

## ***BOPC Received 3-18-2021***

### **4.17 Effects Found Not to Be Significant**

This section presents information regarding impacts of the Project for environmental topic areas that were determined to have no impact by the City of Oakland. According to State CEQA Guidelines Section 15128, an EIR shall contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR.

Effects of the Project on the following environmental topic areas were found not to be significant during the EIR process: Agriculture and Forest Resources; Mineral Resources; and Wildfire. Changes to Appendix G of the State CEQA Guidelines effective in December 2018 added wildfire as an environmental topic for consideration. These changes have been taken into consideration and discussed in the analysis below, although the determination of the significance of environmental effects is based entirely on the City's adopted thresholds. The following presents a brief summary of Project effects found not to be significant, including a discussion of reasons why they would not be significant.

Under the Maritime Reservation Scenario, the Port of Oakland may retain up to approximately 10 acres at the southwest corner of the Project site to accommodate future expansion of a turning basin that is used to turn large vessels accessing berths in Oakland's Inner Harbor. If this option is exercised, that portion of the proposed Project site would not be developed, the Project site boundary would change, and the Project area would become smaller. However, all site conditions relative to agriculture and forest resources, mineral resources, and wildfire would remain the same as described for the proposed Project. Therefore, the impacts and analysis for the Maritime Reservation Scenario would be the same as those discussed below for the proposed Project.

#### **4.17.1 Agriculture and Forest Resources**

The entirety of downtown Oakland and the lands surrounding the Oakland-Alameda Estuary (Estuary), including the Project site, are located in an area designated as urban and built-up land by the California Department of Conservation's (DOC) Farmland Mapping and Monitoring Program (FMMP) (DOC, 2018). There are also no Williamson Act contracts on or adjacent to the Project site (DOC, 2015). Thus, the Project would not convert FMMP-designated Farmland or cause a conflict with an existing Williamson Act contract.

The City of Oakland does not designate land uses for agriculture or forestry in its General Plan or Zoning Map (City of Oakland, 2017). The Project site currently has a land use designation of General Industrial/Transportation and zoning designations of Industrial General (IG) and Heavy Industrial (M-40), and agricultural or forestry land use and zoning designations are not proposed as a part of the General Plan and Planning Code amendments for the Project. The Project site does not contain agricultural production or forest land on-site. Thus, the Project would not conflict with existing zoning for agricultural use, forest land, or timberland, nor would it result in the loss or conversion of forest land.

The Project site was used as an active shipping terminal until 2014. Current uses on the Project site include energy generation and maritime support uses for short-term tenants, including truck parking, storage of loaded and empty containers, and longshore training facilities. While agricultural or timber commodities may exist in loaded shipping containers temporarily stored on the Project site, the change in use of the Project site from maritime support to a mixed-use development would not result in the conversion of Farmland to non-agricultural use, or conversion of forest land to non-forest use. Therefore, no impact on agriculture and forest resources would occur.

### 4.17.2 Mineral Resources

The Project site is located on land classified by DOC's Division of Mines and Geology as Mineral Resource Zone 1 (MRZ-1), or an area where adequate geologic information indicates that no significant mineral deposits are present, or where it is judged that little likelihood exists for their presence (DOC, 1987, 2019). The Project site is not zoned for, or immediately adjacent to, lands designated as a mineral resource zone by the City's General Plan (City of Oakland, 2015, 2017). As a result, the Project would not interfere with any mineral extraction operations, and would not result in the loss of land designated for mineral resources. As such, the Project would not result in the loss of availability of a known mineral resource and would not result in the loss of a locally important mineral resource recovery site. Therefore, no impact on mineral resources would occur.

### 4.17.3 Wildfire

With regard to Criterion 10 identified in Section 4.8, *Hazards and Hazardous Materials* (exposure of people or structures to a significant risk of loss, injury, or death involving wildland fires), the Project site is not located in a designated wildland area that would contain substantial forest fire risks or hazards, although it is located just within the boundaries of an area that is considered to be a Wildland-Urban Interface (WUI) of a fire-threatened community.

However, these WUI zones were broadly identified by the California Department of Forestry and Fire Protection (CAL FIRE) in 2001, and may mischaracterize risk. The Project site is not located in or adjacent to any historic Bay Area fire perimeter from 1955 to 2016, including the 1991 fires in the Oakland and Berkeley Hills. In many cases, local jurisdictions have identified their own WUI zones that more accurately depict risk from wildland fires (ABAG and MTC, 2018).

The Project site is not located within the boundaries of the fire prevention and assessment district boundary identified in the Safety Element of the City's General Plan or the now-defunct Wildfire Prevention Assessment District boundary located within the geographic confines of the Oakland Hills, designated by CAL FIRE as a very high fire hazard severity zone (City of Oakland 2012; WPAD, 2017).

Factors that contribute to the risk of wildland fire include dense and fire-prone vegetation, poor access to firefighting equipment because of slopes or inadequate roads, and lack of adequate water pressure and service in fire-prone locations. The Project site is currently developed within a highly urbanized area of the flat lands of Oakland that does not contain dense vegetation, and is

surrounded by other developed properties, freeways, and other roadways, and the Estuary. Therefore, the Project would have no impact in this regard.

As discussed above, wildfire was added in the update to the State CEQA Guidelines as an environmental topic for consideration with regard to impacts that could occur in areas in or near State Responsibility Areas (SRA) or lands classified as very high fire hazard severity zones. The Project is not located in or near a SRA or lands classified as very high fire severity zones (CAL FIRE, 2008). Therefore, no impact would occur with regard to wildfire.

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#### 4.17.4 References – Effects Found Not to Be Significant

Association of Bay Area Governments and Metropolitan Transportation Commission (ABAG and MTC), 2018. *White Paper, Bay Area Wildland Urban Interface, Review of Risks, Plans, and Strategies*. <http://resilience.abag.ca.gov/wp-content/uploads/Fire-Study-FINAL.pdf>, accessed August 3, 2019.

California Department of Conservation (DOC), 2019. *Guidelines for Classification and Designation of Mineral Lands*, California Surface Mining and Reclamation Policies and Procedures. Available: <https://www.conservation.ca.gov/smgf/Guidelines/Documents/ClassDesig.pdf>, accessed February 5, 2019.

DOC, 2018. *Alameda County Important Farmland 2016*. August 2018. Available: <ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2016/>. Accessed February 2, 2019.

DOC, 2015. *Alameda County Williamson Act FY 2014/2015*. Division of Land Resource Protection. Available: <ftp://ftp.consrv.ca.gov/pub/dlrp/wa/>, accessed February 4, 2019.

DOC, 1987. *Special Report 146, Part II, Mineral Land Classification: Aggregate Materials in the San Francisco-Monterey Bay Area*. Division of Mines and Geology. Available: [ftp://ftp.consrv.ca.gov/pub/dmg/pubs/sr/SR\\_146-2/](ftp://ftp.consrv.ca.gov/pub/dmg/pubs/sr/SR_146-2/), accessed February 5, 2019.

California Department of Forestry and Fire Protection (CAL FIRE), 2008. *Oakland Very High Fire Hazard Zones in LRA, As Recommended by CAL FIRE*. September 3, 2008. <https://osfm.fire.ca.gov/media/5606/oakland.pdf>, accessed February 6, 2020.

City of Oakland, 2017. *City of Oakland Zoning and Estuary Policy Plan Maps*. Bureau of Planning. May 12, 2017. <https://cao-94612.s3.amazonaws.com/documents/oak063935.pdf>, accessed February 4, 2019.

City of Oakland, 2015. *General Plan Designations*. Planning & Building Department. May 19, 2015. <http://www2.oaklandnet.com/oakca1/groups/ceda/documents/report/oak053714.pdf>, accessed February 4, 2019.

City of Oakland, 2012. *Safety Element of the General Plan*. Adopted March 20, 2012.

City of Oakland Wildfire Prevention Assessment District (WPAD), 2017. *Final Report on the Wildfire Prevention Assessment District*. City of Oakland, Public Safety Committee, and Oakland City Council. June 2017. <https://www.oaklandca.gov/resources/wildfire-district-agendas-and-minutes>, accessed August 3, 2019.

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