



# 1199 E. 14th Street Residential Project

## Class 32 Categorical Exemption Report

*prepared by*

**City of San Leandro**  
Community Development Department  
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San Leandro, California 94577  
Contact: Binh Nguyen, Associate Planner

*prepared with the assistance of*

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Oakland, California 94612

**September 2023**

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**RINCON CONSULTANTS, INC.**

Environmental Scientists | Planners | Engineers

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# 1 Introduction

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This report serves as the technical documentation of an environmental analysis performed by Rincon Consultants, Inc. for the 1199 E. 14th Street Residential Project (project) in San Leandro, California. The intent of the analysis is to document whether the project is eligible for a California Environmental Quality Act (CEQA) Class 32 Categorical Exemption (CE). This report provides an introduction, project description, and evaluation of the project's consistency with the requirements for a Class 32 CE. The report concludes that the project is eligible for a Class 32 CE.

CEQA Guidelines Section 15332 states that a CE is allowed for projects characterized as in-fill development when:

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

Additionally, CEQA Guidelines Section 15300.2 outlines the following situations ("exceptions") in which projects that would normally be exempt from CEQA review under Section 15332 would not be exempt:

- **Cumulative Impact.** All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.
- **Significant Effect.** A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.
- **Scenic Highways.** A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.
- **Hazardous Waste Sites.** A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.
- **Historical Resources.** A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

Rincon Consultants, Inc. evaluated the project's consistency with the above requirements, including its potential impacts in the areas of biological resources, traffic, noise, air quality, and water quality as well as the applicability of the exceptions to use of a Class 32 CE to confirm the project's eligibility for the Class 32 CE.

## 2 Project Location and Description

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### 2.1 Project Location

The project site encompasses approximately 1.2 acres and consists of eight parcels (Assessor Parcel Numbers (APNs) 75-1-3, 75-1-4; 75-1-5; 75-1-6; 75-1-7-2; 75-1-8-2; 75-1-9-2; and 75-1-10-2), located west of the intersection of Davis Street and E. 14th Street in northern San Leandro. The site has frontage on Davis Street, E. 14th Street, and Dan Niemi Way. The site's regional location is shown in Figure 1, and the site's location in its local context is shown in Figure 2.

The site is currently developed with 2, two-story buildings, with a combined floor area of approximately 18,000 square feet and a surface parking lot at the rear. The buildings have had various commercial and retail tenants in the past; 1199 E 14<sup>th</sup> Street was most recently used as offices for the City of San Leandro and 1145 E. 14<sup>th</sup> Street was occupied by a bank. Surrounding land uses include single-family residences approximately 150 feet to the north, across Dan Niemi Way and the San Leandro Creek; a restaurant and commercial offices across Dan Niemi Way to the west; and retail, restaurants, and commercial uses across Davis Street to the south. A five-story residential building with a grocery store and retail spaces is under construction east of the project site across E. 14th Street. San Leandro Creek is located across Dan Niemi Way approximately 80 feet north of the site's northern boundary.

The project site is regionally and locally accessible via State Route (SR) 185 (E. 14th Street) and SR 112 (Davis Street). The project site is approximately 0.4-mile northeast of the San Leandro Bay Area Rapid Transit (BART) station, and a bus rapid transit line (Tempo) passes the site, with stops by the site on Davis Street, at Dan Niemi Way.

The project site is zoned DA-1(S) (Downtown Area-1 with Special Review Overlay) and has a City of San Leandro General Plan land use designation of Downtown Mixed Use (MUD) (San Leandro Municipal Code [SLMC] Section 2.08.220, City of San Leandro 2020). The project site is also subject to specific policies in the Downtown San Leandro Transit-Oriented Development Strategy (TOD Strategy) (SLMC Section 2.08.220).

### 2.2 Project Description

The project would involve demolition of the two existing buildings and parking lot within the project site and subsequent construction of a seven-story, 180-unit residential building. The proposed residential building would include 10 studio, 97 one-bedroom, 68 two-bedroom, and five three-bedroom apartments in the upper five floors of the building, and 235 parking spaces in the lower two floors. The proposed building would also include a leasing office, fitness center, roof deck, 180 bicycle parking spaces, an outdoor pet area, and a common courtyard. The proposed site and ground floor plan is shown in Figure 3, and simulated views of the proposed project are shown in Figure 4 and Figure 5.



Figure 1 Regional Project Location



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21-12305 EPS  
Fig 1 Regional Location

★ Project Location

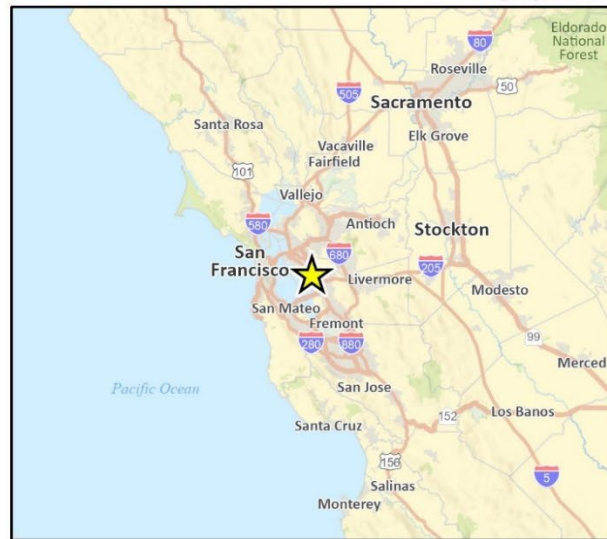


Figure 2 Project Site Location

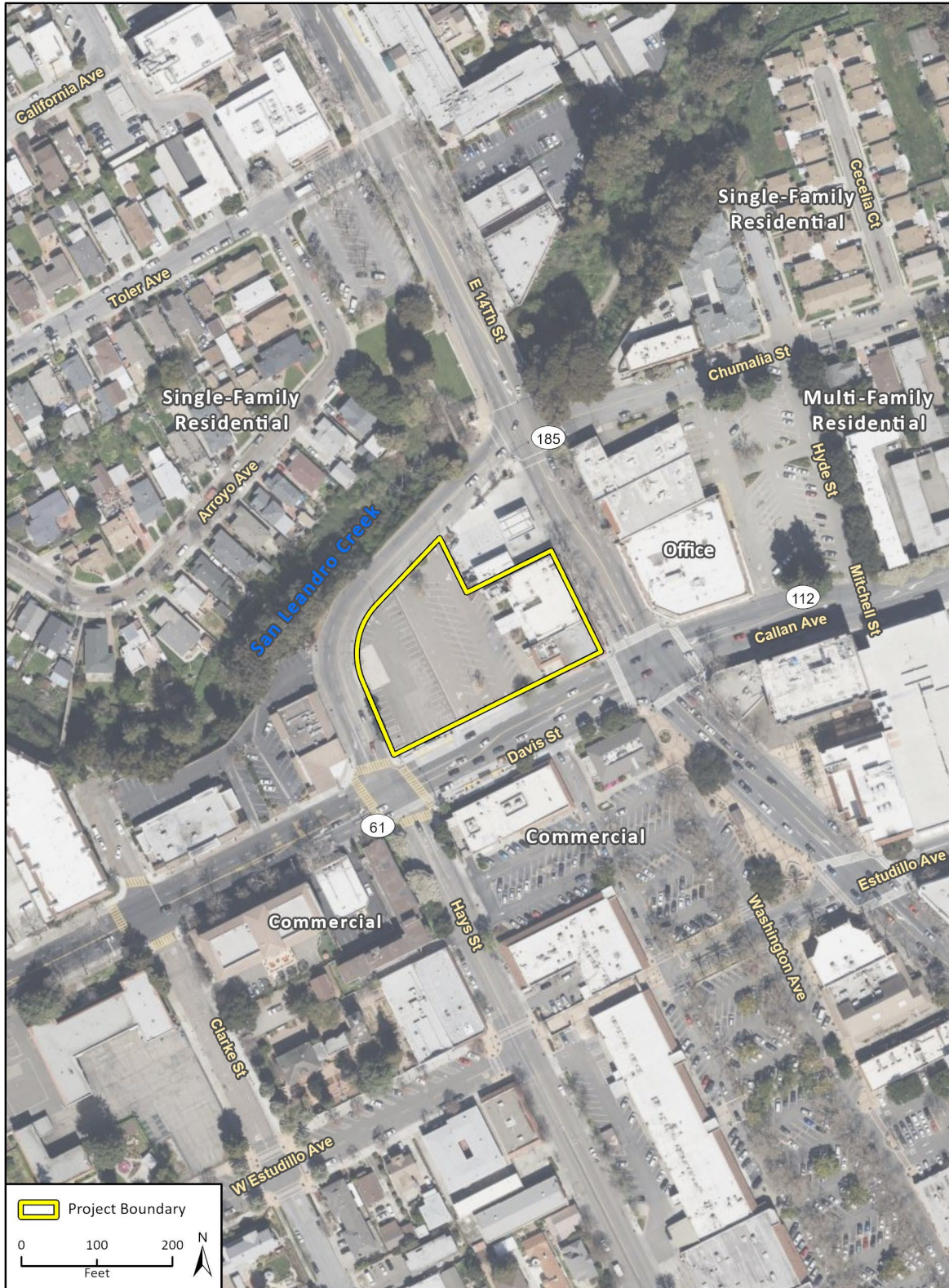
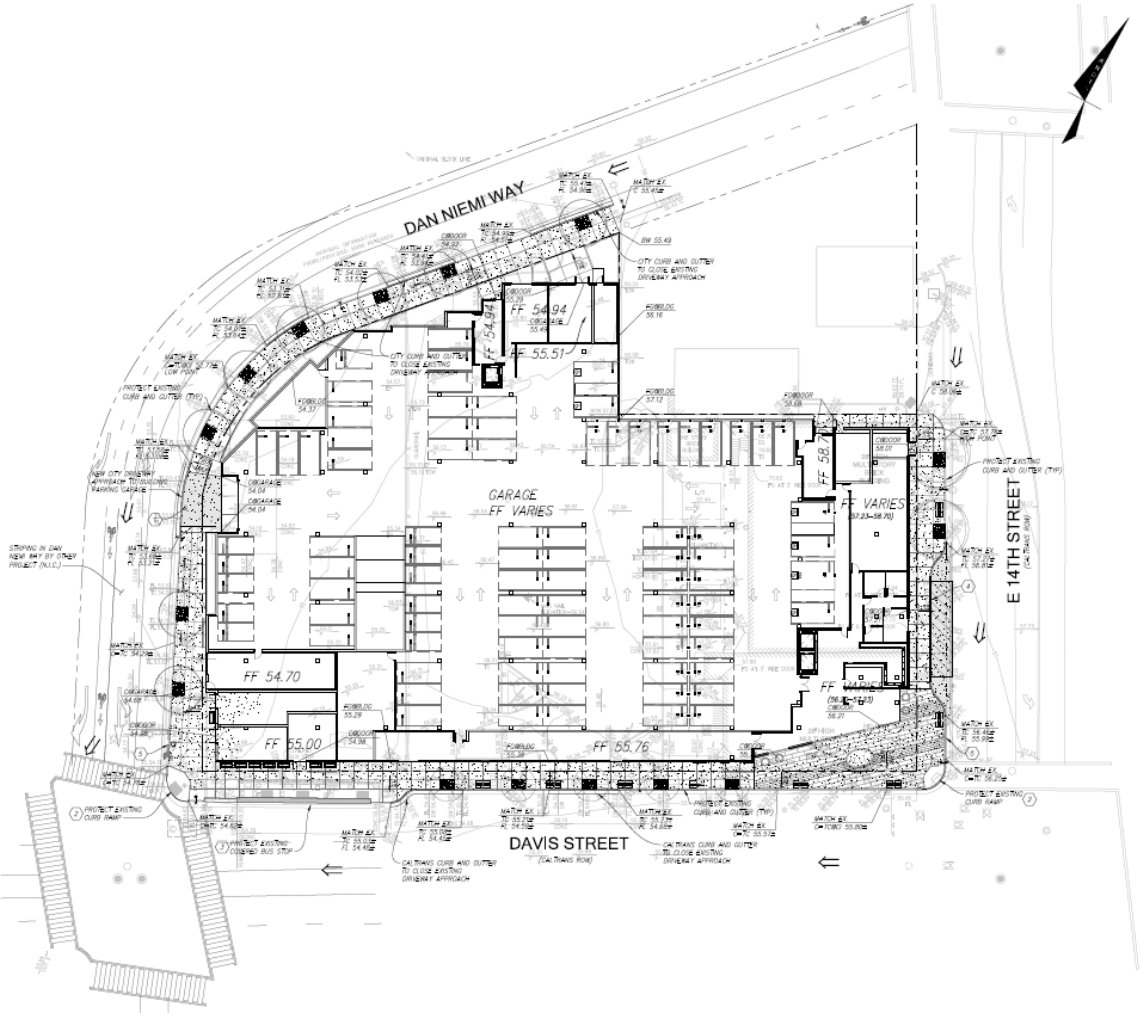


Figure 3 Proposed Site and Ground Floor Plan



**Figure 4 Simulated View of Proposed Project from Southwest facing Northeast**



**Figure 5 Simulated View of Proposed Project – Aerial from South facing North**



Fifteen percent of the units (18 units) would be below market rate and would be designated as affordable housing, at the very-low income level, thus making the project eligible for a density bonus of 50 percent, pursuant to the State Density Bonus Law, and allowed the project to add an additional 60 bonus units from an initial 120 base units. In accordance with State Density Bonus Law regulations, the applicant has requested seven waivers from development and design standards because applying them would prevent the project from being built at the proposed density. These standards are include in the table below, and

**Table 1 Requested Waivers**

<b>Development Standard &amp; Code Section</b>	<b>Description</b>
Setback on Davis Street and E. 14 <sup>th</sup> Street SLMC Section 2.08.308.C.3	This standard requires a 5-foot setback along Davis Street to be combined with the sidewalk to create a 15-foot pedestrian zone. The project provides a 4' setback and a 10' pedestrian zone.
Setback on E. 14 <sup>th</sup> Street SLMC Section 2.08.308.C.3	This standard requires a 7-foot setback along E. 14 <sup>th</sup> Street to be combined with the sidewalk to create a 25-foot pedestrian zone. The project provides a 4-7-foot setback and a 15' pedestrian zone.
Allowable Floor Area Ratio (FAR) SLMC Section 2.08.320,	The maximum FAR for the DA-1 zoning district is 3.5 and the FAR for the project is 3.78.
Building Height SLMC Section 2.08.312	The maximum allowable height for the DA-1 zoning district is 75 feet, and the height of the project is 76 feet 10 inches, with some of the parapets at t82-83.5 feet and the penthouse at approximately 85'.
Building Massing Break SLMC Section 4.04.336.A.4.c	a 20' by 10' massing break is required for every 150 linear feet and the project is providing variations in materials and textures, and strategically placed windows and balconies to reduce the building's massing.
Common Open Space Dimensions SMLC Section 4.04.336.C.2.b.I	A width of 55 feet is required for the podium courtyard and the project is providing approximately 50 feet.
Location of Parking SMLC Section 4.04.336.C.4.e.i	A 40-foot setback from the property line for structured parking, and the project provides 18 feet.

Table 2 summarizes the characteristics of the proposed project.

**Table 2 Project Characteristics**

Address	1195-1199 E 14 <sup>th</sup> Street (240 Davis Street)	
Assessor's Parcel Numbers	75-1-3, 75-1-4; 75-1-5; 75-1-6; 75-1-7-2; 75-1-8-2; 75-1-9-2; 75-1-10-2	
Gross/Net Lot Area <sup>1</sup>	197,498 square feet/52,153 square feet	
Lot Coverage	48,284 square feet (93 percent)	
Floor Area	<b>Rentable Area (square feet)</b>	<b>Total Area (square feet)</b>
	Floor 3: 32,072	Floor 1: 48,284
	Floor 4: 34,857	Floor 2: 48,284
	Floor 5: 34,857	Floor 3: 37,055
	Floor 6: 34,741	Floor 4: 36,209
	Floor 7: 32,704	Floor 5: 36,992
		Floor 6: 36,992
		Floor 7: 36,032
Height	75 feet 10 inches to roof	

	82 feet to parapet
Residential Units	Total: 180 units 10 studio units 97 one-bedroom units 68 two-bedroom units 5 three-bedroom units
Vehicle Parking	Long-term (residential): 236 73 stacker system 30 EV stacker system 107 standard spaces 20 compact spaces 3 accessible spaces 1 van accessible space 2 electric vehicle accessible spaces  Short-term bicycle parking: 11  Long-term bicycle parking: 180 storage lockers

A lobby, leasing office, mail and package room, and elevators would be accessible via the building’s main entrance from the corner of E. 14th Street and Davis Street. Bicycle and tenant storage areas would be located on the ground floor along Davis Street, and a fitness center would be located on the ground floor along E. 14th Street. The bottom two floors would include automobile parking spaces, including electric vehicle and accessible spaces, tenant storage and an outdoor dog area. The third floor would consist of 32 apartment units, and common spaces including a lounge, kitchen, and a co-working space. A common courtyard would be located on the third floor, which would be landscaped with trees and would provide outdoor tables, benches, and lounge areas. Floors 4, 5, and 6 would consist of residential units only, and the seventh floor would consist of residential units, a club room, and deck.

**Landscaping and Stormwater Management**

The proposed project would involve removal of 14 mature trees within the project site. Removal of trees would be required to adhere to SLMC Section 5-1-520, which requires permits for tree removal. The project would include planting of 35 trees, as well as shrubs, grasses, and groundcover plants with low to moderate water requirements. 15 trees would be planted around the perimeter of the proposed building along E. 14th Street, Davis Street, and Dan Niemi Way, and 20 trees would be planted within the third-floor common courtyard.

Landscaping within the courtyard would be planted within pervious planters, which would collect and drain stormwater into storm drainpipes. The proposed project would also include 351 square feet of self-retaining area and would comply with the requirements of provision C.3 of the Municipal Regional Stormwater Permit, in accordance with the Alameda County Clean Water Program. The project would also result in a net decrease of 1,545 square feet of impervious area compared to the existing use.

## Site Access and Circulation

The project would include removal of the existing five driveways on Davis Street and Dan Niemi Way, and construction of a new ingress and egress driveway on Dan Niemi Way, approximately 100 feet north of the Davis Street and Hays Street intersection. Vehicle access to the site would be provided via this driveway. Pedestrian access to the project site would be provided via existing sidewalks on Davis Street and E. 14th Street. The project also proposes to include a drop-off and pick-up area along E. 14<sup>th</sup> Street as there is no available street parking available adjacent to site.

## Utilities

The project would involve installation of connections to existing power, water, and wastewater infrastructure. East Bay Community Energy, the local community choice energy provider, would provide electricity to the project site via Pacific Gas and Electric (PG&E) infrastructure. The project would not use natural gas in accordance with City of San Leandro reach codes effective as of January 2023. The City of San Leandro would provide wastewater service to the project site, and the East Bay Municipal Utility District (EBMUD) would provide water service to the project site. The project would involve installation of lateral connections to the existing water and wastewater mains.

## Construction

Project construction would occur over approximately 30 months from January 2024 to June 2026. Demolition would involve removal of approximately 12,000 square feet of existing building area and 39,500 square feet of existing hardscape. The project would require 3,000 net cubic yards of soil to be excavated and hauled off site. The applicant would provide a training to construction workers on policies and protocols relating to the identification and treatment of cultural and historical resources accidentally encountered during grading.



## 3 Class 32 CE Consistency Analysis

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### 3.1 Consistency with General Plan and Zoning

- 15332(a)** The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

#### General Plan

The project site has a General Plan land use designation of Downtown Mixed Use. The General Plan Land Use Element states that the purpose of the Downtown Mixed Use land use designation is to allow a range of uses which together create a pedestrian-oriented street environment. The proposed infill project would contribute towards a pedestrian-oriented street environment in a prominent downtown location and would advance housing production near transit, in alignment with the City's identified growth strategy for its Priority Development Areas.

The Land Use Element states that mixed use developments are encouraged in areas designated as Downtown Mixed Use, but not mandatory. A standalone residential development, as proposed by the applicant, is a use that is consistent with the Downtown Mixed Use land use designation.

The proposed project would include development of 180 dwelling units on a 1.2-acre parcel, which would result in a density of 150 dwelling units per acre, with a floor area ratio (FAR) of 3.78. The proposed project would exceed the maximum FAR and maximum residential density specified for the Downtown Mixed Use land use designation in the Land Use Element but would be consistent with the General Plan through the application of the State's Density Bonus law and an associated waiver of the FAR requirement. The Land Use Element calls for generally maintaining building heights of six floors or less in the Downtown areas east of San Leandro Boulevard. Although the project has been designed as a seven-story structure, the height of the building only exceeds the maximum height in the DA-1 zoning district by a negligible amount (1'-10"). The building would be generally consistent in height with other six story buildings, and the minor deviation in height is allowed through the application of the State's Density Bonus law.

Numerous policies and goals in the City's General Plan and Housing Element are applicable to the project. Many of those policies are generally applicable to residential development and apply citywide, while others are specific to projects in the Downtown. Many General Plan and Housing Element Policies are potentially applicable to the Project to some degree, but not every such minimally applicable policy or goal is identified herein. Rather, the most relevant and pertinent General Plan goals, policies, and actions that apply to the proposed project include:

#### Land Use Element

- **Land Use Element – Goal LU-6.** Foster the development of Downtown San Leandro as a vibrant pedestrian-oriented destination that is the civic and social heart of the City.
- **Land Use Element – Policy LU-6.1. Downtown Plans.** In accordance with the adopted Downtown Plan and Urban Design Guidelines and the Downtown San Leandro Transit Oriented Development Strategy, ensure that new downtown development is attractive and creates an image conducive to revitalization.

- **Land Use Element – Policy LU-6.8 Pedestrian-Friendly Environment.** Provide public and private improvements that create a safe, friendly, and comfortable environment for pedestrians and bicyclists in Downtown.
- **Land Use Element – Policy LU-3.4 – Promotion of Infill.** Encourage infill development on vacant or underused sites within residential and commercial areas.

Analysis: The ground floor of the project has been designed to accommodate uses and activities that would foster an active pedestrian-friendly environment. The project would be an infill development that replaces existing underutilized vacant commercial buildings and a surface parking lot with a multi-family residential use. The project site has been designed in accordance with the design and development standards contained in the Zoning Code and consistent with the Downtown TOD Strategy. Minor deviations to standards are permitted through the application of the State’s Density Bonus law, and the overall project would adhere to the major design principles for the Downtown District, to encourage new development that is pedestrian friendly, vibrant and attractive.

- **Land Use Element – Policy LU-6.6 Downtown Housing Diversity.** Encourage a mix of market-rate and affordable housing in the Downtown area, including ownership and rental housing at a variety of price points. Recognize the opportunity to make future Downtown housing more affordable by reducing accompanying transportation costs and making it more feasible to use transit, bicycles, bicycle and car-sharing, and other innovative modes of transportation as these become viable.
- **Land Use Element – Policy LU-5.4 Promote Mixed-Income Neighborhoods.** The City shall promote mixed-income neighborhoods with an equitable distribution of housing types and housing mobility opportunities for people of all incomes throughout the city.

Analysis: The proposed project would provide a mix of market-rate and affordable housing units, as well as a mix of one-, two- and three-bedroom units. This mix of housing types would meet a wide range of the community’s housing needs and would place more housing conveniently near major transit.

#### Housing Element

- **Housing Element – Policy 1.1 Reduce Barriers to Housing Development.** Facilitate innovative housing models and promote regulatory reforms that reduce the costs of housing production while also promoting broader citywide housing priorities.
- **Housing Element – Policy 1.3 Streamline Housing Entitlement and Permitting Process.** The City shall streamline the housing approval and permitting process, particularly for affordable housing, throughout City departments.

Analysis: The City has facilitated the development of the site by providing an approval process based on compliance with objective standards.

- **Housing Element – Goal 1:** Increase Housing Production by Providing Adequate Sites for a Variety of Housing Types and Removing Constraints to Residential Development
- **Housing Element – Policy 1.2 Provide and Maintain Adequate Sites to Accommodate the RHNA.** The City shall maintain appropriate land use designations and densities to accommodate an increased supply of housing units by type, cost, and size to meet its share of the regional housing need in alignment with citywide housing priorities.

Analysis: The Housing Element specifically identifies the Project as a pending project. The proposed project would provide 180 residential units, which is consistent with the 180 units anticipated for the project in the Housing Element.

- **Housing Element – Policy 1.4 Facilitate Infill Development.** The City shall utilize infill development strategies to support neighborhoods and living environments that are served by public transit and services and are conducive to public health and wellness.

Analysis: The project would be an infill development that replaces existing vacant commercial buildings and a surface parking lot. The project is located in the Downtown District, which is an area located in close proximity to major transit, jobs, shopping, services, and amenities.

- **Housing Element – Goal 2: Assist the Development of Housing Affordable to Extremely Low-, Very Low-, Low-, and Moderate-Income Levels and populations with Special Needs**
- **Housing Element – Policy 2.1 Promote Housing Development Affordable to Residents at All Economic Levels.** The City shall support the production of rental and for-sale housing for people of all income levels.
- **Housing Element – Policy 2.2 Support and Increase Funding for Deed-Restricted Affordable Housing.** The City shall promote affordable housing development through financial and strategic support, including administrative and technical assistance to affordable housing developers.

Analysis: The project would provide 18 affordable units restricted to very-low income households.

#### Historic Preservation and Community Design Element

- **Historic Preservation & Community Design Element – Policy CD-5.7 Streetscape Improvements.** Where appropriate, require new development to implement streetscape improvements that promote the use of the street by pedestrians and bicyclists and support the use of street spaces for public uses such as outdoor seating and “parklets.”
- **Historic Preservation & Community Design Element – Policy CD-6.3 Multi-Family Design.** Establish high standards of architectural and landscape design for multi-family housing development. Boxy or massive building designs should be avoided, ample open space and landscaping should be provided, and high quality construction materials should be used.

Analysis: The ground floor of the project has been designed to support an active streetscape by incorporating design elements, such as a public plaza at the corner of East 14<sup>th</sup> Street and Davis Street. The design of the project reinforces the major design principles for the Downtown District, to encourage new development that is pedestrian friendly, vibrant and attractive.

#### Economic Development Element

- **Economic Development Element - Policy ED-5.2 - Housing Production.** Substantially increase the production of a variety of housing types meeting the needs of persons at all income levels.

Analysis: The project would introduce 180 new housing units to the Downtown District, which would increase the vibrancy and economic vitality of the area.

## Zoning

The project site is zoned Downtown Area-1 Special Review (DA-1[S]), which allows residential uses. The proposed project would include development of 180 dwelling units on a 1.2-acre parcel, which would result in a density of 150 dwelling units per acre. By providing 18 deed-restricted dwelling units affordable to very-low income households (15-percent of the 120 base units for the project), the project is eligible for up to a 50-percent density bonus (or an additional 60 units) under the State Density Bonus law (Government Code Section 65915 et seq.) With the application of a density bonus, the project is consistent with the maximum of 100 dwelling units per acre for the DA-1 zone. With waivers granted under the State Density Bonus Law by the City, the proposed project would be consistent with applicable objective development standards in the Zoning Code.

## 3.2 Location, Size, and Surroundings

- 15332(b)** The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

The project site is a 1.2-acre parcel within the city limits of San Leandro. As discussed above in Section 2.1, *Project Location*, the project site is surrounded by urban uses, including single-family residences to the north; a restaurant and commercial offices to the west; a hotel, restaurants, and commercial uses to the south; and a residential building under construction to the east. Therefore, the proposed project would occur within city limits on a project site of no more than five acres substantially surrounded by urban uses.

## 3.3 Endangered, Rare, or Threatened Species Habitat

- 15332(c)** The project site has no value as habitat for endangered, rare, or threatened species.

The project site is located within a highly developed urban area that lacks habitat that would be suitable for sensitive animal or plant species. The site is almost entirely covered with paving and buildings, and there is no native vegetation, extensive tree cover, wetlands or other habitat present. The project therefore meets this criterion for a Class 32 Categorical Exemption.

Although not required under CEQA, for informational purposes, as discussed in Section 2.1, *Project Location*, there are 14 mature trees on the project site, removal of which would be required to adhere to requirements of SLMC Section 5-1-520. Although these trees are generally isolated and are in a highly urban context and therefore not habitat for endangered, rare, or threatened species, the project would be subject to the following City of San Leandro standard condition of approval related to nesting birds:

### **STANDARD CONDITION OF APPROVAL: NESTING BIRDS**

Tree removal, landscape grubbing, building demolition, and other construction activities such as grading and utility installation shall be performed in compliance with the Migratory Bird Treaty Act and relevant sections of the California Fish and Game Code to avoid loss of nests in active use. This shall be accomplished by scheduling tree removal and building demolition outside of the bird nesting season (which occurs from February 1 to August 31) to avoid possible impacts on nesting birds if new nests are established in the future. Alternatively, if

tree removal and building demolition cannot be scheduled during the non-nesting season (September 1 to January 31), a pre-construction nesting survey shall be conducted. The survey shall be completed by a qualified wildlife biologist no more than 14 days prior to the start of tree removal. If active nests are identified, a no disturbance buffer of 25-500 feet (depending on species and setting) shall be established around each nest until the young are fledged or the nest becomes inactive.

### 3.4 Significant Traffic, Noise, Air Quality, and Water Quality Impacts

**15332(d)** Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

#### Traffic

A Transportation Analysis was prepared by W-Trans in March of 2023 (Appendix A). As described therein, the project would be consistent with applicable transportation goals and policies of the City’s 2035 General Plan. Several transportation policies encourage residential development in areas proximate to existing transit stops and encourage development that would promote alternative modes of transportation. The project would not conflict with applicable transportation policies of the City’s General Plan.

Vehicle miles traveled (VMT) is the metric used to measure transportation impacts under CEQA pursuant to the California Governor’s Office of Planning and Research (OPR) 2018 *Technical Advisory on Evaluating Transportation Impacts in CEQA*. According to estimates provided in the Alameda County Travel Demand Model, the existing regional household (countywide) VMT per resident is 19.4 miles (Appendix A). Based on guidance from OPR, a project generating VMT that is 15 percent or more below the baseline VMT, or 16.5 miles per capita, would have a less than significant VMT impact. The Transportation Analysis (Appendix A) includes the model outputs of the Alameda County Travel Demand Model, which are summarized below in Table 3.

**Table 3 VMT Analysis Summary**

Metric	Baseline VMT	Significance Threshold	Project VMT Rate	Determination
Residential VMT per capita	19.4	16.5	14.56	Less than Significant

Source: Appendix A

As shown therein, the project would be estimated to generate 14.56 miles per capita, which is below the significance threshold of 16.5 miles. Additionally, the project site is located within a transportation analysis zone with low vehicle miles traveled (VMT) and is located within 0.5 miles of the San Leandro BART Station and several Alameda-Contra Costa Transit District transit stops with transit service intervals of 15 minutes or less during peak commute hours (which constitutes a high-quality transit corridor pursuant to Section 21155 of the Public Resources Code). OPR’s publication and CEQA Guidelines Section 15064.3(b)(1) state that lead agencies may presume that residential projects located within one-half mile of existing major transit stops or existing stops along a high-quality transit corridor would have a less than significant impact on VMT. Therefore, approval of the project would not result in significant effects related to traffic.

## Noise

This section is based on a Supplemental Noise Analysis prepared by FirstCarbon Solutions and peer reviewed by Rincon Consultants in 2023 (Appendix B).

In terms of noise thresholds, the City has not adopted quantitative thresholds for construction noise. A 5 decibel (dBA) increase in noise was used as a threshold, as a 5 dBA increase would represent a readily perceptible change in noise levels (Appendix B).

### Construction

Construction of the project would comply with the City’s noise ordinance established in Article 11 of San Leandro Municipal Code. Construction would occur between the hours of 7:00 a.m. and 7:00 p.m. on weekdays or 8:00 a.m. and 7:00 p.m. on weekends.

Noise would be generated during all construction phases; however, the grading phase would require use of a grader and dozer, which would generate the greatest construction noise. As shown below in Table 4, grading activities associated with the project would not result in a 5 dBA increase at nearby sensitive receptors. Construction noise is described in terms of equivalent continuous noise levels ( $L_{eq}$ ), which is a metric that represents the equivalent energy level of fluctuating noise over a specific time period.

**Table 4 Grading Construction Noise Levels**

Receptor	Existing Noise Level (dBA Leq)	Existing + Grading Noise Level (dBA Leq)	Noise Increase (dBA Leq)	Exceeds increase of 5 dBA Leq?
Residences along Arroyo Avenue	64.2	68.6	4.4	No
Root Park	69.2	71.5	2.3	No
Residences along Chumalia Street	69.2	70.4	1.2	No
Marymount Villa Assisted Living	72.4	72.9	0.5	No
Residences along Callan Avenue	67.0	67.6	0.6	No
Future Residences at 1188 E. 14th Street	67.0	71.0	4.0	No

Source: Appendix B  
 Existing noise levels are included in Attachment A of Appendix B.  
 dBA = A-weighted decibel  
 Leq = equivalent continuous sound level

As shown in Table 3, the construction phase associated with the greatest noise levels would not increase ambient noise levels more than 5 dBA  $L_{eq}$ . Therefore, construction noise would not result in a substantial increase in ambient noise levels in the vicinity of the project site.

Neither the City’s General Plan nor its Municipal Code contain quantitative standards for construction-related vibration. The Federal Transit Authority (FTA) has established vibration thresholds, which were used in the analysis prepared by FirstCarbon Solutions (Appendix B). An exceedance of the FTA vibration threshold of 0.10 inches per second peak particle velocity (in/sec ppv) would result in potentially significant impacts to surrounding structures. The nearest sensitive receptor to vibration, future residences at 1188 E. 14th Street, would be located 80 feet east of the project site. Over a distance of 80 feet, vibration generated during construction would attenuate to

be 0.025 in/sec ppv, which is below the FTA threshold of 0.10 in/sec ppv (Appendix B). Therefore, project construction would not generate substantial vibration. Overall, approval of the project would not result in significant effects related to construction noise.

### Operation

The City's noise ordinance does not establish a quantitative threshold for operational noise. Policy EH-7.1 of the City's General Plan states that a 3 dBA  $L_{dn}$  increase in noise should be considered a significant adverse impact associated with project operation. Operational noise is described in terms of the day-night average sound level ( $L_{dn}$ ), which is a metric that assesses average noise exposure over a 24-hour period.

### MECHANICAL EQUIPMENT NOISE

The project would include stationary heating, ventilation, and air conditioning (HVAC) units that would generate noise in operation. Given the existing ambient noise levels around the project site and the relatively quiet operation of modern HVAC systems, it is unlikely that the project's HVAC systems would perceptibly increase ambient noise levels by more than 3 dBA  $L_{dn}$  (Appendix B). Additionally, noise from other HVAC systems at surrounding land uses were not perceptible at the time of the ambient noise survey performed by FirstCarbon Solutions, which indicates HVAC noise introduced by the project would similarly have a negligible effect on ambient noise levels (Appendix B). Therefore, HVAC equipment would not result in significant effects to operational noise.

### TRAFFIC NOISE

Typically, a 3 dBA  $L_{dn}$  increase in roadway noise levels would be associated with a doubling in traffic volume (Appendix B). Traffic data from the Transportation Analysis prepared by W-Trans (Appendix A) was used to determine daily traffic volumes associated with the project. Estimated project traffic volumes were compared to existing daily traffic volumes from the City's General Plan to determine if traffic volumes would double, and accordingly if the project would result in a substantial increase to ambient noise levels. As shown in Table 5, the project would not generate traffic that would result in a doubling of traffic volume on area roadways.

**Table 5 Traffic Noise Levels**

Roadway Segment	Existing Daily Traffic	Daily Project Traffic	Noise Increase (dBA $L_{dn}$ )	Significant?
Callan Avenue, east of E. 14th Street	9,800	51	<0.1	No
Davis Street, west of E. 14th Street	33,000	412	<0.1	No
E. 14th Street, north of Davis Street	23,000	120	<0.1	No
E. 14th Street, south of Davis Street	16,600	120	<0.1	No
Estudillo Avenue, east of E. 14th Street	11,500	154	<0.1	No

Source: Appendix B

As shown in Table 4, the project would not generate traffic that would result in a doubling of traffic volume on area roadways.

The project would include 195 on-site parking spaces located within two parking garage levels. The FTA estimates for parking facility noise impacts (Appendix B) demonstrate that the project's intermittent noise associated with parking, including but not limited to doors closing, engines

starting, and internal circulation, would have a nominal effect on ambient noise levels and would have an indiscernible effect on daily ambient noise levels at nearby sensitive receptors. Therefore, the project would not result in a perceptible (3 dBA  $L_{dn}$ ) increase in ambient noise, and project traffic would not result in significant effects to operational noise.

### **AIRPORT NOISE**

The project site is located approximately 2.5 miles east of Oakland International Airport and is not located within the noise contours of the airport (Appendix B). Therefore, the project would not expose people residing or working at the project site to excessive aircraft noise, and no significant effect would occur.

### **VIBRATION**

The project would not include significant sources of groundborne vibration, such as heavy equipment or industrial operations. Vehicle travel associated with the proposed project would not generate perceptible amount of groundborne vibration. As a result, the proposed project would not result in significant effects related to operational vibration.

### **SUMMARY**

As demonstrated above, the project would not result in a temporary or permanent substantial increase in ambient noise levels associated with project construction or operation. Therefore, approval of the project would not result in significant effects related to noise.

### **Air Quality**

Air quality modeling was performed for the proposed project by FirstCarbon Solutions and peer reviewed by Rincon Consultants in 2023 (see Appendix C). As described in FirstCarbon's Air Quality analyses, the project would not conflict with the Bay Area Air Quality Management District's Clean Air Plan and would not exceed construction or operational air quality emissions established by the Bay Area Air Quality Management District (Appendix C). The project would also be subject to the following City of San Leandro Standard Condition of Approval related to construction air quality:

#### **STANDARD CONDITION OF APPROVAL: CONSTRUCTION MANAGEMENT PLAN**

The project applicant or contractor shall submit a construction management plan to the Building and Safety Department for review and approval, prior to issuance of any grading and building permits. The construction management plan shall demonstrate that all construction off-road equipment with engines greater than 25 horsepower (HP) used on-site to construct the project would meet either United States Environmental Protection Agency (EPA) or California Air Resources Board (ARB) Tier IV off-road emission standards.

With implementation of applicable General Plan policies, compliance with the City's Municipal Code, and implementation of the above condition of approval, the project would not result in a cumulatively considerable net increase of a criteria pollutant and would not generate substantial pollutant emissions that would result in potentially significant impacts to sensitive receptors (Appendix C). Therefore, approval of the project would not result in significant effects related to air quality.



## **Water Quality**

The project site is approximately 80 feet from San Leandro Creek. San Leandro Creek does not flow through the project site and is separated from the project site by Dan Niemi Way. The project site is currently developed, and construction of the proposed project would not alter San Leandro Creek or result in additional runoff to the creek. The project site is connected to existing stormwater drainage systems, and the project would decrease the total amount of impervious area compared to existing conditions. The project would also be required to comply with SLMC Chapter 3-15, Stormwater Management and Discharge Control, which outlines discharge regulations and requirements for construction and operation. Because the project would not substantially increase stormwater runoff and would be required to comply with City requirements outlined in SLMC Chapter 3-15 to control and filter runoff, development of the proposed project would not degrade the quality of stormwater runoff from the site.

Approval of the project would not result in significant effects relating to traffic, noise, air quality, or water quality, and the project would meet this criterion for an exemption.

### 3.5 Utilities and Public Services

**15332(e)** The site can be adequately served by all required utilities and public services.

The project site is located in an urban area served by existing public utilities and services. A substantial increase in demand for services or utilities would not be anticipated with implementation of the proposed project. The project would involve installation of utility connections to an EBMUD water main located within Dan Niemi Way; a City of San Leandro wastewater main located within Davis Street; and existing PG&E electricity lines. The project would not use natural gas pursuant to reach codes adopted by the City. The project site is located in an area served by public services, including the San Leandro Police Department, the Alameda County Fire Department, the San Leandro Unified School District, the San Leandro Public Library, and Alameda County Industries (solid waste provider). Accordingly, the site can be adequately served by required utilities and public services and the project would meet this criterion for exemption.

## 4 Exceptions to Categorical Exemptions Analysis

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The following sections evaluate whether any of the exceptions to the use of a Class 32 CE pursuant to CEQA Guidelines Section 15300.2 are applicable to the proposed project.

### 4.1 Location

- 15300.2(a)** **Location.** Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, State, or local agencies.

The use of classes 3, 4, 5, 6, or 11 are not proposed for the project. Therefore, this exception would not apply.

### 4.2 Cumulative Impacts

- 15300.2(b)** **Cumulative Impact.** All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

As discussed in sections 3.3 and 3.4 above, the project would not result in significant effects relating to special-status species, traffic, noise, air quality, or water quality, and the project would not result in a cumulatively considerable contribution to potential cumulative impacts. No significant cumulative impacts have been identified related to projects in the immediate vicinity. The project would not affect sensitive biological resources, would not contribute pollutants such that water quality would be impacted, and would be served by available utilities and public services. Impacts related to these issue areas were found to be minimal and the project would not result in a cumulatively considerable contribution to potential cumulative impacts. Air quality analyses are inherently cumulative in nature, as they consider whether project impacts would result in a cumulatively considerable net increase of a criteria air pollutant; as discussed above section 3.4, the project would not result in significant effects to air quality and would therefore not result in a cumulatively considerable air quality impact. In terms of traffic, the project would generate a less than significant level of VMT pursuant to OPR guidance, and is located within 0.5 mile of a high-quality transit corridor. Accordingly, the project would not result in cumulative traffic impacts. The project would involve temporary noise and vibration during construction; however, these effects are localized and would cease upon completion of construction activities. Accordingly, the project would not result in a cumulatively considerable contribution to a cumulative noise increase. Therefore, no significant cumulative impacts would result from successive projects in the same place over time, and this exception to a CE would not apply to the proposed project.

## 4.3 Significant Effect

- 15300.2(c) Significant Effect.** A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

The circumstances of the proposed project, which would involve construction and operation of a residential building, are not unusual because: (1) the project site is already developed with structures and a surface parking lot; and (2) the developed, relatively level site in an urban area does not possess characteristics which would qualify as unusual circumstances under CEQA Guidelines Section 15300.2. Therefore, no known circumstances at the project site or related to project operations would be unusual, and no significant effects would occur. This exception would not apply to the project.

## 4.4 Scenic Highways

- 15300.2(d) Scenic Highways.** A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

The project site is approximately one mile west of Interstate 580, which is an officially-designated state scenic highway north of Estudillo Avenue.<sup>1</sup> The project site is not adjacent to Interstate 580, and is not visible from Interstate 580 due to intervening trees, development, and distance. This exception to a CE would not apply to the proposed project.

## 4.5 Hazardous Waste Sites

- 15300.2(e) Hazardous Waste Sites.** A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

A search of the California Environmental Protection Agency Cortese List,<sup>2</sup> the California Department of Toxic Substances Control EnviroStor database,<sup>3</sup> and the California State Water Resources Control Board GeoTracker database<sup>4</sup> was conducted in April 2023. The project site is not included on a list compiled pursuant to Section 65962.5 of the Government Code. This exception to a CEQA exception does not apply to the proposed project.

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<sup>1</sup> California Department of Transportation. 2019. California State Scenic Highway System Map. <https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aaca> (accessed May 2023).

<sup>2</sup> California Environmental Protection Agency. 2023. Cortese List Data Resources. <https://calepa.ca.gov/sitecleanup/corteselist/> (accessed April 2023).

<sup>3</sup> California Department of Toxic Substances Control. 2023. EnviroStor database. [https://www.envirostor.dtsc.ca.gov/public/map/?global\\_id=60002757](https://www.envirostor.dtsc.ca.gov/public/map/?global_id=60002757) (accessed April 2023).

<sup>4</sup> California State Water Resources Control Board. 2023. GeoTracker database. <https://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=Sacramento> (accessed April 2023).

For informational purposes only, which does not affect the conclusion herein, it should be noted that a Phase I Environmental Assessment (Appendix D) and a Phase II Subsurface Investigation were conducted for the site and determined that some hazardous materials are present in soil and groundwater. However, these hazardous materials were detected at levels below applicable environmental screening levels, and remediation to residential standards is feasible with routine measures that are requirements of the City's grading and building permit review processes as well as standard conditions of approval. The Phase I Environmental Assessment concludes that the project site is not included on a list compiled pursuant to Section 65962.5 of the Government Code (Appendix D).

## 4.6 Historical Resources

**15300.2(f) Historical Resources.** A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

FirstCarbon Solutions prepared a Phase I Cultural Resources Assessment for the proposed project, which was peer-reviewed and supplemented by Rincon with additional information (Appendix E). As a result of this analysis, the two historical age buildings within the project site at 1145 and 1199 East 14th Street were determined to not qualify as historical resources pursuant to Section 15064.5(a) of the CEQA Guidelines due to a lack of architectural or historical significance. The analysis also did not identify Native American archaeological resources or Native American archaeological deposits in the project site or vicinity which could qualify as historical resources. The project site is, however, the location of California Point of Historical Interest (PHI) 165, which is noted as the site of the former San Leandro Town Hall. A plaque commemorating the site's history is located at 250 Davis Street. A review of the California Office of Historic Preservation (OHP) web site identifies the site as PHI 165, Town Hall, designated as such on March 19, 1970. The OHP advises that "[PHIs] designated after December 1997 and recommended by the State Historical Resources Commission are also listed in the California Register of Historical Resources (CRHR)," and therefore qualify as historical resources pursuant to CEQA (Office of Historic Preservation 2023).<sup>5</sup> However, because PHI 165 was listed prior to December 1997, it was not automatically listed in the CRHR and it does not qualify as a historical resource pursuant to CEQA. As detailed below, the City of San Leandro has a standard condition of approval that would apply to the project and would address the treatment of cultural resources should they be discovered during ground-disturbing activities.

### **STANDARD CONDITION OF APPROVAL: ARCHAEOLOGICAL RESOURCES AND HUMAN REMAINS**

If currently unknown historic/prehistoric artifacts or human remains are discovered during ground disturbing activities, the following measures shall be implemented:

- a. In compliance with State law (Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code), in the event that historical artifacts are found, all work within 50 feet of the find shall stop and a qualified archaeologist shall examine the find. The archaeologist shall then submit a plan for evaluation of the resource to the City of San Leandro Planning Services Division for approval.

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<sup>5</sup> Office of Historic Preservation. 2023. California Points of Historical Interest. [https://ohp.parks.ca.gov/?page\\_id=21750](https://ohp.parks.ca.gov/?page_id=21750) (accessed June 28, 2023)

- b. If the evaluation of the resource concludes that the found resource is eligible for the California Register of Historic Resources, a mitigation plan shall be submitted to the City of San Leandro Planning Services Division for approval, which shall consider reasonable efforts for the resources to be preserved in place or left in an undisturbed state.
- c. If the artifacts and samples recovered during construction are determined to be significant and cannot be preserved in place, the artifacts shall be cataloged and curated by a qualified archaeologist and placed in an appropriate curation facility. The mitigation plan shall be completed before earthmoving or construction activities can recommence within the designated resource area.
- d. If the human remains are of Native American origin, the coroner must notify the Native American Heritage Commission (NAHC) within 24 hours of this identification. The NAHC will immediately identify a Native American most likely descendant (MLD) to inspect the site and provide recommendation.

In addition, the project applicant plans to train construction and management personnel on policies and protocols relating to the identification and treatment of cultural resources during construction if they are encountered during grading. With adherence to the standard condition listed above and the applicant's implementation of the worker training, the City of San Leandro has determined the project would not result in a substantial adverse change in the significance of a historical resource. Therefore, this exception to a CE would not apply to the proposed project.

## **5 Summary**

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Based on the analysis in this report, the proposed project meets the criteria for a Class 32 Categorical Exemption pursuant to Section 15332 of the State CEQA Guidelines and is exempt from CEQA pursuant to CEQA Guidelines Article 19.