

**NOTICE OF DETERMINATION**  
**California Environmental Quality Act (CEQA)**

DATE: August 2, 2022


TO: Alameda County Clerk  
1106 Madison Street  
Oakland, CA 94607

FROM: City of Oakland  
Department of Planning & Building  
250 Frank H. Ogawa Plaza, Suite 2114  
Oakland, CA 94612  
Contact: **Karen August, Planner III**

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code

ENDORSED  
FILED  
ALAMEDA COUNTY

AUG 01 2022

MELISSA WILK, County Clerk  
By  Deputy

PROJECT TITLE: <b>51-9th Street (PLN20108-PUDF-01)</b>
STATE CLEARINGHOUSE NUMBER (If submitted to State Clearinghouse): <b>Previous CEQA Document: Lake Merritt Station Area Plan EIR SCH#2012032012 (being filed under same State Clearinghouse Number)</b>
PROJECT APPLICANT: <b>James Perez (EBALDC)</b>
PROJECT LOCATION: <b>51-9th Street (APN: 001 016900100)</b>
PROJECT DESCRIPTION: The project is a Final Development Permit (FDP) application for the Lake Merritt BART PUD (approved on May 19, 2021). This FDP application for the development at Lake Merritt BART is for Building B; which is a proposal to construct a mixed use building that includes 97 residential units and 3,235 square feet of ground-floor commercial space. The FDP is an approval of the final design of the building pursuant to its previous May 19, 2021 Preliminary Development Plan (PDP), where the City found, through its California Environmental Quality Act (CEQA) Addendum Analysis, that the PDP was consistent with, and within the development program for, the previously certified Lake Merritt Station Area Plan EIR.

This is to advise that the City of Oakland as the Lead Agency for the above described Project has approved the Project and has made the following determinations on July 20, 2022.

The above actions partially implement actions previously approved by the City Council on November 18, 2014, and described in the NOD that was filed with the Alameda County Clerk and the State Clearinghouse on November 19, 2014. Specifically, the November 19<sup>th</sup> NOD advised that on November 18, 2014, the Oakland City Council, acting as Lead Agency for the City of Oakland, adopted/approved the Lake Merritt Station Area Plan and certified the accompanying Environmental Impact Report (EIR).

The purpose of this NOD is to provide notice that (1) the current actions are within the development program of the already certified Lake Merritt Station Area Plan EIR, (2) the current project CEQA Analysis Checklist/Addendum adequately describes the current approval for purposes of CEQA, and (3) no further CEQA review is required pursuant to CEQA Guidelines 15162 and 15164 and Public Resources Code Section 21094.5 and CEQA Guidelines Section 15183.3 (Qualified Infill Projects).

NOTE: Separately and independently from the Notice of Determination, the Project is also exempt from CEQA pursuant to CEQA Guideline Section 15183: Approvals consistent with a Community Plan, General Plan or Zoning.

August 2, 2022  
Date

  
Ed Manasse  
Department of Planning & Building  
Environmental Review Officer

# \*ENVIRONMENTAL DECLARATION

(CALIFORNIA FISH AND GAME CODE SECTION 711.4)

## LEAD AGENCY NAME AND ADDRESS

CITY OF OAKLAND  
Department of Planning and Building  
Planning and Zoning Division  
250 Frank H. Ogawa Plaza, Suite 2114  
Oakland, CA 94612

Contact: Karen August, Historic Preservation  
Planner, Planner III - [kaugust@oaklandca.gov](mailto:kaugust@oaklandca.gov);  
510-238-6935

## FOR COUNTY CLERK USE ONLY

ENDORSED  
FILED  
ALAMEDA COUNTY

AUG 01 2022

FILE NO: 22-202 MELISSA WILK, County Clerk  
By [Signature] Deputy

## 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)

A - NEGATIVE DECLARATION (OR MITIGATED NEG. DEC.)

\$ 2,548.00 - STATE FILING FEE

\$ 50.00 - COUNTY CLERK HANDLING FEE

B - ENVIRONMENTAL IMPACT REPORT (EIR)

\$ 3,539.25 - STATE FILING FEE

\$ 50.00 - COUNTY CLERK HANDLING FEE

*A fee previously paid*

### 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, 2022

MAKE CHECKS PAYABLE TO: ALAMEDA COUNTY CLERK



State of California—Natural Resources Agency  
**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**  
**2014 ENVIRONMENTAL FILING FEE CASH RECEIPT**

RECEIPT#  
  
 STATE CLEARING HOUSE # (if applicable)  
 2012032012

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY

LEAD AGENCY CITY OF OAKLAND			DATE 11/19/2014
COUNTY/STATE AGENCY OF FILING <input type="text" value="Alameda"/>			DOCUMENT NUMBER 14-468
PROJECT TITLE LAKE MERRITT STATION AREA PLAN ENVIRONMENTAL IMPACT REPORT			
PROJECT APPLICANT NAME CHRISTINA FERRACANE, PLANNER II			PHONE NUMBER ( 510 ) 238-3903
PROJECT APPLICANT ADDRESS 250 FRANK H OGAWA PLAZA STE 3315	CITY OAKLAND	STATE CA	ZIP CODE 94612
PROJECT APPLICANT (Check appropriate box): <input checked="" type="checkbox"/> Local Public Agency <input type="checkbox"/> School District <input type="checkbox"/> Other Special District <input type="checkbox"/> State Agency <input type="checkbox"/> Private Entity			

CHECK APPLICABLE FEES:

<input checked="" type="checkbox"/> Environmental Impact Report (EIR)	\$3,029.75	\$	3,029.75
<input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)	\$2,181.25	\$	0.00
<input type="checkbox"/> Application Fee Water Diversion (State Water Resources Control Board only)	\$850.00	\$	0.00
<input type="checkbox"/> Projects Subject to Certified Regulatory Programs (CRP)	\$1,030.25	\$	0.00
<input checked="" type="checkbox"/> County Administrative Fee	\$50.00	\$	50.00
<input type="checkbox"/> Project that is exempt from fees			
<input type="checkbox"/> Notice of Exemption (attach)			
<input type="checkbox"/> CDFW No Effect Determination (attach)			
<input type="checkbox"/> Other		\$	

PAYMENT METHOD:

Cash     Credit     Check     Other

TOTAL RECEIVED \$ 3,079.75

SIGNATURE 	PRINTED NAME AND TITLE A. MORAN/DEPUTY CLERK
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X

ALAMEDA COUNTY CLERK-RECORDER  
 1106 MADISON STREET  
 OAKLAND, CA 94607  
 (510)272-6362

ISSUED TO: CITY OF OAKLAND

RECEIPT # 1998174  
 11/19/2014 02:40:08 PM

SERVICE	PAGES	QTY	FEE
GENERAL BUS 1	1		3,079.75

Total Amount Due \$3,079.75

CHECK 844484	3,029.75
CHECK 844483	50.00
Total Payments:	\$3,079.75

PATRICK O'DONNELL  
 CLERK RECORDER  
 Deputy: AMORAN



State of California—Natural Resources Agency  
**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**  
**2014 ENVIRONMENTAL FILING FEE CASH RECEIPT**

RECEIPT#	2003332
STATE CLEARING HOUSE # (if applicable)	undefined

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY

LEAD AGENCY CITY OF OAKLAND		DATE 12/10/2014	
COUNTY/STATE AGENCY OF FILING ALAMEDA COUNTY CLERK RECORDER		DOCUMENT NUMBER 14-498	
PROJECT TITLE LAKE MERRITT STATION AREA ENVIRONMENTAL IMPACT REPORT			
PROJECT APPLICANT NAME CHRISTINA FERRACANE		PHONE NUMBER ( 510 ) 238-3903	
PROJECT APPLICANT ADDRESS 250 FRANK H OGAWA PL., SUITE 3315	CITY OAKLAND	STATE CA	ZIP CODE 94612
PROJECT APPLICANT (Check appropriate box):			
<input checked="" type="checkbox"/> Local Public Agency	<input type="checkbox"/> School District	<input type="checkbox"/> Other Special District	<input type="checkbox"/> State Agency
<input type="checkbox"/> Private Entity			

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<input checked="" type="checkbox"/> Other PAID REF#1998174		\$	

PAYMENT METHOD:

Cash     Credit     Check     Other \_\_\_\_\_

TOTAL RECEIVED \$ 50.00

SIGNATURE X	PRINTED NAME AND TITLE LC/AUDITOR ASSOC, III
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State of California—Natural Resources Agency  
**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**  
**2014 ENVIRONMENTAL FILING FEE CASH RECEIPT**

RECEIPT#	1998174
STATE CLEARING HOUSE # (if applicable)	2012032012

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<input type="checkbox"/> Other		\$	

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Cash   
  Credit   
  Check   
  Other

TOTAL RECEIVED \$ 3,079.75

SIGNATURE

X

PRINTED NAME AND TITLE

A. MORAN/DEPUTY CLERK

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 Deputy: AMORAN