures TRANS-1 and 2, potential conflicts would be less than significant. A brief discussion of each environmental issue covered under Section 17 is presented below.

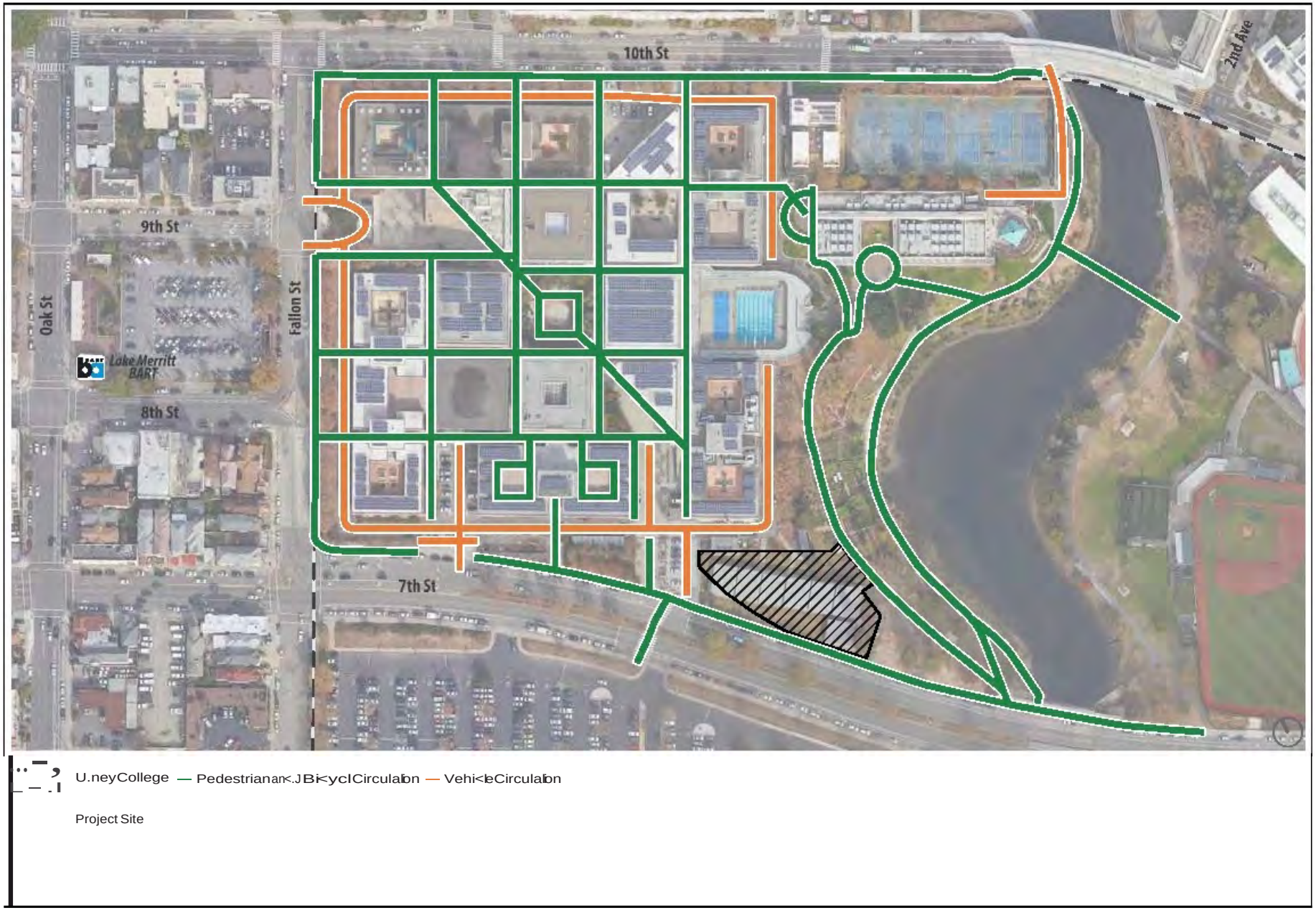


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Figure 6
Campus Circulation

a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

The proposed Project would not conflict with any applicable plan, ordinance or policy addressing any portion of the circulation system. For all work within the City's right-of-way, the Project would be required to obtain an Obstruction Permit and prepare a Traffic Control Plan to address conditions during construction (City of Oakland, 2018). Disruptions of roadway, transit and bicycle facilities during Project construction are not anticipated. However, during certain periods of construction, intrusions into the East 7th Street sidewalk may be necessary, requiring the temporary closure and/or narrowing of this pedestrian facility.

The Project would not increase student enrollment capacity at the Laney College campus. It is proposed in response to PCCD's plan to provide a new campus library to meet current and future learning needs. As the Project would not change any of the travel characteristics associated with the college, an assessment of trip generation, vehicle miles of travel or potential impacts associated with an increased intensity of usage on the site is not necessary. Therefore, this analysis of transportation impacts focuses on construction-related impacts resulting from the Project's potential temporary encroachment along the public right of way (East 7th Street). Detailed construction plans for the Project have not yet been finalized, however, Project construction is anticipated to begin in September 2020 and be completed in August 2022. Construction hours would be from 7:00 am to 5:00 pm Monday through Friday.

Construction Activities. Project construction is not anticipated to generate a substantial number of daily or peak period construction worker trips or construction truck trips. Construction truck trips would be restricted to City of Oakland designated truck routes. In the vicinity of the Project site, both East 7th Street and East 8th Street are designated City truck routes and most construction related truck trips are expected to use those facilities to access Interstate 880 to travel to and from regional origins and destinations (City of Oakland, 2017). Construction workers will be issued parking passes to park in the student parking lot across 8th Street; consequently the use of off-site non-campus parking is not expected.

Given the Project's location in close proximity to high-quality local and regional transit services, Project construction workers would have a convenient alternative to driving. The Project site is located approximately 1,100 feet from the Lake Merritt Bay Area Rapid Transit (BART) station. The Project site is also served by many high-frequency AC Transit bus lines, including 1, 1R, 11, 14, 18, 26, 40, 62, 88, 801 and 840 (Alameda-Contra Costa Transit District 2012).

Transit Impacts. As the Project would not increase enrollment or the intensity of activity on the site, no increases in transit ridership are expected. While some construction workers may use BART and/or AC Transit to access the site, this level of ridership is not anticipated to result in over capacity conditions on any local transit services. The Project proposes no features that would affect transit facilities. No impacts to transit facilities or services are expected with the development of the proposed Project.

Roadway Impacts. No impacts to area roadway facilities would occur with the development of the proposed Project. As the Project would not increase enrollment or the intensity of activity on the site, no increases in off-site vehicular traffic are anticipated. Project construction is not anticipated to generate a substantial number of daily or peak period construction worker trips or construction truck trips. However, there is the potential for disruption to traffic, transit, bicycle and pedestrian circulation during the weekday AM and PM peak periods. With implementation of Mitigation Measures TRANS-1 and 2, potential conflicts would be less than significant.

Bicycle Impacts. As the Project would not increase enrollment or the intensity of activity on the site, no increases in bicycle activity associated with Laney College are expected. The Project proposes no features that would affect bicycle facilities. Construction of the proposed Project is not expected to impinge on the Class II buffered bicycle lanes on East 7th Street. No impacts to bicycle facilities are expected with the development of the proposed Project.

Pedestrian Impacts. The potential temporary construction-related closure or narrowing of the sidewalk on the north side of East 7th Street abutting the Project site would result in minor disruptions to pedestrian circulation. Figure 7 illustrates the proposed Project site and areas of potential sidewalk disruption. A signalized pedestrian crossing of East 7th Street exists just west of the Project site and a pedestrian underpass is provided just east of the Project site at Peralta Park. Both options would allow pedestrians to move to the sidewalk on the south side of East 7th Street in the event of a construction related closure. The temporary sidewalk closure or narrowing could result in disruptions to pedestrian circulation and is considered a potentially significant impact. However, with implementation of Mitigation Measures TRANS-1 and 2, the impact would be less than significant.

b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

The proposed Project would not generate any new vehicular trips and would have no impact on Laney College total Vehicle Miles of Travel (VMT) or VMT per capita. The Project would not conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b).

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

The Project includes no geometric design features that would be hazardous to transit, vehicular, bicycle or pedestrian circulation. The Project proposes no incompatible use.

e) Result in inadequate emergency access?

The Project would not alter existing vehicle or emergency access within the Laney College campus. Adequate emergency vehicle access to the Project site is proposed and the Project would provide entrances in accordance with current ADA requirements.

C-J Building Site - Pedestrian Paths to Remain Open/Protected during Project Construction

k>u•\).: Fehr & Peers

Figure 7
Areas of Potential Sidewalk Disruption

Recommended Mitigation Measures

TRANS-1 To minimize potential disruptions to traffic, transit, bicycle and pedestrian circulation during the weekday AM and PM peak periods, the Project contractor, to the greatest extent feasible, shall restrict construction-related truck movements and deliveries to, from and around the Project site during peak hours (generally 7:00 to 9:00 AM and 3:00 to 6:00 PM). These hours also correspond to the College's peak periods of arrival and departure on a typical school day.

TRANS-2 The Project contractor shall prepare and obtain an approved Obstruction Permit and Traffic Control Plan from the City of Oakland for work within the City's right-of-way, specifically that which affects the temporary narrowing or closure of the northern sidewalk on East 7th Street abutting the Project site. The Traffic Control Plan shall contain a set of comprehensive traffic control measures for pedestrian accommodations (or detours, if accommodations are not feasible), including detour signs if required, closure procedures, signs, cones for drivers, and designated construction access routes. The Traffic Control Plan shall be in conformance with the City's Supplemental Design Guidance for Accommodating Pedestrians, Bicyclists, and Bus Facilities in Construction Zones. The Project contractor shall implement the approved Traffic Control Plan during Project construction.

References

Alameda-Contra Costa Transit District (AC Transit). 2012. Route Map and Schedule, Accessed June 5, 2019.

City of Oakland. 2018. Standard Conditions of Approval, Department of Planning and Building, Bureau of Planning. Adopted by City Council on November 3, 2008 (Ordinance No. 12899 C.M.S.). Revised November 5, 2018.

City of Oakland. 2017. Oakland Truck Routes and Truck Prohibited Streets, Oakland Municipal Code (Chapter 10.52 - Commercial Vehicles), Accessed June 5, 2019.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
18. TRIBAL CULTURAL RESOURCES.				
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	☐	☐	☐	☒

18. TRIBAL CULTURAL RESOURCES (cont.)	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☐	☒

Impact Discussion

The Project would not adversely affect tribal cultural resources. A discussion of each environmental issue included under Section 18 is presented below.

a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

(i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or

Laney College, including the Project site, is not listed or considered eligible for listing in the California Register of Historical Resources (California Resister of Historical Resources).

(ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Refer to Criterion 18a (i) above.

Recommended Mitigation Measures

None required.

References

California Register of Historical Resources. www.ohp.parks.ca.gov/ListedResources/?view=name&criteria=Oakland.

City of Oakland. 2019. List of Designated Landmarks: www.2.oaklandnet.com/government/o/PBN/OurServices/DOWD009012. Viewed on April 11, 2019.

19. UTILITIES AND SERVICE SYSTEMS. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☐	☒
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐
c) 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 commitments?	☐	☐	☒	☐
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☐	☒

Impact Discussion

The proposed Project would not adversely affect utilities and service systems. A discussion of each environmental issue included under Section 19 is presented below.

a) Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

The proposed LRC building would not require or result in the relocation or construction of any water, wastewater treatment, storm water drainage, electric power, natural gas, or telecommunications facilities.

b) Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

The Laney College campus is served by East Bay Municipal Utility District (EBMUD). With implementation of Mitigation Measure ENERGY-1, the proposed LRC building would be designed and constructed to meet water efficiency standards.

c) Would the project 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 commitments?

EBMUD provides wastewater service to Laney College. The proposed LRC building would not adversely affect EBMUD's capacity to serve the Project. Refer to criterion 19b above.

d) Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

PCCD policy is to reduce waste, develop a comprehensive recycling plan and compost food for each of the four campuses, which includes Laney College (PCCD 2017). It is not anticipated the proposed Project would generate solid waste beyond what can be accommodated by existing conservation measures at the Laney College campus.

e) Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

The Project would comply with federal, state and local waste management and reduction statutes and regulations. Refer to Subsection 19d above.

Recommended Mitigation Measures

None required.

References

PCCD. 2017. Peralta Sustainability and Resiliency Master Plan, Report Progress and Next Steps Webinar. September 4, 2017.

United States Green Building Council (USGBC). https://www.usgbc.org

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
20. WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☐	☒

20. WILDFIRE (cont.)	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	☒
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	☒

Impact Discussion

The East Bay, which includes Oakland and Laney College, is not identified as a fire hazard severity zone (Cal Fire). A discussion of each environmental issue included under Section 20 is presented below.

a) Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?

The proposed Project is within the Laney College campus. PCCD will update the campus emergency evacuation plan to include the proposed LRC building.

b) Due to slope, prevailing winds, and other factors, would the project exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

As noted, the East Bay is not within a fire hazard severity zone.

c) Would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

As noted, the East Bay is not within a fire hazard severity zone.

d) Would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

As noted, the East Bay is not within a fire hazard severity zone.

References

Cal Fire. Fire Hazard Severity Zones. https://www.fire.ca.gov/fire_prevention/fhsz_maps_alameda

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
21. MANDATORY FINDINGS OF SIGNIFICANCE.				
a) Does the project have the potential to substantially 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, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☐	☐	☒	☐
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐

Impact Discussion

a) Does the project have the potential to substantially 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, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

The removal of trees located on the Project site during bird nesting season could have a potentially significant impact on nesting birds and is considered a significant impact. However, with implementation of Mitigation Measure BIO-1, special-status species would be fully mitigated. The LRC building would alter the physical characteristics of the sit and the new LRC building could result in bird collisions and mortalities which is considered a potentially significant impact, but with implementation of Mitigation Measure BIO-2, impacts on movement opportunities by bird species would be reduced to a less-than-significant level.

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.)

The proposed Project would not result in cumulatively considerable impacts.

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

Aesthetics. The LRC building may introduce a new source of night-time light and glare at the Laney College campus which is considered a potentially significant impact, but with implementation of Mitigation Measures AES-1 and AES-2, potentially significant night-time light and glare impacts would be less than significant.

Air Quality. During Project construction, the proposed Project would exceed the BAAQMD threshold for reactive organic gases which is a significant impact. However with implementation of Mitigation Measure AIR-1, construction emissions impacts would be less than significant.

Energy. The proposed Project may result in the inefficient consumption of energy resources, but with implementation of Mitigation Measures ENERGY-1 and 2, potentially significant energy consumption impacts would be less than significant.

Geology and Soils. The Laney College campus, including the Project site, is located within a Liquefaction Hazard Zone and may include subsurface expansive soils, which represent potentially significant impacts. However, with implementation of Mitigation Measure GE0-1, potentially significant impacts would be less than significant.

Hazards and Hazardous Materials. The central plant building located on the Project site may contain hazardous materials, but with implementation of Mitigation Measure HAZ-1, potentially significant impacts would be less than significant.

Hydrology and Water Quality. During construction, the Project site would undergo substantial ground disturbance which could result in significant soil erosion and sedimentation during precipitation events. However, with implementation of Mitigation Measures HYDRO-1 and 2, potential water quality impacts would be less than significant. There would be an increase in impervious surface area on the Project site which could increase stormwater runoff, but with implementation of Mitigation Measure HYDRO-3, potentially significant stormwater runoff impacts would be less than significant.

Noise. Project construction noise and vibration could be disruptive to on-campus educational/leisure activities in adjacent outdoor areas and buildings, and in the adjacent areas of Peralta Park, but would be reduced to a less-than-significant level with implementation of Mitigation Measures NOISE-1 and 2.

Transportation. There is the potential for disruption to traffic, transit, bicycle and pedestrian circulation during the weekday AM and PM peak periods. With implementation of Mitigation Measures TRANS-1 and 2, potential conflicts would be less than significant.

REPORT PREPARATION

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APPENDIX A
CNDD SUMMARY TABLE REPORT

Summary Table Report

California Department of Fish and Wildlife

California Natural Diversity Database

Query Criteria: Quad IS (Oakland East (3712272) OR Oakland West (3712273))

Name (Scientific/Common)	CNDDB Ranks	Listing Status (Fed/State)	Other Lists	Elev. Range (ft.)	Total EO's	Element Occ. Ranks						Population Status		Presence		
						A	B	C	D	X	U	Historic > 20 yr	Recent <= 20 yr	Extant	Poss. Extirp.	Extirp.
Accipiter cooperii Cooper's hawk	G5 S4	None None	CDFW_WL-Watch List IUCN_LC-Least Concern	30 260	117 S:2	0	0	1	0	0	1	0	2	2	0	0
Ambystoma californiense California tiger salamander	G2G3 S2S3	Threatened Threatened	CDFW_WL-Watch List IUCN_VU-Vulnerable	20 20	1196 S:1	0	0	0	0	1	0	1	0	0	0	1
Amsinckia lunaris bent-flowered fiddleneck	G3 S3	None None	Rare Plant Rank - 1B.2 BLM_S-Sensitive	575 1,611	93 S:9	0	0	1	0	0	8	2	7	9	0	0
Antrozous pallidus pallid bat	G5 S3	None None	BLM_S-Sensitive CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern USFS_S-Sensitive WBWG_H-High Priority	210 770	419 S:5	0	0	0	0	0	5	5	0	5	0	0
Aquila chrysaetos golden eagle	G5 S3	None None	BLM_S-Sensitive CDF_S-Sensitive CDFW_FP-Fully Protected CDFW_WL-Watch List IUCN_LC-Least Concern USFWS_BCC-Birds of Conservation Concern	1,560 1,560	321 S:1	0	1	0	0	0	0	1	0	1	0	0
Arctostaphylos pallida pallid manzanita	G1 S1	Threatened Endangered	Rare Plant Rank - 1B.1	1,120 1,500	9 S:6	0	0	4	1	1	0	1	5	5	1	0
Astragalus tener var. tener alkali milk-vetch	G2T1 S1	None None	Rare Plant Rank - 1B.2	20 30	65 S:2	0	0	0	0	2	0	2	0	0	1	1
Bombus caliginosus obscure bumble bee	G4? S1S2	None None	IUCN_VU-Vulnerable	10 1,200	181 S:5	0	0	0	0	0	5	5	0	5	0	0
Bombus occidentalis western bumble bee	G2G3 S1	None None	USFS_S-Sensitive XERCES_IM-Imperiled	10 1,000	282 S:5	0	0	0	0	0	5	5	0	5	0	0
Carex comosa bristly sedge	G5 S2	None None	Rare Plant Rank - 2B.1	0 0	29 S:1	0	0	0	0	1	0	1	0	0	1	0

Summary Table Report

California Department of Fish and Wildlife

California Natural Diversity Database

Name (Scientific/Common)	CNDDB Ranks	Listing Status (Fed/State)	Other Lists	Elev. Range (ft.)	Total EO's	Element Occ. Ranks						Population Status		Presence		
						A	B	C	D	X	U	Historic > 20 yr	Recent <= 20 yr	Extant	Poss. Extirp.	Extirp.
Chloropyron maritimum ssp. palustre Point Reyes salty bird's-beak	G4?T2 S2	None None	Rare Plant Rank - 1B.2 BLM_S-Sensitive	5 5	68 S:3	0	0	0	0	3	0	3	0	0	3	0
Chorizanthe cuspidata var. cuspidata San Francisco Bay spineflower	G2T1 S1	None None	Rare Plant Rank - 1B.2	20 20	17 S:1	0	0	0	0	1	0	1	0	0	0	1
Chorizanthe robusta var. robusta robust spineflower	G2T1 S1	Endangered None	Rare Plant Rank - 1B.1 BLM_S-Sensitive	30 30	20 S:1	0	0	0	0	1	0	1	0	0	1	0
Cicindela hirticollis gravida sandy beach tiger beetle	G5T2 S2	None None		10 10	34 S:1	0	0	0	0	1	0	1	0	0	0	1
Circus hudsonius northern harrier	G5 S3	None None	CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern	5 5	53 S:1	0	0	0	0	0	1	0	1	1	0	0
Clarkia concinna ssp. automixa Santa Clara red ribbons	G5?T3 S3	None None	Rare Plant Rank - 4.3	400 400	20 S:1	0	0	0	0	0	1	1	0	1	0	0
Clarkia franciscana Presidio clarkia	G1 S1	Endangered Endangered	Rare Plant Rank - 1B.1 SB_UCBBG-UC Berkeley Botanical Garden	1,000 1,000	4 S:1	0	1	0	0	0	0	0	1	1	0	0
Corynorhinus townsendii Townsend's big-eared bat	G3G4 S2	None None	BLM_S-Sensitive CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern USFS_S-Sensitive WBWG_H-High Priority	710 710	628 S:1	0	0	0	0	1	0	1	0	0	1	0
Coturnicops noveboracensis yellow rail	G4 S1S2	None None	CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern NABCI_RWL-Red Watch List USFS_S-Sensitive USFWS_BCC-Birds of Conservation Concern	20 20	45 S:1	0	0	0	0	0	1	1	0	1	0	0
Danaus plexippus pop. 1 monarch - California overwintering population	G4T2T3 S2S3	None None	USFS_S-Sensitive	10 200	383 S:3	0	0	0	0	0	3	0	3	3	0	0

Summary Table Report

California Department of Fish and Wildlife

California Natural Diversity Database

Name (Scientific/Common)	CNDDB Ranks	Listing Status (Fed/State)	Other Lists	Elev. Range (ft.)	Total EO's	Element Occ. Ranks						Population Status		Presence		
						A	B	C	D	X	U	Historic > 20 yr	Recent <= 20 yr	Extant	Poss. Extirp.	Extirp.
Dipodomys heermanni berkeleyensis Berkeley kangaroo rat	G3G4T1 S1	None None		580 1,400	7 S:4	0	0	0	0	0	4	4	0	4	0	0
Dirca occidentalis western leatherwood	G2 S2	None None	Rare Plant Rank - 1B.2 SB_RSABG-Rancho Santa Ana Botanic Garden	660 1,400	71 S:14	1	5	2	0	0	6	4	10	14	0	0
Elanus leucurus white-tailed kite	G5 S3S4	None None	BLM_S-Sensitive CDFW_FP-Fully Protected IUCN_LC-Least Concern	5 5	180 S:1	0	1	0	0	0	0	1	0	1	0	0
Emys marmorata western pond turtle	G3G4 S3	None None	BLM_S-Sensitive CDFW_SSC-Species of Special Concern IUCN_VU-Vulnerable USFS_S-Sensitive	440 440	1367 S:1	0	0	0	0	0	1	1	0	1	0	0
Eriogonum luteolum var. caninum Tiburon buckwheat	G5T2 S2	None None	Rare Plant Rank - 1B.2	850 950	26 S:3	0	0	1	0	0	2	0	3	3	0	0
Eryngium jepsonii Jepson's coyote-thistle	G2 S2	None None	Rare Plant Rank - 1B.2		19 S:1	0	0	0	0	0	1	1	0	1	0	0
Eucyclogobius newberryi tidewater goby	G3 S3	Endangered None	AFS_EN-Endangered CDFW_SSC-Species of Special Concern IUCN_VU-Vulnerable	5 10	127 S:2	0	0	0	0	1	1	2	0	1	0	1
Euphydryas editha bayensis Bay checkerspot butterfly	G5T1 S1	Threatened None	XERCES_CI-Critically Imperiled	500 1,300	30 S:2	0	0	0	0	2	0	2	0	0	0	2
Extriplex joaquinana San Joaquin spearscale	G2 S2	None None	Rare Plant Rank - 1B.2 BLM_S-Sensitive SB_RSABG-Rancho Santa Ana Botanic Garden		127 S:1	0	0	0	0	1	0	1	0	0	1	0
Falco peregrinus anatum American peregrine falcon	G4T4 S3S4	Delisted Delisted	CDF_S-Sensitive CDFW_FP-Fully Protected USFWS_BCC-Birds of Conservation Concern	0 0	57 S:1	0	1	0	0	0	0	0	1	1	0	0
Fissidens pauperculus minute pocket moss	G3? S2	None None	Rare Plant Rank - 1B.2 USFS_S-Sensitive	985 985	22 S:1	0	0	0	0	0	1	1	0	1	0	0

Summary Table Report

California Department of Fish and Wildlife

California Natural Diversity Database

Name (Scientific/Common)	CNDDB Ranks	Listing Status (Fed/State)	Other Lists	Elev. Range (ft.)	Total EO's	Element Occ. Ranks						Population Status		Presence		
						A	B	C	D	X	U	Historic > 20 yr	Recent <= 20 yr	Extant	Poss. Extirp.	Extirp.
Fritillaria liliacea fragrant fritillary	G2 S2	None None	Rare Plant Rank - 1B.2 USFS_S-Sensitive	200 200	82 S:2	0	0	0	0	1	1	2	0	1	1	0
Geothlypis trichas sinuosa saltmarsh common yellowthroat	G5T3 S3	None None	CDFW_SSC-Species of Special Concern USFWS_BCC-Birds of Conservation Concern	7 7	112 S:1	0	0	1	0	0	0	1	0	1	0	0
Gilia capitata ssp. chamissonis blue coast gilia	G5T2 S2	None None	Rare Plant Rank - 1B.1	100 100	37 S:1	0	0	0	1	0	0	1	0	1	0	0
Gilia millefoliata dark-eyed gilia	G2 S2	None None	Rare Plant Rank - 1B.2 BLM_S-Sensitive		54 S:1	0	0	0	0	1	0	1	0	0	0	1
Helianthella castanea Diablo helianthella	G2 S2	None None	Rare Plant Rank - 1B.2 BLM_S-Sensitive	500 850	107 S:5	0	0	0	0	0	5	1	4	5	0	0
Helminthoglypta nickliniana bridgesi Bridges' coast range shoulderband	G3T1 S1S2	None None	IUCN_DD-Data Deficient	1,400 1,400	6 S:1	0	0	0	0	0	1	1	0	1	0	0
Hemizonia congesta ssp. congesta congested-headed hayfield tarplant	G5T2 S2	None None	Rare Plant Rank - 1B.2		52 S:1	0	0	0	0	0	1	1	0	1	0	0
Heteranthera dubia water star-grass	G5 S2	None None	Rare Plant Rank - 2B.2		9 S:1	0	0	0	0	0	1	1	0	1	0	0
Hoita strobilina Loma Prieta hoita	G2? S2?	None None	Rare Plant Rank - 1B.1		34 S:1	0	0	0	0	0	1	1	0	1	0	0
Holocarpha macradenia Santa Cruz tarplant	G1 S1	Threatened Endangered	Rare Plant Rank - 1B.1 SB_RSABG-Rancho Santa Ana Botanic Garden	100 100	37 S:2	0	0	0	0	2	0	2	0	0	0	2
Horkelia cuneata var. sericea Kellogg's horkelia	G4T1? S1?	None None	Rare Plant Rank - 1B.1 USFS_S-Sensitive	20 20	58 S:2	0	0	0	0	2	0	2	0	0	2	0
Lasionycteris noctivagans silver-haired bat	G5 S3S4	None None	IUCN_LC-Least Concern WBWG_M-Medium Priority	400 400	139 S:1	0	0	0	0	0	1	1	0	1	0	0
Lasiurus cinereus hoary bat	G5 S4	None None	IUCN_LC-Least Concern WBWG_M-Medium Priority	325 660	238 S:3	0	0	0	0	0	3	3	0	3	0	0

Summary Table Report

California Department of Fish and Wildlife

California Natural Diversity Database

Name (Scientific/Common)	CNDDB Ranks	Listing Status (Fed/State)	Other Lists	Elev. Range (ft.)	Total EO's	Element Occ. Ranks						Population Status		Presence		
						A	B	C	D	X	U	Historic > 20 yr	Recent <= 20 yr	Extant	Poss. Extirp.	Extirp.
Laterallus jamaicensis coturniculus California black rail	G3G4T1 S1	None Threatened	BLM_S-Sensitive CDFW_FP-Fully Protected IUCN_NT-Near Threatened NABCI_RWL-Red Watch List USFWS_BCC-Birds of Conservation Concern	1 19	303 S:3	0	0	1	0	2	0	3	0	1	2	0
Layia carnosa beach layia	G2 S2	Endangered Endangered	Rare Plant Rank - 1B.1 SB_RSABG-Rancho Santa Ana Botanic Garden	40 40	25 S:1	0	0	0	0	1	0	1	0	0	0	1
Leptosiphon rosaceus rose leptosiphon	G1 S1	None None	Rare Plant Rank - 1B.1		31 S:1	0	0	0	0	1	0	1	0	0	1	0
Masticophis lateralis euryxanthus Alameda whipsnake	G4T2 S2	Threatened Threatened		500 1,400	164 S:10	2	2	1	0	0	5	3	7	10	0	0
Meconella oregana Oregon meconella	G2G3 S2	None None	Rare Plant Rank - 1B.1	1,300 1,550	9 S:2	0	0	0	0	0	2	1	1	2	0	0
Melospiza melodia pusillula Alameda song sparrow	G5T2? S2S3	None None	CDFW_SSC-Species of Special Concern USFWS_BCC-Birds of Conservation Concern	5 1,300	38 S:7	0	2	0	0	0	5	4	3	7	0	0
Microcina leei Lee's micro-blind harvestman	G1 S1	None None		600 600	2 S:1	0	0	0	0	0	1	1	0	1	0	0
Monolopia gracilens woodland woollythreads	G3 S3	None None	Rare Plant Rank - 1B.2		68 S:1	0	0	0	0	0	1	1	0	1	0	0
Neotoma fuscipes annectens San Francisco dusky-footed woodrat	G5T2T3 S2S3	None None	CDFW_SSC-Species of Special Concern	667 667	38 S:1	0	0	1	0	0	0	0	1	1	0	0
Northern Coastal Salt Marsh Northern Coastal Salt Marsh	G3 S3.2	None None			53 S:1	0	0	0	0	0	1	1	0	1	0	0
Northern Maritime Chaparral Northern Maritime Chaparral	G1 S1.2	None None		1,300 1,300	17 S:1	0	0	0	0	0	1	1	0	1	0	0

Summary Table Report

California Department of Fish and Wildlife

California Natural Diversity Database

Name (Scientific/Common)	CNDDB Ranks	Listing Status (Fed/State)	Other Lists	Elev. Range (ft.)	Total EO's	Element Occ. Ranks						Population Status		Presence		
						A	B	C	D	X	U	Historic > 20 yr	Recent <= 20 yr	Extant	Poss. Extirp.	Extirp.
Nyctinomops macrotis big free-tailed bat	G5 S3	None None	CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern WBWG_MH-Medium-High Priority	175 175	32 S:1	0	0	0	0	0	1	1	0	1	0	0
Phalacrocorax auritus double-crested cormorant	G5 S4	None None	CDFW_WL-Watch List IUCN_LC-Least Concern	30 30	39 S:1	0	0	0	0	0	1	1	0	1	0	0
Plagiobothrys chorisianus var. chorisianus Choris' popcornflower	G3T1Q S1	None None	Rare Plant Rank - 1B.2	20 20	42 S:1	0	0	0	0	1	0	1	0	0	0	1
Plagiobothrys diffusus San Francisco popcornflower	G1Q S1	None Endangered	Rare Plant Rank - 1B.1	920 920	17 S:1	0	0	1	0	0	0	1	0	1	0	0
Polygonum marinense Marin knotweed	G2Q S2	None None	Rare Plant Rank - 3.1		32 S:1	0	0	0	0	0	1	1	0	1	0	0
Rallus obsoletus obsoletus California Ridgway's rail	G5T1 S1	Endangered Endangered	CDFW_FP-Fully Protected NABCI_RWL-Red Watch List	0 10	99 S:4	0	2	1	1	0	0	0	4	4	0	0
Rana boylii foothill yellow-legged frog	G3 S3	None Candidate Threatened	BLM_S-Sensitive CDFW_SSC-Species of Special Concern IUCN_NT-Near Threatened USFS_S-Sensitive	300 1,101	2379 S:6	0	1	0	0	5	0	6	0	1	0	5
Rana draytonii California red-legged frog	G2G3 S2S3	Threatened None	CDFW_SSC-Species of Special Concern IUCN_VU-Vulnerable	640 840	1519 S:2	0	0	1	0	0	1	2	0	2	0	0
Reithrodontomys raviventris salt-marsh harvest mouse	G1G2 S1S2	Endangered Endangered	CDFW_FP-Fully Protected IUCN_EN-Endangered	3 3	144 S:1	0	0	0	0	0	1	1	0	1	0	0
Sanicula maritima adobe sanicle	G2 S2	None Rare	Rare Plant Rank - 1B.1 USFS_S-Sensitive		17 S:1	0	0	0	0	1	0	1	0	0	0	1
Scapanus latimanus parvus Alameda Island mole	G5THQ SH	None None	CDFW_SSC-Species of Special Concern	10 30	8 S:8	0	0	0	0	0	8	8	0	8	0	0
Serpentine Bunchgrass Serpentine Bunchgrass	G2 S2.2	None None		1,120 1,120	22 S:1	0	0	0	0	0	1	1	0	1	0	0

Summary Table Report

California Department of Fish and Wildlife

California Natural Diversity Database

Name (Scientific/Common)	CNDDB Ranks	Listing Status (Fed/State)	Other Lists	Elev. Range (ft.)	Total EO's	Element Occ. Ranks						Population Status		Presence		
						A	B	C	D	X	U	Historic > 20 yr	Recent <= 20 yr	Extant	Poss. Extirp.	Extirp.
Spirinchus thaleichthys longfin smelt	G5 S1	Candidate Threatened		0 0	46 S:2	0	0	0	0	0	2	1	1	2	0	0
Sternula antillarum browni California least tern	G4T2T3Q S2	Endangered Endangered	CDFW_FP-Fully Protected NABCI_RWL-Red Watch List	10 10	75 S:1	0	1	0	0	0	0	1	0	1	0	0
Streptanthus albidus ssp. peramoenus most beautiful jewelflower	G2T2 S2	None None	Rare Plant Rank - 1B.2 SB_RSABG-Rancho Santa Ana Botanic Garden USFS_S-Sensitive	800 900	103 S:5	0	0	1	0	0	4	3	2	5	0	0
Stuckenia filiformis ssp. alpina slender-leaved pondweed	G5T5 S2S3	None None	Rare Plant Rank - 2B.2	1,600 1,600	21 S:1	0	0	0	0	0	1	1	0	1	0	0
Suaeda californica California seablite	G1 S1	Endangered None	Rare Plant Rank - 1B.1		18 S:1	0	0	0	0	0	1	0	1	1	0	0
Taxidea taxus American badger	G5 S3	None None	CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern	700 1,000	589 S:2	0	0	0	0	0	2	2	0	2	0	0
Trachusa gummifera San Francisco Bay Area leaf-cutter bee	G1 S1	None None		200 200	2 S:1	0	0	0	0	0	1	1	0	1	0	0
Trifolium hydrophilum saline clover	G2 S2	None None	Rare Plant Rank - 1B.2		49 S:3	0	0	0	0	3	0	3	0	0	0	3
Tryonia imitator mimic tryonia (=California brackishwater snail)	G2 S2	None None	IUCN_DD-Data Deficient	0 0	39 S:1	0	0	0	0	1	0	1	0	0	0	1
Viburnum ellipticum oval-leaved viburnum	G4G5 S3?	None None	Rare Plant Rank - 2B.3		38 S:1	0	0	0	0	0	1	1	0	1	0	0

EXHIBIT “B”

Mitigation Monitoring and Reporting Program (MMRP)
Laney College Library Learning Resource Center Project

MITIGATION MONITORING AND REPORTING PROGRAM
LANEY COLLEGE LIBRARY LEARNING RESOURCE CENTER

Peralta Community College District

July 2019

MITIGATION MONITORING AND REPORTING PROGRAM
LANEY COLEGE LIBRARY LEARNING RESOURCE CENTER MND/IS

1.0 INTRODUCTION

1.1 Background

When adopting a Mitigated Negative Declaration, Public Resources Code section 21081.6(a) requires a Lead Agency adopt a monitoring or reporting program. The Lead Agency must adopt the monitoring or reporting program as a condition of project approval to mitigate significant effects on the environment. The monitoring program must be designed to ensure compliance during project implementation to mitigate or avoid significant environmental effects.

1.2 Purpose

This Mitigation Monitoring and Reporting Program (MMRP) is designed to serve as a tool to manage the evaluation of project compliance with mitigation measures identified in the Mitigated Negative Declaration/Initial Study for the Laney College Library Learning Resource Center Project (MND/IS). This MMRP will be used by the Peralta Community College District (PCCD) to verify inclusion of required project design features and implementation of mitigation measures. The MMRP provides a summary of mitigation implementation for PCCD, other public agencies and the community to determine compliance with the implementation of the mitigation measures identified in the MND/IS.

2.0 MITIGATION MONITORING AND REPORTING PROGRAM

The MMRP identifies Project mitigation measures and their implementation to document compliance. PCCD shall implement the MMRP as follows:

- PCCD is responsible for coordination of the MMRP with all responsible parties.
- PCCD will include all appropriate construction-related mitigation requirements in construction documents (plans and specifications).
- PCCD has overall responsibility for confirming compliance with all mitigation measures identified in the MMRP. Agencies and consultants assigned responsibility for implementing specific mitigation measures shall provide mitigation confirmation, including copies of specified documents, and submit to Atheria Smith, Director of Planning & Development. Email: atheriasmith@peralta.edu.
- The MMRP will be available for public review at PCCD, 333 East 8th Street, Oakland, CA 94607 an on the PCCD website: http://web.peralta.edu/general-services/.

MITIGATION MEASURE	One-time or On-going	Responsible for Implementation	Responsible for Verification	Form of Verification	Comments/ Special instructions	Initials	Date
Prior to Final Design/Preparation of Construction Drawings							
AES-1: To reduce the potential impacts from Library Learning Resource Center lighting: □ All outdoor lighting shall be dark sky-compliant and consistent with California Green Building Standards Code Section 5.106.8 Light Pollution Reduction. □ All light fixtures shall include shrouds (either fixed or adjustable), other shielding, or be directed in such a way as to block direct light as seen from Peralta Park and Lake Merritt Park. □ Lighting that is not required for safety and security during nighttime hours shall be controlled by the use of timed switches and/or motion detector activation controls so lights are only on when necessary.	One-time	Project Architect Project Lighting Designer	PCCD	Construction drawings			
AES-2: To reduce the potential impacts from Library Learning Resource Center glare: □ The Library Learning Resource Center building shall use non-reflective materials. Metal shall be painted with a matte finish or low gloss paint: All windows and doors shall use non-reflective glass. Bird collision techniques on building glazing shall be employed as specified in Mitigation Measure BIO-2.	One-time	Project Architect	PCCD	Construction drawings			

MITIGATION MEASURE	One-time or On-going	Responsible for Implementation	Responsible for Verification	Form of Verification	Comments/ Special instructions	Initials	Date
Prior to Final Design/Preparation of Construction Drawings – continued							
BIO-2: Bird safe design characteristics shall be incorporated into the new building to minimize the potential risk of bird collisions on the project site. These shall include consideration of bird-safe design guidelines and use of specific Best Management Practice (BMP) strategies to reduce bird strikes. Of particular concern is the importance of avoiding the use of highly reflective glass as an exterior treatment, which appears to reproduce natural habitat and can be attractive to some birds. To limit reflectivity and prevent exterior glass from attracting birds, the project shall utilize low-reflectivity glass and provide other non-attractive surface treatments. Low-reflectivity glass or other glazing treatments shall be used for the entirety of the building's glass surface, not just the lower levels, to minimize the risk of bird collisions. In addition, all roof mechanical equipment shall be covered by low-profile angled roofing so that obstacles to bird flight are minimized, all interior light "pollution" shall be reduced during evening hours through the use of a lighting control system, and exterior lighting shall be directed downward and screened to minimize illuminating the exterior of the building at night.	One-time	Project Architect	PCCD	Construction drawings LRC Building Operations and Management Manual for interior lighting	Building operations and management procedures for interior lighting shall ensure "all interior light "pollution" shall be reduced during evening hours through the use of a lighting control system and exterior lighting shall be directed downward and screened to minimize illuminating the exterior of the building at night" as specified in Mitigation Measure BIO-2.		
Energy-1: The Library Learning Resource Center building shall comply with all applicable Chapter 5 Non-Residential Mandatory Measures listed in the California Green Building Standards Code (CCR, Title 24, Part 11 – CAL Green).	One-time	Project Architect Project Mechanical Engineer Project Lighting Designer	PCCD DSA	Construction drawings			

MITIGATION MEASURE	One-time or On-going	Responsible for Implementation	Responsible for Verification	Form of Verification	Comments/ Special instructions	Initials	Date
Prior to Final Design/Preparation of Construction Drawings – continued							
Energy-2: The Library Learning Resource Center building shall be designed to meet Energy and Atmosphere standards to achieve a minimum of LEED Gold certification.	One-time	Project Architect Project Mechanical Engineer Project Lighting Engineer	U.S. Green Building Council	LEED Certification Application			
GEO-1: A Geologic Hazards/Geotechnical Investigation Report shall be prepared by a qualified geotechnical engineer. The design recommendations included in this report shall be incorporated into the Library Learning Resource Center building design developed by the project architect.	One-time	Project Geotechnical Engineer	DSA	Geologic Hazards/ Geotechnical Investigation Report			
HYDRO-3: Peralta Community College District and their contractor shall implement low impact development (LID) techniques such as porous pavement, vegetated swales, green roofs, rain barrels, cisterns, flow-through planters, bio-retention gardens and tree planting.	One-time	Project Civil Engineer	PCCD	Drainage Plan			
Prior to Project Construction							
BIO-1: Adequate measures shall be taken to avoid inadvertent take of raptor nests and other nesting birds protected under the Migratory Bird Treaty Act and State Fish and Game Code when in active use. This shall be accomplished by taking the following steps: □ If construction is proposed during the nesting season (February through August), a focused survey for nesting raptors and other migratory birds shall be conducted by a qualified biologist within 14 days prior to the onset of tree removal or construction, in order to identify any active nests on the	One-time	Qualified Biologist	PCCD	Nesting Survey Report			

MITIGATION MEASURE	One-time or On-going	Responsible for Implementation	Responsible for Verification	Form of Verification	Comments/ Special instructions	Initials	Date
Prior to Project Construction – continued							
BIO-1 (cont.) project sites and in the vicinity of proposed construction. □ If no active nests are identified during the survey period, or if development is initiated during the non-breeding season (September through February), construction may proceed with no restrictions. □ If bird nests are found, an adequate setback shall be established around the nest location and construction activities restricted within this no-disturbance zone until the qualified biologist has confirmed that any young birds have fledged and are able to function outside the nest location. Required setback distances for the no-disturbance zone shall be based on input received from the California Department of Fish and Wildlife (CDFW), and may vary depending on species and sensitivity to disturbance. As necessary, the no-disturbance zone shall be fenced with temporary orange construction fencing if construction is to be initiated on the remainder of the construction area. □ A report of findings shall be prepared by the qualified biologist and submitted to the Peralta Community College District for review and approval prior to initiation of construction within the no-disturbance zone during the nesting season (February through August). The report either shall confirm absence of any active nests or shall confirm that any young within a designated no-disturbance zone have fledged and construction can proceed.							

MITIGATION MEASURE	One-time or On-going	Responsible for Implementation	Responsible for Verification	Form of Verification	Comments/ Special instructions	Initials	Date
Prior to Project Construction – continued							
HAZ-1: A Phase I Environmental Assessment (Phase I EA) shall be prepared to assess the presence of asbestos-containing, lead-containing and other hazardous materials that may be present at and around the central plant building. The recommendations included in the Phase I EA shall be implemented.	One-time	Qualified Hazardous Materials Firm	PCCD	Phase I EA report			
HYDRO-1: Prior to Project construction, a Storm Water Pollution Prevention Plan (SWPPP) shall be prepared. The SWPPP shall include the following: □ Site map which shows the construction site perimeter, existing and proposed buildings, lots, roadways, storm water collection and discharge points, general topography both before and after construction, and drainage patterns across the Project site. □ Best Management Practices (BMPs) to protect storm water runoff and placement of those BMPs □ A visual monitoring program; a chemical monitoring program for "non-visible" pollutants to be implemented if there is failure of BMPs; and a sediment monitoring plan if the site discharges directly to a water body.	One-time	Project Civil Engineer	PCCD	SWPPP			
TRANS-2: The Project contractor shall prepare and obtain an approved Obstruction Permit and Traffic Control Plan from the City of Oakland for work within the City's right-of-way, specifically that which affects the temporary narrowing or closure of the northern sidewalk on East 7th Street abutting the Project	One-time	Project General Contractor	PCCD City of Oakland	Traffic Control Plan Obstruction Permit	Construction documents shall require compliance with Mitigation Measure TRANS-2		

MITIGATION MEASURE	One-time or On-going	Responsible for Implementation	Responsible for Verification	Form of Verification	Comments/ Special instructions	Initials	Date
Prior to Project Construction – continued							
TRANS-2 (cont.) site. The Traffic Control Plan shall contain a set of comprehensive traffic control measures for pedestrian accommodations (or detours, if accommodations are not feasible), including detour signs if required, closure procedures, signs, cones for drivers, and designated construction access routes. The Traffic Control Plan shall be in conformance with the City's Supplemental Design Guidance for Accommodating Pedestrians, Bicyclists, and Bus Facilities in Construction Zones. The Project contractor shall implement the approved Traffic Control Plan during Project construction.							
During Project Construction							
AIR-1: Project reactive organic gases (ROG) emissions from architectural coating application shall be reduced to 54 lbs./day or less through the implementation of any of the following measures or some combination thereof as required: □ Stretch out the architectural coating applications phases for the Learning Resource Center building to three weeks or more; □ Use architectural coatings with a lower ROG content than BAAQMD regulations require; and/or □ Use building components that have had their surfaces factory-finished and so reduce the need for on-site painting or finishing with ROG-containing paints.	On-going throughout application of architectural coatings.	Project General Contractor	PCCD	Documentation confirming either: □ All architectural coatings were completed off-site. □ All architectural coatings undertaken on-site were spread out over three weeks or more.	Construction documents shall require compliance with BAAQMD standards for reactive organic gases for all architectural coating applications done on site.		

MITIGATION MEASURE	One-time or On-going	Responsible for Implementation	Responsible for Verification	Form of Verification	Comments/ Special instructions	Initials	Date
During Project Construction – continued							
HYDRO-2: Peralta Community College District and their contractor shall implement Best Management Practices (BMPs) to control erosion and sedimentation and prevent pollutants from entering the stormwater runoff during construction. BMPs may include, but are not limited to: □ Conduct grading during dry months (April – September). □ Cover disturbed areas with soil stabilizers, mulch, fiber roles, or temporary vegetation. □ Locate construction-related equipment or processes that contain or generate pollutants in secure areas, away from storm drains and gutters. □ Prevent or contain potential leakage or spilling from sanitary facilities by surrounding them with a berm and do not allow a direct connection to the storm drainage system. □ Park, fuel and clean all vehicles and equipment in one designated and contained area. □ Designate concrete washout areas. □ Provide inlet protection, such as filters. □ Monitor the site during rainy season to replace or adjust BMPs as needed.	On-going throughout construction activities.	Project General Contractor	PCCD	Weekly site visits to confirm construction site is in compliance with required BMPs identified in Mitigation Measure HYDRO-2.	Construction documents shall require compliance with Mitigation Measure HYDRO-2.		

MITIGATION MEASURE	One-time or On-going	Responsible for Implementation	Responsible for Verification	Form of Verification	Comments/ Special instructions	Initials	Date
During Project Construction – continued							
NOISE-1: The following Best Management Practices shall be incorporated into the construction documents to be implemented by the Project contractor: □ Provide enclosures and noise mufflers for stationary equipment, shrouding or shielding for impact tools, and barriers around particularly noisy activity areas on the site. □ Use quietest type of construction equipment whenever possible, particularly air compressors. □ Provide sound-control devices on equipment no less effective than those provided by the manufacturer. □ Locate stationary equipment, material stockpiles, and vehicle staging areas as far as practicable from sensitive receptors. □ Prohibit unnecessary idling of internal combustion engines. □ Require applicable construction-related vehicles and equipment to use designated truck routes when entering/leaving the site. □ Designate a noise (and vibration) disturbance coordinator who shall be responsible for responding to complaints about noise (and vibration) during construction. The telephone number of the noise disturbance coordinator shall be conspicuously posted at the construction site. Copies of the project purpose, description and construction schedule shall also be distributed to the surrounding residences.	On-going throughout construction activities.	Project General Contractor	PCCD	Weekly site visits to confirm construction site is in compliance with BMPs identified in Mitigation Measure NOISE-1.	Construction documents shall require compliance with Mitigation Measure NOISE-1.		

MITIGATION MEASURE	One-time or On-going	Responsible for Implementation	Responsible for Verification	Form of Verification	Comments/ Special instructions	Initials	Date
During Project Construction – continued							
NOISE-1 (cont.) □ Limit project construction activity to the hours of 7 am to 9 pm on weekdays as required under the City of Oakland Municipal Code Chapter 8.18.020.							
NOISE-2: To the extent feasible, in instances where vibration-intensive construction equipment is located next to on-campus vibration-sensitive receptors that would result in major disruption, the Peralta Community College District shall temporarily relocate the vibration-sensitive receptors to minimize disruption.	On-going throughout construction activities	PCCD	PCCD	Relocation Plan			
TRANS-1: To minimize potential disruptions to traffic, transit, bicycle and pedestrian circulation during the weekday AM and PM peak periods, the Project contractor, to the greatest extent feasible, shall restrict construction-related truck movements and deliveries to, from and around the Project site during peak hours (generally 7:00 to 9:00 AM and 3:00 to 6:00 PM). These hours also correspond to the College's peak periods of arrival and departure on a typical school day.	On-going throughout construction activities	Project General Contractor	PCCD	Traffic Control Plan identifying construction-related truck movements and deliveries to the site consistent with Mitigation Measure TRANS-1.	Construction documents shall require compliance with Mitigation Measure TRANS-1.		

EXHIBIT “C”
Notice of Intent

NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION
LANEY COLLEGE LIBRARY LEARNING RESOURCE CENTER PROJECT

PROJECT TITLE:	**Laney College Library Learning Resource Center**
PROJECT LOCATION;	**900 Fallon Street** **Oakland, CA 94607**
PROJECT SPONSOR:	**Peralta Community College District (PCCD)**
DATE OF PUBLIC NOTICE:	**October 4, 2019**
PUBLIC REVIEW PERIOD:	**October 4 to November 7, 2019**
DATE OF BOARD MEETING	**November 12, 2019**
LOCATION OF BOARD MEETING:	**Peralta Community College District** **333 East 8th Street** **Oakland, CA 94607**

Project Description: The proposed Laney College Library Learning Resource Center (proposed Project) would be located on the southeast part of the main campus on a site comprising approximately 52,058 square feet. The Project site currently contains a central plant, a single-story portable classroom building containing seven classrooms, one single story portable restroom building, lawn area and paved pathways.

The Project would not increase student enrollment capacity at the Laney College campus. It is proposed in response to the District's plan to provide a new campus library to meet current and future learning needs. The Library Learning Resource Center (LRC) will be designed to achieve LEED Gold certification. The building would contain about 71,800 gross square feet and would be three stories tall with an approximate height of 52 feet. The building exterior would include stucco, steel and glass.

Environmental Review: An Initial Study (IS) has been prepared under the requirements of the California Environmental Quality Act (CEQA) for review and action by PCCD. The IS evaluates the potential environmental impacts of the proposed Project. Based on the results of the IS prepared according to CEQA Guidelines, it has been determined the Project will not have a significant effect on the environment and a Mitigated Negative Declaration (MND) has been prepared. The Project has been modified to incorporate mitigation measures identified in the IS that will reduce potentially significant impacts to a less-than-significant level.

Public Review: The Draft MND/IS is available for public review at the PCCD office at 333 East 8th Street, Oakland, CA 94607. The MND/IS is also available on the PCCD website at: http://web.peralta.edu/general-services; and the Laney College website at:

Any interested party may comment on the proposed MND/IS. All comments received will be considered by PCCD prior to finalizing the MND/IS and making a decision on the Project. Written comments must be received no later than 4:00 pm on November 7, 2019, and sent to:

Atheria Smith, Director of Planning & Development
Peralta Community College District
333 East 8th Street
Oakland, CA 94607
Email: atheriasmith@peralta.edu

EXHIBIT “D”
Notice of Determination

NOTICE OF DETERMINATION

☑ ice of Planning and Research P.O. Box 3044 Sacramento, CA 95812-3044 ☑ Office of the County Clerk-Recorder County of Alameda 1106 Madison Street Oakland, CA 94607	From: Peralta Community College District 333 East 8th Street Oakland, CA 94607

Subject: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number: 2019079029

Project Title: Laney College Library Learning Resource Center Project

Project Location: Laney College Campus
900 Fallon Street
Oakland, CA 94607, Alameda County

Project Description:

This is to advise that Peralta Community College District, the Lead Agency, approved the Laney College Library Learning Resource Center project on **November 12, 2019** and has made the following determinations regarding the above-described project:

1. The project will not have a significant effect on the environment.
2. A Mitigated Negative Declaration/Initial Study (MND/IS) was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were made a condition of the approval of the project.
4. A Mitigation Monitoring and Reporting Program was adopted for this project.
5. A Statement of Overriding Considerations was not adopted for this project.
6. Findings were made pursuant to the provisions of CEQA.

This is to certify that the MND/IS and record of project approval is available to the general public at: Peralta Community College District, 333 East 8th Street, Oakland, CA 94607.

Signature:_____ Date: _____

Atheria Smith Director
of Planning & Development

☒ Signed by Lead Agency
☐ Signed by Applicant

Date received for filing at OPR: _____

Attachment 4

Notice of Determination

NOTICE OF DETERMINATION

To:	From:
☒ Office of Planning and Research P.O. Box 3044 Sacramento, CA 95812-3044 ☐ Office of the County Clerk-Recorder County of Alameda 1106 Madison Street Oakland, CA 94607	Peralta Community College District 333 East 8th Street Oakland, CA 94607

Subject: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number: 2019079029

Project Title: Laney College Library Learning Resource Center Project

Project Location: Laney College Campus
900 Fallon Street
Oakland, CA 94607, Alameda County

Project Description:

This is to advise that Peralta Community College District, the Lead Agency, approved the Laney College Library Learning Resource Center project on **September 24, 2019** and has made the following determinations regarding the above-described project:

1. The project will not have a significant effect on the environment.
2. A Mitigated Negative Declaration/Initial Study (MND/IS) was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were made a condition of the approval of the project.
4. A Mitigation Monitoring and Reporting Program was adopted for this project.
5. A Statement of Overriding Considerations was not adopted for this project.
6. Findings were made pursuant to the provisions of CEQA.

This is to certify that the MND/IS and record of project approval is available to the general public at: Peralta Community College District, 333 East 8th Street, Oakland, CA 94607.

Signature: _____ Date: 11/26/2019

Atheria Smith
Director of Planning & Development

☒ Signed by Lead Agency
☐ Signed by Applicant

Date received for filing at OPR: _____

Governor's Office of Planning & Research

DEC 10 2019

STATE CLEARINGHOUSE

NOTICE OF DETERMINATION

To:

☐ Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044

☒ Office of the County Clerk-Recorder
County of Alameda
1106 Madison Street
Oakland, CA 94607

From:

Peralta Community College District
333 East 8th Street
Oakland, CA 94607

ENDORSED
FILED
ALAMEDA COUNTY

NOV 15 2019

MELISSA WILK, County Clerk
By _____ Deputy

Subject: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number: 2019079029

Project Title: Laney College Library Learning Resource Center Project

Project Location: Laney College Campus
900 Fallon Street
Oakland, CA 94607, Alameda County

Project Description:

This is to advise that Peralta Community College District, the Lead Agency, approved the Laney College Library Learning Resource Center project on **September 24, 2019** and has made the following determinations regarding the above-described project:

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This is to certify that the MND/IS and record of project approval is available to the general public at: Peralta Community College District, 333 East 8th Street, Oakland, CA 94607.

Signature: _____ Date: 11/15/2019

Atheria Smith
Director of Planning & Development
510.587.7864

☒ Signed by Lead Agency
☐ Signed by Applicant

Date received for filing at OPR: _____

*ENVIRONMENTAL DECLARATION

(CALIFORNIA FISH AND GAME CODE SECTION 711.4)

LEAD AGENCY NAME AND ADDRESS

Peralta Community College District
333 E 8th Street
Oakland, CA 94606

FOR COUNTY CLERK USE ONLY

ENDORSED
FILED
ALAMEDA COUNTY

NOV 15 2019

MELISSA WILK, County Clerk
By _____ Deputy

FILE NO: 19-666

CLASSIFICATION OF ENVIRONMENTAL DOCUMENT:

(PLEASE MARK ONLY ONE CLASSIFICATION)

1. NOTICE OF EXEMPTION / STATEMENT OF EXEMPTION

[ ] A - STATUTORILY OR CATEGORICALLY EXEMPT

$ 50.00 - COUNTY CLERK HANDLING FEE

2. NOTICE OF DETERMINATION (NOD)

[X] A - NEGATIVE DECLARATION (OR MITIGATED NEG. DEC.)

$ 2,354.75 - STATE FILING FEE

$ 50.00 - COUNTY CLERK HANDLING FEE

[ ] B - ENVIRONMENTAL IMPACT REPORT (EIR)

$ 3,271.00 - STATE FILING FEE

$ 50.00 - COUNTY CLERK HANDLING FEE

3. OTHER: _____

*****A COPY OF THIS FORM MUST BE COMPLETED AND SUBMITTED WITH EACH COPY OF AN ENVIRONMENTAL DECLARATION BEING FILED WITH THE ALAMEDA COUNTY CLERK.*****

BY MAIL FILINGS:

PLEASE INCLUDE FIVE (5) COPIES OF ALL NECESSARY DOCUMENTS AND TWO (2) SELF-ADDRESSED ENVELOPES.

IN PERSON FILINGS:

PLEASE INCLUDE FIVE (5) COPIES OF ALL NECESSARY DOCUMENTS AND ONE (1) SELF-ADDRESSED ENVELOPES.

ALL APPLICABLE FEES MUST BE PAID AT THE TIME OF FILING.

FEES ARE EFFECTIVE JANUARY 1, 2019

MAKE CHECKS PAYABLE TO: ALAMEDA COUNTY CLERK

State of California - Department of Fish and Wildlife

2019 ENVIRONMENTAL FILING FEE CASH RECEIPT

DFW 753.5a (REV. 12/01/18) Previously DFG 753.5a

Print | StartOver | Finalize&Email

AC RECEIPT # 2612039

RECEIPT NUMBER: 01 — 11/15/2019 — 666

STATE CLEARINGHOUSE NUMBER *(If applicable)*: 2019079029

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY	LEAD AGENCY EMAIL	DATE
PERALTA COMMUNITY COLLEGE DISTRICT		11/15/2019

COUNTY/STATE AGENCY OF FILING	DOCUMENT NUMBER
Alameda	19-666

PROJECT TITLE

LANEY COLLEGE LIBRARY\LEARNING RESOURCE CENTER PROJECT

PROJECT APPLICANT NAME	PROJECT APPLICANT EMAIL	PHONE NUMBER
ATHERIA SMITH		(510) 587-7864

PROJECT APPLICANT ADDRESS	CITY	STATE	ZIP CODE

PROJECT APPLICANT *(Check appropriate box)*

☑ Local Public Agency ☐ School District ☐ Other Special District ☐ State Agency ☐ Private Entity

CHECK APPLICABLE FEES:

☐ Environmental Impact Report (EIR)	$3,271.00	$	0.00
☑ Mitigated/Negative Declaration (MND)(ND)	$2,354.75	$	2,354.75
☐ Certified Regulatory Program (CRP) document - payment due directly to CDFW	$1,112.00	$	0.00

☐ Exempt from fee

- ☐ Notice of Exemption (attach)
- ☐ CDFW No Effect Determination (attach)

☐ Fee previously paid (attach previously issued cash receipt copy)

☐ Water Right Application or Petition Fee (State Water Resources Control Board only)	$850.00	$	0.00
☑ County documentary handling fee		$	50.00
☐ Other		$	

PAYMENT METHOD:

☐ Cash ☐ Credit ☐ Check ☐ Other **TOTAL RECEIVED** $ 2,404.75

SIGNATURE	AGENCY OF FILING PRINTED NAME AND TITLE
✓ CBACA	CBACA , DEPUTY CLERK

ALAMEDA COUNTY CLERK-RECORDER
1106 MADISON STREET
OAKLAND, CA 94607
(510)272-6362

ISSUED TO:
PERALTA COMMUNITY COLLEGE DIST

RECEIPT # 2612039
11/15/2019 03:04:15 PM

SERVICE	PAGES	QTY	FEE
GENERAL BUS 1		1	2,404.75

Total Amount Due $2,404.75

CHECK 55358750 2,404.75

Total Payments: $2,404.75

MELISSA WILK
CLERK RECORDER
Deputy: BACAC

HL : NSHERE Check Date: 11/14/2019	Vendor Number: 0000602375	Check No: 55358750

Invoice Number	Invoice Date	Voucher ID	Gross Amount	Discount Taken	Paid Amount
2019079029	11/13/2019	00185243	2,404.75	0.00	2,404.75

Check Number	Date	Total Gross Amount	Total Discounts	Total Paid Amount
55358750	11/14/2019	2,404.75	0.00	2,404.75

REMOVE DOCUMENT ALONG THIS PERFORATION

Peralta Community College District

333 East Eighth Street · Oakland, California 94606 · (510) 466-7200

November 26, 2019

Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044

Re: Peralta Community College District - Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code

Clearinghouse Number:2019079029
Project Title: Laney College Library Learning Resource Center Project
Project Location: Laney College Campus
900 Fallon Street
Oakland, CA 94607, Alameda County

To the Office of Planning and Research,

As a final step to complete the Mitigated Negative Declaration for the Laney College Library Learning Resource Center Project, the Department of General Services at the Peralta Community College District would like to submit copies of the following documents which are attached to this cover letter:

1. Copy of the Notice of Determination signed and addressed to the Office of Planning and Research
2. Copy of the Notice of Determination signed, date stamped, and addressed to the Office of the County Clerk-Recorder
3. Copy of the Environmental Declaration signed, date stamped, and fee selected for filing a Mitigated Negative Declaration in the amount of $2,404.75.
4. Copy of AC Receipt #2612039 in the amount of $2,404.75.
5. Copy of the tender Receipt #2612039 in the amount of $2,404.75.
6. Copy of check NO. 55358750 in the amount of $2,404.75.
7. A self-addressed stamped envelope with enclosure indicting proof of receipt.

The District appreciates your assistance. Please feel free to contact us if you have any further questions or concerns.

Sincerely,

Atheria Smith
Director of Facilities Planning and Development
Phone 510.587.7864
atheriasmith@peralta.edu

cc:
Vice Chancellor Leigh Sata (District)

December , 2019

Atheria Smith
Department of General Services
Peralta Community College District
Oakland, CA 94606

Re: Peralta Community College District - Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code

Clearinghouse Number:2019079029
Project Title: Laney College Library Learning Resource Center Project
Project Location: Laney College Campus
900 Fallon Street
Oakland, CA 94607, Alameda County

To Atheria Smith,

The office is in receipt of the following documents submitted to our office for the completion of the Mitigated Negative Declaration for the Laney College Library Learning Resource Center Project:

1. Copy of the Notice of Determination signed and addressed to the Office of Planning and Research
2. Copy of the Notice of Determination signed, date stamped, and addressed to the Office of the County Clerk-Recorder
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5. Copy of the tender Receipt #2612039 in the amount of $2,404.75.
6. Copy of check NO. 55358750 in the amount of $2,404.75.

Sincerely,

Please Date Stamp Here

Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044

PG&E Gas and Electric
Advice Submittal List
General Order 96-B, Section IV

AT&T
Albion Power Company

Alta Power Group, LLC
Anderson & Poole

Atlas ReFuel
BART

Barkovich & Yap, Inc.
Braun Blaising Smith Wynne, P.C.
California Cotton Ginners & Growers Assn
California Energy Commission

California Hub for Energy Efficiency Financing

California Alternative Energy and Advanced Transportation Financing Authority
California Public Utilities Commission
Calpine

Cameron-Daniel, P.C.
Casner, Steve
Center for Biological Diversity

Chevron Pipeline and Power
City of Palo Alto

City of San Jose
Clean Power Research
Coast Economic Consulting
Commercial Energy
Crossborder Energy
Crown Road Energy, LLC
Davis Wright Tremaine LLP
Day Carter Murphy

Dept of General Services
Don Pickett & Associates, Inc.
Douglass & Liddell

East Bay Community Energy Ellison Schneider & Harris LLP
Engineers and Scientists of California

GenOn Energy, Inc.
Goodin, MacBride, Squeri, Schlotz & Ritchie
Green Power Institute
Hanna & Morton
ICF
International Power Technology

Intertie

Intestate Gas Services, Inc.
Kelly Group
Ken Bohn Consulting
Keyes & Fox LLP
Leviton Manufacturing Co., Inc.

Los Angeles County Integrated Waste Management Task Force
MRW & Associates
Manatt Phelps Phillips
Marin Energy Authority
McClintock IP
McKenzie & Associates

Modesto Irrigation District
NLine Energy, Inc.
NRG Solar

OnGrid Solar
Pacific Gas and Electric Company
Peninsula Clean Energy

Pioneer Community Energy

Public Advocates Office

Redwood Coast Energy Authority
Regulatory & Cogeneration Service, Inc.
SCD Energy Solutions
San Diego Gas & Electric Company

SPURR
San Francisco Water Power and Sewer
Sempra Utilities

Sierra Telephone Company, Inc.
Southern California Edison Company
Southern California Gas Company
Spark Energy
Sun Light & Power
Sunshine Design
Tecogen, Inc.
TerraVerde Renewable Partners
Tiger Natural Gas, Inc.

TransCanada
Utility Cost Management
Utility Power Solutions
Uplight
Water and Energy Consulting Wellhead Electric Company
Western Manufactured Housing Communities Association (WMA)
Yep Energy