

# 325 SEVENTH STREET PROJECT

RESPONSE TO COMMENTS  
FINAL ENVIRONMENTAL IMPACT REPORT

*SCH No. 200712205*



**PREPARED FOR:**

**CITY OF OAKLAND  
250 FRANK H. OGAWA PLAZA  
OAKLAND, CA 94604**

**JUNE, 2011**

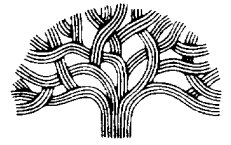


**LAMPHIER - GREGORY**

URBAN PLANNING, ENVIRONMENTAL ANALYSIS & PROJECT MANAGEMENT



# CITY OF OAKLAND



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Community and Economic Development Agency  
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## **COMBINED NOTICE OF AVAILABILITY AND RELEASE OF RESPONSE TO COMMENTS AND FINAL ENVIRONMENTAL IMPACT REPORT (FEIR) AND NOTICE OF PUBLIC HEARINGS ON THE FEIR FOR THE 325 7TH STREET PROJECT**

**TO:** All Interested Parties

**PROJECT NAME:** 325 7<sup>th</sup> Street Project

**PROJECT LOCATION:** 325-335 7th Street; 320-330 6th Street; 621-635 Harrison Street, Oakland, CA 94612

**PROJECT SPONSOR:** BALCO Properties, Ltd., LLC

**CASE FILE NO:** ER 07-002; CEQA State Clearinghouse No. 2007122056

**PROJECT LOCATION:** The Project would be built on a 35,500 square-foot site located at 325-335 7th Street, 320-330 6th Street and 621-635 Harrison Streets in the Chinatown neighborhood of downtown Oakland. The site currently contains vacant lots, a surface parking lot, residential units and commercial buildings. The Project site is not on the Cortese List of hazardous sites.

**PROJECT DESCRIPTION:** The Project includes construction of 380 residential condominium units and 9,110 square feet of ground-floor office and retail space in a building featuring two tall towers situated on a four-story podium, with one tower reaching a height of 27 stories and the other tower reaching a height of 20 stories.

The Project Site is within the Central Business District land use designation identified in the Oakland General Plan. The zoning on the Project Site at the time the Project application was deemed complete was C-40 Community Thoroughfare Combing Zone, which is combined with the S-17 Downtown Residential Open Space Combining Zone<sup>1</sup>. A portion of the Project Site is also located within an Area of Primary Importance (API) - the 7<sup>th</sup> Street/Harrison Square Residential Historic District.

**ENVIRONMENTAL REVIEW:** The City issued a Notice of Preparation (NOP) of a DEIR and an Initial Study on December 18, 2007 which was considered by the Oakland Planning Commission on January 9, 2008. A Draft EIR was prepared for the Project under the requirements of the California Environmental Quality Act (CEQA), pursuant to Public Resources Code Section 21000 et.seq. Copies of the Draft EIR were made available for review at the Community and Economic Development Agency, Planning Division, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA 94612, Monday through Friday, 8:30 a.m. to 5:00 p.m., and were distributed to interested parties at no charge. The Draft EIR was also available for review on the City's website at: <http://www2.oaklandnet.com/Government/o/CEDA/o/PlanningZoning/s/Application/DOWD009157> (see Item #1)

Public hearings to receive comments on the Draft EIR were held before the Oakland Landmarks Preservation Advisory Board on November 8, 2010, and before the Oakland City Planning Commission on December 1, 2010.

<sup>1</sup> Effective July 21, 2009, the zoning along the northern portion of the Project Site was changed to CBD-P Central Business District Pedestrian Retail Commercial Zone and the southern portion of the Project Site was changed to CBD-X Central Business District Mixed Commercial Zone. However, pursuant to Section 6 of the rezoning ordinance, the Proposed Project is "grandfathered" under the C-40 and S-17 zones, and thus, the City is processing the application as such.

The public was encouraged to provide comments on the Draft EIR during the public comment period from October 18, 2010 through December 1, 2010. Comments were made at the public hearings, and additional comments were received by City staff in writing during and shortly after the comment period.

The preparation of the Responses to Comments has been overseen by the City's Environmental Review Officer and the conclusions and recommendations made in the document represent the independent views and recommendations of the City. Copies of the Response to Comments and the Final Environmental Impact Report are available for distribution to interested parties at no charge at the Community and Economic Development Agency, Planning Division, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, Monday through Friday, 8:30 a.m. to 5:00 p.m. The Final EIR is also available on the City's website at:

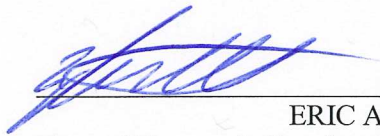
<http://www2.oaklandnet.com/Government/o/CEDA/o/PlanningZoning/s/Application/DOWD009157> (see Item #1)

**PUBLIC HEARINGS:** The Oakland Landmarks Preservation Advisory Board will hold a public hearing to consider the Project on July 11, 2011. This meeting will be specifically focused on historic and cultural resource impacts and mitigation measures and the requested planning permits. The Landmarks Preservation Advisory Board hearing begins at 6:00 p.m. in Hearing Room 1, City Hall, 1 Frank H. Ogawa Plaza.

The Oakland Planning Commission will hold a public hearing to consider the Project on July 20, 2011. This action consists of consideration of certification of the EIR and consideration of the requested planning permits on the proposed Project. The Planning Commission hearing begins at 6:00 p.m. in Hearing Room 1, City Hall, 1 Frank H. Ogawa Plaza. For further information, please contact Heather Klein at (510) 238-3659 or at [hklein@oaklandnet.com](mailto:hklein@oaklandnet.com). Please reference case number ER 07-002 in all correspondence.

If you challenge the EIR or other actions pertaining to the Project in court, you may be limited to raising only those issues raised at the public hearings described above, or in written correspondence received by the Community and Economic Development Agency on or prior to July 20, 2011.

Date of Notice: **June 30**, 2011  
File Number ER 07-002

  
ERIC ANGSTADT  
Deputy Director, Community and Economic Development Agency  
Environmental Review Officer



# 325 7<sup>TH</sup> STREET PROJECT

## RESPONSE TO COMMENTS / FINAL EIR

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# INTRODUCTION

## PURPOSE OF THE FINAL EIR

This Environmental Impact Report (EIR) is an informational document prepared by the City of Oakland (as Lead Agency) containing environmental analysis for public review and for City decision-makers to use in their consideration of approvals for discretionary actions needed on the proposed 325 7<sup>th</sup> Street Project.

On October 18, 2010, the City of Oakland released a Draft Environmental Impact Report (Draft EIR) for the 325 7<sup>th</sup> Street Project. The 45-day public review and comment period on that Draft EIR ended on December 1, 2010. During the public review and comment period, the City of Oakland held two public hearings to receive oral comments on the Draft EIR, one hearing on November 8, 2010 before the Landmarks Preservation Advisory Board for comments pertaining specifically to historic and cultural resources, and one hearing on December 1, 2010 before the City Planning Commission for comments on the adequacy and accuracy of the entire document.

This Response to Comments document, together with the Draft EIR and the Draft EIR Appendices, constitute the Final EIR for the Project. Due to its length, the text of the Draft EIR is not included with this Response to Comments document, but is included by reference as part of the Final EIR. Following the required 10 day agency review of this Response to Comments document, the City of Oakland Planning Commission will consider certification of the Final EIR, certifying that it adequately discloses the environmental effects of the proposed Project and that the Final EIR has been completed in conformance with the California Environmental Quality Act (CEQA). Before the Planning Commission may consider approval of the various discretionary actions needed on the proposed Project, it must independently review and consider the information contained in the Final EIR.

The City of Oakland has prepared this document pursuant to CEQA Guidelines Section 15132 which specifies that the Final EIR shall consist of:

- The Draft EIR or a revision of that Draft
- A list of persons, organizations, and public agencies commenting on the Draft EIR
- Comments and recommendations received on the Draft EIR (either verbatim or in a summary)
- The response of the Lead Agency to significant environmental points raised in the review process
- Any other information added by the Lead Agency

This FEIR incorporates comments from public agencies and the general public and contains the Lead Agency's responses to those comments.

## No New Significant Information

If significant new information is added to an EIR after notice of public review has been given, but before certification of the Final EIR, the lead agency must issue a new notice and re-circulate the Draft EIR for further comments and consultation.<sup>1</sup>

Although this Response to Comments document may contain corrections or clarifications to information presented in the Draft EIR, none of these corrections or clarifications constitute “significant new information” as defined under Section 15088.5 of the CEQA Guidelines. Specifically:

- No new significant environmental impacts have been identified as resulting from the Project or from a new mitigation measure or a new Standard Condition of Approval proposed to be implemented.
- No substantial increase in the severity of a previously identified environmental impact has been identified as resulting from the Project or from a new mitigation measure or a new Standard Condition of Approval, and no additional mitigation measures or Standard Conditions of Approval are necessary to reduce such impacts to a level of insignificance.
- There is no feasible alternative, mitigation measure or Standard Condition of Approval considerably different from others previously analyzed in the Draft EIR that would clearly lessen the significant environmental impacts of the Project that the Project’s proponents decline to adopt.
- The Draft EIR was not so fundamentally or basically inadequate or conclusory in nature that meaningful public review and comment were precluded.

Information presented in the DEIR and this document support the City’s determination that recirculation of the Draft EIR is not required.

## ORGANIZATION OF THE FINAL EIR

This Final EIR contains information about the proposed Project, supplemental environmental information, and responses to comments that were raised during the public review and comment period on the Draft EIR. Following this Introduction chapter, the document is organized as described below.

*Chapter 2 - Project Summary:* Summarizes the proposed Project, including any minor changes made since publication of the DEIR.

*Chapter 3 – Impact Summary:* Provides a summary of significant and unavoidable impacts, impacts mitigated to levels of less than significance through implementation of mitigation measures and/or standard conditions of Project approval, and less than significant effects.

*Chapter 4 - Changes to the Draft EIR:* Contains text changes and corrections to the Draft EIR initiated by the Lead Agency or resulting from comments received on the DEIR.

*Chapter 5 - Responses to Comments:* Includes a list of all agencies, organizations and individuals that submitted written comments on the DEIR during the public review and comment period, and/or that commented at the Landmarks Preservation Advisory Board or Planning Commission public hearing on the Draft EIR. Also contains each of the comment letters received on the Draft EIR and summaries of the comments made at public hearings, and presents individual responses to the specific comments raised.

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<sup>1</sup> *Laurel Heights Improvement Association v. Regents of the University of California*, 6 Cal 4th 112, (1993)

## USE OF THE FINAL EIR

Pursuant to CEQA, this is a public information document for use by governmental agencies and the general public. The information contained in this Final EIR is subject to review and consideration by the City of Oakland and any other responsible agency prior to the City's decision to approve, reject or modify the proposed Project. The City of Oakland Planning Commission must ultimately certify that it has reviewed and considered the information in the EIR and that the EIR has been completed in conformity with the requirements of CEQA before making any decision of the proposed Project.

The City cannot approve a project which would result in a significant environmental effect unless it makes one or more of the following findings:

- That changes or alternations have been required in, or incorporated into the Project which avoid or substantially lessen the significant environmental effects as identified in the EIR,
- That such changes or alterations are within the responsibility and jurisdiction of another public agency (not the City of Oakland), and that such changes have been adopted by such other public agency, or can and should be adopted by such other agency.
- Specified economic, legal, social, technological or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR.



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## PROJECT SUMMARY

The Project Applicant (BALCO Properties Ltd., LLC) seeks to develop 380 residential condominium units and 9,110 square feet of ground-floor office and retail space in a building featuring two tall towers situated on a four-story podium, with one tower reaching a height of 27 stories and the other tower reaching a height of 20 stories. The Project would be built on a 35,500 square-foot site located at 325 7<sup>th</sup> Street in the Chinatown neighborhood of downtown Oakland.

### PROJECT LOCATION

The Project site is located in the Chinatown neighborhood of downtown Oakland and bounded by 7<sup>th</sup> Street, 6<sup>th</sup> Street and Harrison Street. Across Harrison Street from the Project site to the east is the Chinese Garden Park. To the south is I-880, a multi-lane elevated freeway adjacent to 6<sup>th</sup> Street. To the west and north of the Project site are several commercial establishments, some within the same block as the proposed Project, and others across 7<sup>th</sup> Street opposite the Project site.

The 35,500 square-foot Project site (approximately 0.81 acres) is irregularly shaped, extending from the corner of 7<sup>th</sup> Street and Harrison Street to 6<sup>th</sup> Street, forming the shape of an “S”. It includes seven separate, privately-owned parcels; APN 001-018900500 (currently an office building), APN 001-018900600 (a commercial lot), APN 001-018900700 (a surface parking lot), APN 001-018900800 (a current office building), APN 001-018900900 (an existing single-family residence), APN 001-018901400 (a warehouse), and APN 001-018901300 (a warehouse). On these seven separate parcels there are five (5) existing buildings on the Project site: two office buildings, two warehouses and a residence. There are also a parking lot and a vacant commercial lot on the site.

### PROJECT DESCRIPTION

#### Demolition and Remediation

The Project applicant proposes to demolish or remove all of the existing structures at the site including the existing residential structure currently located at 617-621 Harrison Street. This structure is identified in the City of Oakland Cultural Heritage Survey as a contributor to the 7<sup>th</sup> Street / Harrison Square Residential Historic District. The building is rated in the Oakland Cultural Heritage Survey as “C1+” (secondary importance, located in an Area of Primary Importance - the 7<sup>th</sup> Street / Harrison Square Residential District, and as a contributor to that District).

A Phase I Environmental Site Assessment and the Phase II Subsurface Investigation (Schutze & Associates, Inc., May 23, 2006) indicates that groundwater contaminated with diesel and motor oil from off-site leaking underground storage tanks has migrated to the site. The Phase II report recommended reporting the results as required by current regulations, and recommended a follow-up subsurface investigation to investigate the lateral and vertical extent of the groundwater contamination. No remediation activities were recommended. Until this recommended follow-up subsurface investigation

has been completed, it is uncertain whether or not remediation will be necessary. If, after completion of the follow-up investigation recommended in the Phase II Subsurface Investigation, remedial action is necessary to address groundwater contamination at the site, the Project applicant will be required to obtain and submit written evidence of approval for any remedial action as required by local, state, or federal environmental regulatory agencies.

### **New Building and Uses**

Following demolition and/or relocation of the existing structures and site preparation, the Project applicant would redevelop the Project site with construction of 380 residential condominium units and 9,110 square feet of street-level retail space, in addition to 399 off-street parking spaces.

### **Design**

The building is designed as two tall towers situated on a four-story podium. Tower 1 would reach a total height of 27 stories (approximately 275 feet at the top of the roof slab, approximately 332 feet, 4 inches at the top of the tower), and Tower 2 would reach a total height of 20 stories (approximately 207 feet, 4 inches at the top of the roof slab and approximately 251 feet, 2 inches at the top of the architectural feature). As indicated in the Project Objectives (below), the 2-tower design is intended as an aesthetic design element to break up the bulk and mass of space. It is also intended to provide flexibility for continuous sequenced construction. Either tower building is intended to be able to be constructed independently from the other, but sharing the podium base. It is possible that one tower would be constructed first, followed by the second tower.

### ***Streetscape Improvements***

The Project proposes to provide new street trees along the 7<sup>th</sup> Street and Harrison Street frontage at a spacing of approximately 30 feet on center. Additionally, the sidewalks along all Project frontages are proposed to be decorative concrete tile pavers.

### ***Air Filtration System***

In order to ensure that residents living at the Project site will not be exposed to freeway emissions with excessive levels of diesel particulate matter (DPM) or particulates smaller than 10 microns (PM-10) in their homes, the Project will incorporate a centralized ventilation (filtration) system with a minimum efficiency reporting value (MERV) 13 and efficiency consistent with American Society of Heating, Refrigeration and Air Conditioning Engineers (ASHRAE) 52.2 standards. Intakes for the filtration system will be located at the proposed group open space area that is located on the side of the building opposite from the freeway so that the air intakes will be as far from the freeway source as possible. Residents will be provided with fresh, cool air through the air conditioning system, rather than opening windows.

### **Uses**

#### ***Residential***

With the exception of the interior parking space, ground-floor commercial uses (retail and office) and utility/support space, the towers are entirely residential, including associated common open space. A total of 380 residential units are proposed, with a mix of residential unit types as follows:

- 40 studio units (approximately 600 square feet per unit)

- 192 one-bedroom units (ranges from approximately 650 to 900 square feet per unit)
- 131 two-bedroom units (ranges from approximately 1,100 to 1,250 square feet per unit) and
- 17 two bedroom plus units (of approximately 1,450 square feet per unit).

#### *Commercial / Office*

A total of 9,110 square feet of commercial space would be provided at street level along the Harrison Street and the Harrison Street/7<sup>th</sup> Street corner (approximately 6,795 square feet of general retail space and approximately 2,315 square feet of office space).

#### *Open Space*

Development of the Project site as proposed would include approximately 10,169 square feet of group open space. The majority of this open space would be an 8,200 square foot outdoor courtyard provided on the top deck of the podium at the 4<sup>th</sup> floor of Tower #1. This courtyard is located within an internal portion of the site between the two towers and away from the adjacent I-880 freeway. A second courtyard that is 769 square feet in size would be provided on the 18<sup>th</sup> floor of Tower #2, and a third courtyard of 1,200 square feet would be provided on the 22<sup>nd</sup> floor of Tower #1. Two small, 26 square foot group open space balconies are also provided on the 19<sup>th</sup> and 20<sup>th</sup> floors, but not counted in the total group open space above. Approximately 9,042 square feet of private open space would also be provided as balconies and patios for some of the 380 units proposed.

#### Internal Circulation and Parking

##### *Access*

The Project site currently has vehicular access from 7<sup>th</sup> Street, Harrison Street and 6<sup>th</sup> Street, with driveways on each of these streets. With development of the Project site as proposed, the existing vehicle access points would be retained along 7<sup>th</sup> Street (serving the above-ground parking areas) and along 6<sup>th</sup> Street (serving the underground parking area). No vehicle access to the proposed parking areas would be provided from the current driveway along Harrison Street.

Pedestrian circulation would be provided by sidewalks along 7<sup>th</sup> Street, Harrison Street and 6<sup>th</sup> Street. Sidewalks exist on both sides of these roadway segments near the project site, except along the south side of 6<sup>th</sup> Street. The sidewalk widths on the perimeter of the proposed Project site are 10 feet on 7<sup>th</sup> Street, 11 feet on Webster Street, 13 feet on Harrison Street, and 17 feet on the north side (Project side) of 6<sup>th</sup> Street. These sidewalks would be retained under the proposed Project.

No bicycle lanes or markings currently exist in the Project vicinity. However, the City's Bicycle Master Plan designates 7<sup>th</sup> Street, 8<sup>th</sup> Street, Oak Street, Madison Street and Broadway between 6<sup>th</sup> and 7<sup>th</sup> Streets as Class II bicycle lanes. Class II bicycle lanes consist of striped bicycle lanes on the roadways.

Motor vehicle circulation would be provided along each of the three public streets adjoining the Project site.

##### *Parking and Loading*

A total of 399 off-street parking spaces would be provided within a podium parking garage (one story underground and three stories above ground). The majority of the parking spaces (365 of the 399 total)

are proposed as mechanical, multi-parking systems that provide independent parking spaces for cars, one on top of the other and side by side. These mechanical parking systems have parking spaces arranged on three different levels, one level on top of the other. The parking spaces of this multi-parking system are accessed horizontally, like a traditional parking space. The vehicles are parked on solid steel platforms. The platforms of both the lower floor and upper floor move vertically, and the platforms of the ground floor move horizontally, allowing for shifting the ground floor parking spaces sideways and enabling an upper floor parking space or lower floor parking space to be lowered or lifted to the approach level. These parking systems are designed to accommodate passenger cars and station wagons.<sup>1</sup> Of the remaining 34 parking spaces, 11 spaces are standard, 15 are compact, and 8 are handicap accessible.

A loading area would be located along 6<sup>th</sup> Street, and would be designed in accordance with all City standards to avoid conflicts with all streets, driveways and service lanes. Loading and service facilities would also be located to avoid pedestrian facilities and residences to the maximum extent feasible.

### **Project Construction Schedule**

The estimated schedule for Project construction is intended to allow for a continuous sequenced construction of the Project, generally as described below:

- Starting after Project approval and lasting for approximately 6 months – Demolition and excavation of site (potentially including hazardous materials remediation efforts as may be necessary – see above)
- During the following 6 months – Construction of the parking podium (1 floor below grade, 3 floor above grade)
- Over the following 18 months – Construction of the north tower (Building 1, to 27 stories)
- Over the following 12 months - Construction of the south tower (Building 2, to 20 stories)

## **PROJECT OBJECTIVES**

The overall Project objective is to construct a high-rise residential building within the Chinatown portion of the City's Central Business District that takes advantage of the area's proximity to regional transit facilities, encourages pedestrian activity at the street level, and forms an attractive and architecturally interesting addition to the City's downtown skyline. Specifically, the Project seeks to:

### **Development & Density**

- Provide a critical mass of new housing opportunities in Chinatown, where many of the new residents are also anticipated to work and shop. This new residential population is anticipated to help sustain local businesses and entice new business investment into the neighborhood.
- Provide new urban infill housing in a location within easy walking distance of local commerce and services

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<sup>1</sup> Klaus Parking Automat, series P310 and P210 designs



- Locate dense, urban-scale infill housing that takes advantage of the site's proximity to two BART stations and other regional transit facilities.

### Neighborhood Enhancement

- Enhance the street-level pedestrian experience by replacing existing warehouse structures with no street-level engagement with new pedestrian-oriented retail spaces that are transparent and inviting to the pedestrian
- Improve the overall aesthetics of the neighborhood by redeveloping empty and underutilized lots and introducing new streetscape elements, large open storefronts and other retail amenities
- Foster a safer community by increasing commercial activity at the street level, and increasing the number of residential "eyes on the street" at all hours

### Project Design

- Establish flexibility in the Project's development and construction to enable it to adjust to market trends by developing two independent towers that can be constructed sequentially yet continuously. This design flexibility is intended to create an economically viable project capable of attracting both construction and permanent financing, enabling returns on investment in the initial tower to sustain construction and financing for the second tower.
- Develop an identifiably strong and significant gateway building to Chinatown from the I-880 corridor, signifying the area's continuing revitalization efforts.
- Reduce the overall bulk and mass of a single large building by creating two separate towers with distinctive height differences and interesting architectural treatments at the rooftops.
- Provide the right balance between adequate off-street parking for proposed residential and commercial uses, and not so much parking as to encourage auto use over alternative modes of travel such as transit, bicycles and walking.

## **DISCRETIONARY ACTIONS**

### **City of Oakland – as Lead Agency**

It is anticipated that this EIR will provide environmental review for all discretionary approvals and actions necessary for this Project. A number of permits and approvals would be required before development of the Project could proceed. As Lead Agency for the proposed Project, the City of Oakland would be responsible for the majority of Project approvals required for development. A list of required permits and approvals that may be required by the City includes, but is not necessarily limited to the following:

- Demolition and Construction Phasing Plan
- Major Conditional Use Permit for Floor Area Ratio (FAR) that exceeds zoning but is consistent with the General Plan

- Minor Variances for dimensions of parking spaces due to lift spaces, dimension of parking spaces against column or other obstruction, tandem parking spaces, rear yard setbacks, loading berth dimensions and open space requirements
- Major Design Review
- Tentative Parcel Map for condominium units
- Demolition Permit
- Grading Permit
- Building Permit
- Tree Removal Permit

### **Other Public Agencies Interested in the Project**

A number of other public agencies have expressed interest in the Project and/or have permitting or approval jurisdiction over aspects of the Project, including:

#### *Federal Aviation Administration (FAA)*

- Since the proposed structures would exceed a height of 200 feet (maximum height of the proposed Tower #1 is approximately 275 feet with an architectural top element increasing its height to approximately 332 feet), the Project Applicant will need to comply with all applicable Federal Aviation Administration notification/marketing requirements.

#### *East Bay Municipal Utilities District (EBMUD)*

- The Project will require EBMUD approval of water lines, water hook-ups and review of water needs.

#### *California Regional Water Quality Control Board (RWQCB)*

- The Project will require approval of a National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharge, and approval and oversight for remediation plans for hazardous materials abatement (if determined necessary)

#### *Alameda County Department of Environmental Health*

- The County Department of Environmental Health will have permitting jurisdiction over hazardous waste or contamination removal activities, if determined necessary.

#### *Bay Area Air Quality Management District (BAAQMD)*

- The BAAQMD will have permitting responsibilities for asbestos abatement activities.

#### *California Department of Toxics and Substances Control (DTSC)*

- DTSC will have approval and oversight responsibility for remediation plans for hazardous materials abatement, if determined necessary.

*California Department of Transportation (CalTrans)*

- Caltrans will need to approve the recommended signal timing mitigation measures at 5<sup>th</sup>/Oak Street and 6<sup>th</sup>/Jackson Street.

*Alameda County Transportation Improvement Authority (ACTIA)*

- Coordination with ACTIA is recommended regarding the Project Study Report (PSR) for the I-880 Broadway to Jackson Interchange project.

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## SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL AND MITIGATION MEASURES

### OVERVIEW

This chapter provides an overview of potential environmental impacts associated with Project implementation, required standard Conditions of Approval, and recommended mitigation measures to reduce or avoid potentially significant impacts as presented in the Draft EIR. **Table 3-1** at the end of this chapter lists a summary statement of each impact, applicable Standard Conditions of Approval (SCA) and corresponding mitigation measures (if any), as well as the level of significance after mitigation.

Significant environmental impacts require the implementation of mitigation measures or alternatives (where feasible) to reduce those impacts, or a finding by the Lead Agency that possible mitigation measures are infeasible for specific reasons. For some of the significant impacts, mitigation measures may not be effective in reducing the impacts to a less than significant level. These impacts are designated as significant and unavoidable (SU).

### Significant and Unavoidable Project and Cumulative Impacts

#### Traffic and Circulation

- Under all studied scenarios (Existing + Project, 2015 + Project and 2030 + Project) the intersections at 5<sup>th</sup> Street/Oak Street (Intersection #1) and 6<sup>th</sup> Street/Jackson Street (Intersection #4) would operate at unacceptable levels, and the Project would generate traffic at these intersections that would exceed the thresholds of significance.

Mitigation measures have been recommended that would optimize the signal timing at these intersections, effectively reducing these impacts to a less than significant level. Even though these mitigation measures would not require an encroachment permit from Caltrans since the signal hardware and timing is operated and maintained by the City of Oakland through a service agreement contract, the City of Oakland could not implement the mitigation measures at these intersections without the prior approval of Caltrans. Such approval has not yet been granted and it is unknown whether such approvals would ultimately be granted. Therefore, both Project-specific and cumulative traffic impacts at 5<sup>th</sup> Street/Oak Street and 6<sup>th</sup> Street/Jackson Street are conservatively considered *significant and unavoidable*.

#### Historic Resources

- A residential structure located at 617-621 Harrison Street is considered an historic resource pursuant to CEQA criteria. Under the proposed Project, this historic structure will be demolished to enable development of the Project site as proposed.



The Project's proposed design is dependent upon use of the property at 617-621 Harrison Street. City Standard Conditions of Approval requires the Project applicant to make good faith efforts to relocate this structure to another location consistent with its historical or architectural character. Although the Project applicant had indicated that their efforts to relocate this building at the time of publication of the Draft EIR had not proven successful, the Standard Condition of Approval includes several additional procedural steps that must be taken to demonstrate required good faith efforts. Since publication of the Draft EIR, the Project applicant has continued efforts to relocate the building at 617-621 Harrison Street. The applicant identified a potential site in West Oakland where the structure could be relocated, indicated their willingness to pay for the move with the intention of donating the house to the Alliance for West Oakland, and coordinated with the Alliance for West Oakland to have the house restored as part of their Jobs Training Program.

However, these efforts have also discovered an obstacle which could make relocation of the house infeasible. Because the house fronts onto Harrison Street, the movers would need to close Harrison Street to through traffic (including closure of the Harrison Street tube from Alameda) for a several-hour time period so that they could move their equipment into position, lift the house and load it onto the transport. The other option would be to take down the existing commercial structure at the corner of 7<sup>th</sup> and Harrison Street first, providing the movers with access to the house from the adjacent property. The existing commercial structure now has tenants using that building. Taking down the existing commercial structure at the corner of 7<sup>th</sup> and Harrison Street would likely not occur until such time as the Project's construction is ready to commence.

The building has undergone serious deterioration, with removal of the front stairs, graffiti, and trash and the applicant has been cited for blight. In addition, the City of Oakland's Fire Department and the Police Department have made a determination that the building is being illegally occupied and is unsafe. Therefore, these agencies are requesting abatement of these illegal activities either by repair, rehabilitation, demolition or other approved corrective action, securing the building openings against entry, and removal of combustibles and waste. As indicated in the Draft EIR, the demolition of this historic resource would result in a significant and unavoidable impact.

Mitigation Measure Hist-2b recommends that if the building cannot be successfully relocated, the Project applicant shall make a monetary contribution to the City which shall exclusively be used for; a) development of an Historic Interpretive and Improvement Program, and b) an historic resource-related program such as the Façade Improvement Program or the Property Relocation Assistance Program. The specific amount of the financial contribution required under MM Hist-2b is a policy matter for the City, and at this time possible calculations are still being considered by the LPAB. While these measures could reduce and/or compensate for the loss of this building, there are no additional feasible mitigation measures to reduce the loss of this historic resource to a less than significant level. The demolition of the historic structure at 617-621 Harrison Street would be a ***significant and unavoidable*** impact of the Project.

This EIR also includes a CEQA alternative specifically intended to avoid this impact by developing an alternative project design which is not reliant upon the property at 617-621 Harrison Street.

## **Impacts Reduced to Less than Significant with Implementation of Recommended Mitigation Measures**

### Traffic and Circulation

- Under all studied scenarios (Existing + Project, 2015 + Project and 2030 + Project) the intersection at 8th Street/Webster Street (Intersection #9) would operate at unacceptable levels and the Project would generate traffic at this intersection that would exceed the thresholds of significance.

Mitigation measures have been recommended that would optimize the signal timing at this intersection, effectively reducing this Project-specific and cumulative traffic impact to a less than significant level. No Caltrans approval would be required to implement this mitigation measure.

### Air Quality

- The exposure risk to nearby sensitive receptors to toxic air contaminants generated during the Project's construction period would exceed the thresholds of significance under BAAQMD and City of Oakland criterion.

Standard Conditions of Approval assumed for the Project require use of Best Available Control Technologies, CARB's most recent diesel engine certification standards and other emission reduction requirements. However, these measures are not capable of reducing DPM emissions or PM<sub>2.5</sub> exposure from the Project's construction activities to a level that would be below current thresholds of significance. Mitigation measures have been recommended that would require the construction contractor to implement additional diesel emission reduction measures (including, but not limited to alternatively fueled equipment, engine retrofit technology, after-treatment products and add-on devices such as particulate filters, and/or other options as they become available) capable of achieving a project wide fleet-average of 85 percent particulate matter (PM) reduction compared to the most recent California Air Resources Board (CARB) fleet average. Implementation of these additional measures would reduce emission of diesel particulate matter and PM<sub>2.5</sub> to a less than significant level.

## **Impacts Found to be Less Than Significant**

The December 2007 Initial Study determined that for a number of environmental topic areas, the Project would have no impact or less than significant impacts. Other potentially significant environmental effects would not rise to the level of significant as a result of implementation of City of Oakland Standard Conditions of Approval. These issues are fully discussed in the Initial Study and relate to certain aesthetics impacts, certain air quality impacts, biological resource impacts, certain cultural resource impacts, geology and soils impacts, certain hazardous materials impacts, hydrology and water quality impacts, noise impacts, public service impacts, and certain utilities impacts.

The Draft EIR further analyzed the following environmental topic areas; visual resources, wind and shadows; transportation, circulation and parking; air quality and toxic air contaminants; climate change and greenhouse gas emissions; public health and hazards; wastewater collection infrastructure; and historic resources. With the exception of those issues described above pertaining to traffic and historic resources, this EIR concludes that there are no impacts that would be significant or would remain significant following implementation of City of Oakland Standard Conditions of Approval.

## ALTERNATIVES

Chapter 5 of the Draft EIR includes an analysis of three CEQA alternatives to the proposed Project. These alternatives meet the requirements of CEQA to analyze a reasonable range of alternatives to the Project that would feasibly attain most of the Project's basic objectives but that avoid or substantially lessen any of the significant effects of the Project:

- Alternative 1 - No Project/No Development Alternative, which assumes continuation of existing conditions at the Project site
- Alternative 2 – Reduced Density Alternative to meet the effective C-40/R-70 zoning standards
- Alternative 3 – Reduced Site Alternative to avoid impacts to existing historic resources

In addition, two planning alternatives are discussed in the Draft EIR:

- Alternative 4 – The Alternative Circulation – I-880/Broadway/Jackson Interchange Project Alternative, and
- Alternative 5 – Point Tower Alternative with an alternative architectural and urban design approach.

### Environmentally Superior Alternative

CEQA requires the identification of the environmentally superior alternative in an EIR. Under the No Project/No Development Alternative there would be no change in existing conditions at the Project site, and none of the potential environmental impacts that might be associated with development as proposed under the Project would occur. The No Project/No Development Alternative is considered the environmental superior alternative, since maintaining the Project site in its current condition would avoid each of the potential environmental impacts that would result from developing the site as proposed. However, this alternative would meet none of the Project objectives. Where a No Project alternative has been identified as the environmentally superior alternative, CEQA requires the EIR to identify another alternative that would be considered environmentally superior in the absence of the No Project alternative.

A comparison of the alternatives evaluated indicates that the Reduced Density Alternative would have fewer environmental impacts relative to the proposed Project and to all other alternatives, and would be considered the environmentally superior alternative in the absence of the No Project/No Development alternative. The Reduced Density alternative would result in less significant traffic impacts relative to the proposed Project. The Reduced Density Alternative would not include the property located at 617-621 Harrison Street within its development envelope, and thus would also avoid the significant and potentially unavoidable adverse impact to the historic resource that would otherwise occur under the Project.

## SUMMARY TABLE

Information in **Table 3-1**, Summary of Impacts, City Standard Conditions of Approval and Mitigation Measures has been organized to correspond with environmental issues discussed in the Draft EIR, as well as all issues previously addressed in the December 2007 Initial Study. The table is arranged in three columns: impacts; required Standard Conditions of Approval and/or recommended mitigation measures;

and level of significance after implementation of Standard Conditions of Approval and/or mitigation. Levels of significance are categorized as follows:

- LTS = Less Than Significant;
- S = Significant; and
- SU = Significant and Unavoidable.

**TABLE 3-1: SUMMARY OF PROJECT IMPACTS, STANDARD CONDITIONS OF APPROVAL AND MITIGATION MEASURES FOR THE 325 7<sup>TH</sup> STREET PROJECT**

Potential Environmental Impacts	Recommended Mitigation Measures/ Standard Conditions of Approval	Resulting Level of Significance
<b>EFFECTS ADDRESSED IN THIS EIR</b>		
<b>Aesthetics</b>		
<b>Impact Aesth-1:</b> The Project would have a less than significant impact on shading solar energy collection features in the vicinity, given the apparent absence of such features.	None necessary	LTS
<b>Impact Aesth-2:</b> The shadows created by the proposed Project would have a less than significant effect in terms of impairment of the use of the Chinese Garden Park.	None necessary	LTS
<b>Impact Aesth-3:</b> Given the limited duration of the Project's shadows, the Project would not in any material way alter the historic significance of historic resources, including the Asian Resource Center, the Chinese Garden Park or the 7 <sup>th</sup> Street/ Harrison Square Residential Historic District, and this would be regarded as a less than significant impact.	None necessary	LTS
<b>Impact Aesth-4:</b> Wind conditions in pedestrian areas on and around the proposed development would not be expected to exceed the City of Oakland significance criterion for wind creation, and the Project-related impact on wind in the immediate vicinity of the Project site would be less than significant.	<p>None necessary. Although wind related impacts are less than significant under CEQA thresholds, the following additional measure is recommended to address windy conditions at the Project's upper courtyards:</p> <p><b>Recommended Condition Aesth-4: Wind Reduction Plan.</b> As noted above, lower wind speeds could be desired at the Level 4, Level 18 and Level 22 courtyards around seating areas. The project applicant shall develop a wind reduction plan, to be included as part of the landscape plan, for further wind control. This plan shall be subject to review and approval by the City and the applicant shall implement the approved plan. The plan shall include features such as tree plantings, arbors, canopies, lattice fencing. In addition, a full height wind screen (from floor level to the underside of the canopy) is also recommended along the western edge of the pedestrian walkway. Vertical wind control measures considered shall face perpendicular to local wind flow for the dominant west winds to be most effective.</p>	LTS
<b>Impact Aesth-5:</b> Although visible from many vantage points, the Project's proposed height, massing and design would not constitute a demonstrable negative aesthetic effect, and the Project-related visual impacts would be less than significant.	None necessary	LTS

**TABLE 3-1: SUMMARY OF PROJECT IMPACTS, STANDARD CONDITIONS OF APPROVAL AND MITIGATION MEASURES FOR THE 325 7<sup>TH</sup> STREET PROJECT**

Potential Environmental Impacts	Recommended Mitigation Measures/ Standard Conditions of Approval	Resulting Level of Significance
<b>Cumulative Impact Aesth-6:</b> The Project's contribution to overall cumulative increase in building height and massing would not constitute a demonstrably negative cumulative aesthetic effect, and the cumulative visual impact would be less than significant.	None necessary	LTS
<b>Cumulative Impact Aesth-7:</b> The Project's contribution to increased shadows would not have an adverse cumulative effect on solar collection, beneficial uses of parks or shadowing of historic resources and the cumulative shadow impact would be less than significant.	None necessary	LTS
<b>Cumulative Impact Aesth-8:</b> The Project's contribution to increased wind conditions would be less than significant.	None necessary	LTS
<b>Traffic</b>		
<b>Impact Traf-1:</b> Construction activities could cause significant disruptions to transportation and pedestrian movement at the Project site, and could substantially reduce the availability of parking opportunities. These potential impacts would be reduced or avoided through implementation of the City's Standard Conditions of Approval that require preparation of a Construction Traffic and Parking Management Plan.	<p><b>SCA Traf-2: Construction Traffic and Parking.</b> <i>Prior to the issuance of a demolition, grading or building permit.</i> The project applicant and construction contractor shall meet with appropriate City of Oakland agencies to determine traffic management strategies to reduce, to the maximum extent feasible, traffic congestion and the effects of parking demand by construction workers during construction of this project and other nearby projects that could be simultaneously under construction. The project applicant shall develop a construction management plan for review and approval by the Planning and Zoning Division, the Building Services Division, and the Transportation Services Division. The plan shall include at least the following requirements:</p> <ol style="list-style-type: none"> <li>A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes.</li> <li>Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures will occur.</li> <li>Location of construction staging areas for materials, equipment, and vehicles at an approved location.</li> <li>A process for responding to, and tracking, complaints pertaining to construction activity, including identification of an onsite complaint manager. The manager shall determine the cause of the complaints and shall take prompt action to correct the problem. Planning and Zoning shall be informed who the Manager is prior to the issuance of the first permit issued by Building Services.</li> </ol>	LTS, with Standard Conditions of Approval

**TABLE 3-1: SUMMARY OF PROJECT IMPACTS, STANDARD CONDITIONS OF APPROVAL AND MITIGATION MEASURES FOR THE 325 7<sup>TH</sup> STREET PROJECT**

Potential Environmental Impacts	Recommended Mitigation Measures/ Standard Conditions of Approval	Resulting Level of Significance
	<ul style="list-style-type: none"> <li>e. Provision for accommodation of pedestrian and bicycle flow.</li> <li>f. Provision for parking management and spaces for all construction workers to ensure that construction workers do not park in on-street spaces.</li> <li>g. Any damage to the street caused by heavy equipment, or as a result of this construction, shall be repaired, at the applicant's expense, within one week of the occurrence of the damage (or excessive wear), unless further damage/excessive wear may continue; in such case, repair shall occur prior to issuance of a final inspection of the building permit. All damage that is a threat to public health or safety shall be repaired immediately. The street shall be restored to its condition prior to the new construction as established by the City Building Inspector and/or photo documentation, at the applicant's expense, before the issuance of a Certificate of Occupancy.</li> <li>h. Any heavy equipment brought to the construction site shall be transported by truck, where feasible.</li> <li>i. No materials or equipment shall be stored on the traveled roadway, including bicycle lanes, at any time.</li> <li>j. Prior to construction, a portable toilet facility and a debris box shall be installed on the site, and properly maintained through project completion.</li> <li>k. All equipment shall be equipped with mufflers.</li> <li>l. Prior to the end of each work day during construction, the contractor or contractors shall pick up and properly dispose of all litter resulting from or related to the project, whether located on the property, within the public rights-of-way, or properties of adjacent or nearby neighbors.</li> </ul> <p><u>To further implement SCA Traf-2, the following additional Project-specific element shall be added to construction-period traffic and parking management strategies:</u></p> <p><u>m. The Project sponsor shall coordinate with AC Transit and the City of Oakland Public Works Department Traffic Services Department to identify an appropriate temporary location for the existing bus stop located at the southwest corner of 7<sup>th</sup> and Harrison, which will most likely be adversely affected by Project construction. The Project sponsor shall implement all steps necessary to establish this temporary bus stop, including possible construction of a bus shelter, to a location mutually agreed upon by the City of Oakland and AC Transit. This temporary bus stop location is anticipated to be at the southeast corner of 7<sup>th</sup>/Webster Street, on the far side of the intersection and beyond the pedestrian crosswalks.</u></p>	
<b>Impact Traf-2:</b> The Project would not result in inadequate emergency access routes.	None necessary	LTS
<b>Impact Traf-3:</b> Although the Project would increase both pedestrian activity and vehicular	None necessary. Although not necessary to address a significant CEQA impact, the following conditions are recommended to improve pedestrian access and flow within the Project site and	LTS

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Potential Environmental Impacts	Recommended Mitigation Measures/ Standard Conditions of Approval	Resulting Level of Significance
traffic in and around the Project area, the increase in vehicular traffic at the study intersections would not cause significant impacts on pedestrian movements, and additional pedestrian volumes generated by the proposed Project would continue to be accommodated by existing sidewalks and crosswalks.	<p>immediate vicinity:</p> <p><b>Recommended Condition Traf-3: Pedestrian Enhancements.</b> The Project is anticipated to generate approximately 553 daily walking trips. It is likely that most of these walking trips would be toward the Lake Merritt or 12<sup>th</sup> Street BART, or toward Chinatown. In order to improve pedestrian flow, it is recommended that the following intersections be upgraded as follows:</p> <ul style="list-style-type: none"> <li>a. Audible signals should be installed at the intersection of 7<sup>th</sup> Street/Broadway, both westbound and eastbound.</li> <li>b. Pedestrian countdown signals should be installed at the intersection of 7<sup>th</sup> Street/Harrison Street.</li> <li>c. Enhancement of pedestrian crosswalks and installation of ADA compliant ramps with domes should be conducted at the intersections of 7<sup>th</sup> Street/Webster Street, 7<sup>th</sup> Street/Harrison Street, and 8<sup>th</sup> Street/Harrison Street.</li> </ul>	
<b>Impact Traf-4:</b> The proposed Project would not increase peak hour travel times along most nearby transit corridors by more than a few seconds, and would have a minimal effect on transit travel times outside of the peak hours. Even on the most affected transit corridors, Project-related increases in travel time along key transit corridors would represent only a fraction of the increase in travel time caused by other existing and cumulative traffic.	None necessary	LTS
<b>Impact Traf-5:</b> The proposed Project would not conflict with adopted transportation policies, plans and programs supporting alternative transportation, and would be required to comply with City Standard Conditions of Approval that require preparation and implementation of a Parking and Transportation Demand Management Plan. However, there is an existing AC Transit bus stop located at the southwest corner of 7 <sup>th</sup> /Harrison Street, directly in front of the Project site. The location of this bus stop could conflict with access to the Project site once the Project is constructed.	<p><b>SCA Traf-1: Parking and Transportation Demand Management.</b> <i>Prior to issuance of a final inspection of the building permit.</i> The applicant shall submit for review and approval by the Planning and Zoning Division a Transportation Demand Management (TDM) plan containing strategies to reduce on-site parking demand and single occupancy vehicle travel. The applicant shall implement the approved TDM plan. The TDM shall include strategies to increase bicycle, pedestrian, transit, and carpools/vanpool use. All four modes of travel shall be considered. Strategies to consider include the following:</p> <ul style="list-style-type: none"> <li>a. Inclusion of additional bicycle parking, shower, and locker facilities that exceed the requirement</li> <li>b. Construction of bike lanes per the Bicycle Master Plan; Priority Bikeway Projects</li> <li>c. Signage and striping onsite to encourage bike safety</li> <li>d. Installation of safety elements per the Pedestrian Master Plan (such as cross walk striping, curb ramps, count down signals, bulb outs, etc.) to encourage convenient crossing at arterials</li> <li>e. Installation of amenities such as lighting, street trees, trash receptacles per the Pedestrian Master Plan and any applicable streetscape plan.</li> </ul>	LTS, with implementation of Standard Conditions of Approval



**TABLE 3-1: SUMMARY OF PROJECT IMPACTS, STANDARD CONDITIONS OF APPROVAL AND MITIGATION MEASURES FOR THE 325 7<sup>TH</sup> STREET PROJECT**

Potential Environmental Impacts	Recommended Mitigation Measures/ Standard Conditions of Approval	Resulting Level of Significance
	<ul style="list-style-type: none"> <li>f. Direct transit sales or subsidized transit passes</li> <li>g. Guaranteed ride home program</li> <li>h. Pre-tax commuter benefits (checks)</li> <li>i. On-site car-sharing program (such as City Car Share, Zip Car, etc.)</li> <li>j. On-site carpooling program</li> <li>k. Distribution of information concerning alternative transportation options</li> <li>l. Parking spaces sold/leased separately</li> <li>m. Parking management strategies; including attendant/valet parking and shared parking spaces.</li> </ul> <p>To further implement this Standard Condition of Approval, the Project applicant shall include the following Project-specific conditions as part of the required TDM Plan:</p> <ul style="list-style-type: none"> <li>n. Investigate the possibility of contracting with off-site locations to provide additional parking,</li> <li><u>o. The applicant shall work with the City of Oakland to determine the Project's appropriate financial contribution share and/or other efforts to support the Broadway/Valdez shuttle service or other shuttle service which provides service along Broadway. The applicant shall include, in an annual report to be submitted to the City, documentation of financial contribution and/or other efforts to support the shuttle.</u></li> <li><del>o. All good faith efforts made by the applicant to identify potential off-site parking shall be submitted to the City for review and approval.</del></li> </ul> <p>The Project will be required to comply with all of the provisions of City of Oakland Standard Conditions of Approval, including <b>SCA WW-2: Improvements in the Public Right-of-Way</b>.</p> <p><u>To further implement SCA WW-2, the following additional Project-specific element shall be added to the list of improvement plans required for the public right-of-way:</u></p> <ul style="list-style-type: none"> <li><u>h. The Project sponsor shall work closely with AC Transit and the City of Oakland to determine the desirability of permanently relocating the existing bus stop currently located at the southwest corner of 7<sup>th</sup>/Harrison Street, immediately in front of the Project site. A key consideration in determining whether the bus stop should be permanently relocated is whether it is more desirable to have Project vehicles access the Project's garage entry and exit in front of AC Transit buses (i.e., by permanently relocating the bus stop to the southeast corner of 7<sup>th</sup>/Webster Street) or whether cars should access the Project's garage entry/exit behind AC Transit buses (i.e., returning the bus stop location to where it is currently located at the southwest corner of 7<sup>th</sup>/Harrison Street). The permanent location of the bus stop must be approved by the City of Oakland Public Works Department, Traffic Services Division and AC Transit. Under either scenario for the permanent bus stop location, the Project sponsor shall develop a bus stop</u></li> </ul>	

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Potential Environmental Impacts	Recommended Mitigation Measures/ Standard Conditions of Approval	Resulting Level of Significance
	<u>relocation plan for City and AC Transit review and approval, and shall implement the approved plan, including but not limited to funding the furnishing, installation, maintenance, repair and replacement of a bus shelter.</u>	
<b>Impact Traf-6:</b> The proposed Project would not cause a significant impact on the Alameda County Congestion Management Program or the Metropolitan Transportation System roadways in the Project vicinity.	None necessary	LTS
<b>Existing Plus Project</b>		
<b>Impact Traf-7:</b> LOS F conditions at the intersection of 5 <sup>th</sup> Street/Oak Street would prevail during the PM peak hour under the Existing + Project condition. The LOS would worsen with the addition of Project traffic. The Project generated increases in vehicle delay on the critical movement (eastbound through) would exceed the four-second threshold.	<p><b>Mitigation Measure Traf-7:</b> Optimize the traffic signal timing at the intersection of 5<sup>th</sup> Street/Oak Street. Optimization of traffic signal timing shall include adjusting the signal cycle length from 45 seconds to 60 seconds, and determination of allocation of green time for each intersection approach in tune with the relative traffic volumes on those approaches. Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group. To implement this measure, the Project sponsor shall submit the following to City of Oakland's Transportation Service Division and Caltrans for review and approval:</p> <ol style="list-style-type: none"> <li>Plans, Specifications, and Estimates (PS&amp;E) to modify the intersection. All elements shall be designed to City standards in effect at the time of construction and all new and upgraded signals should include these enhancements. All other facilities supporting vehicle travel and alternative modes through the intersection should be brought up to both City standards and ADA standards (according to Federal and State Access Board guideline) at the time of construction. Current City Standards call for among other items the elements listed below: <ol style="list-style-type: none"> <li>2070L Type Controller</li> <li>Full signal actuation (includes video detection, bicycle detection, pedestrian push buttons)</li> <li>Fiber signal interconnect for corridors identified in the City's ITS Master Plan for a maximum of 600 feet</li> <li>GPS communication clock</li> <li>Accessible pedestrian crosswalks according to Federal and State Access Board Guidelines</li> <li>Accessible pedestrian signals audible and tactile according to Federal Access Board guidelines</li> <li>Countdown Pedestrian Signals</li> </ol> </li> <li>Signal timing plans for the signals in the coordination group.</li> </ol> <p>The Project sponsor shall fund, prepare and install the approved plans and improvements.</p>	<p>If implemented the average delay would be lower than under the Existing (No Project) condition, and the impact would be less than significant (LTS)</p> <p>Although this mitigation measure would not require an encroachment permit from Caltrans, the City of Oakland cannot implement the mitigation measure without Caltrans' approval. Thus, the impact is conservatively considered significant and unavoidable (SU)</p>

**TABLE 3-1: SUMMARY OF PROJECT IMPACTS, STANDARD CONDITIONS OF APPROVAL AND MITIGATION MEASURES FOR THE 325 7<sup>TH</sup> STREET PROJECT**

Potential Environmental Impacts	Recommended Mitigation Measures/ Standard Conditions of Approval	Resulting Level of Significance
<p><b>Impact Traf-8:</b> The intersection of 6th Street/Jackson Street would operate at LOS E in the AM and PM peak hours. During the AM peak hour, the addition of Project traffic would cause an increase in the average delay for the critical movements (southbound right and westbound through) of 5.9 seconds, less than the City's six second threshold of significance. Therefore, the Project impact in the AM peak hour would be less than significant. During the PM peak hour, the Project generated increases in the average delay for the critical movements (7 seconds for southbound right and 2.6 seconds for westbound through) would exceed the City's six-second threshold of significance.</p>	<p><b>Mitigation Measure Traf-8:</b> Optimize the traffic signal timing at the intersection of 6th Street/Jackson Street. Optimization of traffic signal timing would include adjusting cycle length from 60 seconds to 75 seconds, and determination of allocation of green time for each intersection approach in tune with the relative traffic volumes on those approaches. Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group. To implement this measure, the Project sponsor shall submit the following to City of Oakland's Transportation Service Division and Caltrans for review and approval:</p> <ol style="list-style-type: none"> <li>Plans, Specifications, and Estimates (PS&amp;E) to modify the intersection. All elements shall be designed to City standards in effect at the time of construction and all new and upgraded signals should include these enhancements. All other facilities supporting vehicle travel and alternative modes through the intersection should be brought up to both City standards and ADA standards (according to Federal and State Access Board guideline) at the time of construction. Current City Standards call for among other items the elements listed below: <ol style="list-style-type: none"> <li>2070L Type Controller</li> <li>Full signal actuation (includes video detection, bicycle detection, pedestrian push buttons)</li> <li>Fiber signal interconnect for corridors identified in the City's ITS Master Plan for a maximum of 600 feet</li> <li>GPS communication clock</li> <li>Accessible pedestrian crosswalks according to Federal and State Access Board Guidelines</li> <li>Accessible pedestrian signals audible and tactile according to Federal Access Board guidelines</li> <li>Countdown Pedestrian Signals</li> </ol> </li> <li>Signal timing plans for the signals in the coordination group.</li> </ol> <p>The Project sponsor shall fund, prepare and install the approved plans and improvements.</p>	<p>If implemented the intersection would operate at an acceptable LOS D during the PM hour and the Project impact would therefore be mitigated to a less than significant level (LTS)</p> <p>Although this mitigation measure would not require an encroachment permit from Caltrans, the City of Oakland cannot implement the mitigation measure without Caltrans' approval. Thus, the impact is conservatively considered significant and unavoidable (SU)</p>
<p><b>Impact Traf-9:</b> The LOS F conditions at the intersection of 8<sup>th</sup> Street/Webster Street would prevail during the PM peak hour under the Existing + Project condition. The LOS would worsen with the addition of Project traffic. The Project generated increases in vehicle delay on the critical movement (southbound through) would exceed the four-second threshold.</p>	<p><b>Mitigation Measure Traf-9:</b> Optimize the traffic signal timing at the intersection of 8th Street/Webster Street. Optimization of traffic signal timing would include determination of allocation of green time within the current 90 second signal cycle length for each intersection approach in tune with the relative traffic volumes on those approaches, and implementing signal actuation. Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group. To implement this measure, the Project sponsor shall submit the following to <u>AC Transit for comment and to the</u> City of Oakland's Transportation Service Division for review and approval:</p> <ol style="list-style-type: none"> <li>Plans, Specifications, and Estimates (PS&amp;E) to modify the intersection. All elements shall be</li> </ol>	<p>LTS, with implementation of mitigation measure</p>

**TABLE 3-1: SUMMARY OF PROJECT IMPACTS, STANDARD CONDITIONS OF APPROVAL AND MITIGATION MEASURES FOR THE 325 7<sup>TH</sup> STREET PROJECT**

Potential Environmental Impacts	Recommended Mitigation Measures/ Standard Conditions of Approval	Resulting Level of Significance
	<p>designed to City standards in effect at the time of construction and all new and upgraded signals should include these enhancements. All other facilities supporting vehicle travel and alternative modes through the intersection should be brought up to both City standards and ADA standards (according to Federal and State Access Board guideline) at the time of construction. Current City Standards call for among other items the elements listed below:</p> <ul style="list-style-type: none"> <li>i. 2070L Type Controller</li> <li>ii. Full signal actuation (includes video detection, bicycle detection, pedestrian push buttons)</li> <li>iii. Fiber signal interconnect for corridors identified in the City's ITS Master Plan for a maximum of 600 feet</li> <li>iv. GPS communication clock</li> <li>v. Accessible pedestrian crosswalks according to Federal and State Access Board Guidelines</li> <li>vi. Accessible pedestrian signals audible and tactile according to Federal Access Board guidelines</li> <li>vii. Countdown Pedestrian Signals</li> </ul> <p>b. Signal timing plans for the signals in the coordination group.</p> <p>The Project sponsor shall fund, prepare and install the approved plans and improvements.</p>	
<b>2015 + Project</b>		
<b>Cumulative Impact Traf-10:</b> The LOS E and F conditions at the intersection of 5th and Oak Streets during the AM and PM peak hours under the 2015 Short-Term with Project condition, would worsen with the addition of traffic generated by the project. The Project generated increases in vehicle delay on the critical movement (eastbound through) of 12.4 seconds during the AM peak hour 29.1 seconds during the PM peak hour would exceed the City's threshold of significance.	<b>Mitigation Measure Traf-10:</b> Implement Mitigation Measure Traf-7.	(SU) see Impact Traf-7
<b>Cumulative Impact Traf-11:</b> The intersection of 6th Street/Jackson Street would continue to operate at LOS F in year 2015 during the AM Peak hour and LOS E during the PM Peak hour with the addition of Project traffic. The Project generated increases in vehicle delay on the	<b>Mitigation Measure Traf-11:</b> Implement Mitigation Measure Traf-8	(SU) see Impact Traf-8

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critical movement (southbound right) of 4.8 seconds during the AM peak hour and 6.9 seconds during the PM peak hour would exceed the City's threshold of significance.		
<b>Cumulative Impact Traf-12:</b> The LOS F conditions at the intersection of 8th Street/Webster Street would prevail during the PM peak hour under the 2015 Base case + Project condition. The LOS would worsen with the addition of Project traffic. The project-generated increases in vehicle delay on the critical movement (southbound through) would exceed the four-second threshold.	<b>Mitigation Measure Traf-12:</b> Implement Mitigation Measure Traf-9	LTS, with implementation of Mitigation Measure Traf-9
<b>2030 Cumulative + Project</b>		
<b>Cumulative Impact Traf-13:</b> The LOS F conditions at the intersection of 5th Street/Oak Street during the AM and PM peak hours under the Cumulative conditions would worsen with the addition of traffic generated by the Project. The total intersection vehicle delay would exceed the City's two-second threshold of significance with the addition of traffic generated by the Project.	<b>Mitigation Measure Traf-13:</b> Implement Mitigation Measure Traf-7.	(SU) see Impact Traf-7
<b>Cumulative Impact Traf-14:</b> The intersection of 6th Street/Jackson Street would operate at LOS F during the AM and PM peak hours. The 2030 Future Cumulative conditions would worsen with the addition of traffic generated by the project. The total intersection vehicle delay would exceed the City's threshold of significance with the addition of traffic generated by the project.	<b>Mitigation Measure Traf-14:</b> Implement Mitigation Measure Traf-8	(SU) see Impact Traf-8
<b>Cumulative Impact Traf-15:</b> The LOS F conditions at the intersection of 8th Street/Webster Street during the AM and PM peak hours under the Future Cumulative conditions would worsen with the addition of Project traffic. The Project traffic would increase total intersection average vehicle delay by more than two seconds, exceeding the City's threshold	<b>Mitigation Measure Traf-15:</b> Implement Mitigation Measure Traf-9	LTS, with implementation of Mitigation Measure Traf-9

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Potential Environmental Impacts	Recommended Mitigation Measures/ Standard Conditions of Approval	Resulting Level of Significance
of significance during both the AM and PM peak hours.		
<b>Non-CEQA Traffic, Parking and Circulation Issues</b>		
<b>Parking:</b> The parking demand for the proposed Project could range from 241 to 485 spaces. The proposed Project provides 399 spaces (380 for the residents and 19 for the office and retail uses). Therefore, there is the potential that the proposed Project <u>may</u> not have sufficient parking spaces to meet its demand.	<p>The Project will be required to comply with all of the provisions of City of Oakland Standard Conditions of Approval, including <b>SCA Traf-1: Parking and Transportation Demand Management</b>. Implementation of an effective TDM program could reduce Project-generated vehicle trips and reduce the number of Project vehicles which need parking spaces, thereby reducing overall parking demand.</p> <p>To further implement SCA Traf-1, the Project applicant shall include the following Project-specific conditions as part of the required TDM Plan:</p> <ul style="list-style-type: none"> <li>n. investigate the possibility of contracting with off-site locations to provide additional parking.</li> <li>o. <u>The applicant shall work with the City of Oakland to determine the Project's appropriate financial contribution share and/or other efforts to support the Broadway/Valdez shuttle service or other shuttle service which provides service along Broadway. The applicant shall include, in an annual report to be submitted to the City, documentation of financial contribution and/or other efforts to support the shuttle.</u></li> <li><del>all good faith efforts made by the applicant to identify potential off-site parking shall be submitted to the City for review and approval.</del></li> </ul>	Non CEQA issue
<b>Driveway Sight Distance:</b> Although the proposed Project would not cause significant sight distance restriction impacts, on-street parking would have to be restricted between driveway locations.	<p><b>Recommended Condition for Driveway Sight Distance.</b> In order to promote better maneuverability into and out of Project driveways and to improve visibility from the driveway, a no-parking (or red curb section) should be implemented at the following locations:</p> <ul style="list-style-type: none"> <li>a. <u>7<sup>th</sup> Street Driveway:</u> In order to provide adequate sight distance at the 7<sup>th</sup> Street driveway, driveway tipping of approximately 54.8 feet would be required on the west side of the driveway.</li> <li>b. <u>6<sup>th</sup> Street Driveway:</u> In order to provide adequate sight distance at the 6<sup>th</sup> Street driveway, driveway tipping of approximately 32.0 feet would be required on the west side of the driveway and 17.1 feet on the east side of the driveway.</li> <li>c. <u>6<sup>th</sup> Street Loading Dock Driveway:</u> In order to provide adequate sight distance at the 6<sup>th</sup> Street Loading Dock driveway, driveway tipping of approximately 19.7 feet would be required on the west side of the driveway and 68.6- feet on the east side of the driveway.</li> </ul>	Non-CEQA issue
<b>Air Quality</b>		
<b>Impact Air-1:</b> During construction, the proposed Project would generate fugitive dust from demolition, grading, hauling and construction activities. The fugitive dust emissions associated	<b>SCA Air-1: Construction-Related Air Pollution Controls (Dust and Equipment Emissions).</b> <i>Ongoing throughout demolition, grading, and/or construction.</i> During construction, the project applicant shall require the construction contractor to implement all of the following applicable measures recommended by the Bay Area Air Quality Management District (BAAQMD):	LTS, with implementation of Standard Conditions of Approval

**TABLE 3-1: SUMMARY OF PROJECT IMPACTS, STANDARD CONDITIONS OF APPROVAL AND MITIGATION MEASURES FOR THE 325 7<sup>TH</sup> STREET PROJECT**

Potential Environmental Impacts	Recommended Mitigation Measures/ Standard Conditions of Approval	Resulting Level of Significance
with these construction activities would be effectively reduced to a level of less than significant based on implementation of required City of Oakland Standard Conditions of Approval.	<ul style="list-style-type: none"> <li>a. Water all exposed surfaces of active construction areas at least twice daily (using reclaimed water if possible). Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible.</li> <li>b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).</li> <li>c. 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.</li> <li>d. Pave all roadways, driveways, sidewalks, etc. as soon as feasible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.</li> <li>e. Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).</li> <li>f. Limit vehicle speeds on unpaved roads to 15 miles per hour.</li> <li>g. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code of Regulations. Clear signage to this effect shall be provided for construction workers at all access points.</li> <li>h. All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.</li> <li>i. Post a publicly visible sign that includes the contractor's name and telephone number to contact regarding dust complaints. When contacted, the contractor shall respond and take corrective action within 48 hours. The telephone numbers of contacts at the City and BAAQMD shall also be visible. This information may be posted on other required on-site signage.</li> <li>j. All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.</li> <li>k. All excavation, grading, and demolition activities shall be suspended when average wind speeds exceed 20 mph.</li> <li>l. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.</li> <li>m. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for one month or more).</li> <li>n. Designate a person or persons to monitor the dust control program and to order increased</li> </ul>	

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Potential Environmental Impacts	Recommended Mitigation Measures/ Standard Conditions of Approval	Resulting Level of Significance
	<p>watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.</p> <ul style="list-style-type: none"> <li>o. Install appropriate wind breaks (e.g., trees, fences) on the windward side(s) of actively disturbed areas of the construction site to minimize wind blown dust. Wind breaks must have a maximum 50 percent air porosity.</li> <li>p. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.</li> <li>q. The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.</li> <li>r. All trucks and equipment, including tires, shall be washed off prior to leaving the site.</li> <li>s. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel.</li> <li>t. Minimize the idling time of diesel-powered construction equipment to two minutes.</li> <li>u. The project applicant shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 20 percent NOx reduction and 45 percent particulate matter (PM) reduction compared to the most recent California Air Resources Board (CARB) fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as they become available.</li> <li>v. Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., BAAQMD Regulation 8, Rule 3: Architectural Coatings).</li> <li>w. All construction equipment, diesel trucks, and generators shall be equipped with Best Available Control Technology for emission reductions of NOx and PM.</li> <li>x. Off-road heavy diesel engines shall meet the CARB's most recent certification standard.</li> </ul> <p><b>SCA Air-4: Asbestos Removal in Structures.</b> <i>Prior to issuance of a demolition permit.</i> If asbestos-containing materials (ACM) are found to be present in building materials to be removed, demolition and disposal, the project applicant shall submit specifications signed by a certified asbestos consultant for the removal, encapsulation, or enclosure of the identified ACM in accordance with all applicable laws and regulations, including but not necessarily limited to: California Code of Regulations, Title 8; Business and Professions Code; Division 3; California Health &amp; Safety Code 25915-25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, as may be amended.</p>	



**TABLE 3-1: SUMMARY OF PROJECT IMPACTS, STANDARD CONDITIONS OF APPROVAL AND MITIGATION MEASURES FOR THE 325 7<sup>TH</sup> STREET PROJECT**

Potential Environmental Impacts	Recommended Mitigation Measures/ Standard Conditions of Approval	Resulting Level of Significance
<b>Impact Air-2:</b> During construction, the proposed Project would generate regional ozone precursor emissions and regional particulate matter emissions from construction equipment exhaust. However, Project-related construction emissions are not expected to generate emissions of criteria air pollutants that would exceed the June 2010 BAAQMD CEQA Thresholds of Significance.	None needed.  However, the Project would be required to comply with Standard Conditions of Approval Air-1 and Traf-2, which would further reduce this less than significant effect	LTS
<b>Impact Air-3:</b> Once complete and occupied, the proposed Project would generate emissions of criteria pollutants (ROG, NO <sub>x</sub> and PM <sub>10</sub> ) primarily as a result of increased motor vehicle traffic as well as area source emissions. However, Project-related traffic emissions, combined with anticipated area source emissions is not expected to generate emissions of criteria air pollutants that would exceed the June 2010 BAAQMD CEQA Thresholds of Significance.	None needed  However, the Project would be required to comply with Standard Conditions of Approval Traf-1: Parking and Transportation Demand Management, which would further reduce this less than significant effect	LTS
<b>Impact Air-4:</b> New vehicle trips associated with the proposed Project would add to carbon monoxide concentrations near streets that provide access to the Project site. The carbon monoxide emission levels associated with the Project's vehicle trips would not exceed June 2010 BAAQMD CEQA Thresholds of Significance.	None needed	LTS
<b>Impact Air-5:</b> The exposure risk to future residents of the Project to substantial pollutant concentrations and toxic air contaminants would not exceed the thresholds of significance under BAAQMD criterion for cancer or acute health risks. It is unlikely that future residents of the Project site would be exposed to a health risk which would be substantially greater than the average in California. This would be a less than significant impact.	None needed. However, the Project would be required to comply with the following City standard Conditions of Approval:  <b>SCA Air-2: Exposure to Air Pollution</b> (Toxic Air Contaminants: Particulate Matter). <i>Prior to issuance of a demolition, grading, or building permit.</i>  <b>Indoor Air Quality:</b> In accordance with the recommendations of the California Air Resources Board (CARB) and the Bay Area Air Quality Management District, appropriate measures shall be incorporated into the project design in order to reduce the potential health risk due to exposure to diesel particulate matter to achieve an acceptable interior air quality level for sensitive receptors. The appropriate measures shall include <b>one</b> of the following methods:  a. The project applicant shall retain a qualified air quality consultant to prepare a health risk assessment (HRA) in accordance with the CARB and the Office of Environmental Health and Hazard Assessment requirements to determine the exposure of project residents/occupants/users	LTS

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Potential Environmental Impacts	Recommended Mitigation Measures/ Standard Conditions of Approval	Resulting Level of Significance
	<p>to air polluters prior to issuance of a demolition, grading, or building permit. The HRA shall be submitted to the Planning and Zoning Division for review and approval. The applicant shall implement the approved HRA recommendations, if any. If the HRA concludes that the air quality risks from nearby sources are at or below acceptable levels, then additional measures are not required.</p> <p>b. The applicant shall implement all of the following features that have been found to reduce the air quality risk to sensitive receptors and shall be included in the project construction plans. These features shall be submitted to the Planning and Zoning Division and the Building Services Division for review and approval prior to the issuance of a demolition, grading, or building permit and shall be maintained on an ongoing basis during operation of the project.</p> <p>i.. Redesign the site layout to locate sensitive receptors as far as possible from any freeways, major roadways, or other sources of air pollution (e.g., loading docks, parking lots).</p> <p>ii. Do not locate sensitive receptors near distribution center's entry and exit points.</p> <p>iii. Incorporate tiered plantings of trees (redwood, deodar cedar, live oak, and/or oleander) to the maximum extent feasible between the sources of pollution and the sensitive receptors.</p> <p>iv. Install, operate and maintain in good working order a central heating and ventilation (HV) system or other air take system in the building, or in each individual residential unit, that meets or exceeds an efficiency standard of MERV 13. The HV system shall include the following features: Installation of a high efficiency filter and/or carbon filter to filter particulates and other chemical matter from entering the building. Either HEPA filters or ASHRAE 85% supply filters shall be used.</p> <p>v. Retain a qualified HV consultant or HERS rater during the design phase of the project to locate the HV system based on exposure modeling from the pollutant sources.</p> <p>vi. Install indoor air quality monitoring units in buildings.</p> <p>vii. Project applicant shall maintain, repair and/or replace HV system on an ongoing and as needed basis or shall prepare an operation and maintenance manual for the HV system and the filter. The manual shall include the operating instructions and the maintenance and replacement schedule. This manual shall be included in the CC&amp;Rs for residential projects and distributed to the building maintenance staff. In addition, the applicant shall prepare a separate homeowners manual. The manual shall contain the operating instructions and the maintenance and replacement schedule for the HV system and the filters.</p> <p><u>Exterior Air Quality:</u> To the maximum extent practicable, individual and common exterior open space, including playgrounds, patios, and decks, shall either be shielded from the source of air pollution by buildings or otherwise buffered to further reduce air pollution for project occupants.</p> <p><b>SCA Air-3: Exposure to Air Pollution</b> (Toxic Air Contaminants: Gaseous Emissions). <i>Prior to</i></p>	

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Potential Environmental Impacts	Recommended Mitigation Measures/ Standard Conditions of Approval	Resulting Level of Significance
	<p><i>issuance of a demolition, grading, or building permit.</i></p> <p><u>Indoor Air Quality:</u> In accordance with the recommendations of the California Air Resources Board (CARB) and the Bay Area Air Quality Management District, appropriate measures shall be incorporated into the project design in order to reduce the potential risk due to exposure to toxic air contaminants to achieve an acceptable interior air quality level for sensitive receptors. The project applicant shall retain a qualified air quality consultant to prepare a health risk assessment (HRA) in accordance with the CARB and the Office of Environmental Health and Hazard Assessment requirements to determine the exposure of project residents/occupants/users to air pollutants prior to issuance of a demolition, grading, or building permit. The HRA shall be submitted to the Planning and Zoning Division for review and approval. The applicant shall implement the approved HRA recommendations, if any. If the HRA concludes that the air quality risks from nearby sources are at or below acceptable levels, then additional measures are not required.</p> <p><u>Exterior Air Quality:</u> To the maximum extent practicable, individual and common exterior open space, including playgrounds, patios, and decks, shall either be shielded from the source of air pollution by buildings or otherwise buffered to further reduce air pollution for project occupants.</p>	

**TABLE 3-1: SUMMARY OF PROJECT IMPACTS, STANDARD CONDITIONS OF APPROVAL AND MITIGATION MEASURES FOR THE 325 7<sup>TH</sup> STREET PROJECT**

Potential Environmental Impacts	Recommended Mitigation Measures/ Standard Conditions of Approval	Resulting Level of Significance
<b>Impact Air-6:</b> The proposed Project would not result in increased emissions of criteria pollutants due to poor ventilation in the parking garage.	None needed	LTS
<b>Impact Air-7:</b> The exposure risk to nearby sensitive receptors to toxic air contaminants during the construction period would exceed the thresholds of significance under BAAQMD criterion for cancer and PM <sub>2.5</sub> exposure. This would be a potentially significant impact.	<p><b>SCA Air-1: Construction-Related Air Pollution Controls (Dust and Equipment Emissions).</b> (see Impact Air-1, measures t through x pertaining to equipment exhaust emissions)</p> <p><b>Mitigation Measure Air-7:</b> The Project applicant shall develop a Diesel Emission Reduction Plan including, but not limited to alternatively fueled equipment, engine retrofit technology, after-treatment products and add-on devices such as particulate filters, and/or other options as they become available, capable of achieving a project wide fleet-average of 85 percent particulate matter (PM) reduction compared to the most recent California Air Resources Board (CARB) fleet average. This fleet-wide average reduction is consistent with the 1<sup>st</sup> Tier (highest possible) reduction measures specified in the URBEMIS model's output calculations. This Plan shall be submitted for review and approval by the City, and the Project applicant shall implement the approved Plan.</p>	LTS, with implementation of Standard Conditions of Approval and recommended Mitigation Measure Air-7
<b>Cumulative Impact Air-8:</b> The Project's individual emissions would contribute to existing cumulatively significant adverse air quality impacts. In developing thresholds of significance for air pollutants, BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. For the Project, the inhalation cancer risk to nearby sensitive receptors due to construction-period concentrations of toxic air contaminants (DPM) and concentrations of PM <sub>2.5</sub> has been found to be significant, and would thus contribute to a cumulatively significant adverse air quality impact.	<p>SCA Air-1 for cumulative criteria pollutant emissions, SCA Air-2 and -3 for cumulative exposure of new residents to toxic air contaminants, and SCA Traf-1 for reductions cumulative vehicle emissions</p> <p>SCA Air-1 and Mitigation Measure Air-7 above for cumulative construction-period emissions</p>	LTS, , with implementation of Standard Conditions of Approval and Mitigation Measure Air-7
<b>Greenhouse Gas Emissions / Global Climate Change</b>		
<b>Impact GHG-1:</b> Construction and operation of the proposed Project would not result in a cumulatively considerable increase in GHG emissions under the thresholds established in the 2010 BAAQMD <i>Thresholds of Significance</i> .	<p>None needed</p> <p>Although no significant impacts have been identified and no mitigation is required, the Project is subject to all the regulatory requirements including the City's Standard Conditions of Approval, many of which would reduce GHG emissions of the Project. These include, but are not limited to:</p> <p>SCA Traf-1: Parking and Transportation Demand Management</p> <p>SCA Air-1: Construction-Related Air Pollution Controls</p>	LTS

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	SCA Util-1: Waste Reduction and Recycling SCA Bio-1 through -3: Tree Removal and Replanting	
<b>Impact GHG-2:</b> The Project would comply with applicable plans, policies and regulations adopted for the purpose of reducing GHG emissions.	None necessary	LTS
<b>Public Health and Hazards</b>		
<b>Impact Haz-1:</b> Risks associated with possible exposure to contaminated groundwater, metals that may be found in the soil or other chemicals that may have been released during prior junkyard operations at the Project site will be reduced to a level of less than significant based on implementation of required Standard Conditions of Approval.	<p><b>SCA Haz-1: Phase I and/or Phase II Reports.</b> <i>Prior to issuance of a demolition, grading, or building permit.</i> Prior to issuance of demolition, grading, or building permits the project applicant shall submit to the Fire Prevention Bureau, Hazardous Materials Unit, a Phase I environmental site assessment report, and a Phase II report if warranted by the Phase I report for the project site. The reports shall make recommendations for remedial action, if appropriate, and should be signed by a Registered Environmental Assessor, Professional Geologist, or Professional Engineer.</p> <p>To further implement SCA Haz-1 the Project applicant shall submit follow-up subsurface investigations as recommended by the Phase II Subsurface Investigation report for the Project site, including the types of analyses as recommended by DTSC. These investigations shall be documented in a report which shall make recommendations for remedial action if appropriate and necessary, and shall be signed by a Registered Environmental Assessor, Professional Geologist, or Professional Engineer. The follow-up subsurface investigation shall include an analysis of soil and groundwater samples to determine:</p> <ol style="list-style-type: none"> <li>the lateral and vertical extent of the two areas of groundwater contamination,</li> <li>the presence or absence of metals, and</li> <li>the presence or absence of other chemicals that may have been released during junkyard operations.</li> </ol> <p><b>SCA Haz-2: Site Review by the Fire Services Division.</b> <i>Prior to the issuance of demolition, grading or building permit.</i> The project applicant shall submit plans for site review and approval to the Fire Prevention Bureau Hazardous Materials Unit. Property owner may be required to obtain or perform a Phase II hazard assessment.</p> <p><b>SCA Haz-3: Lead-Based Paint/Coatings, Asbestos, or PCB Occurrence Assessment.</b> <i>Prior to issuance of any demolition, grading or building permit.</i> The project applicant shall submit a comprehensive assessment report to the Fire Prevention Bureau, Hazardous Materials Unit, signed by a qualified environmental professional, documenting the presence or lack thereof of asbestos-containing materials (ACM), lead-based paint, and any other building materials or stored materials classified as hazardous waste by State or federal law.</p> <p><b>SCA Haz-4: Other Materials Classified as Hazardous Waste.</b> <i>Prior to issuance of any demolition,</i></p>	LTS, with implementation of Standard Conditions of Approval

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	<p><i>grading or building permit.</i> If other materials classified as hazardous waste by State or federal law are present, the project applicant shall submit written confirmation to Fire Prevention Bureau, Hazardous Materials Unit that all State and federal laws and regulations shall be followed when profiling, handling, treating, transporting and/or disposing of such materials.</p> <p><b>SCA Haz-5: Environmental Site Assessment Reports / Remediation.</b> <i>Prior to issuance of a demolition, grading, or building permit.</i> If the environmental site assessment reports recommend remedial action, the project applicant shall:</p> <ol style="list-style-type: none"> <li>Consult with the appropriate local, State, and federal environmental regulatory agencies to ensure sufficient minimization of risk to human health and environmental resources, both during and after construction, posed by soil contamination, groundwater contamination, or other surface hazards including, but not limited to, underground storage tanks, fuel distribution lines, waste pits and sumps.</li> <li>Obtain and submit written evidence of approval for any remedial action if required by a local, State, or federal environmental regulatory agency.</li> <li>Submit a copy of all applicable documentation required by local, State, and federal environmental regulatory agencies, including but not limited to: permit applications, Phase I and II environmental site assessments, human health and ecological risk assessments, remedial action plans, risk management plans, soil management plans, and groundwater management plans.</li> </ol> <p><b>SCA Haz-6: Hazards Best Management Practices.</b> <i>Prior to commencement of demolition, grading, or construction.</i> The project applicant and construction contractor shall ensure that Best Management Practices (BMPs) are implemented as part of construction to minimize the potential negative effects to groundwater and soils. These shall include the following:</p> <ol style="list-style-type: none"> <li>Follow manufacture's recommendations on use, storage, and disposal of chemical products used in construction;</li> <li>Avoid overtopping construction equipment fuel gas tanks;</li> <li>During routine maintenance of construction equipment, properly contain and remove grease and oils;</li> <li>Properly dispose of discarded containers of fuels and other chemicals.</li> <li>Ensure that construction would not have a significant impact on the environment or pose a substantial health risk to construction workers and the occupants of the proposed development. Soil sampling and chemical analyses of samples shall be performed to determine the extent of potential contamination beneath all UST's, elevator shafts, clarifiers, and subsurface hydraulic lifts when on-site demolition, or construction activities would potentially affect a particular development or building.</li> </ol>	

**TABLE 3-1: SUMMARY OF PROJECT IMPACTS, STANDARD CONDITIONS OF APPROVAL AND MITIGATION MEASURES FOR THE 325 7<sup>TH</sup> STREET PROJECT**

Potential Environmental Impacts	Recommended Mitigation Measures/ Standard Conditions of Approval	Resulting Level of Significance
	<p>f. If soil, groundwater or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notification of regulatory agency(ies) and implementation of the actions described in the City's Standard Conditions of Approval, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate.</p> <p><b>SCA Haz-7: Lead-Based Paint Remediation.</b> <i>Prior to issuance of any demolition, grading or building permit.</i> If lead-based paint is present, the project applicant shall submit specifications to the Fire Prevention Bureau, Hazardous Materials Unit signed by a certified Lead Supervisor, Project Monitor, or Project Designer for the stabilization and/or removal of the identified lead paint in accordance with all applicable laws and regulations, including but not necessarily limited to: Cal/OSHA's Construction Lead Standard, 8 CCR1532.1 and DHS regulation 17 CCR Sections 35001 through 36100, as may be amended.</p> <p><b>SCA Haz-8: Health and Safety Plan per Assessment.</b> <i>Prior to issuance of any demolition, grading or building permit.</i> If the required lead-based paint/coatings, asbestos, or PCB assessment finds presence of such materials, the project applicant shall create and implement a health and safety plan to protect workers from risks associated with hazardous materials during demolition, renovation of affected structures, and transport and disposal.</p> <p><b>SCA Haz-9: Best Management Practices for Soil and Groundwater Hazards.</b> <i>Ongoing throughout demolition, grading, and construction activities.</i> The project applicant shall implement all of the following Best Management Practices (BMPs) regarding potential soil and groundwater hazards.</p> <p>a. Soil generated by construction activities shall be stockpiled onsite in a secure and safe manner. All contaminated soils determined to be hazardous or non-hazardous waste must be adequately profiled (sampled) prior to acceptable reuse or disposal at an appropriate off-site facility. Specific sampling and handling and transport procedures for reuse or disposal shall be in accordance with applicable local, state and federal agencies laws, in particular, the Regional Water Quality Control Board (RWQCB) and/or the Alameda County Department of Environmental Health (ACDEH) and policies of the City of Oakland.</p> <p>b. Groundwater pumped from the subsurface shall be contained onsite in a secure and safe manner, prior to treatment and disposal, to ensure environmental and health issues are resolved pursuant to applicable laws and policies of the City of Oakland, the RWQCB and/or the ACDEH. Engineering controls shall be utilized, which include impermeable barriers to prohibit groundwater and vapor intrusion into the building (pursuant to the Standard Condition of</p>	

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Potential Environmental Impacts	Recommended Mitigation Measures/ Standard Conditions of Approval	Resulting Level of Significance
	<p>Approval regarding Radon or Vapor Intrusion from Soil and Groundwater Sources</p> <p>c. Prior to issuance of any demolition, grading, or building permit, the applicant shall submit for review and approval by the City of Oakland, written verification that the appropriate federal, state or county oversight authorities, including but not limited to the RWQCB and/or the ACDEH, have granted all required clearances and confirmed that the all applicable standards, regulations and conditions for all previous contamination at the site. The applicant also shall provide evidence from the City's Fire Department, Office of Emergency Services, indicating compliance with the Standard Condition of Approval requiring a Site Review by the Fire Services Division pursuant to City Ordinance No. 12323, and compliance with the Standard Condition of Approval requiring a Phase I and/or Phase II Reports.</p> <p><b>SCA Haz-10: Radon or Vapor Intrusion from Soil or Groundwater Sources.</b> <i>Ongoing.</i> The project applicant shall submit documentation to determine whether radon or vapor intrusion from the groundwater and soil is located on-site as part of the Phase I documents. The Phase I analysis shall be submitted to the Fire Prevention Bureau, Hazardous Materials Unit, for review and approval, along with a Phase II report if warranted by the Phase I report for the project site. The reports shall make recommendations for remedial action, if appropriate, and should be signed by a Registered Environmental Assessor, Professional Geologist, or Professional Engineer. Applicant shall implement the approved recommendations.</p>	
<b>Impact Haz-2:</b> The proposed Project is not located within an airport land use plan or within two miles of a public airport or public use airport, and would not result in a safety hazard for people residing or working in the Project area.	None needed	LTS
<b>Impact Haz-3: Emergency Evacuation Routes.</b> The limited access from the Project site to the adjacent portion of Harrison Street precludes substantive Project-related interference with use of this street as an emergency evacuation route. The Project would have a less than significant effect on emergency evacuation routes.	None needed	LTS
<b>Cumulative Impact Haz-4:</b> The cumulative effect of the Project on hazardous materials, in combination with other foreseeable project, would be less than significant.	None needed	LTS



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Potential Environmental Impacts	Recommended Mitigation Measures/ Standard Conditions of Approval	Resulting Level of Significance
<b>Wastewater Infrastructure</b>		
<b>Impact WW-1:</b> Implementation of the Project would not exceed the wastewater treatment capacity of existing facilities, or require expansion of existing facilities which could cause significant environmental effects. This is a less than significant impact.	<p>None needed. However, the Project would be subject to the following Standard Condition of Approval, which would even further reduce this less than significant impact:</p> <p><b>SCA WW-1: Improvements in the Public Right-of-Way (General)</b> Approved prior to the issuance of a P-job or building permit</p> <ol style="list-style-type: none"> <li>The project applicant shall submit Public Improvement Plans to Building Services Division for adjacent public rights-of-way (ROW) showing all proposed improvements and compliance with the conditions and City requirements including but not limited to curbs, gutters, sewer laterals, storm drains, street trees, paving details, locations of transformers and other above ground utility structures, the design specifications and locations of facilities required by the East Bay Municipal Utility District (EBMUD), street lighting, on-street parking and accessibility improvements compliant with applicable standards and any other improvements or requirements for the project as provided for in this Approval. Encroachment permits shall be obtained as necessary for any applicable improvements- located within the public ROW.</li> <li>Review and confirmation of the street trees by the City's Tree Services Division is required as part of this condition.</li> <li>The Planning and Zoning Division and the Public Works Agency will review and approve designs and specifications for the improvements. Improvements shall be completed prior to the issuance of the final building permit.</li> <li>The Fire Services Division will review and approve fire crew and apparatus access, water supply availability and distribution to current codes and standards.</li> </ol> <p><b>SCA WW-2: Improvements in the Public Right-of Way (Specific).</b> <i>Approved prior to the issuance of a grading or building permit.</i> Final building and public improvement plans submitted to the Building Services Division shall include the following components:</p> <ol style="list-style-type: none"> <li>Install additional standard City of Oakland streetlights.</li> <li>Remove and replace any existing driveway that will not be used for access to the property with new concrete sidewalk, curb and gutter.</li> <li>Reconstruct drainage facility to current City standard.</li> <li>Provide separation between sanitary sewer and water lines to comply with current City of Oakland and Alameda Health Department standards.</li> <li>Construct wheelchair ramps that comply with Americans with Disability Act requirements and current City Standards.</li> <li>Remove and replace deficient concrete sidewalk, curb and gutter within property frontage.</li> </ol>	LTS

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Potential Environmental Impacts	Recommended Mitigation Measures/ Standard Conditions of Approval	Resulting Level of Significance
	<p>g. Provide adequate fire department access and water supply, including, but not limited to currently adopted fire codes and standards.</p> <p><u>To further implement SCA WW-2, the following additional Project-specific element shall be added to the list of improvement plans required for the public right-of-way:</u></p> <p>h. <u>The Project sponsor shall work closely with AC Transit and the City of Oakland to determine the desirability of permanently relocating the existing bus stop currently located at the southwest corner of 7<sup>th</sup>/Harrison Street, immediately in front of the Project site. A key consideration in determining whether the bus stop should be permanently relocated is whether it is more desirable to have Project vehicles access the Project's garage entry and exit in front of AC Transit buses (i.e., by permanently relocating the bus stop to the southeast corner of 7<sup>th</sup>/Webster Street) or whether cars should access the Project's garage entry/exit behind AC Transit buses (i.e., returning the bus stop location to where it is currently located at the southwest corner of 7<sup>th</sup>/Harrison Street). The permanent location of the bus stop must be approved by the City of Oakland Public Works Department, Traffic Services Division and AC Transit. Under either scenario for the permanent bus stop location, the Project sponsor shall develop a bus stop relocation plan for City and AC Transit review and approval, and shall implement the approved plan, including but not limited to funding the furnishing, installation, maintenance, repair and replacement of the bus shelter.</u></p> <p><b>SCA WW-3: Stormwater and Sewer.</b> <i>Prior to completing the final design for the project's sewer service.</i> Confirmation of the capacity of the City's surrounding stormwater and sanitary sewer system and state of repair shall be completed by a qualified civil engineer with funding from the project applicant. The project applicant shall be responsible for the necessary stormwater and sanitary sewer infrastructure improvements to accommodate the proposed project. In addition, the applicant shall be required to pay additional fees to improve sanitary sewer infrastructure if required by the Sewer and Stormwater Division. Improvements to the existing sanitary sewer collection system shall specifically include, but are not limited to, mechanisms to control or minimize increases in infiltration/inflow to offset sanitary sewer increases associated with the proposed project. To the maximum extent practicable, the applicant will be required to implement Best Management Practices to reduce the peak stormwater runoff from the project site. Additionally, the project applicant shall be responsible for payment of the required installation or hook-up fees to the affected service providers.</p>	
<b>Cumulative Impact WW-2:</b> Implementation of the Project, in combination with other cumulative development would not cumulatively exceed the wastewater treatment capacity of existing facilities, or require expansion of existing facilities which could cause significant environmental effects. This is a less than	<p>None needed. Implementation of Standard Conditions of Approval WW-1 through WW-3 above would even further reduce this less than significant cumulative impact.</p> <p><u>Additionally, the following Project-specific Condition of Approval is recommended to further address cumulative water and wastewater service demands and to comply with Oakland's Dual Plumbing Ordinance:</u></p> <p><b>Recommended Condition WW-4: Recycled Water Planning.</b> Prior to the issuance of a building,</p>	LTS

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significant impact.	<u>plumbing or mechanical permit, the City of Oakland and the Project sponsor shall coordinate and consult with EBMUD regarding the feasibility of providing dual piping and recycled water for appropriate non-potable uses into the final design of the proposed Project. If providing recycled water to the Project proves to be feasible, the Project sponsor shall develop a plan for the extension of recycled water to the site and for use of recycled water for appropriate non-potable uses. The plan shall be subject to review and approval by the City. If approved, the Project sponsor shall implement the approved plan.</u>	
<b>Cultural Resources</b>		
<b>Potentially Unknown Resources:</b> No archaeological resources, paleontological resources or human remains are known to exist within the Project area. However, the possibility of discovery of buried resources during site preparation and construction activities exists.	<p><b>SCA Cultrl-1: Archaeological Resources.</b> <i>Ongoing throughout demolition, grading, and/or construction.</i> Pursuant to CEQA Guidelines section 15064.5 (f), “provisions for historical or unique archaeological resources accidentally discovered during construction” should be instituted. Therefore, in the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist or paleontologist to assess the significance of the find. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified archaeologist would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Oakland. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and a report prepared by the qualified archaeologist according to current professional standards.</p> <ol style="list-style-type: none"> <li>In considering any suggested measure proposed by the consulting archaeologist in order to mitigate impacts to historical resources or unique archaeological resources, the project applicant shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while measure for historical resources or unique archaeological resources is carried out.</li> <li>Should an archaeological artifact or feature be discovered on-site during project construction, all activities within a 50-foot radius of the find would be halted until the findings can be fully investigated by a qualified archaeologist to evaluate the find and assess the significance of the find according to the CEQA definition of a historical or unique archaeological resource. If the deposit is determined to be significant, the project applicant and the qualified archaeologist shall meet to determine the appropriate avoidance measures or other appropriate measure, subject to approval by the City of Oakland, which shall assure implementation of appropriate measure measures recommended by the archaeologist. Should archaeologically-significant materials be recovered, the qualified archaeologist shall recommend appropriate analysis and treatment, and shall prepare a report on the findings for submittal to the Northwest Information Center.</li> </ol>	LTS, with implementation of Standard Conditions of Approval

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	<p><u>The following additional SCAs (SCA Cultrl-1a through -1d) are added to supplement and further implement SCA Cultrl-1 to decrease the potential for adverse damage of archaeological resources, paleontological resources and human remains during construction. To implement these additional SCAs, the Project applicant may choose to either implement SCA Cultrl-1a (Intensive Pre-Construction Survey) or SCA Cultrl-1d (Construction ALERT Sheet). If, in either case, a high potential presence of historic-period archaeological resources on the Project site is indicated or a potential resource is discovered, the Project applicant shall also implement SCA Cultrl-1b (Construction Period Monitoring), SCA Cultrl-1c (Avoidance and/or Find Recovery) and SCA Cultrl-1d (to establish a Construction ALERT Sheet if the Intensive Pre-Construction Survey was originally implemented per SCA Cultrl-1a, or to update and provide more specificity to the initial Construction ALERT Sheet if a Construction Alert Sheet was originally implemented per SCA Cultrl-1d). If in either case a high potential presence of historic-period archaeological resources is not discovered, SCAs Cultrl-1, -2 and -3 shall apply and be adequate to decrease the potential for adverse damage to archaeological resources, paleontological resources and human remains during construction.</u></p> <p><u>SCA Cultrl-1a through -1d are detailed as follows:</u></p> <p><b>a. <u>Intensive Pre-Construction Survey.</u></b> <u>Prior to demolition, grading and/or construction. The project applicant, upon approval from the City Planning Department, may choose to complete a site-specific, intensive archaeological resources study prior to soil-disturbing activities occurring on the Project site. The purpose of the site-specific, intensive archaeological resources study is early identification of the potential presence of historic-period archaeological resources on the Project site. If that approach is selected, the study shall be conducted by a qualified archaeologist approved by the City Planning Department. If prepared, at a minimum, the study shall include:</u></p> <ul style="list-style-type: none"> <li><u>i. An intensive cultural resources study of the Project site, including subsurface presence/absence studies of the Project site. Field studies conducted by the approved archaeologist(s) may include, but are not limited to, auguring and other common methods used to identify the presence of archaeological resources;</u></li> <li><u>ii. A report disseminating the results of this research;</u></li> <li><u>iii. Recommendations for any additional measures that could be necessary to mitigate any adverse impacts to recorded and/or inadvertently discovered cultural resources.</u></li> </ul> <p><u>If the results of the study indicate a high potential for presence of historic-period archaeological resources on the Project site, or a potential resource is discovered, the Project applicant shall hire a qualified archaeologist to monitor any ground-disturbing activities on the Project site during construction (see SCA Cultrl-1b: Construction-Period Monitoring, below), implement avoidance and/or find recovery measures (see SCA Cultrl-1c: Avoidance and/or Find Recovery, below), and prepare an ALERT Sheet that details what could potentially be found at the Project site (see SCA Cultrl-1d: Construction ALERT Sheet, below). If no potential resource is discovered</u></p>	

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	<p>during the pre-construction study, SCA Cultrl-1, -2 and -3 shall apply and be adequate to reduce any potentially significant impact to less than significant.</p> <p>b. <b>Construction-Period Monitoring.</b> <i>Ongoing throughout demolition, grading and/or construction.</i> Archaeological monitoring would include briefing construction personnel about the type of artifacts that may be present (as referenced in the ALERT Sheet required per SCA Cultrl-1d: Construction ALERT Sheet, below) and the procedures to follow if any artifacts are encountered, field recording and sampling in accordance with the <i>Secretary of Interior's Standards and Guidelines for Archaeological Documentation</i>, notifying the appropriate officials if human remains or cultural resources are discovered, or preparing a report to document negative findings after construction is completed. If a significant archaeological resource is discovered during the monitoring activities, adherence to SCA Cultrl-1c: Avoidance and/or Find Recovery (discussed below), would be required to reduce the impact to less than significant. The Project applicant shall hire a qualified archaeologist to monitor all ground-disturbing activities on the Project site throughout construction.</p> <p>c. <b>Avoidance and/or Find Recovery.</b> <i>Ongoing and throughout demolition, grading and/or construction.</i> If a significant archaeological resource is present that could be adversely impacted by the Project, the Project applicant shall either:</p> <ol style="list-style-type: none"> <li>Stop work and redesign the proposed Project to avoid any adverse impacts to significant archaeological resource(s); or</li> <li>If avoidance is determined infeasible by the City, design and implement an Archaeological Research Design and Treatment Plan (ARDTP). The Project applicant shall hire a qualified archaeologist who shall prepare a draft ARDTP that shall be submitted to the City Planning Department for review and approval. The ARDTP is required to identify how the proposed data recovery program would preserve the significant information that the archaeological resource is expected to contain. The ARDTP shall identify the scientific/historic research questions applicable to the expected resource, the data classes the resource is expected to possess, and how the expected data classes would address applicable research questions. The ARDTP shall include the analysis and specify the curation and storage methods. Data recovery, in general, shall be limited to the portions of the archaeological resource that could be impacted by the proposed Project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if non-destructive methods are practical. The Project applicant shall implement the ARDTP. Because the intent of the ARDTP is to save as much of the archaeological resource as possible, including moving the resource if feasible, preparation and implementation of the ARDTP would reduce the impact to less than significant.</li> </ol> <p>d. <b>Construction ALERT Sheet.</b> <i>Prior to and during all subsurface construction activities for the Project.</i> The Project applicant, upon approval by the City Planning Department, may choose to prepare a Construction ALERT Sheet prior to soil disturbing activities occurring on the Project</p>	

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	<p><u>site, instead of conducting site-specific, intensive archaeological studies pursuant to SCA Cultrl-1a, above. The Project applicant shall submit for review and approval by the City prior to subsurface construction activity an ALERT Sheet prepared by a qualified archaeologist, with visuals that depict each type of artifact that could be encountered on the Project site. Training by the qualified archaeologist shall be provided to the Project's prime contractor, any subcontractor firms (including demolition, excavation, grading, foundation, and pile driving), and or utilities firm involved in soil disturbing activities within the Project site.</u></p> <p>i. <u>The ALERT Sheet shall state, in addition to the basic measures of SCA Cult-1, that in the event of discovery of cultural resource materials, all work must be stopped in the area and the City's Environmental Review Officer contacted to evaluate the find.</u></p> <p>ii. <u>Significant cultural resource materials may include, but are not limited to: concentrations of shellfish remains; evidence of fire (ashes, charcoal, burnt earth, fire-cracked rocks); concentrations of bones; recognizable Native American artifacts (arrowheads, shell beads, stone mortars [bowls], humanly shaped rocks); building foundation remains; trash pits, privies [outhouse holes]; floor remains; wells; concentrations of bottles, broken dishes, shoes, buttons, cut animal bones, hardware, household items, barrels, etc.; thick layers of burned building debris (charcoal, nails, fused glass, burned plaster, burned dishes); wood structural remains (building, ship, wharf); clay roof/ floor tiles; stone walls or footings; or gravestones.</u></p> <p>iii. <u>Prior to any soil disturbing activities, each contractor shall be responsible for ensuring that the ALERT Sheet is circulated to all field personnel including machine operators, field crew, pile drivers and supervisory personnel.</u></p> <p><u>If the Project applicant chooses to implement SCA Cultrl-1d: Construction ALERT Sheet, and a potential resource is discovered on the Project site during ground-disturbing activities, the Project applicant shall hire a qualified archaeologist to monitor any ground-disturbing activities on the Project site during construction (see SCA Cultrl-1b: Construction-Period Monitoring, above), implement avoidance and/or find recovery measures (see SCA Cultrl-1c: Avoidance and/or Find Recovery, above), and prepare an updated ALERT Sheet that addresses details what could potentially be found at the Project site (see SCA Cultrl-1d: Construction ALERT Sheet, below). If no potential resource is discovered during the pre-construction study, SCA Cultrl-1, -2 and -3 shall apply and be adequate to reduce any potentially significant impact to less than significant.</u></p> <p><b>SCA Cultrl-2: Human Remains.</b> <i>Ongoing throughout demolition, grading, and/or construction.</i> In the event that human skeletal remains are uncovered at the project site during construction or ground-breaking activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all</p>	

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	<p>excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.</p> <p><b>SCA Cultrl-3: Paleontological Resources.</b> Ongoing throughout demolition, grading, and/or construction. In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards (SVP 1995,1996)). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.</p>	
<p><b>Impact Hist-1:</b> The Project would involve construction and demolition adjacent to two buildings identified as contributors to the 7<sup>th</sup> Street/Harrison Square Residential Historic District that are proposed to remain. Construction effects could potentially damage, but would not materially impair these historic resources.</p>	<p><b>SCA Hist-1: Construction Adjacent to Historic Structures.</b> <i>Prior to issuance of a demolition, grading or building permit.</i> The project applicant shall retain a structural engineer or other appropriate professional to determine threshold levels of vibration and cracking that could damage the adjacent residential structures at 607 and 611 Harrison Street and design means and methods of construction that shall be utilized to not exceed the thresholds.</p> <p>To further implement Standard Condition of Approval Hist-1:</p> <ol style="list-style-type: none"> <li>The applicant shall retain an historic preservation architect (who meets the Secretary of the Interior's Standards and Guidelines for Historic Preservation Professional Qualifications) and a structural engineer (Monitoring Team), who shall undertake an Existing Conditions Study (Study) of 617-621 Harrison Street. The purpose of the Study is to establish the baseline condition of the building(s) prior to construction of the Project, including but not limited to the location and extent of any visible cracks or spalls on the building(s), and condition of the roof. The Study shall include written descriptions and photographs of the building(s) and include, without limitation, those physical characteristics that justify their inclusion on or eligibility for the Local Register. The Study shall be reviewed and approved by the City of Oakland's CEDA Deputy Director and Building Official.</li> <li>Initial construction activities shall be monitored by the Monitoring Team and if vibrations are above threshold levels, appropriate measures shall be taken to reduce vibrations to below established levels. The Monitoring Team shall continue to regularly monitor the buildings during construction and report any changes to the existing conditions, including but not limited to, expansion of cracks, new spalls, or other exterior deterioration, including roof damage. If there are such changes, appropriate corrective measures shall be taken to reduce vibrations to below</li> </ol>	<p>LTS, with implementation of Standard Conditions of Approval</p>

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	<p>established levels, or other measures taken to prevent damage to the building(s).</p> <p>c. Written monitoring reports shall be submitted to the City's CEDA Deputy Director and Building Official on a periodic basis as determined by the Monitoring Team. The structural engineer shall consult with the historic preservation architect, especially if any problems with character defining features of a historic resource are discovered. If in the opinion of the structural engineer, in consultation with the historic preservation architect, substantial adverse impacts to historic resources related to construction activities are found during construction, the Monitoring Team shall immediately inform, both orally and in writing, the project sponsor and/or the project sponsor's designated representative responsible for construction activities and the City Planning and Zoning Division. The project sponsor shall follow the Monitoring Team's recommendations for corrective measures, including halting construction activities in situations where further construction work would damage historic resources, or taking other measures to protect the building. The historic preservation officer shall establish the frequency of monitoring and reporting prior to the issuance of a demolition, grading, or building permit.</p> <p>d. The project sponsor shall respond to any claims of damage by inspecting the affected property promptly, but in no case more than five working days after the claim was filed and received by the project sponsor's designated representative. Any new cracks or other changes in the structures, including roof damage, shall be compared to pre-construction conditions and a determination shall be made as to whether the proposed project could have caused the damage. In the event that the project is demonstrated to have caused any damage, such damage shall be repaired to the pre-existing condition, provided the property owner approves of such.</p> <p>e. The historic preservation architect shall establish a training program for construction workers involved in the project that emphasizes the importance of protecting historic resources. The program shall include information on recognizing historic materials and directions on how to exercise care when working around and operating equipment near historic structures, including storage of materials away from historic buildings. It shall also include information on means to reduce vibrations from demolition and construction, and preventing other damage, and monitoring and reporting any potential problems that could affect the historic resources in the area. A provision for establishing this training program shall be included in the construction contract, and the contract provisions shall be reviewed and approved by the City of Oakland.</p>	



**TABLE 3-1: SUMMARY OF PROJECT IMPACTS, STANDARD CONDITIONS OF APPROVAL AND MITIGATION MEASURES FOR THE 325 7<sup>TH</sup> STREET PROJECT**

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<p><b>Impact Hist-2:</b> Demolition of the residential structure currently located at 617-621 Harrison Street, which is an historic resource, would be a significant impact of the Project.</p>	<p><b>SCA Hist-2: Compliance with Policy 3.7 of the Historic Preservation Element</b> (Property Relocation Rather than Demolition). <i>Prior to issuance of a demolition permit.</i> The project applicant shall make a good faith effort to relocate the building located at 617-621 Harrison Street to a site acceptable to the Planning and Zoning Division and the Oakland Cultural Heritage Survey, and to place the building on a permanent foundation. Good faith efforts include, at a minimum, the following:</p> <ol style="list-style-type: none"> <li>Advertising the availability of the building by: (1) posting of large visible signs (such as banners, at a minimum of 3'x 6' size or larger) at the site; (2) placement of advertisements in Bay Area news media acceptable to the City ;and (3) contacting neighborhood associations and for-profit and not-for-profit housing and preservation organizations;</li> <li>Maintaining a log of all the good faith efforts and submitting that along with photos of the subject building showing the large signs (banners) to the Planning and Zoning Division;</li> <li>Maintaining the signs and advertising in place for a minimum of 90 days; and</li> <li>Making the building available at no or nominal cost (the amount to be reviewed by the Oakland Cultural Heritage Survey) until removal is necessary for construction of a replacement project, but in no case for less than a period of 90 days after such advertisement.</li> </ol> <p>If relocation efforts prove unsuccessful, the following mitigation measures would apply:</p> <p><b>Mitigation Measure Hist-2a:</b> If the building cannot be successfully relocated, the Project applicant shall retain a qualified historic architect to prepare a Deconstruction and Salvage Plan (Plan) that identifies which, if any, of the interior and exterior elements from the building can be retained and re-used either on or off-site. Those features to be retained/reused could include but are not limited to doors, windows, wood members, timbers, roof trusses, siding, and specific architectural elements, etc. The Plan shall be submitted prior to demolition of the building for review and approval by the Landmarks Preservation Advisory Board. A demolition permit shall not be issued until the Plan has been approved and all deconstructed and salvageable features or materials that have been identified in the approved Plan have been appropriately preserved. The approved Plan shall be implemented by a person experienced in deconstruction techniques to ensure proper deconstruction techniques/processes are followed. This person shall be under the supervision of a qualified historic architect. All deconstructed materials shall be properly stored and promptly recycled back into the construction market.</p> <p><b>Mitigation Measure Hist-2b:</b> If the building cannot be successfully relocated, the Project applicant shall, prior to issuance of a Certificate of Occupancy, make a monetary contribution to the City which shall exclusively be used for (a) development of an Historic Interpretive and Improvement Program, and (b) an historic resource related program such as the Façade Improvement Program or the Property Relocation Assistance Program, as detailed below.</p> <ol style="list-style-type: none"> <li>The Historic Interpretive and Improvement Program will include interpretive materials such as</li> </ol>	<p>If relocation efforts pursuant to implementation of SCA Hist-2 prove successful, the impacts would be less than significant (LTS)</p> <p>If relocation efforts are not successful, demolition of 617-621 Harrison Street is conservatively assumed. Although Mitigation Measures Hist-2a and -2b are required, the impact would remain significant and unavoidable (SU)</p>

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Potential Environmental Impacts	Recommended Mitigation Measures/ Standard Conditions of Approval	Resulting Level of Significance
	<p>information plaques depicting the history of the 7<sup>th</sup> Street / Harrison Square Historic District, district identification features and a printed guide to the 7<sup>th</sup> Street / Harrison Square Historic District with educational features. The Program shall be high quality and provide high public visibility. The Program shall be developed by a qualified historic consultant in consultation with the LPAB and historic preservation staff, based on a City-approved scope of work and submitted to the City for review and approval. The proposed Program will be approved by the Landmarks Preservation Advisory Board and installed prior to issuance of a Certificate of Occupancy.</p> <p>b. Any remaining funds after implementing the Historic Interpretive and Improvement Program shall be applied towards a historic resource related program, which can be used to fund other historic preservation projects in the 7<sup>th</sup> Street/ Harrison Square Historic District or in the immediate vicinity. Such programs include, without limitation, a Façade Improvement Program or the Property Relocation Assistance Program. The project applicant shall make the monetary contribution prior to Certificate of Occupancy.</p>	
<b>Cumulative Impact Hist-3:</b> Other past, present, existing, pending and reasonably foreseeable projects in Oakland that have, or will have resulted in demolition of historic resources could combine with the loss of the building at 617-621 Harrison Street to form a significant cumulative impact to historical resources.	None needed	LTS

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Potential Environmental Impacts	Recommended Mitigation Measures/ Standard Conditions of Approval	Resulting Level of Significance
Potential Effects Determined in the December 2007 Initial Study to be Less Than Significant with Implementation of Standard Conditions of Approval <sup>1</sup>		
<b>Aesthetics</b>		
<p><b>Light and Glare:</b> The development of the Project site as proposed would result in the creation of a new source of light or glare since these towers would replace existing structures at the site that generate relatively little light or glare. Exterior lighting, windows that would be illuminated at night or reflect sunlight during the day, and the use of building materials that may reflect sunlight during the day have the potential to create a new source of substantial light or glare.</p>	<p><b>SCA Aesth-1: Lighting Plan.</b> <i>Prior to the issuance of an electrical or building permit.</i> The proposed lighting fixtures shall be adequately shielded to a point below the light bulb and reflector and that prevent unnecessary glare onto adjacent properties. Plans shall be submitted to the Planning and Zoning Division and the Electrical Services Division of the Public Works Agency for review and approval. All lighting shall be architecturally integrated into the site.</p> <p>Other standard conditions would also serve to reduce impacts to light and glare including:</p> <p><b>SCA Bio-5</b> Bird Collision Reduction</p>	LTS, with implementation of Standard Conditions of Approval
<b>Biological Resources</b>		
<p><b>Tree Removal:</b> There are two street trees that are proposed for removal to enable development. One is a liquid amber tree approximately 20 inches dbh along the Seventh Street frontage (which meets the definition of a protected tree due to its diameter) and the other is a <i>Lophostemon confertus</i> (formerly known as <i>Tristania conferta</i>, or Brisbane Box) approximately 8 inches dbh growing in a driveway along the Harrison Street frontage.</p>	<p><b>SCA Bio-1: Tree Removal Permit.</b> <i>Prior to issuance of a demolition, grading, or building permit.</i> Prior to removal of any protected trees, per the Protected Tree Ordinance, located on the project site or in the public right-of-way adjacent to the project, the project applicant must secure a tree removal permit from the Tree Division of the Public Works Agency, and abide by the conditions of that permit.</p> <p><b>SCA Bio-2: Tree Replacement Plantings.</b> <i>Prior to issuance of a final inspection of the building permit.</i> Replacement plantings shall be required for erosion control, groundwater replenishment, visual screening and wildlife habitat, and in order to prevent excessive loss of shade, in accordance with the following criteria:</p> <ol style="list-style-type: none"> <li>No tree replacement shall be required for the removal of nonnative species, for the removal of trees which is required for the benefit of remaining trees, or where insufficient planting area exists for a mature tree of the species being considered.</li> <li>Replacement tree species shall consist of <i>Sequoia sempervirens</i> (Coast Redwood), <i>Quercus</i></li> </ol>	LTS, with implementation of Standard Conditions of Approval

<sup>1</sup> The Initial Study for this project was issued in December of 2007. Since that time, the City has updated and revised its list of *Conditions of Approval and Uniformly Applied Development Standards* in January of 2008 and September of 2008. As such, the following list of Standard Conditions of Approval tracks with the most currently applicable Standard Conditions of Approval and may include updates, changes and additions to those Standard Conditions of Approval indicated in the previous December 2007 Initial Study.

**TABLE 3-1: SUMMARY OF PROJECT IMPACTS, STANDARD CONDITIONS OF APPROVAL AND MITIGATION MEASURES FOR THE 325 7<sup>TH</sup> STREET PROJECT**

Potential Environmental Impacts	Recommended Mitigation Measures/ Standard Conditions of Approval	Resulting Level of Significance
	<p>agrifolia (Coast Live Oak), Arbutus menziesii (Madrone), Aesculus californica (California Buckeye) or Umbellularia californica (California Bay Laurel) or other tree species acceptable to the Tree Services Division.</p> <p>c. Replacement trees shall be at least of twenty-four (24) inch box size, unless a smaller size is recommended by the arborist, except that three fifteen (15) gallon size trees may be substituted for each twenty-four (24) inch box size tree where appropriate.</p> <p>d. Minimum planting areas must be available on site as follows:</p> <p>i. For Sequoia sempervirens, three hundred fifteen square feet per tree;</p> <p>ii. For all other species listed in #2 above, seven hundred (700) square feet per tree.</p> <p>e. In the event that replacement trees are required but cannot be planted due to site constraints, an in lieu fee as determined by the master fee schedule of the city may be substituted for required replacement plantings, with all such revenues applied toward tree planting in city parks, streets and medians.</p> <p>f. Plantings shall be installed prior to the issuance of a final inspection of the building permit, subject to seasonal constraints, and shall be maintained by the project applicant until established. The Tree Reviewer of the Tree Division of the Public Works Agency may require a landscape plan showing the replacement planting and the method of irrigation. Any replacement planting which fails to become established within one year of planting shall be replanted at the project applicant's expense.</p> <p><b>SCA Bio-3: Tree Protection During Construction.</b> <i>Prior to issuance of a demolition, grading, or building permit.</i> Adequate protection shall be provided during the construction period for any trees which are to remain standing, including the following, plus any recommendations of an arborist:</p> <p>a. Before the start of any clearing, excavation, construction or other work on the site, every protected tree deemed to be potentially endangered by said site work shall be securely fenced off at a distance from the base of the tree to be determined by the City Tree Reviewer. Such fences shall remain in place for duration of all such work. All trees to be removed shall be clearly marked. A scheme shall be established for the removal and disposal of logs, brush, earth and other debris which will avoid injury to any protected tree.</p> <p>b. Where proposed development or other site work is to encroach upon the protected perimeter of any protected tree, special measures shall be incorporated to allow the roots to breathe and obtain water and nutrients. Any excavation, cutting, filing, or compaction of the existing ground surface within the protected perimeter shall be minimized. No change in existing ground level shall occur within a distance to be determined by the City Tree Reviewer from the base of any protected tree at any time. No burning or use of equipment with an open flame shall occur near or within the protected perimeter of any protected tree.</p>	

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Potential Environmental Impacts	Recommended Mitigation Measures/ Standard Conditions of Approval	Resulting Level of Significance
	<p>c. No storage or dumping of oil, gas, chemicals, or other substances that may be harmful to trees shall occur within the distance to be determined by the Tree Reviewer from the base of any protected trees, or any other location on the site from which such substances might enter the protected perimeter. No heavy construction equipment or construction materials shall be operated or stored within a distance from the base of any protected trees to be determined by the tree reviewer. Wires, ropes, or other devices shall not be attached to any protected tree, except as needed for support of the tree. No sign, other than a tag showing the botanical classification, shall be attached to any protected tree.</p> <p>d. Periodically during construction, the leaves of protected trees shall be thoroughly sprayed with water to prevent buildup of dust and other pollution that would inhibit leaf transpiration.</p> <p>e. If any damage to a protected tree should occur during or as a result of work on the site, the project applicant shall immediately notify the Public Works Agency of such damage. If, in the professional opinion of the Tree Reviewer, such tree cannot be preserved in a healthy state, the Tree Reviewer shall require replacement of any tree removed with another tree or trees on the same site deemed adequate by the Tree Reviewer to compensate for the loss of the tree that is removed.</p> <p>f. All debris created as a result of any tree removal work shall be removed by the project applicant from the property within two weeks of debris creation, and such debris shall be properly disposed of by the project applicant in accordance with all applicable laws, ordinances, and regulations.</p> <p><b>SCA Bio-4: Tree Removal During Breeding Season.</b> <i>Prior to issuance of a tree removal permit.</i> To the extent feasible, removal of any tree and/or other vegetation suitable for nesting of raptors shall not occur during the breeding season of March 15 and August 15. If tree removal must occur during the breeding season, all sites shall be surveyed by a qualified biologist to verify the presence or absence of nesting raptors or other birds. Pre-removal surveys shall be conducted within 15 days prior to start of work from March 15 through May 31, and within 30 days prior to the start of work from June 1 through August 15. The pre-removal surveys shall be submitted to the Planning and Zoning Division and the Tree Services Division of the Public Works Agency. If the survey indicates the potential presences of nesting raptors or other birds, the biologist shall determine an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged. The size of the nest buffer will be determined by the biologist in consultation with the CDFG, and will be based to a large extent on the nesting species and its sensitivity to disturbance. In general, buffer sizes of 200 feet for raptors and 50 feet for other birds should suffice to prevent disturbance to birds nesting in the urban environment, but these buffers may be increased or decreased, as appropriate, depending on the bird species and the level of disturbance anticipated near the nest.</p>	
<b>Bird Collisions:</b> Project construction and operations have the potential to affect migratory and breeding birds, and wildlife, corridors, and	<b>SCA BIO-5: Bird Collision Reduction.</b> <i>Concurrent with submittal of planning applications or a building permit, whichever occurs first, and ongoing.</i> The Project applicant or his or her successor shall submit plans to the Planning and Zoning Division, for review and approval, indicating how they	LTS, , with implementation of Standard Conditions of

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nursery sites, through building collisions, increases in night lighting, increases in noise pollution due to Project construction, shading of existing habitat, and vegetation removal.	<p>intend to reduce potential bird collisions to the maximum feasible extent. The applicant shall implement the approved plan, including all mandatory measures, as well as applicable and specific project Best Management Practice (BMP) strategies to reduce bird strike impacts to the maximum feasible extent.</p> <p>Mandatory measures include <b>all</b> of the following:</p> <ol style="list-style-type: none"> <li>Comply with federal aviation safety regulations for large buildings by installing minimum intensity white strobe lighting with three second flash instead of blinking red or rotating lights.</li> <li>Minimize the number of and co-locate rooftop-antennas and other rooftop structures.</li> <li>Monopole structures or antennas shall not include guy wires.</li> <li>Avoid the use of mirrors in landscape design.</li> <li>Avoid placement of bird-friendly attractants (i.e. landscaped areas, vegetated roofs, water features) near glass.</li> </ol> <p>Additional BMP strategies to consider include the following:</p> <ol style="list-style-type: none"> <li>Make clear or reflective glass visible to birds using visual noise techniques. Examples include:</li> <li>Use of opaque or transparent glass in window panes instead of reflective glass.</li> <li>Uniformly cover the outside clear glass surface with patterns (e.g., dots, decals, images, abstract patterns). Patterns must be separated by a minimum 10 centimeters (cm).</li> <li>Apply striping on glass surface. If the striping is less than 2 cm wide it must be applied vertically at a maximum of 10 cm apart (or 1 cm wide strips at 5 cm distance)</li> <li>Install paned glass with fenestration patterns with vertical and horizontal mullions of 10 cm or less.</li> <li>Place decorative grilles or louvers with spacing of 10 cm or less.</li> <li>Apply one-way transparent film laminates to outside glass surface to make the window appear opaque on the outside.</li> <li>Install internal screens through non-reflective glass (as close to the glass as possible) for birds to perceive windows as solid objects.</li> <li>Install windows which have the screen on the outside of the glass.</li> <li>Use UV-reflective glass. Most birds can see ultraviolet light, which is invisible to humans.</li> <li>If it is not possible to apply glass treatments to the entire building, the treatment should be applied to windows at the top of the surrounding tree canopy or the anticipated height of the surrounding vegetation at maturity.</li> </ol>	Approval

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	<ul style="list-style-type: none"> <li>q. Mute reflections in glass. Examples include:               <ul style="list-style-type: none"> <li>i. Angle glass panes toward ground or sky so that the reflection is not in a direct line-of-sight (minimum angle of 20 degrees with optimum angle of 40 degrees).</li> <li>ii. Awnings, overhangs, and sunshades provide birds a visual indication of a barrier and may reduce image reflections on glass, but do not entirely eliminate reflections.</li> </ul> </li> <li>r. Reduce Light Pollution. Examples include:               <ul style="list-style-type: none"> <li>i. Turn off all unnecessary interior lights from 11 p.m. to sunrise.</li> <li>ii. Install motion-sensitive lighting in lobbies, work stations, walkways, and corridors, or any area visible from the exterior and retrofitting operation systems that automatically turn lights off during after-work hours.</li> </ul> </li> <li>s. Reduce perimeter lighting whenever possible.</li> <li>t. Institute a building operation and management manual that promotes bird safety. Example text in the manual includes:               <ul style="list-style-type: none"> <li>i. Donation of discovered dead bird specimens to authorized bird conservation organization or museums to aid in species identification and to benefit scientific study, as per all federal, state and local laws.</li> <li>ii. Production of educational materials on bird-safe practices for the building occupants</li> <li>iii. Asking employees to turn off task lighting at their work stations and draw office blinds or curtains at end of work day.</li> <li>iv. Schedule nightly maintenance during the day or to conclude before 11 p.m., if possible.</li> </ul> </li> </ul>	
<b>Geology and Soils</b>		
<p><b>Seismicity:</b> The Project site is located in a seismically active region. The closest fault (the Hayward Fault), is approximately four miles from the Project site. The Project site is not located within an Alquist-Priolo Special Studies zone. However, according to the Association of Bay Area Government's (ABAG) online interactive hazards mapping website, the Project site would be subject to very strong seismic ground shaking, and according to the Phase I Environmental Site Assessment prepared by Schutze &amp; Associates, Inc., the site has a high</p>	<p><b>SCA Geo-1: Soils Report.</b> <i>Required as part of the submittal of a Tentative Tract or Tentative Parcel Map.</i> A preliminary soils report for each construction site within the project area shall be required as part if this project and submitted for review and approval by the Building Services Division. The soils reports shall be based, at least in part, on information obtained from on-site testing. Specifically the minimum contents of the report should include:</p> <ul style="list-style-type: none"> <li>a. Logs of borings and/or profiles of test pits and trenches:               <ul style="list-style-type: none"> <li>i. The minimum number of borings acceptable, when not used in combination with test pits or trenches, shall be two (2), when in the opinion of the Soils Engineer such borings shall be sufficient to establish a soils profile suitable for the design of all the footings, foundations, and retaining structures.</li> </ul> </li> </ul>	LTS, with implementation of Standard Conditions of Approval

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liquefaction hazard potential. Additionally, expansive soils may be present at the Project site.	<ul style="list-style-type: none"> <li>ii. The depth of each boring shall be sufficient to provide adequate design criteria for all proposed structures.</li> <li>iii. All boring logs shall be included in the soils report.</li> </ul>	
	<ul style="list-style-type: none"> <li>b. Test pits and trenches               <ul style="list-style-type: none"> <li>i. Test pits and trenches shall be of sufficient length and depth to establish a suitable soils profile for the design of all proposed structures.</li> <li>ii. Soils profiles of all test pits and trenches shall be included in the soils report.</li> </ul> </li> <li>c. A plat shall be included which shows the relationship of all the borings, test pits, and trenches to the exterior boundary of the site. The plat shall also show the location of all proposed site improvements. All proposed improvements shall be labeled.</li> <li>d. Copies of all data generated by the field and/or laboratory testing to determine allowable soil bearing pressures, sheer strength, active and passive pressures, maximum allowable slopes where applicable and any other information which may be required for the proper design of foundations, retaining walls, and other structures to be erected subsequent to or concurrent with work done under the grading permit.</li> <li>e. Soils Report. A written report shall be submitted which shall include, but is not limited to, the following:               <ul style="list-style-type: none"> <li>i. Site description;</li> <li>ii. Local and site geology;</li> <li>iii. Review of previous field and laboratory investigations for the site;</li> <li>iv. Review of information on or in the vicinity of the site on file at the Information Counter, City of Oakland, Office of Planning and Building;</li> <li>v. Site stability shall be addressed with particular attention to existing conditions and proposed corrective attention to existing conditions and proposed corrective actions at locations where land stability problems exist;</li> <li>vi. Conclusions and recommendations for foundations and retaining structures, resistance to lateral loading, slopes, and specifications, for fills, and pavement design as required;</li> <li>vii. Conclusions and recommendations for temporary and permanent erosion control and drainage. If not provided in a separate report they shall be appended to the required soils report;</li> <li>viii. All other items which a Soils Engineer deems necessary;</li> </ul> </li> </ul>	



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	<ul style="list-style-type: none"> <li>ix. The signature and registration number of the Civil Engineer preparing the report.</li> <li>f. The Director of Planning and Building may reject a report that she/he believes is not sufficient. The Director of Planning and Building may refuse to accept a soils report if the certification date of the responsible soils engineer on said document is more than three years old. In this instance, the Director may require that the old soils report be recertified, that an addendum to the soils report be submitted, or that a new soils report be provided.</li> </ul> <p><b>SCA Geo-2: Geotechnical Report.</b> <i>Required as part of the submittal of a tentative Tract Map or tentative Parcel Map</i></p> <ul style="list-style-type: none"> <li>a. A site-specific, design level, Landslide or Liquefaction geotechnical investigation for each construction site within the project area shall be required as part of this project and submitted for review and approval by the Building Services Division. Specifically: <ul style="list-style-type: none"> <li>i. Each investigation shall include an analysis of expected ground motions at the site from identified faults. The analyses shall be accordance with applicable City ordinances and polices, and consistent with the most recent version of the California Building Code, which requires structural design that can accommodate ground accelerations expected from identified faults.</li> <li>ii. The investigations shall determine final design parameters for the walls, foundations, foundation slabs, surrounding related improvements, and infrastructure (utilities, roadways, parking lots, and sidewalks).</li> <li>iii. The investigations shall be reviewed and approved by a registered geotechnical engineer. All recommendations by the project engineer, geotechnical engineer, shall be included in the final design, as approved by the City of Oakland.</li> <li>iv. The geotechnical report shall include a map prepared by a land surveyor or civil engineer that shows all field work and location of the “No Build” zone. The map shall include a statement that the locations and limitations of the geologic features are accurate representations of said features as they exist on the ground, were placed on this map by the surveyor, the civil engineer or under their supervision, and are accurate to the best of their knowledge.</li> <li>v. Recommendations that are applicable to foundation design, earthwork, and site preparation that were prepared prior to or during the projects design phase, shall be incorporated in the project.</li> <li>vi. Final seismic considerations for the site shall be submitted to and approved by the City of Oakland Building Services Division prior to commencement of the project.</li> <li>vii. A peer review is required for the Geotechnical Report. Personnel reviewing the geologic report shall approve the report, reject it, or withhold approval pending the submission by</li> </ul> </li> </ul>	

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	the applicant or subdivider of further geologic and engineering studies to more adequately define active fault traces.	
	b. Tentative Tract or Parcel Map approvals shall require, but not be limited to, approval of the Geotechnical Report.	
<b>Erosion:</b> Although the Project site has been previously developed or paved, and there is little or no visible topsoil remaining, site preparation and construction activity associated with the proposed development could result in soil erosion or the loss of any remaining topsoil at the site.	<p><b>SCA Geo-3: Erosion and Sedimentation Control Plan.</b> <i>Prior to any grading activities.</i> The project applicant shall obtain a grading permit if required by the Oakland Grading Regulations pursuant to Section 15.04.780 of the Oakland Municipal Code. The grading permit application shall include an erosion and sedimentation control plan for review and approval by the Building Services Division. The erosion and sedimentation control plan shall include all necessary measures to be taken to prevent excessive stormwater runoff or carrying by stormwater runoff of solid materials on to lands of adjacent property owners, public streets, or to creeks as a result of conditions created by grading operations. The plan shall include, but not be limited to, such measures as short-term erosion control planting, waterproof slope covering, check dams, interceptor ditches, benches, storm drains, dissipation structures, diversion dikes, retarding berms and barriers, devices to trap, store and filter out sediment, and stormwater retention basins. Off-site work by the project applicant may be necessary. The project applicant shall obtain permission or easements necessary for off-site work. There shall be a clear notation that the plan is subject to changes as changing conditions occur. Calculations of anticipated stormwater runoff and sediment volumes shall be included, if required by the Director of Development or designee. The plan shall specify that, after construction is complete, the project applicant shall ensure that the storm drain system shall be inspected and that the project applicant shall clear the system of any debris or sediment.</p> <p><i>Ongoing throughout grading and construction activities</i> The project applicant shall implement the approved erosion and sedimentation plan. No grading shall occur during the wet weather season (October 15 through April 15) unless specifically authorized in writing by the Building Services Division.</p>	LTS, with implementation of Standard Conditions of Approval
<b>Hydrology and Water Quality</b>		
<b>Construction-Period Water Quality:</b> Site preparation and construction activity associated with the proposed development could result in adverse stormwater quality effects.	<p><b>SCA Hydro-1: Stormwater Pollution Prevention Plan (SWPPP).</b> <i>Prior to and ongoing throughout demolition, grading, and/or construction activities.</i> The project applicant must obtain coverage under the General Construction Activity Storm Water Permit (General Construction Permit) issued by the State Water Resources Control Board (SWRCB). The project applicant must file a notice of intent (NOI) with the SWRCB. The project applicant will be required to prepare a stormwater pollution prevention plan (SWPPP) and submit the plan for review and approval by the Building Services Division. At a minimum, the SWPPP shall include a description of construction materials, practices, and equipment storage and maintenance; a list of pollutants likely to contact stormwater; site-specific erosion and sedimentation control practices; a list of provisions to eliminate or reduce discharge of materials to stormwater; Best Management Practices (BMPs), and an inspection and monitoring program. Prior to the issuance of any construction-related permits, the project applicant shall submit to the Building Services Division a copy of the SWPPP and evidence of submittal of the NOI to the</p>	LTS, with implementation of Standard Conditions of Approval

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Potential Environmental Impacts	Recommended Mitigation Measures/ Standard Conditions of Approval	Resulting Level of Significance
	SWRCB. Implementation of the SWPPP shall start with the commencement of construction and continue through the completion of the project. After construction is completed, the project applicant shall submit a notice of termination to the SWRCB.	
<b>Operational Water Quality:</b> Future residents of the Project could contribute pollutants into the stormwater runoff as a result of vehicular use, landscaping maintenance and other operational characteristics.	<p><b>SCA Hydro-2: Post-Construction Stormwater Management Plan.</b> <i>Prior to issuance of building permit or other construction-related permit.</i> The applicant shall comply with the requirements of Provision C.3 of the National Pollutant Discharge Elimination System (NPDES) permit issued to the Alameda Countywide Clean Water Program. The applicant shall submit with the application for a building permit (or other construction-related permit) a completed Construction-Permit-Phase Stormwater Supplemental Form to the Building Services Division. The project drawings submitted for the building permit (or other construction-related permit) shall contain a stormwater management plan, for review and approval by the City, to manage stormwater run-off and to limit the discharge of pollutants in stormwater after construction of the project to the maximum extent practicable.</p> <p>The post-construction stormwater management plan shall include and identify the following:</p> <ol style="list-style-type: none"> <li>All proposed impervious surface on the site;</li> <li>Anticipated directional flows of on-site stormwater runoff; and</li> <li>Site design measures to reduce the amount of impervious surface area and directly connected impervious surfaces; and</li> <li>Source control measures to limit the potential for stormwater pollution;</li> <li>Stormwater treatment measures to remove pollutants from stormwater runoff; and</li> <li>Hydromodification management measures so that post-project stormwater runoff does not exceed the flow and duration of pre-project runoff, if required under the NPDES permit.</li> </ol> <p>The following additional information shall be submitted with the post-construction stormwater management plan:</p> <ol style="list-style-type: none"> <li>Detailed hydraulic sizing calculations for each stormwater treatment measure proposed; and</li> <li>Pollutant removal information demonstrating that any proposed manufactured/mechanical (i.e. non-landscape-based) stormwater treatment measure, when not used in combination with a landscape-based treatment measure, is capable of removing the range of pollutants typically removed by landscape-based treatment measures and/or the range of pollutants expected to be generated by the project.</li> <li>All proposed stormwater treatment measures shall incorporate appropriate planting materials for stormwater treatment (for landscape-based treatment measures) and shall be designed with considerations for vector/mosquito control. Proposed planting materials for all proposed landscape-based stormwater treatment measures shall be included on the landscape and irrigation plan for the project. The applicant is not required to include on-site stormwater treatment</li> </ol>	LTS, with implementation of Standard Conditions of Approval

**TABLE 3-1: SUMMARY OF PROJECT IMPACTS, STANDARD CONDITIONS OF APPROVAL AND MITIGATION MEASURES FOR THE 325 7<sup>TH</sup> STREET PROJECT**

Potential Environmental Impacts	Recommended Mitigation Measures/ Standard Conditions of Approval	Resulting Level of Significance
	<p>measures in the post-construction stormwater management plan if he or she secures approval from Planning and Zoning of a proposal that demonstrates compliance with the requirements of the City's Alternative Compliance Program.</p> <p><i>Prior to final permit inspection.</i> The applicant shall implement the approved stormwater management plan.</p> <p><b>SCA Hyrdo-3: Maintenance Agreement for Stormwater Treatment Measures.</b> <i>Prior to final zoning inspection.</i> For projects incorporating stormwater treatment measures, the applicant shall enter into the "Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement," in accordance with Provision C.3.e of the NPDES permit, which provides, in part, for the following:</p> <ol style="list-style-type: none"> <li>The applicant accepting responsibility for the adequate installation/construction, operation, maintenance, inspection, and reporting of any on-site stormwater treatment measures being incorporated into the project until the responsibility is legally transferred to another entity; and</li> <li>Legal access to the on-site stormwater treatment measures for representatives of the City, the local vector control district, and staff of the Regional Water Quality Control Board, San Francisco Region, for the purpose of verifying the implementation, operation, and maintenance of the on-site stormwater treatment measures and to take corrective action if necessary. The agreement shall be recorded at the County Recorder's Office at the applicant's expense.</li> </ol>	
<b>Noise</b>		
<p><b>Interior Noise:</b> The Project site is within approximately 60 feet of the edge of the elevated portion of I-880 freeway. This location results in a noise environment that exceeds the City's acceptable noise level standard for multi-family residential land uses. This is a severe noise environment which could expose those persons living in the nearest adjacent units to noise level in excess of standards established in the Oakland General Plan or applicable state standards</p>	<p><b>SCA Noise-1: Interior Noise.</b> <i>Prior to issuance of a building permit and Certificate of Occupancy.</i> If necessary to comply with the interior noise requirements of the City of Oakland's General Plan Noise Element and achieve an acceptable interior noise level, noise reduction in the form of sound-rated assemblies (i.e., windows, exterior doors, and walls), and/or other appropriate features/measures, shall be incorporated into project building design, based upon recommendations of a qualified acoustical engineer and submitted to the Building Services Division for review and approval prior to issuance of building permit. Final recommendations for sound-rated assemblies, and/or other appropriate features/measures, will depend on the specific building designs and layout of buildings on the site and shall be determined during the design phases.</p> <p>Written confirmation by the acoustical consultant, HVAC or HERS specialist, shall be submitted for City review and approval, prior to Certificate of Occupancy (or equivalent) that:</p> <ol style="list-style-type: none"> <li>Quality control was exercised during construction to ensure all air-gaps and penetrations of the building shell are controlled and sealed; and</li> <li>Demonstrates compliance with interior noise standards based upon performance testing of a sample unit.</li> <li>Inclusion of a Statement of Disclosure Notice in the CC&amp;R's on the lease or title to all new tenants or owners of the units acknowledging the noise generating activity. Potential</li> </ol>	<p>LTS, with implementation of Standard Conditions of Approval</p>

**TABLE 3-1: SUMMARY OF PROJECT IMPACTS, STANDARD CONDITIONS OF APPROVAL AND MITIGATION MEASURES FOR THE 325 7<sup>TH</sup> STREET PROJECT**

Potential Environmental Impacts	Recommended Mitigation Measures/ Standard Conditions of Approval	Resulting Level of Significance
	<p>features/measures to reduce interior noise could include, but are not limited to, the following:</p> <p>Installation of an alternative form of ventilation in all units identified in the acoustical analysis as not being able to meet the interior noise requirements due to adjacency to a noise generating activity, filtration of ambient make-up air in each unit and analysis of ventilation noise if ventilation is included in the recommendations by the acoustical analysis.</p>	
<b>Operational Noise:</b> Although there would be some noise generated through routine activity in the commercial space and residential units proposed at the Project site, this development would be unlikely to generate noise in violation of the City's Noise Ordinance.	<b>SCA Noise-2: Operational Noise-General. Ongoing.</b> Noise levels from the activity, property, or any mechanical equipment on site shall comply with the performance standards of Section 17.120 of the Oakland Planning Code and Section 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the Planning and Zoning Division and Building Services.	LTS, with implementation of Standard Conditions of Approval
<b>Construction Noise:</b> Construction activity at the Project site would be expected to generate noise which could affect those living and working nearby.	<p><b>SCA Noise-3: Days/Hours of Construction Operation.</b> <i>Ongoing throughout demolition, grading, and/or construction</i> The project applicant shall require construction contractors to limit standard construction activities as follows:</p> <ol style="list-style-type: none"> <li>Construction activities are limited to between 7:00 AM and 7:00 PM Monday through Friday, except that pile driving and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m. Monday through Friday.</li> <li>Any construction activity proposed to occur outside of the standard hours of 7:00 am to 7:00 pm Monday through Friday for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened and such construction activities shall only be allowed with the prior written authorization of the Building Services Division.</li> <li>Construction activity shall not occur on Saturdays, with the following possible exceptions: <ol style="list-style-type: none"> <li>Prior to the building being enclosed, requests for Saturday construction for special activities (such as concrete pouring which may require more continuous amounts of time), shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened. Such construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division.</li> <li>After the building is enclosed, requests for Saturday construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division, and only then within the interior of the building with the doors and windows closed.</li> </ol> </li> <li>No extreme noise generating activities (greater than 90 dBA) shall be allowed on Saturdays, with no exceptions.</li> </ol>	LTS, with implementation of Standard Conditions of Approval

**TABLE 3-1: SUMMARY OF PROJECT IMPACTS, STANDARD CONDITIONS OF APPROVAL AND MITIGATION MEASURES FOR THE 325 7<sup>TH</sup> STREET PROJECT**

Potential Environmental Impacts	Recommended Mitigation Measures/ Standard Conditions of Approval	Resulting Level of Significance
	<ul style="list-style-type: none"> <li>e. No construction activity shall take place on Sundays or Federal holidays.</li> <li>f. Construction activities include but are not limited to: truck idling, moving equipment (including trucks, elevators, etc) or materials, deliveries, and construction meetings held on-site in a non-enclosed area.</li> <li>g. Applicant shall use temporary power poles instead of generators where feasible.</li> </ul> <p><b>SCA Noise -4: Noise Control.</b> <i>Ongoing throughout demolition, grading, and/or construction.</i> To reduce noise impacts due to construction, the project applicant shall require construction contractors to implement a site-specific noise reduction program, subject to the Planning and Zoning Division and the Building Services Division review and approval, which includes the following measures:</p> <ul style="list-style-type: none"> <li>a. Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible).</li> <li>b. Except as provided herein, Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used, if such jackets are commercially available and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever such procedures are available and consistent with construction procedures.</li> <li>c. Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or use other measures as determined by the City to provide equivalent noise reduction.</li> <li>d. The noisiest phases of construction shall be limited to less than 10 days at a time. Exceptions may be allowed if the City determines an extension is necessary and all available noise reduction controls are implemented.</li> </ul> <p><b>SCA Noise-5: Noise Complaint Procedures.</b> <i>Ongoing throughout demolition, grading, and/or construction.</i> Prior to the issuance of each building permit, along with the submission of construction documents, the project applicant shall submit to the Building Services Division a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include:</p> <ul style="list-style-type: none"> <li>a. A procedure and phone numbers for notifying the Building Services Division staff and Oakland Police Department; (during regular construction hours and off-hours);</li> <li>b. A sign posted on-site pertaining with permitted construction days and hours and complaint procedures and who to notify in the event of a problem. The sign shall also include a listing of</li> </ul>	

**TABLE 3-1: SUMMARY OF PROJECT IMPACTS, STANDARD CONDITIONS OF APPROVAL AND MITIGATION MEASURES FOR THE 325 7<sup>TH</sup> STREET PROJECT**

Potential Environmental Impacts	Recommended Mitigation Measures/ Standard Conditions of Approval	Resulting Level of Significance
	<p>both the City and construction contractor's telephone numbers (during regular construction hours and off-hours);</p> <p>c. The designation of an on-site construction complaint and enforcement manager for the project;</p> <p>d. Notification of neighbors and occupants within 300 feet of the project construction area at least 30 days in advance of extreme noise generating activities about the estimated duration of the activity; and</p> <p>e. A preconstruction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise measures and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.</p> <p><b>SCA Noise-6: Pile Driving and Other Extreme Noise Generators.</b> <i>Ongoing throughout demolition, grading, and/or construction.</i> To further reduce potential pier drilling, pile driving and/or other extreme noise generating construction impacts greater than 90dBA, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted for review and approval by the Planning and Zoning Division and the Building Services Division to ensure that maximum feasible noise attenuation will be achieved. This plan shall be based on the final design of the project. A third-party peer review, paid for by the project applicant, may be required to assist the City in evaluating the feasibility and effectiveness of the noise reduction plan submitted by the project applicant. The criterion for approving the plan shall be a determination that maximum feasible noise attenuation will be achieved. A special inspection deposit is required to ensure compliance with the noise reduction plan. The amount of the deposit shall be determined by the Building Official, and the deposit shall be submitted by the project applicant concurrent with submittal of the noise reduction plan. The noise reduction plan shall include, but not be limited to, an evaluation of implementing the following measures. These attenuation measures shall include as many of the following control strategies as applicable to the site and construction activity:</p> <p>a. Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings;</p> <p>b. Implement "quiet" pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;</p> <p>c. Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;</p> <p>d. Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for example and implement such measure if such measures are feasible and would noticeably reduce noise impacts; and</p>	

**TABLE 3-1: SUMMARY OF PROJECT IMPACTS, STANDARD CONDITIONS OF APPROVAL AND MITIGATION MEASURES FOR THE 325 7<sup>TH</sup> STREET PROJECT**

Potential Environmental Impacts	Recommended Mitigation Measures/ Standard Conditions of Approval	Resulting Level of Significance
	e. Monitor the effectiveness of noise attenuation measures by taking noise measurements.	
<b>Public Services</b>		
<b>Service Demand:</b> The Project site is located in an urban area where public services are already provided. The Community Services Analysis prepared for the Land Use and Transportation Element of the General Plan stated that future in-fill development through the General Plan horizon year of 2015 would not be likely to impose a burden on existing public services.	<p><b>SCA-Pub Serv-1: Conformance with other Requirements.</b> <i>Prior to issuance of a demolition, grading, P-job, or other construction related permit</i></p> <ul style="list-style-type: none"> <li>a. The project applicant shall comply with all other applicable federal, state, regional and/or local laws/codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City's Building Services Division, the City's Fire Marshal, and the City's Public Works Agency. Compliance with other applicable requirements may require changes to the approved use and/or plans.</li> <li>b. The applicant shall submit approved building plans for project-specific needs related to fire protection to the Fire Services Division for review and approval, including, but not limited to automatic extinguishing systems, water supply improvements and hydrants, fire department access, and vegetation management for preventing fires and soil erosion.</li> </ul>	LTS
<b>Waste Generation:</b> Although development of the Project site as proposed would result in an increased demand for solid waste collection and disposal relative to that associated with current uses at the site, the Community Services Analysis prepared for the Land use and Transportation Element of the General Plan stated that future in-fill development through the General Plan horizon year of 2015 would not be likely to impose a burden on existing utilities and service systems	<p><b>SCA Util-1: Waste Reduction and Recycling.</b> The project applicant will submit a Construction &amp; Demolition Waste Reduction and Recycling Plan (WRRP) and an Operational Diversion Plan (ODP) for review and approval by the Public Works Agency.</p> <ul style="list-style-type: none"> <li>a. <i>Prior to issuance of demolition, grading, or building permit.</i> Chapter 15.34 of the Oakland Municipal Code outlines requirements for reducing waste and optimizing construction and demolition (C&amp;D) recycling. Affected projects include all new construction, renovations/alterations/modifications with construction values of \$50,000 or more (except R-3), and all demolition (including soft demo). The WRRP must specify the methods by which the development will divert C&amp;D debris waste generated by the proposed project from landfill disposal in accordance with current City requirements. Current standards, FAQs, and forms are available at <a href="http://www.oaklandpw.com/Page39.aspx">www.oaklandpw.com/Page39.aspx</a> or in the Green Building Resource Center. After approval of the plan, the project applicant shall implement the plan.</li> <li>b. <i>Ongoing.</i> The ODP will identify how the project complies with the Recycling Space Allocation Ordinance, (Chapter 17.118 of the Oakland Municipal Code), including capacity calculations, and specify the methods by which the development will meet the current diversion of solid waste generated by operation of the proposed project from landfill disposal in accordance with current City requirements. The proposed program shall be implemented and maintained for the duration of the proposed activity or facility. Changes to the plan may be re-submitted to the Environmental Services Division of the Public Works Agency for review and approval. Any incentive programs shall remain fully operational as long as residents and businesses exist at the project site.</li> </ul>	LTS, with implementation of Standard Conditions of Approval



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## REVISIONS TO THE DRAFT EIR

The changes presented in this chapter of the EIR are initiated by the City of Oakland (Lead Agency) staff or by comments received on the Draft EIR. Changes include corrections, revisions or clarifications to information presented in the Draft EIR. Throughout this chapter, newly added text is shown in single underline format, and deleted text is shown in strikeout format. For changes specifically initiated by comments received on the DEIR, an alpha-numeric designator for the comment is indicated in brackets.

Changes are listed generally in the order in which they would appear in the Draft EIR document. A revised Summary Table of Impacts, Standard Conditions of Approval and Mitigation Measures, which shows proposed final text as modified from the Draft EIR, is presented in Chapter 2 of this document.

As indicated in Chapter 1: Introduction, the entirety of the Final EIR consists of the Draft EIR and its Appendices and this Response to Comments document. Thus, the changes to the Draft EIR presented in this chapter (including the revised Summary Table of Impacts, Mitigation Measures, Standard Conditions, and Residual Impacts) incorporate and supersede the text of the Draft EIR.

### CHANGES TO CHAPTER 3: PROJECT DESCRIPTION

The following change is made to the Project Description chapter to Figure 3-6 on page 3-17:

Figure 3-67: 3D Visual Simulation, 6<sup>th</sup> ~~7<sup>th</sup>~~ and Harrison Street View

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The following changes and new additions are made to the Project Description chapter, Figure 3-5, -6 and -7 starting on page 3-16 to better show the proposed Project in context with its surroundings:

See revised **Figures 3-5 through 3-7** and new **Figure 3-8**

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The following changes are made to the Project Description, starting on page 3-8:

#### Open Space

Development of the Project site as proposed would include approximately ~~10,169-10,221~~ square feet of group open space. The majority of this open space would be an 8,200 square foot outdoor courtyard provided on the top deck of the podium at the 4<sup>th</sup> floor of Tower #1. This courtyard is located within an internal portion of the site between the two towers and away from the adjacent I-880 freeway. A second courtyard that is 769 square feet in size would be provided on the 18<sup>th</sup> floor of Tower #2, and a third courtyard of 1,200 square feet would be provided on the 22<sup>nd</sup> ~~20<sup>th</sup>~~ floor of Tower #1. ~~Each of these later courtyards also has s-~~ Two small, 26 square foot group open space balconies are also provided on the 19<sup>th</sup> and 20<sup>th</sup> floors, but not counted in the total group open space above. ~~s associated with them.~~ Approximately

9,042 square feet of private open space would also be provided as balconies and patios for some of the 380 units proposed.

See also revised **Figure 3-18**

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Vantage Points, Key

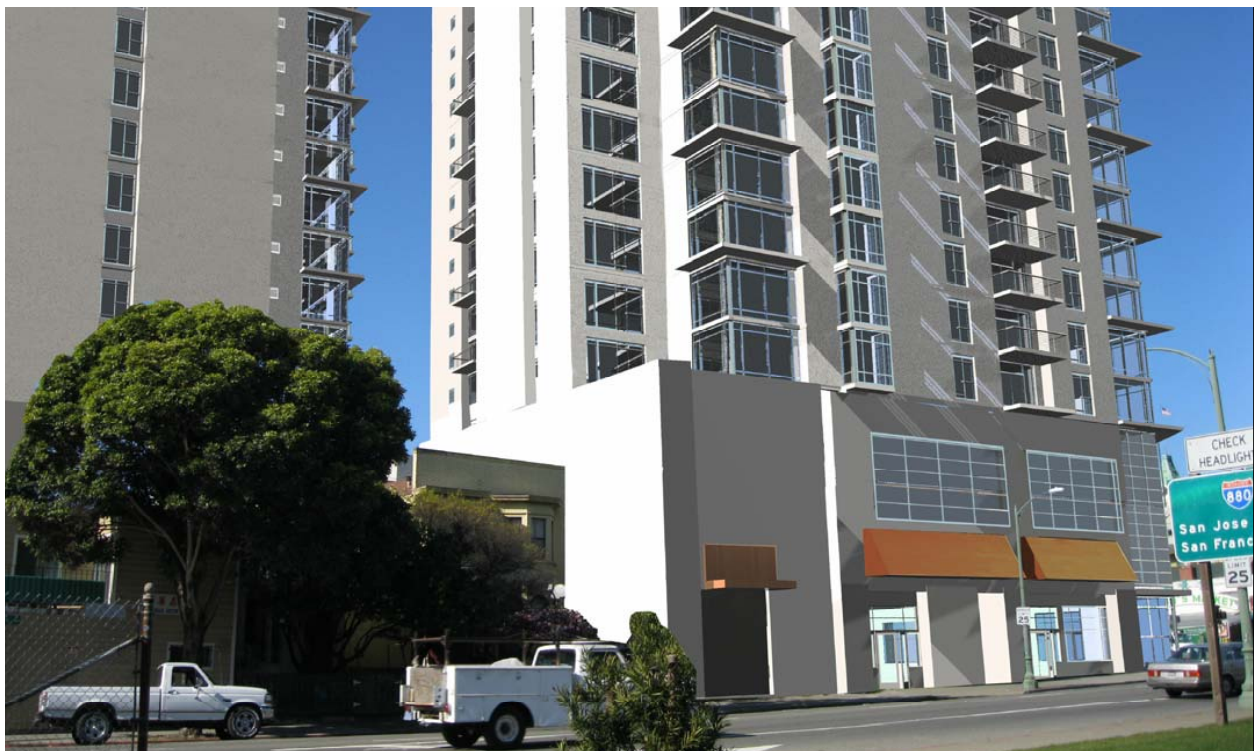


View from 7th and Webster Street





View from 7th and Harrison Street



View from 6th and Harrison Street

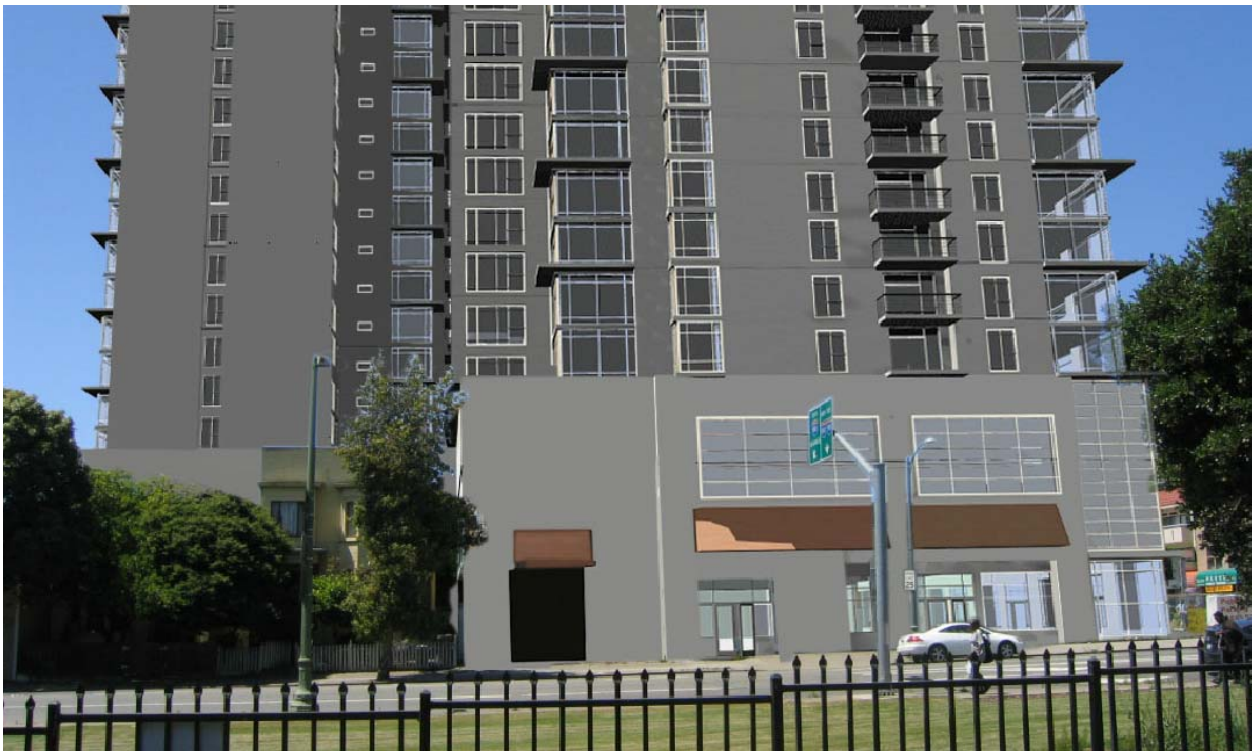
**Figure 3-6**  
**Photo-Simulations of Project**



Source: YHL Architects



View from 7th and Jackson Street



View from Harrison Square Park

**Figure 3-7**  
**Photo-Simulations of Project**



Source: YHL Architects





View from 6th and Webster Street

**Figure 3-8**  
**Photo-Simulation of Project**



Source: YHL Architects





## CHANGES TO CHAPTER 4.1: AESTHETICS

The following changes are made to the wind impact analysis on pages 4.1-24 through -25:

### *Level 18 and 22 – Courtyards*

As shown in **Figure 4.1-17** and **Figure 4.1-20**, wind speeds can be expected to increase substantially near the highest portions of the two towers. However, these figures also show that wind speeds directly adjacent to the towers at the higher elevations would not exceed the moderate range. On those days when moderate winds are encountered, those using the courtyards on Level 18 and Level 22 might not be comfortable sitting in that area. If seating is desired on such days, localized features such as wind screens, dense landscaping or trellises could be considered to enhance the enjoyment of those using this courtyard area. Winds anticipated at the courtyards on Level 18 and Level 22 are not projected to be so strong as to adversely affect a person's balance and footing, and would not jeopardize the safety of those using the courtyard.

**Recommendation Aesth-4: Wind Reduction Plan.** As noted above, lower wind speeds could be desired at the Level 4, Level 18 and Level 22 courtyards around seating areas. The project applicant shall develop a wind reduction plan, to be included as part of the landscape plan, for further wind control. This plan shall be subject to review and approval by the City and the applicant shall implement the approved plan. The plan shall include features such as tree plantings, arbors, canopies, lattice fencing. In addition, a full height wind screen (from floor level to the underside of the canopy) is also recommended along the western edge of the pedestrian walkway. Vertical wind control measures considered shall face perpendicular to local wind flow for the dominant west winds to be most effective.

## CHANGES TO CHAPTER 4.2: TRAFFIC AND CIRCULATION

In response to comments from AC Transit regarding changes in bus service due to major service adjustments made in March and October of 2010, the text on page 4.2-8 and 4.2-9 of the Draft EIR is revised as follows:

### Alameda-Contra Costa Transit District

The Alameda-Contra Costa Transit District (AC Transit) provides direct bus service connection to the proposed Project site. The service area for AC Transit primarily includes the portion of the East Bay from El Sobrante to Fremont. Two AC Transit bus lines have bus stops in the immediate vicinity of the proposed Project: #11-Harrison and #62-San Antonio. Several ~~Eight~~ additional AC Transit bus lines have stops in the vicinity of the Project. ~~Of these nine bus lines, seven are local bus lines, one is a school service line (services provided before and after school hours during school days), and one is an owl service line.~~ AC Transit service in the proposed Project area is described in **Table 4.2-1**.

**TABLE 4.2-1: AC TRANSIT BUS LINES AND AM AND PM PEAK FREQUENCIES**

Route	Weekday AM and PM Peak Frequency
<i><u>Direct Service to Site:</u></i>	
11-Harrison	<u>30</u> <del>20</del> -minutes
62-San Antonio	20 minutes
<i><u>Adjacent Alameda to Oakland Service</u></i>	
<del>20</del> 19-Hollis	30 minutes
31 -	<u>30 minutes</u>
51A-Broadway	8 to 10 minutes
851-Broadway	No peak runs; 60-minute frequency during late night
<u>O - Transbay Route</u>	<u>30 minutes</u>
<u>W – Transbay Route</u>	<u>hourly, PM runs only</u>

Source: AC Transit, Routes and Bus schedule, effective as of March 2011-June 18, 2006.

AC Transit provides direct bus service to the Project site on 7<sup>th</sup> Street with lines 11 and 62.

- Line 11 is a cross-town route that serves Piedmont to the northeast and Eastlake to the southeast. Along the route, Line 11 serves a number of attractors including Whole Foods, the 19<sup>th</sup> Street BART Station, the 12<sup>th</sup> Street BART Station, Lake Merritt BART Station, International Boulevard and Highland Hospital. Line 11 currently operates at a 30-minute frequency on weekdays and hourly on weekends.
- Line 62 is also a cross-town route that serves West Oakland to the west and Fruitvale to the east. Along the route, Line 62 serves West Oakland BART Station, Lake Merritt BART Station, International Boulevard, Highland Hospital, Macarthur Boulevard and Fruitvale BART Station. Line 62 currently operates at a 20-minute frequency on weekday and 30 minutes on weekends.

At present, Line 11 and Line 62 buses stop at the southwest corner of 7<sup>th</sup> and Harrison Streets on the near side of the intersection. The bus stop consists of a bench, trash receptacle and bus stop pole and flag. Buses pull out of traffic and into a striped shoulder to serve the stop.

Adjacent to the site, AC Transit provides service in and out of the City of Alameda via the Webster Tube and Posey Tube, respectively. Buses enter the Webster Tube via Webster Street on the west side of the Project site and exit the Posey Tube via Harrison Street on the east side of the Project site. Service through the Tubes includes cross-town, trunk and Transbay routes (20, 31, 51A, 851, O and W).

Moving further away from the Project site, AC Transit provides frequent service on the north end of Chinatown along 11<sup>th</sup> and 12<sup>th</sup> Streets, and service connecting Downtown Oakland, Jack London Square, Uptown and the upper Broadway corridor along Broadway.

~~11 Harrison:~~ Route 11 serves Piedmont, Downtown Oakland, the Kaiser Center, Lake Merritt BART, Lancy College, the San Antonio District, Highland Hospital, and the Dimond District. It operates every 20 minutes on weekdays from approximately 6:00 AM to 8:00 PM, and every hour on weekends from 7:00 AM to 7:50 PM.

~~19 Hollis:~~ This line operates every 30 minutes daily from approximately 6:00 AM to 10:30 PM. It serves Berkeley, Emeryville, Downtown Oakland, and Alameda, stopping at BART stations in North Berkeley, Fruitvale, West Oakland, and 12<sup>th</sup> Street, as well as the Amtrak station near the Posey Tube.

~~*51 Broadway:* The 51 Broadway serves Berkeley, Oakland, and Alameda via University Avenue, Bancroft, College Avenue, and Broadway stopping at the 12<sup>th</sup> Street and 19<sup>th</sup> Street BART stations. This route operates from approximately 4:55 AM until 12:50 AM daily, every 8 to 10 minutes weekdays and every 15 minutes on weekends.~~

~~*62 San Antonio:* The 62 line serves West Oakland, Twelfth Street, Lake Merritt and Fruitvale BART. It operates daily from approximately 5:30 AM to 12:39 PM northbound and from approximately 6:20 AM to 12:52 AM southbound. It runs every 20 minutes on weekdays and every 30 minutes on weekends.~~

~~*63 Alameda Point:* This line serves Alameda Point, 12<sup>th</sup> Street BART, Lake Merritt BART, and Fruitvale BART daily from approximately 5:30 AM to 12:50 AM northbound and from approximately 6:00 AM to 12:20 AM southbound. It operates every 30 minutes.~~

~~*72 San Pablo Avenue (northbound and southbound):* These lines serves Oakland, Emeryville, Berkeley, Albany, Richmond, El Cerrito, and San Pablo daily from approximately 5:00 AM to 12:57 AM northbound, and from approximately 3:40 AM to 1:23 AM southbound. They operate every 30 to 40 minutes, principally along San Pablo Avenue, from Hilltop Mall to San Pablo to the Amtrak station at Second/Alice Streets.~~

~~*72M MacDonald:* This line serves Point Richmond, Richmond, Albany, Emeryville, Berkeley, and Oakland via Garrard Boulevard and MacDonald Avenue, then follows the same route as the 72 line but with limited stops. It operates daily from approximately 6:00 AM to 12:30 AM northbound, and from approximately 4:45 AM to 12:20 AM southbound at 30 to 40 minute intervals.~~

~~*72R San Pablo Rapid:* This line serves Contra Costa College in San Pablo, then follows the same route as the 72 line but terminates at Second Street/Clay Street. It has fewer stops than the 72M. It operates weekdays only from 6:00 AM to 8:15 PM at 12 minute intervals.~~

~~*651 Holy Names:* This is a school service that operates weekdays once a day in each direction from 2<sup>nd</sup> Street/Broadway to Holy Names High School at 7:18 AM, and from Holy Names High School to 2<sup>nd</sup> Street/Broadway at 3:15 PM.~~

~~*851 Broadway All Nighter:* This line serves Berkeley, Oakland, and Alameda via University Avenue, Bancroft, College, and Broadway to Alameda. It operates daily from 12:15 AM to 5:58 AM northbound, and from 12:05 AM to 4:49 AM southbound on an hourly schedule.~~

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To clarify the timing of traffic counts performed for this EIR, the second full paragraph on page 4.2-15 of the Draft EIR has been modified as follows:

Existing intersection turning movement volumes for the 13 study intersections were originally collected on April 19, 2006, July 11, 2006, and October 25, 2006 during the AM (7:00 a.m. to 9:00 a.m.) and PM (4:00 p.m. to 6:00 p.m.) peak periods.

The text in the Draft EIR further clarifies that traffic counts from other recent projects were used for intersections at 5<sup>th</sup>/Oak, 6<sup>th</sup>/Oak and 6<sup>th</sup>/Jackson. The Draft EIR also indicated that counts at five intersections were re-counted on December 9<sup>th</sup>, showing no significant change in traffic volumes since the 2006 traffic counts.

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The following additional Project-specific condition of approval and minor edits are made to the text of the Draft EIR, page 4.2-23:

To further implement SCA Traf-1, the Project applicant shall:

- a. Investigate the possibility of contracting with off-site locations to provide additional parking,
- b. The applicant shall work with the City of Oakland to determine the Project's appropriate financial contribution share and/or other efforts to support the Broadway/Valdez shuttle service or other shuttle service which provides service along Broadway. The applicant shall include, in an annual report to be submitted to the City, documentation of financial contribution and/or other efforts to support the shuttle. All good faith efforts made by the applicant to identify potential off site parking shall be submitted to the City for review and approval.

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In response to comments from AC Transit regarding construction-period effects to bus service, the following additional recommended condition of Project approval has been added to the text of the EIR, inserted on page 4.2-24 and 4.2-33:

To further implement SCA Traf-2, the following additional element shall be added to construction-period traffic and parking management strategies:

- m. The Project sponsor shall coordinate with AC Transit and the City of Oakland Public Works Department Traffic Services Department to identify an appropriate temporary location for the existing bus stop located at the southwest corner of 7<sup>th</sup> and Harrison, which will most likely be adversely affected by Project construction. The Project sponsor shall implement all steps necessary to establish this temporary bus stop, including possible construction of a bus shelter, to a location mutually agreed upon by the City of Oakland and AC Transit. This temporary bus stop location is anticipated to be at the southeast corner of 7<sup>th</sup>/Webster Street, on the far side of the intersection and beyond the pedestrian crosswalks.

The City's Standard Conditions of Approval will be adopted as requirements for the proposed Project if the Project is approved by the City. The Project will be required to comply with all of the provisions of City of Oakland Standard Conditions of Approval, including **SCA Trans-2: Construction Traffic and Parking**. This condition requires preparation of a set of comprehensive traffic control measures including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, ~~and~~ designated construction access routes and plans for the temporary relocation of an existing bus stop during the construction period to avoid conflicts with construction activity. Implementation of this Standard Condition of Approval would reduce construction-period traffic impacts to levels of less than significant.

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In response to comments from AC Transit regarding potential permanent effects to bus service, the following additional recommended condition of Project approval has been added to the text of the EIR, inserted on page 4.2-24:

**SCA WW-2: Improvements in the Public Right-of Way (Specific).** *Approved prior to the issuance of a grading or building permit.* Final building and public improvement plans submitted to the Building Services Division shall include the following components:

- a. Install additional standard City of Oakland streetlights.
- b. Remove and replace any existing driveway that will not be used for access to the property with new concrete sidewalk, curb and gutter.
- c. Reconstruct drainage facility to current City standard.

- d. Provide separation between sanitary sewer and water lines to comply with current City of Oakland and Alameda Health Department standards.
- e. Construct wheelchair ramps that comply with Americans with Disability Act requirements and current City Standards.
- f. Remove and replace deficient concrete sidewalk, curb and gutter within property frontage.
- g. Provide adequate fire department access and water supply, including, but not limited to currently adopted fire codes and standards.

To further implement SCA WW-2, the following additional Project-specific element shall be added to the list of improvement plans required for the public right-of-way:

- h. The Project sponsor shall work closely with AC Transit and the City of Oakland to determine the desirability of permanently relocating the existing bus stop currently located at the southwest corner of 7<sup>th</sup>/Harrison Street, immediately in front of the Project site. A key consideration in determining whether the bus stop should be permanently relocated is whether it is more desirable to have Project vehicles access the Project's garage entry and exit in front of AC Transit buses (i.e., by permanently relocating the bus stop to the southeast corner of 7<sup>th</sup>/Webster Street) or whether cars should access the Project's garage entry/exit behind AC Transit buses (i.e., returning the bus stop location to where it is currently located at the southwest corner of 7<sup>th</sup>/Harrison Street). The permanent location of the bus stop must be approved by the City of Oakland Public Works Department, Traffic Services Division and AC Transit. Under either scenario for the permanent bus stop location, the Project sponsor shall develop a bus stop relocation plan for City and AC Transit review and approval, and shall implement the approved plan, including but not limited to funding the furnishing, installation, maintenance, repair and replacement of a bus shelter.

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In response to comments from Caltrans, the first and second paragraphs on page 4.2-25 and Table 4.2-9 of the Draft EIR is revised as follows:

Trip generation rates for the retail uses are based on "Shopping Centers," because Oakland Chinatown consists of numerous small shops much like a shopping center where most patrons to the retail stores visit more than one store. The retail businesses in Oakland Chinatown would also attract pass-by trips. Pass-by trips are intermediate stops on the way from an origin to a primary trip destination. Pass-by trips are attracted from traffic passing the site on an adjacent street, thereby adding no extra trips to the surrounding roadway systems. For example, Chinatown retail businesses may attract a portion of the traffic passing through Chinatown on the way to Alameda. Those vehicles attracted to Chinatown retail stores do not generate new traffic to the adjacent street system. For shopping centers, the *ITE Trip Generation Handbook, 2<sup>nd</sup> Edition* estimates an average pass-by trip percentage of 65 percent or more for shopping centers of less than 25,000 square feet of gross leasable area during the PM peak hour. For this analysis, 65 percent of the daily PM peak hour trips generated by the neighborhood commercial uses were considered internal and pass-by trips already existing on the street in the area, and these trips would not cause any change in traffic volumes in the adjacent street system. Therefore, these trips were not included as net new vehicle trips generated by the Proposed Project. No internal or pass-by trip reductions are assumed for the retail uses during the AM peak hour. ITE Peak hour trip generation rates for general office were derived based on used to calculate office trips using the ITE fitted curve methodology, and were also adjusted for the modal split. Daily trip rates for general office use were then derived based on the assumption that the combination of both AM and PM peak hour trips represent approximately 60 percent of total daily trips.

The Proposed Project would generate an estimated ~~2,144~~ 2,100 daily trips, 165 AM peak hour trips, and 268 PM peak hour vehicle trips. Table 4.2-9 presents the trip generation calculation by land use. Existing trips to and from the Project site (a repair shop and a parking lot) were counted on April 13, 2006 during the AM and PM peak hours and deducted from the Project trip generation. A recent field visit in 2010

confirmed that the repair shop and the parking lot are still in operation and the survey count is valid. The survey shows that a total of two vehicles arrived and none departed during the AM peak hour, and a total of one vehicle arrived and five vehicles departed the Project site during the PM peak hour. The total net new vehicle trips generated by the proposed Project would be ~~2,102~~ 2,058 on a typical day, 163 during the AM peak hour and 262 during the PM peak hour.

**REVISED TABLE 4.2-9: PROJECT VEHICLE TRIP GENERATION**

Land Use (ITE Land Use Code)	gsf/units	Daily Trips <sup>3</sup>	AM Peak	PM Peak
Residential Condominium (230)		1,996	150	180
Mode Adjustment <sup>1</sup>		-339	-26	-31
<b>Residential Total</b>		<b>1,657</b>	<b>125</b>	<b>149</b>
Retail (820)	6,795 gsf	<del>4,183</del> <u>292</u>	31	106
Adjustment for Pass-by		<del>769</del> <u>NA</u>	NA	-69
<b>Retail Total</b>		<b>444</b> <u>292</u>	<b>31</b>	<b>37</b>
Office (710)	2,315 gsf	<del>73</del> <u>151</u>	9	81
<b>Total Project Trips</b>		<b>2,144</b> <u>2,100</u>	<b>164</b>	<b>268</b>
Existing Uses <sup>2</sup>		-42	-2	-6
<b>Net New<sup>3</sup></b>		<b>2,102</b> <u>2,058</u>	<b>163</b>	<b>262</b>

Notes:

1. Mode adjustment includes all non-motorized trips such as walking, bicycling, and transit trips at 17 percent.

2. Existing vehicle trip survey was conducted on April 13, 2006 during the AM and PM peak hours. Daily trips derived from peak hour trips as 19 percent of daily trips.

3. Daily trips for retail use calculated by the ITE's fitted curve equation were not appropriate for the size of land use. Instead, the average ITE trip rate was used for estimating the number of daily trips.

4. Daily trips for office use as calculated using both the ITE's fitted curve equation and the average ITE trip resulted in fewer numbers of daily trips than PM peak hour trips. Thus, daily trips for office use were derived from the sum of both AM and PM peak hour trips representing 60 percent of daily trips. Daily trips calculated based on standard ITE trip rates for each land use category shown.

Source: CHS Consulting Group, 2010.

### Project Trip Distribution

Trip distribution patterns were obtained from the Alameda County Congestion Management Agency's Countywide Travel Forecasting Model (Alameda Model) for the traffic analysis zone (TAZ) that covers the proposed Project. These distribution patterns were used to assign proposed Project traffic to the roadway network to calculate the LOS at the study intersections for the Existing + Project condition. **Figure 4.2-4** and **Revised Figure 4.2-5** show the trip assignments entering and exiting the Project site, separately for residential and non-residential uses. Figure 4.2-5 has been revised to indicate the more likely trip distribution pattern for westbound traffic on 4<sup>th</sup> Street to turn left at Jackson Street rather than Alice Street. **Revised Figure 4.2-6** shows the trip assignment of the proposed Project's trips for both AM and PM peak hour, with revisions indicated for trips at the 4<sup>th</sup> Street/Jackson Street intersection based on the updated trip distribution pattern.

These revised trip generation numbers and the revised trip distribution assumptions are relatively minor. The revised trips generation numbers result in changes to daily trips, not peak hour trips. Since the analysis of traffic conditions included in the Draft EIR were analyzed for the weekday AM and PM peak hours, the conclusions of traffic impacts identified in the Draft EIR based on the revised trip generation rates would not change. The revisions to the trip distribution assumptions show that Project-generated traffic exiting from the Project site would make a left turn on Jackson Street at 4<sup>th</sup> Street. As a result, figures and traffic conditions for the 5th and Jackson Streets intersection were revised as presented in revised Figures 4.2-4 through 4.2-9 and in revised Tables 4.2-12 through 4.2-14. Levels of service and delay calculations for the remaining intersections would remain the same as presented in the Draft EIR. As shown in these tables, the revised trip generation numbers and the revised trip distribution

assumptions do not cause any new significant impacts or an increase in the severity of any previously identified impacts as presented in the Draft EIR.

In response to comments from Caltrans and others, the Existing + Project traffic volumes for the AM and PM peak hours, have been slightly revised based on modified trip distribution patterns, as presented in **Revised Table 4.2-12** (page 4.2-43) and on **Revised Figure 4.2-7** (pg 4.2-42 of the Draft EIR).

**REVISED TABLE 4.2-12: INTERSECTION LOS IMPACTS:  
EXISTING + PROJECT WEEKDAY AM AND PM PEAK HOUR**

Intersection	AM Peak Hour				PM Peak Hour			
	Existing		Existing + Project		Existing		Existing + Project	
	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
(#2): 5 <sup>th</sup> Street/Jackson Street	13.8	B	<del>14.2</del> 13.8	B	13.3	B	13.7	B

See also **Revised Figure 4.2-7**

In response to comments from AC Transit, the second paragraph of Mitigation Measure Traf-9 (on page 4.2-46) is revised to read:

**Mitigation Measure Traf-9:** Optimize the traffic signal timing at the intersection of 8<sup>th</sup> Street/Webster Street. Optimization of traffic signal timing would include determination of allocation of green time within the current 90 second signal cycle length for each intersection approach in tune with the relative traffic volumes on those approaches, and implementing signal actuation.

To implement this measure, the project sponsor shall submit the following to AC Transit for comment and to the City of Oakland's Transportation Service Division for review and approval:

In response to comments from Caltrans and others, the Year 2015 + Project traffic volumes for the AM and PM peak hours and the Year 2030 + Project traffic volumes for the AM and PM peak hours, have been slightly revised based on modified trip distribution patterns, as presented in the revisions to Table 4.2-13 and 4.2-14 (pages 4.2-47 and -53) and on **Revised Figure 4.2-8 and 4.2-9** (pgs 4.2-48 and 4.2-52 of the Draft EIR, respectively).

**REVISED TABLE 4.2-13: INTERSECTION LOS IMPACTS:  
2015 BASELINE AND 2015 WITH PROJECT LOS - AM AND PM PEAK HOUR**

Intersection	AM Peak Hour				PM Peak Hour			
	2015 Baseline		2015 + Project		2015 Baseline		2015 + Project	
	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
(#2): 5 <sup>th</sup> Street/Jackson Street	15.2	B	<del>45.9</del> <u>15.3</u>	B	21.4	C	<del>25.3</del> <u>23.0</u>	B

**REVISED TABLE 4.2-14: INTERSECTION LOS IMPACTS:  
2030 BASELINE AND 2030 WITH PROJECT LOS - AM AND PM PEAK HOUR**

Intersection	AM Peak Hour				PM Peak Hour			
	2030 Baseline		2030 + Project		2030 Baseline		2030 + Project	
	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
(#2): 5 <sup>th</sup> Street/Jackson Street	45.8	D	<del>53.3</del> <u>47.0</u>	D	26.2	C	<del>32.4</del> <u>28.8</u>	C

See **Revised Figure 4.2-8**

See **Revised Figure 4.2-9**

.....

In response to comments from AC Transit, the following additional text and recommended condition of Project approval has been added to the text of the EIR, inserted on page 4.2-55

#### **Transit Services**

Although not required by CEQA, the City of Oakland requires an EIR to evaluate the project's potential to:

- Increase the average ridership on AC Transit lines by three (3) percent at bus stops where the average load factor with the project in place would exceed 125% over a peak thirty minute period;
- Increase the peak hour average ridership on BART by three (3) percent where the passenger volume would exceed the standing capacity of BART trains; and
- Increase the peak hour average ridership at a BART station by three (3) percent where average waiting time at fare gates would exceed one minute.

As presented in the Table 4.2-15, seventeen percent (17%) of the total Project trips would be non-auto modes, which include transit, walk, bicycle, and other modes. Using the same travel pattern reported for the Census Tract 4030, the 17 percent would be attributed to 10.3 percent walking, 4.1 percent



subway/elevated (BART), and 2.2 percent bus service (AC Transit). This translates to 553 daily alternative mode trips, including 33 in the AM peak hour and 62 in the PM peak hour.

#### AC Transit

For AC Transit, which has a goal of 125 percent during the peak half-hour, the eight local bus lines that serve the Project site area provide about 13 buses during the peak half-hour based on current schedules. Because the Project's 8 peak-hour bus trips would be distributed among approximately 25 AC Transit buses, the transit trips generated by the Project would not likely have any impact on AC Transit services in the area.

However, there is an existing AC Transit bus stop located at the southwest corner of 7<sup>th</sup>/Harrison Street, directly in front of the Project site. The location of this bus stop could conflict with access to the Project site once the Project is constructed. To address this concern, the following condition of approval is recommended for the Project:

To further implement SCA WW-2, the following additional Project-specific element shall be added to the list of improvement plans required for the public right-of-way:

- h. The Project sponsor shall work closely with AC Transit and the City of Oakland to determine the desirability of permanently relocating the existing bus stop currently located at the southwest corner of 7<sup>th</sup>/Harrison Street, immediately in front of the Project site. A key consideration in determining whether the bus stop should be permanently relocated is whether it is more desirable to have Project vehicles access the Project's garage entry and exit in front of AC Transit buses (i.e., by permanently relocating the bus stop to the southeast corner of 7<sup>th</sup>/Webster Street) or whether cars should access the Project's garage entry/exit behind AC Transit buses (i.e., returning the bus stop location to where it is currently located at the southwest corner of 7<sup>th</sup>/Harrison Street). The permanent location of the bus stop must be approved by the City of Oakland Public Works Department, Traffic Services Division and AC Transit. Under either scenario for the permanent bus stop location, the Project sponsor shall develop a bus stop relocation plan for City and AC Transit review and approval, and shall implement the approved plan, including but not limited to funding the furnishing, installation, maintenance, repair and replacement of a bus shelter.

#### BART

An impact would occur on a BART line if the Project would add more than three percent to the total ridership on a line when the passenger volume exceeds the standing capacity of BART trains. Based on the BART schedule, there are approximately 50 trains passing through the 12th Street or Lake Merritt BART station during the peak hour. The estimated 15 peak hour BART trips would add about one rider per train and would not cause increase in the average load factor.

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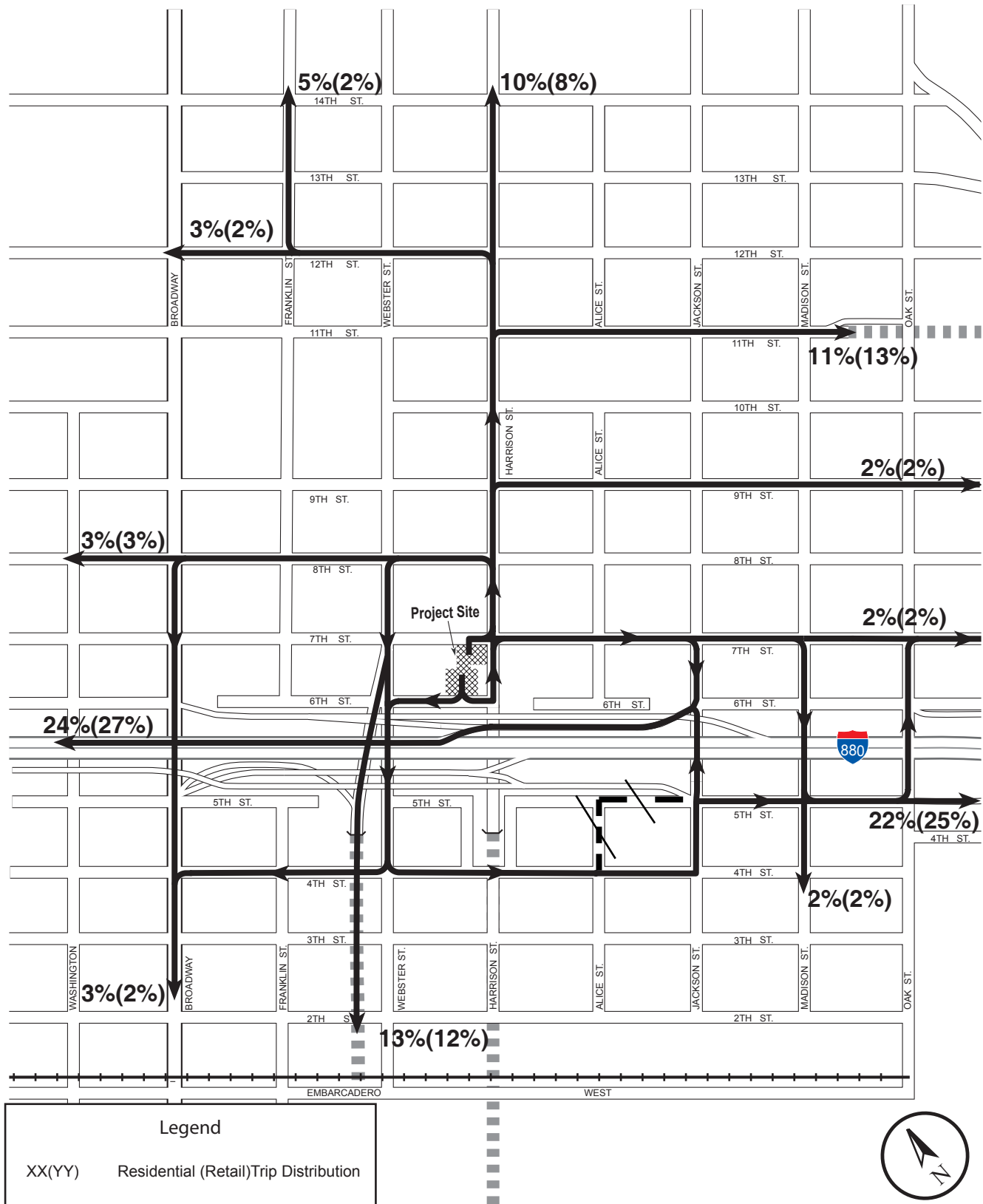


Figure 4.2-5 Revised  
Project Trip Assignment (Exiting the Project)



Source: CHS Consulting Group

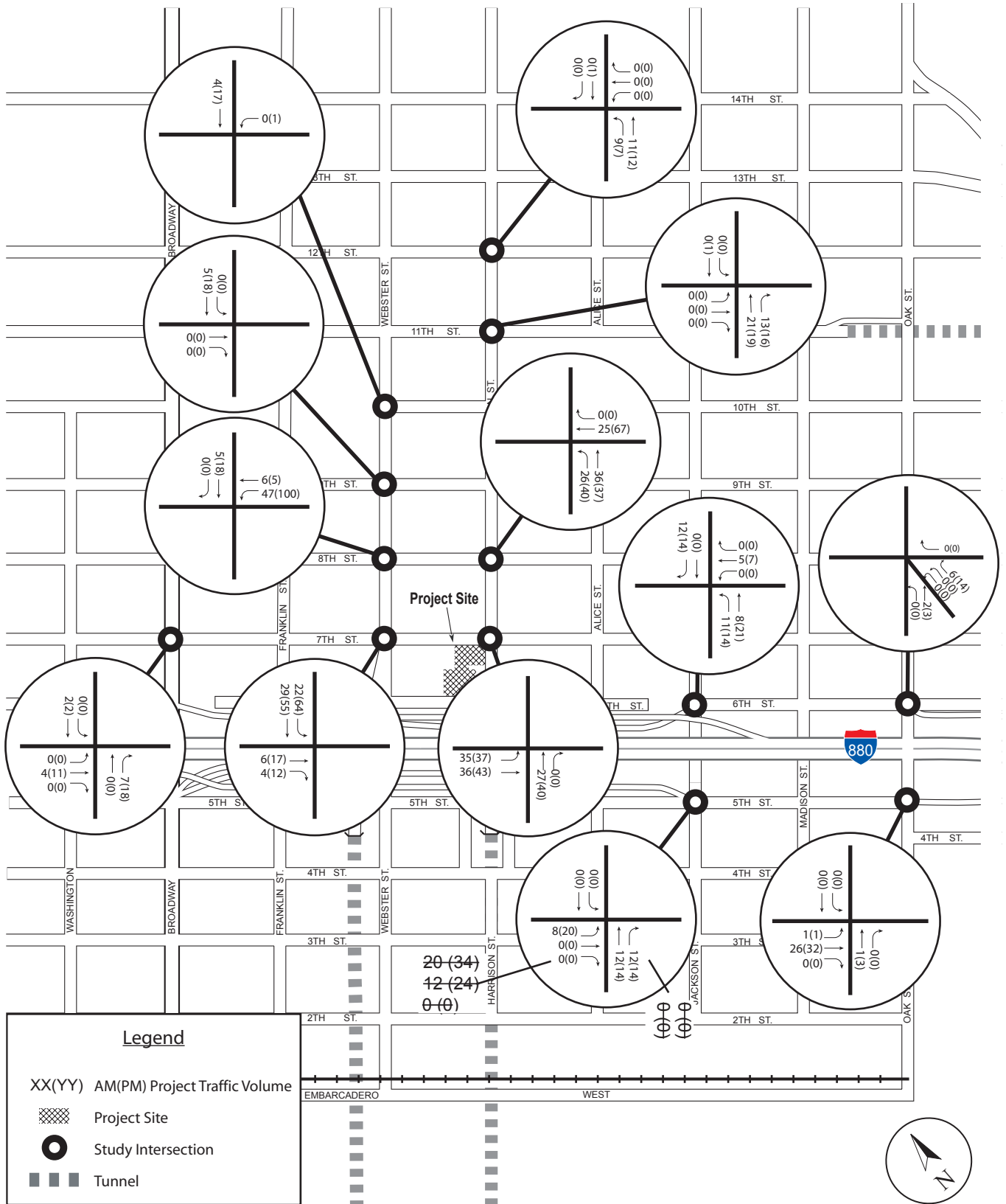


Figure 4.2-6 Revised  
Project Trips AM (PM) Peak Hour



Source: CHS Consulting Group

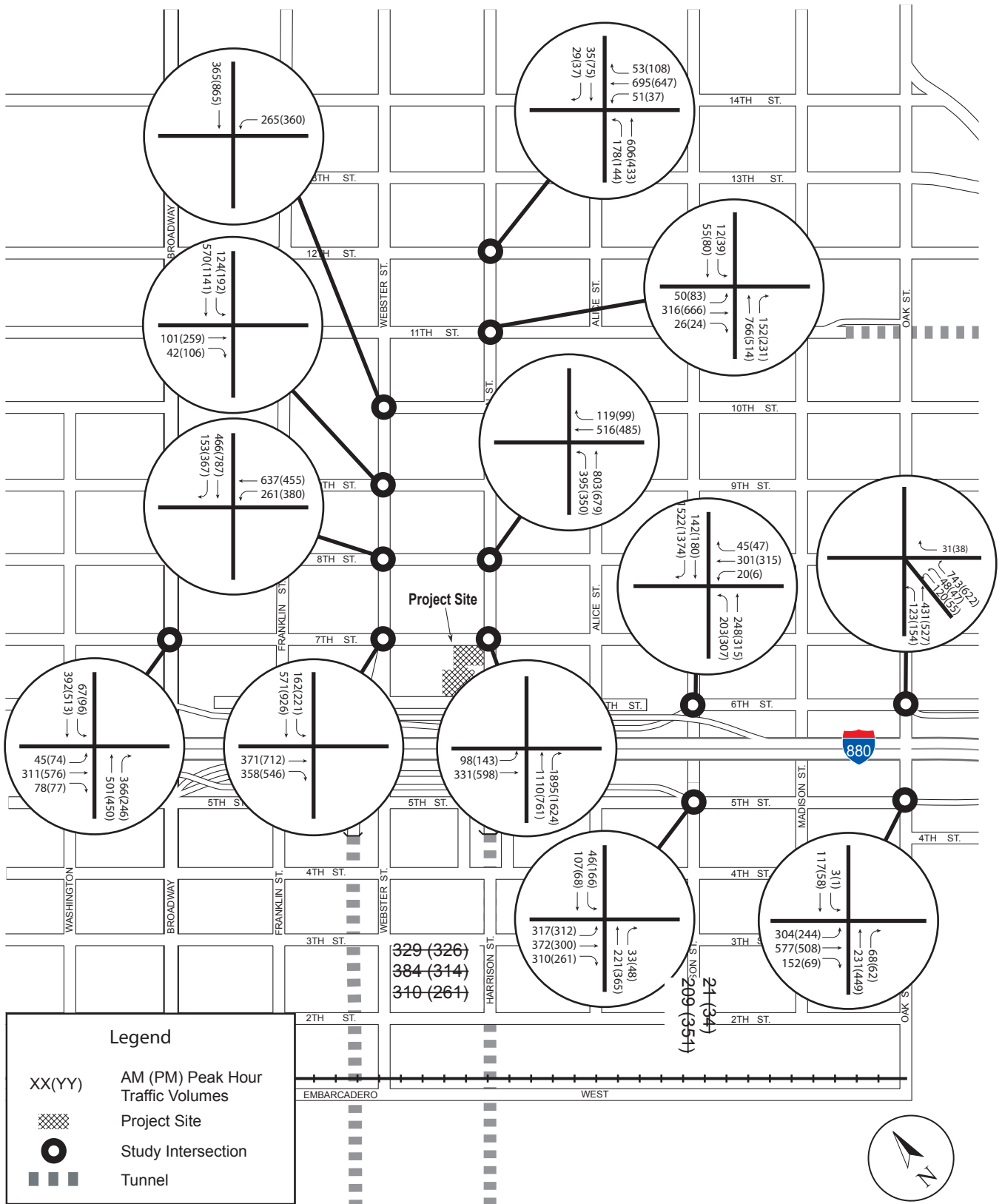


Figure 4.2-7 Revised  
Existing + Project AM (PM) Peak Hour  
Traffic Volume

Source: CHS Consulting Group

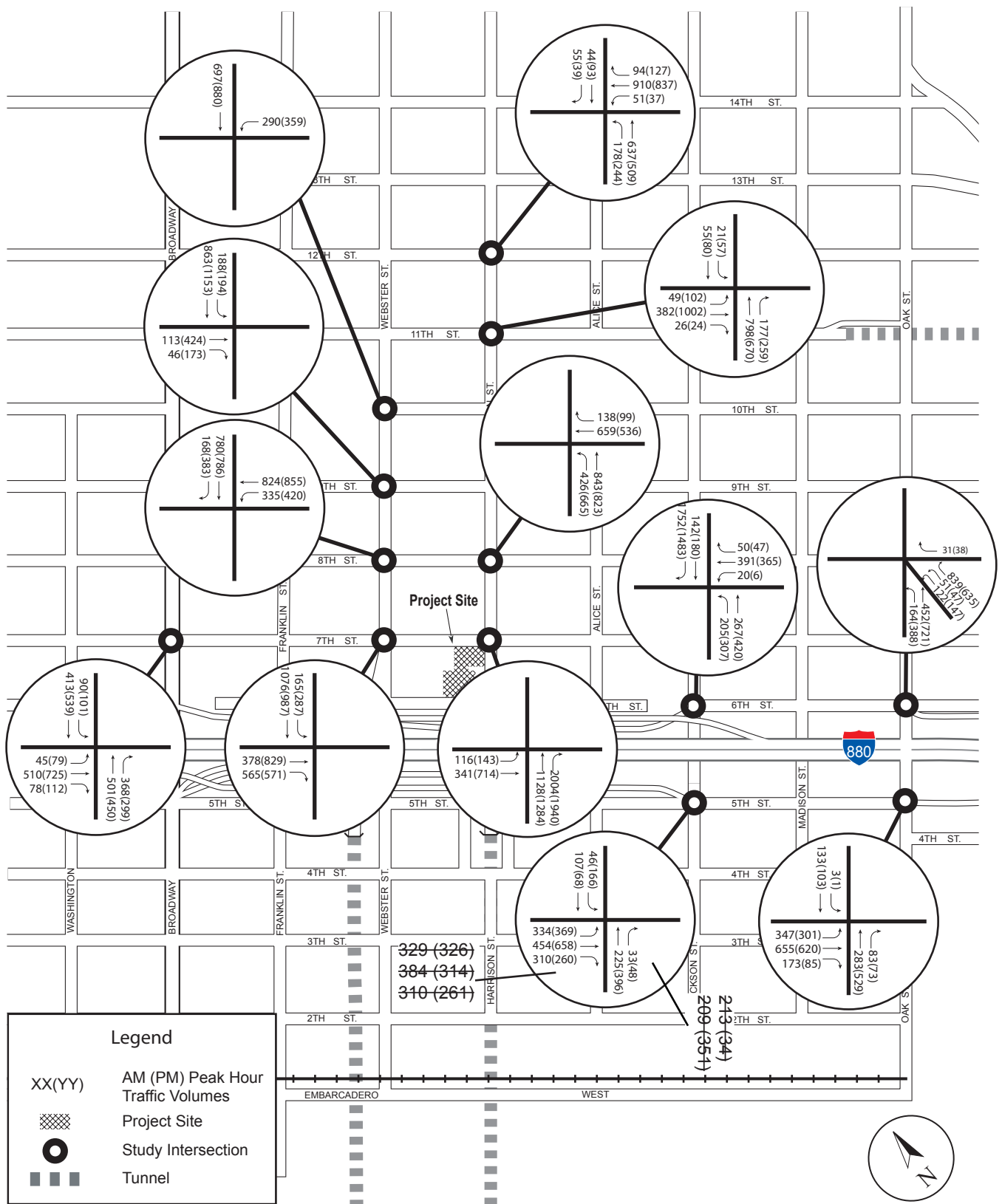


Figure 4.2-8 Revised  
Year 2015 + Project AM (PM) Peak Hour  
Traffic Volume

Source: CHS Consulting Group



## CHANGES TO CHAPTER 4.5: PUBLIC HEALTH AND HAZARDS

The following changes are made to the Existing Setting section of this chapter, beginning at page 4.5-2:

- Non-automotive type volatile organic compounds of Dichloroethene (1,1-DCE) and Trichloroethene (1,1,1-TCA) were detected in the groundwater samples from Boring B1 at concentrations of up to 91 and 100 µg/L, respectively. These concentrations exceed the Target Groundwater Concentrations for these compounds of 25 and 62 µg/L ~~g/L~~, respectively. The likely sources of this contamination are the former junkyard at this location and/or the current Erik's Auto Tech shop.
- Diesel and motor oil were detected directly adjacent to the intersection of Harrison and 7th Streets (Boring B3), at concentrations of up to 220 and 380 micrograms per liter (µg/L) respectively. These concentrations exceed the Environmental Screening Levels (ESLs) of 100 µg/L ~~are below the action level of 640 µg/L~~ for diesel and motor oil (total petroleum hydrocarbons, TPL-d and –mo) as used by the RWQCB. ESLs are considered to be conservative. Under most circumstances, the presence of a chemical in soil, soil gas or groundwater at concentrations below the corresponding ESL can be assumed to not pose a significant, long-term (chronic) threat to human health and the environment.

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## CHANGES TO CHAPTER 4.6: WASTEWATER INFRASTRUCTURE

The following additional text is added to the Existing Setting section of this chapter, beginning at page 4.6-1:

### Existing Conditions

#### Water Service

EBMUD's Central Pressure Zone, with a surface elevation of between 0 and 100 feet, will serve the proposed development. Off-site pipeline improvements, at the Project sponsor's expense, may be required to serve the proposed development depending on EBMUD's metering requirements and fire flow requirements set by the local fire department. Off-site pipeline improvements include, but are not limited to, replacement of existing water mains to the Project site. When the development plans are finalized, the Project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine the costs and conditions for providing water service to the proposed development. Engineering and installation of off-site pipeline improvements and service requires substantial lead time, which should be provided for in the Project sponsors' development schedule.

#### Wastewater Service

EBMUD's Main Wastewater Treatment Plant (MWWTP) and interceptor system are anticipated to have adequate dry weather capacity to treat the proposed wastewater flows from this project, provided that the wastewater meets the requirements of the current EBMUD Wastewater Control Ordinance. However, wet weather flows are a concern. EBMUD has historically operated three wet weather facilities to provide treatment for high wet weather flows that exceed the treatment capacity of the MWWTP. On January 14, 2009, due to Environmental Protection Agency's (EPA) and the State Water Resources Control Board's (SWRCB) re-interpretation of applicable law, the Regional Water Quality Control Board (RWQCB) issued an order prohibiting further discharges from EBMUD's wet weather facilities. Additionally, on July 22, 2009 a Stipulated Order for Preliminary Relief issued by EPA, the SWRCB, and RWQCB became effective. This order requires EBMUD to begin work that will identify problem infiltration /inflow (I/I)

areas, begin to reduce I/I through private sewer lateral improvements, and lay the groundwork for future efforts to eliminate discharges from the wet weather facilities.

Currently, there is insufficient information to forecast how these changes will impact allowable wet weather flows in the individual collection system sub-basins contributing to the EBMUD wastewater system, including the sub-basin in which the proposed project is located. As required by the Stipulated Order, EBMUD is conducting extensive flow monitoring and hydraulic modeling to determine the level of flow reductions that will be needed in order to comply with the new zero-discharge requirement at the wet weather facilities. It is reasonable to assume that a new regional wet weather flow allocation process may occur in the East Bay, but the schedule for implementation of any new flow allocations has not yet been determined.

The following additional text is added to the Regulatory Setting section of this chapter, beginning at page 4.6-2:

#### EBMUD

EBMUD will not inspect, install or maintain pipelines or service in contaminated soil or groundwater (if groundwater is present at any time during the year at the depth piping is to be installed) that must be handled as a hazardous waste or that may pose a health and safety risk to construction or maintenance personnel wearing Level D personal protective equipment. Nor will EBMUD install pipelines or service in areas where groundwater contaminant concentrations exceed specified limits for discharge into the sanitary sewer system and sewage treatment plants. Applicants for EBMUD services requiring excavation in contaminated areas must submit to EBMUD copies of existing information regarding soil and groundwater quality within or adjacent to the project boundary and a legally sufficient, complete and specific written remediation plan establishing the methodology, planning and design of all necessary systems for the removal, treatment and disposal of contaminated soil and/or groundwater.

EBMUD will not design the installation of pipelines or services until soil and groundwater quality data and remediation plan are received and reviewed and will not start underground work until remediation has been carried out and documentation of the effectiveness of the remediation has been received and reviewed. If no soil or groundwater quality data exist, or the information supplied by the project sponsor is insufficient, EBMUD may require the project sponsor to perform sampling and analysis to characterize the soil and groundwater that may be encountered during excavation or EBMUD may perform such sampling and analysis at the applicant's expense. If evidence of contamination is discovered during EBMUD's work on the Project site, work may be suspended until such contamination is adequately characterized and remediated to EBMUD standards.

In response to comments from EBMUD, The following additional text is added to the Cumulative Wastewater Collection Infrastructure Impact discussion, beginning at page 4.6-5:

#### **Cumulative Wastewater Collection Infrastructure Impacts**

**Cumulative Impact WW-2:** Implementation of the Project, in combination with other cumulative development would not cumulatively exceed the wastewater treatment capacity of existing facilities, or require expansion of existing facilities which could cause significant environmental effects. This is a less than significant impact. (LTS)

As indicated above, the owner of the Project site and owners of all other properties in the City of Oakland will be required to fund Sanitary Sewer Infiltration/Inflow Correction Program improvements through the



payment of property taxes. Payment of these taxes and implementation of SCA WW-1 through -3 above reduces potential cumulative wastewater collection impacts to a level of less than significant.

Additionally, the following Condition of Approval is recommended to further address cumulative water and wastewater service demands and to comply with Oakland's Dual Plumbing Ordinance:

**Recommended Condition WW-4: Recycled Water Planning.** Prior to the issuance of a building, plumbing or mechanical permit, the City of Oakland and the Project sponsor shall coordinate and consult with EBMUD regarding the feasibility of providing dual piping and recycled water for appropriate non-potable uses into the final design of the proposed Project. If providing recycled water to the Project proves to be feasible, the Project sponsor shall develop a plan for the extension of recycled water to the site and for use of recycled water for appropriate non-potable uses. The plan shall be subject to review and approval by the City. If approved, the Project sponsor shall implement the approved plan.

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## CHANGES TO CHAPTER 4.7: CULTURAL RESOURCES

The following additional text and figure is added to the Setting section of this chapter, beginning at page 4.7-4, to more thoroughly document the structure at 617-621 Harrison Street proposed for demolition as part of the Project:

### **Cultural-Historic Resources at the Project Site**

No individual structures at the Project site have been listed, or been determined to be eligible for listing in the National Register of Historic Places or the California Register of Historical Resources.

One structure within the Project site (located at 617-621 Harrison Street) has been identified in the Oakland Cultural Heritage Survey as a Potential Designated Historic Property (PDHPs) with a rating of "C1+" (a property of secondary importance, located within an Area of Primary Importance, and a "contributor" to the 7<sup>th</sup> Street/Harrison Square Residential Historic District).

According to the Oakland Cultural Heritage Survey for the 7<sup>th</sup> Street Harrison Square Residential Historic District, the building at 617-619 (now 617-621) Harrison Street was originally constructed by the Southern Pacific yard master William Watkinson in 1890 (architect unknown). As shown in **Figure 4.7-2** the building is a Queen Anne house, a 2-story home with a raised basement and an attic under a hip and gable roof. The ground floor appears to have once been a basement; the building may have been raised to accommodate the lower apartment, which has a large, nearly square window of non-Victorian appearance and a new door. Its design is typical of the Queen Anne style, with about one-third of the façade width consisting of a projecting polygonal bay window topped by a gable-end, its lower corners cantilevered over the bay's angled sides. The cantilevered corners rest on a pair of decorated brackets. The projecting gable end is ornamented with fish-scaled shingles. The other two-thirds of the façade is recessed under the main roof for an entry porch on the main level. The porch has turned-corner post and cut-work brackets, and a band of spindlework. A new staircase is a relatively large addition at the sidewalk level. In spite of the raised floor and the altered staircase, the building retains the characteristic appearance and ornamentation. Overall, the building suffers from lack of maintenance, with several broken and boarded-over windows and missing stairs. The building is currently vacant.

This structure is considered an historic resource pursuant to CEQA based on City of Oakland criteria as a Potential Designated Historic Property located within an Area of Primary Importance. The Oakland Cultural Heritage Survey rates this building's significance as a "C" (secondary importance), its National Register status as "3D" (appears eligible only as a part of a district), and its City Landmark status as not a Landmark, not in a Preservation Zone, and not on the Landmark Study List.

None of the other structures within the Project site are considered to be historic resources.

The following additional text and figure is added to the Setting section of this chapter, beginning at page 4.7-5, to more thoroughly describe the potential for discovery of cultural resources during construction of the Project:

### **Cultural Resources at the Project Site**

The December 2007 Initial Study indicated that while no archaeological resources are known to exist within the Project area, there is the possibility of discovery of buried archaeological resources during site preparation and construction activities.

In an effort to more thoroughly explore the likelihood of discovery of such resources, the City has reviewed a March 2009 records search through the California Historical Resources Information System, Northwest Information Center (NWIC) for another site approximately 3 blocks (0.3 miles) southeast of the Project site, at the corner of 6<sup>th</sup> Street and Oak Street. The results of that records search indicate the following:

*“There are no Native American resources in or adjacent to the proposed project area referenced in the ethnographic literature.*

*Based on an evaluation of the environmental setting and features associated with known sites, Native American cultural resources in this part of Alameda County have been found in areas marginal to the San Francisco Bay shore, and inland near intermittent and perennial watercourses. The project area at the corner of 6<sup>th</sup> and Oak Streets is located less than ¼ mile from the historic boundary of the tidal channel flowing into Lake Merritt. Given the similarity of these environmental factors, there is a moderate likelihood that unrecorded Native American cultural resources exist in the proposed project area at 6<sup>th</sup> and Oak Streets.*

*Review of historical literature and maps indicated historic-period buildings within the project area. The 1878 Thompson and West historic maps indicated several buildings within the project area, and the 1889 Oakland Sanborn map indicated two buildings within the project area. With this in mind, there is a high possibility of identifying historic period archaeological resources.”<sup>1</sup>*

The Project site at 325 7<sup>th</sup> Street is slightly more than ¼ mile northwest of the site at 6<sup>th</sup> and Oak Streets, and about ½ mile from the historic boundary of the tidal channel flowing into Lake Merritt. Given the relative proximities of these two sites, it is reasonable to conclude that there is a somewhat less than moderate possibility of identifying Native American sites at the Project site (given that it is further away from the tidal channel to Lake Merritt than the 6<sup>th</sup> and Oak site).

Given the proximate locations of the two sites relative to the 7<sup>th</sup> Street Harrison Square Residential Historic District, there is a similarly high possibility of identifying historic-period archaeological resources at the Project site. Historic period archaeological resources could include stone or adobe foundations or walls, structures and remains with square nails, and refuse deposits or bottle dumps, often located in old wells or privies. Furthermore, there is also the likelihood of discovery of archaeological resources related to historic-period settlement of Oakland Chinatown. As indicated in the Lake Merritt Specific Plan Existing Conditions Report:

<sup>1</sup> California Historical Resources Information System, Northwest Information Center, *Rapid Response Record Search Results for the Proposed HUD Project at the Corner of 6<sup>th</sup> Street and Oak Street, Oakland, California*, Jillian Guldenbrein, Researcher, March 30, 2009

*“Chinese were the first Asian people to come to Oakland in significant numbers. They came from the Pearl River Delta region of southeast China, lured by the discovery of gold near Sacramento. Some came to Oakland in the 1850s. They lived in at least four different parts of a new and growing Oakland, and were moved from place to place to accommodate the development needs of other private interest and institutions, until they settled at the corner of 8th and Webster Streets either in the late 1860s or 1870s. This corner remains the center of the Oakland Commercial District today. According to “An Overview of Planning Efforts in Oakland’s Chinatown, 1950-2000”, Oakland’s Chinatown substantially grew between the 1880’s and 1960’s. Maps show the areas that some considered being part of Oakland Chinatown during [various parts of historic periods].”*

As shown on **Figure 4.7-3**, the Project site (shown as an “X”) was part of the area considered to be Oakland’s Chinatown from the period of 1882 through 1973,<sup>2</sup> and there is a high potential for discovery of historic-period archaeological resources during Project construction activities.

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The following additional text is added to the list of City of Oakland Standard Conditions of Approval, beginning at page 4.7-10:

**SCA Hist-2: Compliance with Policy 3.7 of the Historic Preservation Element** (Property Relocation Rather than Demolition). *Prior to issuance of a demolition permit.* The project applicant shall make a good faith effort to relocate the building located at 617-621 Harrison Street to a site acceptable to the Planning and Zoning Division and the Oakland Cultural Heritage Survey, and to place the building on a permanent foundation. Good faith efforts include, at a minimum, the following:

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The following additional text is added to the Impacts, Standard Conditions of Approval and Mitigation Measures section of this chapter, beginning at page 4.7-11:

### **Criteria of Significance**

The December 2007 Initial Study concluded that the Project would have no significant environmental impacts with respect to known archaeological resources, paleontological resources or human remains. These conclusions remain valid. ~~and are not further studied in this EIR.~~ However, there is a high possibility of identifying previously undiscovered historic-period archaeological resources related to historic-period settlement of Oakland Chinatown at the Project site during excavation and construction. Historic period archaeological resources could include stone or adobe foundations or walls, structures and remains with square nails, and refuse deposits or bottle dumps, often located in old wells or privies. The following additional Project-specific Conditions of Approval are recommended to address the potential for discovery of historic-period archaeological resources:

To further supplement and implement SCA Cult-1, the following additional Project-specific conditions are recommended to address the high potential for discovery of historic-period archaeological resources:

The following additional SCAs (SCA Cultrl-1a through -1d) are added to supplement and further implement SCA Cultrl-1 to decrease the potential for adverse damage of archaeological resources, paleontological resources and human remains during construction. To implement these additional SCAs, the Project applicant may choose to

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<sup>2</sup> The 1985 Oakland Cultural Heritage Survey for the 7<sup>th</sup> Street Harrison Square Residential Historic District notes that, “ the 1870 birds-eye map shows no buildings at all on Harrison Square and two other blocks, the northeast block of 7<sup>th</sup> and Oak and the southwest block of 7<sup>th</sup> and Harrison (i.e., the Project site), and the remaining blocks sparsely developed.

either implement SCA Cultrl-1a (Intensive Pre-Construction Survey) or SCA Cultrl-1d (Construction ALERT Sheet). If, in either case, a high potential presence of historic-period archaeological resources on the Project site is indicated or a potential resource is discovered, the Project applicant shall also implement SCA Cultrl-1b (Construction Period Monitoring), SCA Cultrl-1c (Avoidance and/or Find Recovery) and SCA Cultrl-1d (to establish a Construction ALERT Sheet if the Intensive Pre-Construction Survey was originally implemented per SCA Cultrl-1a, or to update and provide more specificity to the initial Construction ALERT Sheet if a Construction Alert Sheet was originally implemented per SCA Cultrl-1d). If in either case a high potential presence of historic-period archaeological resources is not discovered, SCAs Cultrl-1, -2 and -3 shall apply and be adequate to decrease the potential for adverse damage to archaeological resources, paleontological resources and human remains during construction.

SCA Cultrl-1a through d are detailed as follows:

a. **Intensive Pre-Construction Survey.** *Prior to demolition, grading and/or construction.* The project applicant, upon approval from the City Planning Department, may choose to complete a site-specific, intensive archaeological resources study prior to soil-disturbing activities occurring on the Project site. The purpose of the site-specific, intensive archaeological resources study is early identification of the potential presence of historic-period archaeological resources on the Project site. If that approach is selected, the study shall be conducted by a qualified archaeologist approved by the City Planning Department. If prepared, at a minimum, the study shall include:

- i. An intensive cultural resources study of the Project site, including subsurface presence/absence studies of the Project site. Field studies conducted by the approved archaeologist(s) may include, but are not limited to, auguring and other common methods used to identify the presence of archaeological resources;
- ii. A report disseminating the results of this research;
- iii. Recommendations for any additional measures that could be necessary to mitigate any adverse impacts to recorded and/or inadvertently discovered cultural resources.

If the results of the study indicate a high potential for presence of historic-period archaeological resources on the Project site, or a potential resource is discovered, the Project applicant shall hire a qualified archaeologist to monitor any ground-disturbing activities on the Project site during construction (see SCA Cultrl-1b: Construction-Period Monitoring, below), implement avoidance and/or find recovery measures (see SCA Cultrl-1c: Avoidance and/or Find Recovery, below), and prepare an ALERT Sheet that details what could potentially be found at the Project site (see SCA Cultrl-1d: Construction ALERT Sheet, below). If no potential resource is discovered during the pre-construction study, SCA Cultrl-1, -2 and -3 shall apply and be adequate to reduce any potentially significant impact to less than significant.

b. **Construction-Period Monitoring.** *Ongoing throughout demolition, grading and/or construction.*

Archaeological monitoring would include briefing construction personnel about the type of artifacts that may be present (as referenced in the ALERT Sheet required per SCA Cultrl-1d: Construction ALERT Sheet, below) and the procedures to follow if any artifacts are encountered, field recording and sampling in accordance with the *Secretary of Interior's Standards and Guidelines for Archaeological Documentation*, notifying the appropriate officials if human remains or cultural resources are discovered, or preparing a report to document negative findings after construction is completed. If a significant archaeological resource is discovered during the monitoring activities, adherence to SCA Cultrl-1c: Avoidance and/or Find Recovery (discussed below), would be required to reduce the impact to less than significant. The Project applicant shall hire a qualified archaeologist to monitor all ground-disturbing activities on the Project site throughout construction.

c. **Avoidance and/or Find Recovery.** *Ongoing and throughout demolition, grading and/or construction.* If a significant archaeological resource is present that could be adversely impacted by the Project, the Project applicant shall either:

- i. Stop work and redesign the proposed Project to avoid any adverse impacts to significant archaeological resource(s); or
- ii. If avoidance is determined infeasible by the City, design and implement an Archaeological Research Design and Treatment Plan (ARDTP). The Project applicant shall hire a qualified archaeologist who shall prepare a draft ARDTP that shall be submitted to the City Planning Department for review and approval. The ARDTP is required to identify how the proposed data recovery program would preserve the significant information that the archaeological resource is expected to contain. The ARDTP shall

identify the scientific/historic research questions applicable to the expected resource, the data classes the resource is expected to possess, and how the expected data classes would address applicable research questions. The ARDTP shall include the analysis and specify the curation and storage methods. Data recovery, in general, shall be limited to the portions of the archaeological resource that could be impacted by the proposed Project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if non-destructive methods are practical. The Project applicant shall implement the ARDTP. Because the intent of the ARDTP is to save as much of the archaeological resource as possible, including moving the resource if feasible, preparation and implementation of the ARDTP would reduce the impact to less than significant.

d. **Construction ALERT Sheet.** Prior to and during all subsurface construction activities for the Project. The Project applicant, upon approval by the City Planning Department, may choose to prepare a Construction ALERT Sheet prior to soil disturbing activities occurring on the Project site, instead of conducting site-specific, intensive archaeological studies pursuant to SCA Cultr-1a, above. The Project applicant shall submit for review and approval by the City prior to subsurface construction activity an ALERT Sheet prepared by a qualified archaeologist, with visuals that depict each type of artifact that could be encountered on the Project site. Training by the qualified archaeologist shall be provided to the Project's prime contractor, any subcontractor firms (including demolition, excavation, grading, foundation, and pile driving), and or utilities firm involved in soil disturbing activities within the Project site.

- i. The ALERT Sheet shall state, in addition to the basic measures of SCA Cult-1, that in the event of discovery of cultural resource materials, all work must be stopped in the area and the City's Environmental Review Officer contacted to evaluate the find.
- ii. Significant cultural resource materials may include, but are not limited to: concentrations of shellfish remains; evidence of fire (ashes, charcoal, burnt earth, fire-cracked rocks); concentrations of bones; recognizable Native American artifacts (arrowheads, shell beads, stone mortars [bowls], humanly shaped rocks); building foundation remains; trash pits, privies [outhouse holes]; floor remains; wells; concentrations of bottles, broken dishes, shoes, buttons, cut animal bones, hardware, household items, barrels, etc.; thick layers of burned building debris (charcoal, nails, fused glass, burned plaster, burned dishes); wood structural remains (building, ship, wharf); clay roof/ floor tiles; stone walls or footings; or gravestones.
- iii. Prior to any soil disturbing activities, each contractor shall be responsible for ensuring that the ALERT Sheet is circulated to all field personnel including machine operators, field crew, pile drivers and supervisory personnel.

If the Project applicant chooses to implement SCA Cultr-1d: Construction ALERT Sheet, and a potential resource is discovered on the Project site during ground-disturbing activities, the Project applicant shall hire a qualified archaeologist to monitor any ground-disturbing activities on the Project site during construction (see SCA Cultr-1b: Construction-Period Monitoring, above), implement avoidance and/or find recovery measures (see SCA Cultr-1c: Avoidance and/or Find Recovery, above), and prepare an updated ALERT Sheet that addresses details what could potentially be found at the Project site (see SCA Cultr-1d: Construction ALERT Sheet, below). If no potential resource is discovered during the pre-construction study, SCA Cultr-1, -2 and -3 shall apply and be adequate to reduce any potentially significant impact to less than significant.

In response to several comments on the Draft EIR, the following additional text and figures have been added to the discussion of Potential Impacts to Adjacent Historic Buildings section of this chapter, beginning at page 4.7-13:

**Impact Hist-1:** The Project would involve construction and demolition adjacent to two buildings identified as contributors to the 7<sup>th</sup> Street/Harrison Square Residential Historic District that are proposed to remain. Construction effects could potentially damage, but would not materially impair these historic resources. **(LTS, with Standard Conditions of Approval)**

As previously discussed in the December 2007 Initial Study, of the two buildings that are adjacent to the Project site, the building at 611 Harrison Street has been listed on the OCHS as "C1" - a property of

secondary importance but a “contributor” to an Area of Primary Importance (the Historic District). The second building at 607 Harrison Street has been listed as “Dc1” - a property of minor importance but with potential to be of secondary importance (if restored) and a “contingency contributor” to an Area of Primary Importance (the Historic District). With construction of the Project, these two adjacent buildings would still retain the integrity of their location, design, materials, workmanship, and association from their period of significance. As shown on Revised Figure 3-5 through 3-8, although they would remain standing adjacent to a much more imposing modern structure (the Project), the historical significance of these structures would not be “materially impaired” as a result of Project development, since the physical characteristics of these resources that convey their historical significance and justify their listing on the OCHS would not change.

Whether the adjacent structure at 617-621 Harrison Street is demolished (as currently proposed) or relocated to a new site (as was indicated in the December 2007 Initial Study), the prior conclusions regarding impacts on adjacent historic structures remains unchanged. Even with demolition of 617-621 Harrison Street, this would not change the prior conclusions of the Initial Study that the loss of this structure would not “materially impair” the historical significance of the two remaining adjacent structures at 611 and 607 Harrison Street.

In response to comments from the LPAB, the following additional text has been added to page 4.7-16 of the Draft EIR to clarify and further substantiate its conclusions:

The 7<sup>th</sup> Street/ Harrison Square Residential Historic District has been determined to be eligible for listing on the National Register of Historic Places, is therefore automatically listed on the California Register of Historic Resources, and is designated in the OCHS as an Area of Primary Importance, and thus considered an historic resource under CEQA. The December 2007 Initial Study concluded that relocation of the structure at 617-621 Harrison Street, as was then proposed, would have had a less than significant cumulative impact on the integrity of this District.

Demolition or relocation of the property at 617-621 Harrison Street would not significantly reduce the integrity of the Area of Primary Importance (API), and the API would continue to convey the district's significance, as indicated below:

- Location - The location of the API would not be substantially affected by the proposed Project. It is possible that the boundary of the API might change to reflect the loss of this one contributing property. However, as shown on Figure 4.7-1, the API currently contains many properties that are not contributors to the API, but that are within its boundaries. With the possible exception of the one lot at 617-621 Harrison, the area and boundaries of the majority of the API would remain the same.
- Design - The proposed design of the Project would be substantially different, visually and architecturally, from the majority of the remainder of the API. Its modern architectural style and massive height and bulk would sharply contrasts with the predominantly Victorian style of the houses which comprise the API, which feature wood cladding, Queen Anne ornamentation, and shingled, pitched roofs. However, as shown on Figure 4.7-4, the Project site is located at the very westerly edge of the API boundary and immediately adjacent to the Chinatown Commercial Historic District. The distinct architectural ornamentations at the top of the proposed Project are more compatible with adjacent Chinatown Commercial District's overall design elements. Internal to the API, the vast majority of the other existing contributing resources (79 other properties) would retain their design would not be impacted by the Project.
- Setting & Feeling - The proposed Project would substantially alter the setting of the westerly boundary of the API and visually overwhelm the shorter, modest structures that comprise the majority of the API. However, the contrast in the setting of the API caused by the proposed Project would not be substantially different than the existing contrasts presented by the BART and ABAG buildings to the north, the Laney Community College buildings and parking lot to the east, and the freeway to the south. For the majority of

the API, along 7<sup>th</sup> Street from Harrison Street to Fallon Street, the historic setting and feeling of the API would remain the same.

- Materials, Workmanship & Construction Methods - As discussed under issues of design, the materials, workmanship and construction methods of the Project would be substantially different from the majority of the remainder of the API. Its modern architectural materials would sharply contrasts with the wood cladding, ornamentation and shingled roof predominant throughout the API. However, internal to the API the vast majority of the other existing contributing resources (79 other properties) would retain their materials and workmanship and would not be impacted by the Project.
- Association - The API is eligible for listing on the National Register of Historic Places as a good example of “a surviving area of middle and lower-middle class housing constructed largely between 1889 and 1910.” The API’s association as an early middle-class residential neighborhood in Downtown Oakland will not be affected by the proposed Project.

The large majority (more than 98 percent) of the contributing structures located within the 7<sup>th</sup> Street / Harrison Square Residential Historic District would remain intact and in their current locations following Project implementation. The structure at 617-621 Harrison Street represents only one of the eighty existing contributing structures within the District and is located at the outermost edge of the District. The combination of the two projects at 617-621 Harrison and the project at 6<sup>th</sup> and Oak would not adversely affect two-thirds of the contributing properties within the District, and therefore the District would retain its integrity and its API and NRHP status. Since these potential cumulative changes would not adversely affect the District’s potential eligibility to the NRHP or as an API, no significant cumulative impacts to the 7<sup>th</sup> Street/Harrison Square Residential historic District are anticipated.

In summary, demolition (or relocation) of the one property at 617-621 Harrison Street would result in the loss of 1 of the 80 separate contributors to the API. The remaining 79 structures that contribute to the API’s character (far more than the majority) would retain their current historic integrity. The relationships among the remaining 79 contributors to the API would also remain substantially unchanged, such that the integrity of the district as a whole would be retained.

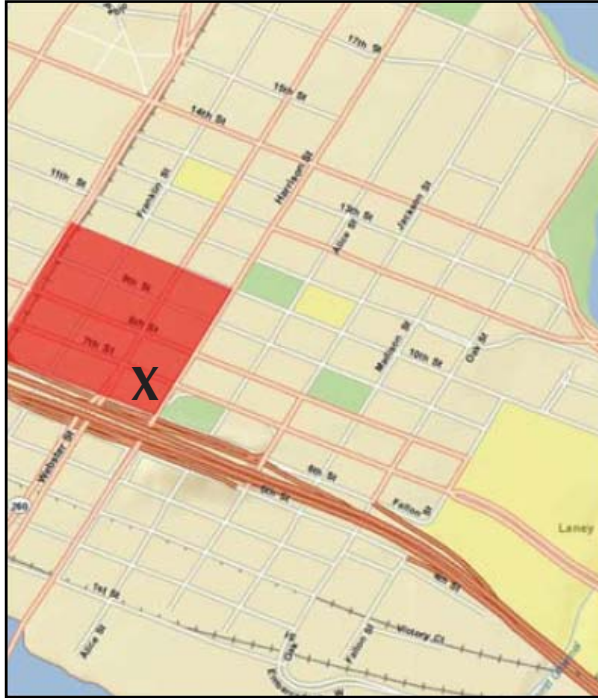
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Figure 4.7-2  
residence at 617-622 Harrison Street







Areas Considered Part of Oakland's  
Chinatown, 1882



Areas Considered Part of Oakland's  
Chinatown, 1960



Areas Considered Part of Oakland  
Chinatown, 1973

X = Project Site (approx.)

Figure 4.7-3  
Historic Settlement of Oakland Chinatown



Source: City of Oakland, **Lake Merritt Specific Plan** Existing Conditions Report



**Figure 4.7-4**  
**Relationship of Project Site to Adjacent Historic**  
**and Non-Historic Land Uses**

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## RESPONSE TO COMMENTS

### LIST OF COMMENTERS

#### Agencies, Organizations and Individuals Commenting In Writing

The following is a list of written correspondence received from public agencies, organizations, and individuals by the City of Oakland on the Draft EIR for the 325 7<sup>th</sup> Street Project.

- **Letter A: State of California, Governor's Office of Planning and Research**, State Clearinghouse and Planning Unit; Scott Morgan, Director; December 2, 2010
- **Letter B: State of California Department of Transportation**; Lisa Carboni, District Branch Chief; December 1, 2010
- **Letter C: Bay Area Air Quality Management District (BAAQMD)**; Jean Roggenkamp, Deputy Air Pollution Control Officer; December 1, 2010
- **Letter D: East Bay Municipal Utility District (EBMUD)**; William R. Kirkpatrick, Manger of Water Distribution and Planning; November 24, 2010
- **Letter E: City of Alameda**; Matthew Naclerio, Public Works Director; December 1, 2010
- **Letter F: AC Transit**; Tina Spencer, Director of Service Development and Planning; December 10, 2010
- **Letter G: Oakland Heritage Alliance**; Dea Bacchetti, President; December 1, 2010
- **Letter H: South of the Nimitz Improvement Council**; Gary Knecht, President; November 29, 2010
- **Letter I: Memorandum, LPAB** Comments on the Draft EIR – 325 7<sup>th</sup> Street Project, Joann Pavlinec, Secretary; November 19, 2010
- **Letter J: California Department of Toxic Substances Control (DTSC)**; Tom Price, Project Manager, November 17, 2010

#### Commenters at the Oakland Landmarks Preservation Advisory Board Public Hearing

In addition to the written comments of the Landmarks Preservation Advisory Board (Letter I, above) the following is a list of persons who provided verbal comments on the Draft EIR at the public hearing before that Board, held on November 8, 2010. Speakers are listed generally in order of presentation.

- LPAB Speaker 1: Naomi Schiff

**Board Members:**

- Board Member Naruta
- Board Member Garry
- Board Member Muller
- Board Member Biggs
- Board Member/Vice Chair Prevost

**Commenters at the Planning Commission Public Hearing**

The following is a list of persons who provided verbal comments on the Draft EIR at the public hearing before the Planning Commission held on December 1, 2010. Speakers, including Planning Commissioners, are listed generally in order of presentation.

- PC Speaker 1: Naomi Schiff
- PC Speaker 2: Gary Knecht
- PC Speaker 3: Mark Alstadt
- PC Speaker 4: Steve Lowe
- PC Speaker 5: Michael Lok

**Planning Commissioners**

- Commissioner Zayas-Mart
- Commissioner Huntzman
- Commissioner Galvez
- Commissioner Gibbs
- Commissioner Truong
- Chair Boxer

## COMMENTS AND RESPONSES

This section includes copies of the written comments received during the public review period on the Draft EIR. Specific responses to the individual comments in each written comment letter follow each letter. Each written correspondence is identified by an alpha designator (e.g., “Letter A”). Specific comments within each written correspondence are identified by a numeric designator that corresponds with the sequence of the specific comments within each letter (e.g. “A-1” for the first comment in Letter A). The response to each comment immediately follows the letter.

Specific responses to the individual comments of each public speaker, Landmarks Preservation Advisory Board member or Planning Commissioner are also provided. Each commenter is identified by an alpha designator (e.g., “Speaker 1”). Specific comments of each speaker are identified by a numeric designator that corresponds with the sequence of their specific comments (e.g. “1-1” for the first comment from Speaker 1). The response to each comment immediately follows.

Responses specifically focus on comments that pertain to the adequacy of the analysis in the DEIR or other aspects pertinent to the environmental analysis of the proposed Project pursuant to CEQA. Comments that address topics beyond the purview of CEQA are noted as such for the public record.

Where comments and/or responses have warranted changes to the text of the Draft EIR, these changes appear as part of the response and are repeated in Section 4: Changes to the DEIR, where they are listed by order of text in the Draft EIR document.





Arnold Schwarzenegger  
Governor

STATE OF CALIFORNIA  
Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit



Cathleen Cox  
Acting Director

**Letter A**

December 2, 2010

Heather Klein  
City of Oakland Comm. and Economic Development Agency  
250 Frank H. Ogawa Plaza, Suite 3315  
Oakland, CA 94612

Subject: 325 Seventh Street Project  
SCH#: 2007122056

Dear Heather Klein:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on December 1, 2010, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

A-1

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan  
Director, State Clearinghouse

Enclosures  
cc: Resources Agency

## State Clearinghouse Data Base

**SCH#** 2007122056  
**Project Title** 325 Seventh Street Project  
**Lead Agency** Oakland, City of

**Type** EIR Draft EIR

**Description** Following demolition of existing structures, the Project applicant would redevelop the Project site with construction of 380 residential condominium units and 9,110 square feet of street-level retail space, in addition to 399 off-street parking spaces. The building is designed as two tall towers situated on a four-story podium. Tower 1 would reach a total height of 27 stories and Tower would reach a total of 20 stories.

### Lead Agency Contact

**Name** Heather Klein  
**Agency** City of Oakland Comm. and Economic Development Agency  
**Phone** (510) 238-3659 **Fax**  
**email**  
**Address** 250 Frank H. Ogawa Plaza, Suite 3315  
**City** Oakland **State** CA **Zip** 94612

### Project Location

**County** Alameda  
**City** Oakland  
**Region**  
**Lat / Long**  
**Cross Streets** Seventh Street and Harrison Street  
**Parcel No.** 001-018900-500, -600, -700, -800, -900  
**Township** **Range** **Section** **Base**

### Proximity to:

**Highways** I-880, I-980  
**Airports**  
**Railways** BART  
**Waterways** SF Bay, Oakland Estuary  
**Schools**  
**Land Use** Office, warehouse, residential, parking lot and vacant/C-40: Community Thoroughfare  
Commercial/Central Business District

**Project Issues** Aesthetic/Visual; Air Quality; Archaeologic-Historic; Sewer Capacity; Toxic/Hazardous;  
Traffic/Circulation; Growth Inducing; Cumulative Effects; Other Issues

**Reviewing Agencies** Resources Agency; Department of Fish and Game, Region 3; Office of Historic Preservation;  
Department of Parks and Recreation; Department of Water Resources; Resources, Recycling and  
Recovery; California Highway Patrol; Caltrans, District 4; Regional Water Quality Control Board,  
Region 2; Department of Toxic Substances Control; Native American Heritage Commission; Public  
Utilities Commission; Department of Housing and Community Development

**Date Received** 10/18/2010 **Start of Review** 10/18/2010 **End of Review** 12/01/2010

\*Note: Blank in data fields result from insufficient information provided by lead agency



## **Responses to Letter A**

*State of California, Governor's Office of Planning and Research, State Clearinghouse and Planning Unit; Scott Morgan, Director; December 2, 2010*

**Response A-1:** This letter acknowledges that the City of Oakland has complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to CEQA. No response is necessary.

## Letter B

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

### DEPARTMENT OF TRANSPORTATION

111 GRAND AVENUE  
P. O. BOX 23660  
OAKLAND, CA 94623-0660  
PHONE (510) 622-5491  
FAX (510) 286-5559  
TTY 711



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Be energy efficient!

December 1, 2010

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STATE CLEARING HOUSE

ALA880681  
ALA-880-31.23  
SCH#2007122056

Ms. Heather Klein  
City of Oakland  
Community and Economic Development Agency  
Planning Division  
250 Frank H. Ogawa Plaza, Suite 3315  
Oakland, CA 94612

Dear Ms. Klein:

#### 325 7<sup>th</sup> Street Project – Draft Environmental Impact Report

Thank you for including the California Department of Transportation (Department) in the environmental review process for the 325 7<sup>th</sup> Street Project. The following comments are based on the Draft Environmental Impact Report (DEIR).

##### *Forecasting*

On page 4.2-25, Table 4.2-9, the 68 percent PM Peak passby reduction rate should not be applied to daily trips.

B-1

Within the same table, the calculation for existing use daily trips derived from peak hour trips appears to be incorrectly calculated. The table indicates surveyed AM or PM trips were assumed to be 19 percent of total daily trips. As a result, using the two AM peak trips and the six PM peak trips, the total daily trips should either be 11 or 32. However, the table indicates total daily trips are 42.

B-2

The number of project trips at the Fifth and Oak Streets intersection indicated on page 4.2-29, Figure 4.2-6 is incorrect. The project trips should be calculated by multiplying the 262 net increase PM trips (Table 4.2-9) with the project trip assignment of 25 percent (Figure 4.2-5). Therefore, the intersection should have 66 PM peak trips as opposed to the 32 stated in the DEIR. Please explain this inconsistency.

B-3

##### *Highway Operations*

Please explain why the study did not analyze impacts to the Interstate (I) 880 northbound off-ramp and southbound on-ramp, Broadway and 5<sup>th</sup> Street intersection, and access to both State Route 260 and Webster-Posey Tubes. How will vehicle and pedestrian traffic generated from the project (and construction of the project) impact exits and entrances to State facilities? Will there be changes to these intersections, such as Sixth and Harrison Streets?

B-4

On page 4.2-17, Figure 4.2-3, the existing volumes for study intersections are not consistent with the Department's Census Data. Below is the Department's Census Data for the following three study intersections.

B-5

Fifth Street and Oak Street - 1150 to 1350 vph PM /Census.  
Fifth Street and Jackson Street - 1150 vph AM and PM /Census.  
Sixth Street and Oak Street - 1000 to 1100 vph AM /Census.

### ***Signal Operations***

The study shows the vehicular queue length exceeds the storage length at the 6th Street and Jackson Street intersection. Without additional mitigation measures, vehicles will experience significant delays and gridlock. This project should include measures to mitigate these impacts or contribute fair share fees for future mitigation.

B-6

### ***Pedestrian Impacts***

Due to the high level of pedestrian activity and accident rate listed in Table 4.2-8 – 4.2-19, the analysis should include impacts to pedestrians at signal controlled intersections. Specifically, please include the following,

B-7

- Describe pedestrian and bicycle infrastructure improvements this project will construct as part of its mitigation.
- Consider installing pedestrian safe countermeasures at the 13 intersections listed. These could include, restriping crosswalks, installing high visible ladder style crosswalk, advance stop bar, and pedestrian countdowns with push buttons.

Please be advised that installing these pedestrian safe countermeasures should be independent of the pending I-880 Broadway to Jackson Interchange project, which remains in the Project Study Report (PSR) phase. No environmental work has been done nor has funding been programmed for the interchange project.

B-8

Should you have any questions regarding this letter, please call Yatman Kwan of my staff at (510) 622-1670.

Sincerely,



LISA CARBONI  
District Branch Chief  
Local Development - Intergovernmental Review

c: State Clearinghouse

## Responses to Letter B

*State of California Department of Transportation; Lisa Carboni, District Branch Chief; December 1, 2010*

**Response B1:** This comment suggests that the peak pm period pass-by reduction rate of 68% [65%] should not be applied to daily trips. As stated on Page 4.2-24 of the Draft EIR, a 65% pass-by trip reduction rate for pm peak hour trips was obtained from the ITE Trip Generation Handbook, 2<sup>nd</sup> Edition, Table 5.6 for shopping centers of less than 25,000 square feet of gross lease able area. The comment correctly points out that this trip reduction rate should not be applied to daily trips, but only to the pm peak trip rate. Therefore, the 65% pass-by trip reduction for daily trips has been removed from Table 4.2-9 of the Draft EIR. The table has also been modified to show daily trips based on application of standard ITE trip rates for each land use category. This change does not affect the conclusion of the traffic impact analysis because the impact analysis was assessed for am and pm peak hours only. The daily trips shown in the Draft EIR are for informational purpose only. This change in Table 4.2-9 to indicate standard ITE trip rates for daily traffic is consistent with the emissions analysis presented in Chapter 4.3 Air Quality of the Draft EIR.

In response to the comment, the first and second paragraphs on page 4.2-25 and Table 4.2-9 of the Draft EIR is revised as follows, as also shown in Chapter 4 of this document:

Trip generation rates for the retail uses are based on “Shopping Centers,” because Oakland Chinatown consists of numerous small shops much like a shopping center where most patrons to the retail stores visit more than one store. The retail businesses in Oakland Chinatown would also attract pass-by trips. Pass-by trips are intermediate stops on the way from an origin to a primary trip destination. Pass-by trips are attracted from traffic passing the site on an adjacent street, thereby adding no extra trips to the surrounding roadway systems. For example, Chinatown retail businesses may attract a portion of the traffic passing through Chinatown on the way to Alameda. Those vehicles attracted to Chinatown retail stores do not generate new traffic to the adjacent street system. For shopping centers, the *ITE Trip Generation Handbook, 2<sup>nd</sup> Edition* estimates an average pass-by trip percentage of 65 percent or more for shopping centers of less than 25,000 square feet of gross leasable area during the PM peak hour. For this analysis, 65 percent of the PM peak hour trips generated by the neighborhood commercial uses were considered internal and pass-by trips already existing on the street in the area, and these trips would not cause any change in traffic volumes in the adjacent street system. Therefore, these trips were not included as net new vehicle trips generated by the Proposed Project. No internal or pass-by trip reductions are assumed for the retail uses during the AM peak hour. ITE trip generation rates for general office were used to calculate office trips using the fitted curve during the AM and PM peak hours, and were also adjusted for the modal split.

The Proposed Project would generate an estimated ~~2,144~~ 2,100 daily trips, 165 AM peak hour trips, and 268 PM peak hour vehicle trips. Table 4.2-9 presents the trip generation calculation by land use. Existing trips to and from the Project site (a repair shop and a parking lot) were counted on April 13, 2006 during the AM and PM peak hours and deducted from the Project trip generation. A recent field visit in 2010 confirmed that the repair shop and the parking lot are still in operation and the survey count is valid. The survey shows that a total of two vehicles arrived and none departed during the AM peak hour, and a total of one vehicle arrived and five vehicles departed the Project site during the PM peak hour. The total net new vehicle trips generated by

the proposed Project would be ~~2,102~~ 2,058 on a typical day, 163 during the AM peak hour and 262 during the PM peak hour.

**TABLE 4.2-9: PROJECT VEHICLE TRIP GENERATION**

Land Use (ITE Land Use Code)	gsf/units	Daily Trips <sup>3</sup>	AM Peak	PM Peak
Residential Condominium (230)		1,996	150	180
Mode Adjustment <sup>1</sup>		-339	-26	-31
<b>Residential Total</b>		<b>1,657</b>	<b>125</b>	<b>149</b>
Retail (820)	6,795 gsf	<del>1,183</del> <u>292</u>	31	106
Adjustment for Pass-by		<del>769</del> <u>NA</u>	NA	-69
<b>Retail Total</b>		<b>414</b> <u>292</u>	<b>31</b>	<b>37</b>
Office (710)	2,315 gsf	<del>73</del> <u>151</u>	9	81
<b>Total Project Trips</b>		<b>2,144</b> <u>2,100</u>	<b>164</b>	<b>268</b>
Existing Uses <sup>2</sup>		-42	-2	-6
<b>Net New<sup>3</sup></b>		<b>2,102</b> <u>2,058</u>	<b>163</b>	<b>262</b>

Notes:

1. Mode adjustment includes all non-motorized trips such as walking, bicycling, and transit trips at 17 percent.

2. Existing vehicle trip survey was conducted on April 13, 2006 during the AM and PM peak hours. Daily trips derived from peak hour trips as 19 percent of daily trips.

3. Daily trips for retail use calculated by the ITE's fitted curve equation were not appropriate for the size of land use. Instead, the average ITE trip rate was used for estimating the number of daily trips.

4. Daily trips for office use as calculated using both the ITE's fitted curve equation and the average ITE trip resulted in fewer numbers of daily trips than PM peak hour trips. Thus, daily trips for office use were derived from the sum of both AM and PM peak hour trips representing 60 percent of daily trips. Daily trips calculated based on standard ITE trip rates for each land use category shown.

Source: CHS Consulting Group, 2010.

The revised trip generation of the Project would not change the conclusions in the Draft EIR. The revised trips generation numbers result in changes to daily trips, not peak hour trips. Since the analysis of traffic conditions included in the Draft EIR were analyzed for the weekday AM and PM peak hours, the conclusions of traffic impacts identified in the Draft EIR based on the revised trip generation rates would not change. There would be no new significant impacts or increase in severity of impacts previously identified impacts in the Draft EIR as a result of these revised trip rates.

**Response B-2:** The comment suggests that the calculation of existing daily trips generated at the site is incorrect.

The existing daily trips as presented in the Draft EIR are correctly calculated based on the assumption that the total of both AM and PM peak hour trips represent 19% of the total daily trips. As a result, using the total of eight observed peak hour trips (2 AM peak trips plus 6 PM peak trips), the total existing daily trips was estimated to be 42 trips (8 trips divided by 19%).

**Response B3:** The comment suggests that the number of Project trips that is shown at the 5<sup>th</sup>/Oak Street intersection is incorrectly calculated.

The numbers in the Draft EIR are correct. Of the total 262 net PM peak hour trips, approximately 131 trips (49 residential and 82 retail trips) would be outbound trips. As shown in Figure 4.2-5, which represents outbound assignment only, the outbound trip distribution for the eastbound direction at the intersection of 5<sup>th</sup>/Oak Street would be 22% for retail trips and 25% for residential trips. Therefore, the PM Peak hour Project trips at the intersection of 5<sup>th</sup>/Oak Street would be 32 PM peak hour Project trips (11 residential and 21 retail trips).

**Response B-4:** The comment questions why the traffic analysis did not study potential Project impacts at the I-880 northbound off-ramp and southbound on-ramp, the intersection of 5<sup>th</sup>/Broadway and access to State Route 260 and the Posey/Webster Tube. The 5<sup>th</sup>/Broadway intersection provides access to I-880 southbound, the Posey/Webster Tube and Jack London Square.

The reasons this intersection is not included in the intersection LOS analysis are;

- the 5<sup>th</sup>/Oak on-ramp (which was studied) is substantially more convenient for the proposed Project to access I-880 southbound than the 5<sup>th</sup>/Broadway on-ramp;
- the 7<sup>th</sup>/Webster intersection (which was studied) is substantially more convenient for the proposed Project to access the Webster Tube than 5<sup>th</sup>/Broadway intersection; and
- the proposed Project is comprised primarily of residential uses, thus, most of the Project trips during the AM and PM peak hours would be to and from employment centers. Jack London Square is not a primary employment center for Project residents.

Both 5<sup>th</sup>/Oak Street and the 7<sup>th</sup>/Webster Street intersection are analyzed in the Draft EIR. The Draft EIR (pgs 4.2-38 to -41) discusses potential traffic impacts to state highway facilities including the Webster and Posey Tubes.

**Response B-5:** The comment indicates that traffic volumes for certain study intersections are not consistent with Caltrans Census Data.

The Caltrans Census Data traffic counts that are presented in the comment represent ramp volumes. These volumes are consistent with the traffic counts that were collected for the Oak to Ninth Project EIR and initial counts collected by CHS Consulting Group for use in this EIR. However, traffic volumes on the 5<sup>th</sup> Street on-ramp to I-880 are constrained by the ramp metering system. The ramp metering system at the 5<sup>th</sup> Street on-ramp only allows a certain number of vehicles to enter onto I-880 to maintain free flow of traffic on I-80. The City of Oakland provided different sets of counts at this same on-ramp, derived from the City's recent Kaiser Center Office Project EIR. This set of counts shows lower traffic volumes on the on-ramp, but longer delay and congestion at the intersection of 5<sup>th</sup> Street/Oak Street, more reflective of existing conditions as cars wait to be metered onto I-880.

**Response B-6:** The comment suggests that additional mitigation measures are required to address vehicle queuing at the intersection of 6<sup>th</sup>/Jackson Street.

The Draft EIR concluded that the proposed Project would not cause any changes to vehicle or pedestrian access at the intersection of 6<sup>th</sup> and Jackson Streets. At the 6<sup>th</sup>/Jackson Street intersection the southbound right-turn movement queue under existing conditions already exceeds the existing storage capacity during the AM and PM peak hours. The additional queue length caused by Project-generated traffic would be less than 25 feet (generally one car length), which does not exceed the City's threshold. Therefore, the Project would not cause a significant increase in queue, and no improvement would be required. The queuing analysis is provided in the Draft EIR for informational purposes, but is not considered a CEQA-based impact.

**Response B-7:** The comment suggests that the EIR analysis should include analysis of pedestrian safety and signal-controlled intersections, with consideration of intersection improvements as necessary.

The Draft EIR includes a thorough analysis of pedestrian safety issues, beginning on page 4.2-33 of the Draft. As indicated in the Draft EIR, although the Project would increase both pedestrian activity and

vehicular traffic in and around the Project area, the increase in vehicular traffic at the study intersections would not cause significant impacts on pedestrian movements, and additional pedestrian volumes generated by the proposed Project would continue to be accommodated by existing sidewalks and crosswalks. The proposed Project would restore the sidewalks along the Project's 6<sup>th</sup> Street and 7<sup>th</sup> Street frontages with ADA accessible ramps.

Although not necessary to address a significant CEQA impact, the Draft EIR recommended the following Condition of Approval to improve pedestrian access and flow within the Project site and immediate vicinity:

**Recommended Condition Traf-3: Pedestrian Enhancements:** The Project is anticipated to generate approximately 553 daily walking trips. It is likely that most of these walking trips would be toward the Lake Merritt or 12<sup>th</sup> Street BART, or toward Chinatown. In order to improve pedestrian flow, it is recommended that the following intersections be upgraded as follows:

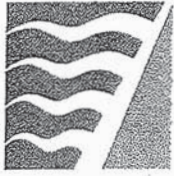
- a. Audible signals should be installed at the intersection of 7<sup>th</sup> Street/Broadway, both westbound and eastbound.
- b. Pedestrian countdown signals should be installed at the intersection of 7<sup>th</sup> Street/Harrison Street.
- c. Enhancement of pedestrian crosswalks and installation of ADA compliant ramps with domes should be conducted at the intersections of 7<sup>th</sup> Street/Webster Street, 7<sup>th</sup> Street/Harrison Street, and 8<sup>th</sup> Street/Harrison Street.

This condition of approval will be considered by City decision makers prior to consideration of approval of the Project.

**Response B-8:** Comment noted. As indicated in the Draft EIR, page 5-19, "The Draft PSR [for the I-880/Broadway/Jackson Interchange project] was released in August 2008, but as of preparation of this Draft EIR, the PSR has not been acted upon by any of the participating agencies." Since the I-880/Broadway/Jackson Interchange project has not been funded and no environmental review of that project has been conducted, it is not included in any assumptions of planned roadway improvements assumed in this EIR.



## Letter C



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December 1, 2010

Heather Klein  
City of Oakland  
Community and Economic Development Agency, Major Projects  
Planning Division  
250 Frank H. Ogawa Plaza, Suite 3315  
Oakland, CA 94612

Subject: 325 7<sup>th</sup> Street Project Draft Environmental Impact Report (DEIR)

Dear Ms. Klein:

Bay Area Air Quality Management District (District or BAAQMD) staff reviewed your agency's Draft Environmental Report (DEIR) for the 325 7<sup>th</sup> Street Project (Project). The Project, bounded by Harrison, 7<sup>th</sup>, and Webster Streets and Interstate 880, would include demolition of an existing residential structure, construction of 380 residential condominium units, 6,795 square feet (sq. ft.) of retail space, 2,315 sq. ft. of office space, and 399 off-street parking spaces.

Staff reviewed the DEIR's Appendix F *Health Risk Assessment* and is concerned that the methodology is not consistent with the District's recommended methods for evaluating risk and the State of California's Office of Environmental Health Hazard Assessment (OEHHA) protocols. District staff recommends health risk be determined based on the following factors and analysis:

- Following OEHHA's protocols, risk analysis should be evaluated based on a 70-year period. C-1
- While it is acceptable practice to assume that future year vehicle emissions will be lower due to a cleaner fleet mix, the analysis should begin the year that sensitive receptors take occupancy of the Project and reflect all years that the Project is occupied. The analysis should not be based on vehicle emissions from any one year of occupancy. C-2
- The analysis of I-880 should not assume that speeds are continually 60 miles per hour. Instead, a full range of roadway speeds should be considered, as to represent the higher emissions anticipated during the morning and afternoon peak periods due to vehicle congestion and reduced speeds. This data is available through the Alameda County Transportation Commission (formerly the Alameda County Congestion Management Agency) or the Metropolitan Transportation Commission. C-3
- The analysis should not rely on the California Air Resource Board's Community Health Air Pollution Information System (CHAPIS). CHAPIS is out of date, and was never intended to be used for local-scale risk assessment. Instead, the analysis should rely on local and current data C-4

ALAMEDA COUNTY  
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(Vice-Chairperson)  
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Jennifer Hosterman  
Nate Miley

CONTRA COSTA COUNTY  
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regarding stationary sources of pollution in the vicinity. Local data is available from the District through a public information request at any time such analysis is conducted.

C-4

For more information on air quality impact methodology, please refer to the BAAQMD June 2010 *CEQA Air Quality Guidelines*, available on our website: <http://www.baaqmd.gov/Divisions/Planning-and-Research/CEQA-GUIDELINES/Updated-CEQA-Guidelines.aspx> or the OEHHA *Air Toxics Hot Spots Program Guidance Manual*. The manual is available on the OEHHA website: [http://www.oehha.org/air/hot\\_spots/HRAguidefinal.html](http://www.oehha.org/air/hot_spots/HRAguidefinal.html)

District staff is available to assist in addressing these comments. If you have any questions, please contact Alison Kirk, Senior Environmental Planner, at (415) 749-5169.

Sincerely,



Jean Roggenkamp  
Deputy Air Pollution Control Officer

cc: BAAQMD Director Tom Bates  
BAAQMD Director Scott Haggerty  
BAAQMD Director Jennifer Hosterman  
BAAQMD Director Nate Miley

## Responses to Letter C

*Bay Area Air Quality Management District (BAAQMD); Jean Roggenkamp, Deputy Air Pollution Control Officer; December 1, 2010*

BAAQMD comments focused on their review of the Draft EIR's Appendix F: Health Risk Assessment, and their concern that the methodology used was not consistent with the District's recommended methods for evaluating risk and the State of California's Office of Environmental Health Hazard Assessment (OEHHA) protocols.

As indicated in the Draft EIR, in June 2010 the Bay Area Air Quality Management District (BAAQMD) adopted new Thresholds of Significance (*Thresholds*) and issued an update to their *California Environmental Quality Act Air Quality Guidelines* (CEQA Guidelines).<sup>1</sup> All of the adopted CEQA thresholds of significance, except for the risk and hazards thresholds for new receptors, became effective June 2, 2010. The risk and hazards thresholds for new receptors (which are the subject matter of Appendix F of the Draft EIR) were not effective until May 2011. It is the Air District's policy that these adopted thresholds apply to projects for which a Notice of Preparation is published, or environmental analysis begins, on or after the applicable effective date. The Notice of Preparation for this EIR was published in December 2007 and the environmental analysis begun shortly thereafter. Therefore, these adopted thresholds are not applicable to the Project under the District's policy.

It is recognized that new sources of data have become available, new thresholds have been adopted and will become effective over time, and that new methodologies for conducting Health Risk Assessments are evolving at a rapid pace. However, the analysis presented in Appendix F of the Draft EIR was based on data available at the time of preparation (June 2008), and was prepared using methodologies that were state-of-the-art at that time.<sup>2</sup> The results of that assessment were then compared to thresholds applicable at the time, as well as to new thresholds that became effective in June 2010 and other thresholds that became effective in May 2011. This comparison was provided for informational purposes, even though not required under the BAAQMD policy.

**Response C-1:** This comment indicates that health risk analysis should be evaluated based on a 70-year period. The required 70-year exposure is included in the Health Risk Analysis presented in Appendix F of the Draft EIR. Presentation of the additional 9-year and 30-year exposure risk was included in the Draft EIR in addition to the required 70-year exposure.

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<sup>1</sup> Bay Area Air Quality Management District (BAAQMD), *Thresholds of Significance and California Environmental Quality Act Guidelines Update*, June 2, 2010.

<sup>2</sup> BAAQMD's CEQA Guidelines 1999 and City of Oakland CEQA thresholds were applicable in 2008. The applicable threshold for potential exposure to toxic air contaminants were found in the 1999 BAAQMD CEQA Guidelines, page 18 (i.e., the probability of contracting cancer for the Maximally Exposed Individual (MEI) exceeds 10 in one million, and 2) ground-level concentrations of non-carcinogenic toxic air contaminants would result in a Hazard Index greater than 1 for the MEI). Guidelines for conducting health risk analyses were found in the 1999 BAAQMD CEQA Guidelines, page 43 (for facilities for which risk assessments have not been conducted – e.g., I-880, the District's Toxics Evaluation Section was consulted to determine whether location of nearby sensitive receptors would expose individuals to cancer or non-cancer risks that would be considered significant).

The 9-year and 30-year exposure risks show that using child physiological parameters and an exposure timeframe that covers how long an individual is considered a “child” (i.e., 9 years), or adult physiological parameters and an exposure timeframe that represents a far more typical exposure timeframe, results in carcinogenic risk levels much lower than the conservative, but required, 70-year exposure.

**Response C-2:** This comment suggests that the HRA should not be based on vehicle emissions from any one year of occupancy, but instead should begin with emission rates expected at the year of Project occupancy and then reflect changes in expected emission rates for all years that the Project is occupied.

The HRA presented in Appendix F to the Draft EIR was conducted using the ARB health risk model “Hot Spots Analysis and Reporting Program” (HARP). According to the *Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments*,<sup>3</sup> the HARP software was the recommended model for calculating and presenting HRA results for the Hot Spots program as of 2008, and currently is still the recommended model. The intent in developing the Guidance Manual and the HARP software is to provide consistent risk assessment procedures.

As stated in Appendix F to the Draft EIR, the HARP model only allows for a single emission rate factor for the entire 70-year health risk evaluation period. Therefore, factors for vehicle emissions were estimated using the ARB’s EMFAC2007 model, which includes assumptions of technological and regulatory changes that will reduce emission rates over time. Since year 2010 emission rate assumptions would over-estimate future year emission, and year 2045 emission rates (the longest-term emission factors included in the model) would under-estimate current and near-term emission rates, the median set of emission factors from the year 2025 was used to represent the range of emissions over long-term, 70-year evaluation period.

**Response C-3:** This comment suggests that the analysis of emissions from vehicles on I-880 should not have assumed an continual average of 60 mph, but instead a full range of speeds should have been considered to represent the higher emissions anticipated during am and pm peak period traffic congestion.

The analysis presented in Appendix F of the Draft EIR represents a long-term, 70-year evaluation period. As such, many inputs to the HARP model were based on averages that could be expected throughout that 70-year period. As indicated in Response C-2 above, the emission factors for individual vehicle emissions were based on a median set of factors representing the anticipated reductions in emission rates over time. Similarly, traffic volumes on I-880 were obtained from Caltrans’ annual average daily traffic data. During different times of the day, traffic volumes on I-880 will in fact vary considerably, with higher volumes during peak period and lower volumes during off-peak hours. Just as similar, traffic speeds on I-880 will also vary considerably over the course of a day, over the course of a year and over the course of a 70-year exposure period. The 60 mph average recognizes that during the peak am and pm periods traffic speeds are slower than 60 mph, but that for the majority of the 24 hours throughout a full day the traffic speeds will be at 60 mph or higher. Therefore, the 70-year exposure rates were derived based on average emissions per vehicle type, annual average daily traffic volumes and average daily speeds. Use of such “averaged” inputs into the HARP model may under-estimate the higher emissions expected during peak congestion periods, but also over-estimate the lower emissions expected during off-peak periods (i.e., nighttime hours). The HRA methodology already includes the substantial conservative assumptions that future Project residents will inhale 100% outdoor air for 70 years, while residing at the residence 350 days of every year, for 24-hours each day.

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<sup>3</sup> California EPA, Office of Environmental Health Hazard Assessment, August 2003

**Response C-4:** This comment indicates that the ARB Community Health Air Pollution Information System (CHAPIS) database for identifying additional sources of toxic emissions is out of date and should not be used for local-scale risk assessment. Instead, the HRA should rely on local data available from the District through a public information request.

As indicated above, the analysis presented in Appendix F of the Draft EIR was based on data available at the time the analysis was prepared in June of 2008. The CARB's Community Health Air Pollution Information System was available at that time, and although "CHAPIS does not contain information on every source of air pollution and does not show every chemical emitted", it was "intended to encourage review and inclusion of the best available information on toxic air pollutants, either available through the "Hot Spots" program or other local air district or ARB data."<sup>4</sup> The CHAPIS system identified major sources of pollutant emitters in the vicinity of the Project, and clearly stated that "the emissions from mobile sources (i.e., I-880) dominate the regional health impacts of air pollution and contribute the most to the total amount of air pollution. An individual facility's contributions are usually much lower than the pollution from mobile sources, although living very close to a stationary source that emits air pollution may cause elevated exposures."<sup>5</sup> Aside from I-880, the CHAPIS system did not identify any additional significant sources of emissions located within ½ mile of the Project site.

It is recognized that since 2008 the BAAQMD has developed new sources of data that were not available at the time of the analysis which provide a greater level detail regarding local sources of emissions. As with any urban infill site located within downtown Oakland, there are likely several sources of emissions that may contribute to local air pollution at the site and its vicinity. As noted in the Draft EIR (page 4.3-35), the ARB and BAAQMD have conducted a health risk assessment (HRA) to understand the emissions pattern and the potential public health risk from exposures to diesel particulate matter (DPM) from sources related to Port of Oakland operations, the Union Pacific (UP) rail yard and other significant land-based sources.<sup>6</sup> That HRA found that much of downtown Oakland, including the Project site, is exposed to elevated DPM levels from these sources such that the estimated additional cancer risk for residents is about 500 per million.

The HRA performed for this project was specifically intended to identify whether a greater health risk to future Project residents was present specific to the Project site's location immediately adjacent to I-880. The results of that analysis indicated that the maximum exposed individual living at the Project site for 70 years would be exposed to an inhalation cancer risk of 7.9 in 1,000,000, which is less than the threshold of 10 in 1,000,000. Therefore, the potential for carcinogenic exposure would be less than significant.

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<sup>4</sup> California Environmental Protection Agency, Air Resources Board, <http://www.arb.ca.gov/ch/chapis1/chapis1.htm>

<sup>5</sup> Ibid

<sup>6</sup> CARB, *Diesel Particulate Matter Health Risk Assessment for the West Oakland Community*, December, 2008



## Letter D

November 24, 2010

Heather Klein, Senior Planner  
City of Oakland  
Community and Economic Development Agency  
Major Projects - Planning Division  
250 Frank Ogawa Plaza, Suite 3315  
Oakland, CA 94612

Re: Draft Environmental Impact Report for the 325 7th Street Project, Oakland  
(Case No: 07-002)

Dear Ms. Klein,

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Draft Environmental Impact Report (EIR) for the 325 7th Street Project located in the City of Oakland (City). EBMUD's comments regarding Water Conservation in EBMUD's letter response to the Notice of Preparation, dated January 11, 2008 (as included in Appendix B of the Draft EIR), still apply to the project. The comments regarding Water Service and Wastewater Planning have been updated and a new comment regarding Water Recycling for the project is included below.

### **WATER SERVICE**

EBMUD's Central Pressure Zone, with a service elevation between 0 and 100 feet, will serve the proposed development. Off-site pipeline improvements, at the project sponsor's expense, may be required to serve the proposed development depending on EBMUD's metering requirements and fire flow requirements set by the local fire department. Off-site pipeline improvements include, but are not limited to, replacement of existing water mains to the project site. When the development plans are finalized, the project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine costs and conditions for providing water service to the proposed development. Engineering and installation of off-site pipeline improvements and services requires substantial lead-time, which should be provided for in the project sponsor's development schedule.

D-1

The project sponsor should be aware that EBMUD will not inspect, install or maintain pipeline or services in contaminated soil or groundwater (if groundwater is present at any time during the year at the depth piping is to be installed) that must be handled as a hazardous waste or that may pose a health and safety risk to construction or maintenance personnel wearing Level D personal protective equipment. Nor will EBMUD install pipeline or services in areas where groundwater

D-2



contaminant concentrations exceed specified limits for discharge to the sanitary sewer system and sewage treatment plants. Applicants for EBMUD services requiring excavation in contaminated areas must submit to EBMUD copies of existing information regarding soil and groundwater quality within or adjacent to the project boundary and a legally sufficient, complete and specific written remediation plan establishing the methodology, planning and design of all necessary systems for the removal, treatment, and disposal of contaminated soil and/or groundwater.

EBMUD will not design the installation of pipelines or services until soil and groundwater quality data and remediation plan are received and reviewed and will not start underground work until remediation has been carried out and documentation of the effectiveness of the remediation has been received and reviewed. If no soil or groundwater quality data exists, or the information supplied by the project sponsor is insufficient, EBMUD may require the project sponsor to perform sampling and analysis to characterize the soil and groundwater that may be encountered during excavation or EBMUD may perform such sampling and analysis at the applicant's expense. If evidence of contamination is discovered during EBMUD work on the project site, work may be suspended until such contamination is adequately characterized and remediated to EBMUD standards.

## **WASTEWATER PLANNING**

EBMUD's Main Wastewater Treatment Plant (MWWTP) and interceptor system are anticipated to have adequate dry weather capacity to treat the proposed wastewater flows from this project, provided that the wastewater meets the requirements of the current EBMUD Wastewater Control Ordinance. However, wet weather flows are a concern. EBMUD has historically operated three wet weather facilities to provide treatment for high wet weather flows that exceed the treatment capacity of the MWWTP. On January 14, 2009, due to Environmental Protection Agency's (EPA) and the State Water Resources Control Board's (SWRCB) re-interpretation of applicable law, the Regional Water Quality Control Board (RWQCB) issued an order prohibiting further discharges from EBMUD's wet weather facilities. Additionally, on July 22, 2009 a Stipulated Order for Preliminary Relief issued by EPA, the SWRCB, and RWQCB became effective. This order requires EBMUD to begin work that will identify problem infiltration /inflow (I/I) areas, begin to reduce I/I through private sewer lateral improvements, and lay the groundwork for future efforts to eliminate discharges from the wet weather facilities.

**D-3**

Currently, there is insufficient information to forecast how these changes will impact allowable wet weather flows in the individual collection system subbasins contributing to the EBMUD wastewater system, including the subbasin in which the proposed project is located. As required by the Stipulated Order, EBMUD is conducting extensive flow monitoring and hydraulic modeling to determine the level of flow reductions that will be needed in order to comply with the new zero-discharge requirement at the wet weather facilities. It is reasonable to assume that

a new regional wet weather flow allocation process may occur in the East Bay, but the schedule for implementation of any new flow allocations has not yet been determined. In the meantime, it would be prudent for the lead agency to require the project applicant to incorporate the following measures into the proposed project: 1) replace or rehabilitate any existing sanitary sewer collection systems, including sewer lateral lines, to reduce I/I, and 2) ensure any new wastewater collection systems for the project are constructed to prevent I/I to the maximum extent feasible. Please include such provisions in the environmental documentation and other appropriate approvals for this project.

D-4

### WATER RECYCLING

EBMUD's Policy 8.01 requires that customers of EBMUD use non-potable water, including recycled water, for non-domestic purposes when it is of adequate quality and quantity, available at reasonable cost, not detrimental to public health and not injurious to plant life, fish and wildlife to offset demand on EBMUD's limited potable water supply. EBMUD's East Bayshore Project's recycled water transmission pipeline is about four blocks away from the project site. EBMUD recommends that the City of Oakland and the project sponsor coordinate and consult with EBMUD regarding the feasibility of providing recycled water for appropriate non-potable uses for the proposed development.

D-5

If you have any questions concerning this response, please contact David J. Rehnstrom, Senior Civil Engineer, Water Service Planning at (510) 287-1365.

Sincerely,



William R. Kirkpatrick  
Manager of Water Distribution Planning

WRK:AMW:sb  
sb10\_219.doc

cc: BALCO Properties Ltd., LLC  
Ref.: 325 Seventh Street Project  
1624 Franklin Street, Suite 310  
Oakland, CA 94612

## Responses to Letter D

*East Bay Municipal Utility District (EBMUD); William R. Kirkpatrick, Manager of Water Distribution and Planning; November 24, 2010*

**Response D-1:** As stated in the comment, EBMUD has specific standards, policies and requirements for installation, operation, planning and maintenance of its water facilities. EBMUD's specific comments regarding water service do not address the adequacy or sufficiency of the Draft EIR or the December 2007 Initial Study (which concluded the Project would have less-than-significant effects on water supply and water service). Rather, the comment informs the City of Oakland and the Project applicant of EBMUD's standards, policies and requirements for new or expanded water services. This comment provides additional information relevant to the Setting section. As such, the following information is added to the EIR, as also indicated in Chapter 4 of this Response to Comments document:

EBMUD's Central Pressure Zone, with a surface elevation of between 0 and 100 feet, will serve the proposed development. Off-site pipeline improvements, at the Project sponsor's expense, may be required to serve the proposed development depending on EBMUD's metering requirements and fire flow requirements set by the local fire department. Off-site pipeline improvements include, but are not limited to, replacement of existing water mains to the Project site. When the development plans are finalized, the Project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine the costs and conditions for providing water service to the proposed development. Engineering and installation of off-site pipeline improvements and service requires substantial lead time, which should be provided for in the Project sponsors' development schedule.

**Response D-2:** As stated in the comment, EBMUD has specific restrictions, standards, policies and requirements for inspection, installation and maintenance of pipelines and service in contaminated soil or groundwater. This comment provides additional information relevant to the Setting section of Chapter 4.6: Wastewater Collection Infrastructure. As such, the following information is added to the EIR, as also indicated in Chapter 4 of this Response to Comments document:

The project sponsor should be aware that EBMUD will not inspect, install or maintain pipelines or service in contaminated soil or groundwater (if groundwater is present at any time during the year at the depth piping is to be installed) that must be handled as a hazardous waste or that may pose a health and safety risk to construction or maintenance personnel wearing Level D personal protective equipment. Nor will EBMUD install pipelines or service in areas where groundwater contaminant concentrations exceed specified limits for discharge into the sanitary sewer system and sewage treatment plants. Applicants for EBMUD services requiring excavation in contaminated areas must submit to EBMUD copies of existing information regarding soil and groundwater quality within or adjacent to the project boundary and a legally sufficient, complete and specific written remediation plan establishing the methodology, planning and design of all necessary systems for the removal, treatment and disposal of contaminated soil and/or groundwater.

EBMUD will not design the installation of pipelines or services until soil and groundwater quality data and remediation plan are received and reviewed and will not start underground work until remediation has been carried out and documentation of the effectiveness of the remediation has been received and reviewed. If no soil or groundwater quality data exist, or the information



supplied by the project sponsor is insufficient, EBMUD may require the project sponsor to perform sampling and analysis to characterize the soil and groundwater that may be encountered during excavation or EBMUD may perform such sampling and analysis at the applicant's expense. If evidence of contamination is discovered during EBMUD's work on the Project site, work may be suspended until such contamination is adequately characterized and remediated to EBMUD standards.

EBMUD's specific comments regarding these restrictions and requirements do not address the adequacy or sufficiency of the Draft EIR. Rather, the comment informs the City of Oakland and the Project applicant of EBMUD's standards, policies and requirements.

The Draft EIR identified Standard Conditions of Approval applicable to the Project that would ensure that any existing hazardous materials conditions on the Project site (i.e., contaminated soil or groundwater) be fully identified and, should any such conditions exist, that they be appropriately remediated. These Standard Conditions of Approval include SCA Haz-1: Phase I and/or Phase II Reports (including further implementation through follow-up subsurface investigations as recommended by the Phase II Subsurface Investigation Report for the Project site), SCA Haz-2: Site Review by the Fire Services Division, SCA Haz-3: Lead-Based Paint/Coatings, Asbestos, or PCB Occurrence Assessment, SCA Haz-4: Other Materials Classified as Hazardous Waste, SCA Haz-5: Environmental Site Assessment Reports/Remediation, SCA Haz-6: Hazards Best Management Practices, SCA Haz-7: Lead-Based Paint Remediation, SCA Haz-8: Health and Safety Plan per Assessment, SCA Haz-9: Best Management Practices for Soil and Groundwater Hazards, and SCA Haz-10: Radon or Vapor Intrusion from Soil or Groundwater Sources. If approved, the Project would be conditioned upon implementation of these Standard Conditions of Approval, which would also serve to satisfy the requirements indicated by EBMUD.

**Response D-3:** This comment provides additional information relevant to the Setting section of Chapter 4.6: Wastewater Collection Infrastructure. As such, the following information is added to the EIR, as also indicated in Chapter 4 of this Response to Comments document:

EBMUD's Main Wastewater Treatment Plant (MWWTP) and interceptor system are anticipated to have adequate dry weather capacity to treat the proposed wastewater flows from this project, provided that the wastewater meets the requirements of the current EBMUD Wastewater Control Ordinance. However, wet weather flows are a concern. EBMUD has historically operated three wet weather facilities to provide treatment for high wet weather flows that exceed the treatment capacity of the MWWTP. On January 14, 2009, due to Environmental Protection Agency's (EPA) and the State Water Resources Control Board's (SWRCB) re-interpretation of applicable law, the Regional Water Quality Control Board (RWQCB) issued an order prohibiting further discharges from EBMUD's wet weather facilities. Additionally, on July 22, 2009 a Stipulated Order for Preliminary Relief issued by EPA, the SWRCB, and RWQCB became effective. This order requires EBMUD to begin work that will identify problem infiltration /inflow (I/I) areas, begin to reduce I/I through private sewer lateral improvements, and lay the groundwork for future efforts to eliminate discharges from the wet weather facilities.

Currently, there is insufficient information to forecast how these changes will impact allowable wet weather flows in the individual collection system sub-basins contributing to the EBMUD wastewater system, including the sub-basin in which the proposed project is located. As required by the Stipulated Order, EBMUD is conducting extensive flow monitoring and hydraulic modeling to determine the level of flow reductions that will be needed in order to comply with the new zero-discharge requirement at the wet weather facilities. It is reasonable to assume that a new regional wet weather flow allocation process may occur in the East Bay, but the schedule for implementation of any new flow allocations has not yet been determined.

**Response D-4:** This comment is a recommendation from EBMUD to the City of Oakland as the lead agency to incorporate the following measures into the Project's approvals; 1) replace or rehabilitate any existing sanitary sewer collection systems, including sewer lateral lines, to reduce I/I; and 2) ensure any new wastewater collection systems for the project are constructed to prevent I/I to the maximum extent feasible.

The Draft EIR identified Standard Condition of Approval WW-3 as being applicable to the Project. This condition requires confirmation of the capacity of the surrounding sanitary sewer system and state of repair and, if necessary, allocates the responsibility for any necessary sanitary sewer infrastructure improvements to the proposed Project. It also indicates that the Project shall be required to pay additional fees to improve sanitary sewer infrastructure if required by the Sewer and Stormwater Division. Improvements to the existing sanitary sewer collection system specifically include, but are not limited to, mechanisms to control or minimize increases in infiltration/inflow to offset sanitary sewer increases associated with the proposed Project. If approved, the Project would be conditioned upon implementation of this Standard Condition of Approval, consistent with EBMUD's recommendations.

**Response D-5:** As stated in the comment, EBMUD policy requires that customers use non-potable water, including recycled water, for non-domestic purposes when it is of adequate quality and quantity, available at reasonable cost, not detrimental to public health and not injurious to plant life, fish and wildlife to offset demand on EBMUD's limited potable water supply. Since EBMUD's East Bayshore Project's recycled water transmission pipeline is about four blocks away from the Project site, EBMUD recommends that the City of Oakland and the Project sponsor coordinate and consult with EBMUD regarding the feasibility of providing recycled water for appropriate non-potable uses for the proposed development.

This comment does not address the adequacy or sufficiency of the Draft EIR. Rather, the comment informs the City of Oakland and the Project applicant of EBMUD's policies regarding the use of recycled water, and makes a recommendation regarding further coordination. In January 2002, the City adopted a dual plumbing ordinance, which requires new development to use recycled water provided by EBMUD and the installation of a dual plumbing system if recycled water is anticipated to be available. In response to this recommendation and in compliance with the City ordinance, the following additional condition of approval is recommended to address cumulative water and wastewater service demands:

**Recommended Condition WW-4: Recycled Water Planning.** Prior to the issuance of a building, plumbing or mechanical permit, the City of Oakland and the Project sponsor shall coordinate and consult with EBMUD regarding the feasibility of providing dual piping and recycled water for appropriate non-potable uses into the final design of the proposed Project. If providing recycled water to the Project proves to be feasible, the Project sponsor shall develop a plan for the extension of recycled water to the site and for use of recycled water for appropriate non-potable uses. The plan shall be subject to review and approval by the City. If approved, the Project sponsor shall implement the approved plan.

This recommended Condition of Approval is added to the EIR, as also indicated in Chapter 4 of this Response to Comments document.



## City of Alameda • California

### Letter E

December 1, 2010

Heather Klein  
City of Oakland Community and Economic Development Agency  
Major Projects, Planning Division  
250 Frank H. Ogawa Plaza, Suite 3315  
Oakland, CA 94612

Re: 325 7<sup>th</sup> Street Draft Environmental Report – City of Alameda Comments

Dear Ms. Klein:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the redevelopment project at 325 7<sup>th</sup> Street in Oakland. This project will be located in a close proximity to the exit of the Posey Tube (State Route 260) at the intersection of Harrison Street and 7<sup>th</sup> Street, and the entrance to the Webster Tube (State Route 260) at the intersection of Webster Street and 6<sup>th</sup> Street. These tubes are the sole connections to the regional roadways for Alameda traffic in its west end and are already operating at or near their capacity during the AM and PM peak periods. Additionally, the freeway access at Jackson Street on and off ramps has regional traffic implications due to the significant congestion on the I-880 freeway, which is exasperated by the freeway geometry at the merge of northbound I-880 and I-980.

This project has the significant potential to impact the City of Alameda traffic exiting and/or entering the Tubes, and overall regional access to the freeways in the area. Below are the City of Alameda comments on the 325 7<sup>th</sup> Street DEIR for your consideration:

1. As you know, recognizing the significance of the regional access, the voters of Alameda County have overwhelmingly supported (81.5%) the inclusion of the Broadway/Jackson Project (B/J Project) in the Measure B reauthorization in 2000. The City in coordination with the City of Oakland, Alameda County Transportation Commission, and Caltrans has been working on developing final alternatives for this project. While the B/J Project PSR is currently being reviewed by Caltrans, it is critical that some of the B/J project elements along 6<sup>th</sup> Street should be recognized and discussed in regards to the 325 7<sup>th</sup> Street project access needs. Additionally, it is imperative that any CEQA impacts to the implementation of the overall B/J Project should also be addressed in the DEIR for the 325 7<sup>th</sup> Street Project. E-1
2. The B/J Project's Draft PSR has indicated that some of the intersections in the vicinity of the 325 7<sup>th</sup> Street project will improve with the B/J project. These intersections include Harrison Street and 7<sup>th</sup> Street, which is operating at LOS E E-2

under the AM existing conditions and is projected to operate at LOS F for 2015 and 2030 future years. The 325 7<sup>th</sup> Street project should provide pro-rata share of the cost of traffic improvements at this intersection. Similarly the intersection of Jackson Street and 6<sup>th</sup> Street will operate at LOS B with the B/J Project improvements, as compared to the 325 7<sup>th</sup> Street project which shows this intersection operating at LOS E under the current conditions and LOS F for the 2030 forecast year. The 325 7<sup>th</sup> Street project should provide a pro-rata share of the B/J Project improvements at this intersection.

3. The 325 7<sup>th</sup> Street project should be set back by at least 10 feet along 6<sup>th</sup> Street frontage to allow for the future Right of Way acquisition by the B/J Project. This setback will allow the implementation of the B/J project elements along 6<sup>th</sup> Street as explained in the B/J Project draft PSR. E-3
4. The DEIR did not discuss the State Route 260 to I880 (Posey Tube to Jackson Street I-880 on-ramp) Deficiency Plan adopted by the City of Oakland on October 19, 1999 that calls for several improvements including the B/J related improvements that should be constructed to mitigate the deficiency. The deficiency plan was prepared by the City of Oakland to be in compliance with the State law for the Congestion Management Program in the Alameda County. This law requires that a deficiency plan be prepared and implemented by the local agency to mitigate the Level of Service deficiency in its network. Since the B/J Project was included in this Deficiency Plan, there is another reason not to ignore the potential impacts of the 325 7<sup>th</sup> Street project on the B/J Project elements in the vicinity to the proposed project. E-4
5. The DEIR for the subject project failed to discuss the Agreement between the City of Alameda, City of Oakland, Oakland Chinatown Chamber of Commerce and Asian Health Services Regarding Cooperation to Study and Mitigate Traffic and Related Impacts in Alameda, Oakland, and specifically in Oakland Chinatown (Oakland Chinatown Agreement), dated April 19, 2004. This agreement has established an Oakland Chinatown Advisory Committee (OCAC) and has specific provisions regarding the traffic impacts and their associated mitigations. The DEIR failed to discuss and address the projects related impacts and mitigations in light of the Oakland Chinatown Agreement. For example, the Oakland Chinatown Agreement calls for a review and recommendations by the OCAC for development projects in downtown Oakland area. This step has not occurred. E-5
6. Additionally, the Oakland Chinatown Agreement calls for inclusion of Transportation System Management and Transportation Demand Management (TSM/TDM) programs as part of the transportation impacts mitigations in Oakland Chinatown area. However, the subject DEIR has proposed accepting Significant and Unavoidable impacts without the inclusion of any TSM/TDM mitigations. This is in E-6



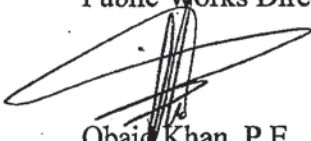
conflict with the Oakland Chinatown Agreement and the SR 260 Deficiency Plan, and does not take into account one of the common approaches in the Bay Area to address such impacts.

7. The Oak to Ninth development project was not considered in the cumulative or cumulative + project analyses. The Table 4-1 did not include the Oak to Ninth project. The Oak to Ninth project will construct approximately 3,100 housing units and will change the traffic patterns in the project vicinity and therefore should be included in the analysis. It was noted that both AM and PM eastbound peak hour traffic volumes for the 2030 horizon year at the intersections of Oak Street and 5<sup>th</sup> Street were significantly lower under this project analysis as compared to the Oak to Ninth project horizon year of 2025. Similarly a significantly lower traffic was noted at the Jackson Street and 6<sup>th</sup> Street intersection for the westbound direction. E-7
8. It is not clear how the traffic growth was calculated for the interim year of 2015 and the horizon year of 2030. The DEIR simply states that the traffic growth was calculated but did not provide the method of projecting the traffic into the future. Please include the method of traffic projection in the DEIR. E-8
9. It appears that the transportation analysis used a very high percentage of the Pass By trips for the commercial traffic. The reference to the ITE trip generation book does not take into account any local data to indicate that a 65 % Pass By trip reduction for commercial uses is appropriate. Please provide background information. E-9
10. The traffic analysis used 2006 traffic counts, which include some of the intersections that now have the pedestrian scramble signals. This kind of signal scheme severely impacts intersection delays and changes the traffic in the area. To address the older data on traffic volumes 5 sample locations were selected to confirm the older volume counts validity. However, it is not clear whether the sample locations have the similar signal operations when the original counts were done in 2006. Please discuss this issue to clarify the traffic data validity. E-10
11. The City of Alameda did not receive a copy of the DEIR. Being a close neighbor to the City of Oakland and all of its street access locations to the freeway system being through Oakland, it is critical for both cities to coordinate on the projects that potentially could impact regional access. Please include the City of Alameda in all future DEIR distributions. E-11

If you have any questions in regards to our comments, please contact me at 510-749-5926.

Sincerely,

Matthew T. Naclerio  
Public Works Director

A handwritten signature in black ink, appearing to read 'Obaid Khan', is written over the printed name and title.

Obaid Khan, P.E.  
Supervising Civil Engineer

OK:jn

CC: Art Dao, Alameda County Transportation Commission  
Iris Starr, City of Oakland  
Stanley Gee, Caltrans

**Response to Letter E**

*City of Alameda; Matthew Naclerio, Public Works Director; December 1, 2010*

**Response E1:** This comment suggests that some of the I-880/Broadway/Jackson PSR (PSR) project elements along 6<sup>th</sup> Street should be recognized and discussed in regards to the proposed Project's access needs, and that any CEQA impacts to the implementation of the overall PSR project be addressed.

The Draft EIR on pages 5-19 through 5-27 provides a discussion of the most recent status of the I-880/Broadway/Jackson Project PSR, includes a description of the PSR improvements, an analysis of the potential traffic benefits that the PSR would have on the surrounding street system, and assesses the potential access implications that the PSR improvements would have on the proposed Project. The I-880/Broadway/Jackson PSR project has been in the study phase for over 10 years, and the Draft EIR acknowledges that this PSR project is one of the major projects listed in ACTIA's 20-year Expenditure Plan. However, the PSR does not have a finalized project description or a political consensus. The Caltrans comment letter on the Draft EIR (Letter B, dated December 1, 2010) specifically indicates that the PSR project remains in the Project Study Report phase, that no environmental work has been done for the project, and that funding has not been programmed for this interchange improvement. Therefore, the PSR project has not been included as part of the planned circulation network for analysis in this EIR. Although it would be premature to include the PSR in this CEQA document as a planned transportation improvement, the PSR project was included as an alternative in the Draft EIR to provide the public, other public agencies and City decision-makers the benefit of considering the merits of the Project in the context of possible implementation of the PSR improvements.

**Response E-2:** This comment suggests that the proposed Project should provide a pro-rata share of the costs to implement those portions of the PSR project improvements that would ultimately benefit the Project's traffic impacts.

The I-880/Broadway/Jackson PSR project is a regional project which would be funded by dedicated regional funding sources such as ACTC's sales tax measures. The City of Oakland has not required any individual project to make contributions to major transportation improvement projects of regional significance, especially when the transportation improvement project is not clearly defined and its impacts and benefits are uncertain.

**Response E-3:** This comment suggests that the proposed Project should be set back by at least 10 feet along the 6<sup>th</sup> Street frontage to allow for future right-of-way acquisition needed to implement the I-880/Broadway/Jackson PSR project.

The Project Sponsor is not willing to dedicate land from the Project site. As indicated in the Draft EIR (page 5-27), *"If the conceptual interchange improvements contemplated under this Draft PSR were to be implemented in advance of the proposed Project, both the new depressed left turn lanes onto 6<sup>th</sup> Street and the depression of Harrison Street would require a re-design of the Project's driveway entries as access to these driveways would effectively be precluded. By depressing Harrison Street, the street-level frontage along both Harrison Street and 6<sup>th</sup> Street would be sealed off to prevent vehicle or pedestrian access to, or exit from the Project site, leaving only 7<sup>th</sup> Street as a point of access to the site. Given the limited space between the proposed new left turn lanes on 6<sup>th</sup> Street and the southern side of the proposed structure at the Project site, some of the sidewalk and streetscape improvements proposed along this side of the Project site would likely need to be removed."*

Given the uncertainty of the PSR improvements (no environmental work has been done nor has funding been programmed for the interchange project), the City is unable to require such a dedication of the Project as a condition of approval.

**Response E-4:** This comment points out that the Draft EIR did not discuss the State Route 260 to I-880 (Posey Tube to Jackson Street I-880 on-ramp) Deficiency Plan, which was adopted by the City of Oakland in 1999. That Plan calls for several improvements including the I-880/ Broadway/Jackson PSR project-related improvements that should be constructed to mitigate circulation system deficiencies. State law required that the Deficiency Plan be prepared and implemented to mitigate Level of Service deficiencies in the street network.

Please see responses to Comments E-1 through E-3 above regarding the status of the Broadway Jackson PSR project.

**Response E-5:** This comment indicates that the Draft EIR failed to discuss the Agreement between the City of Alameda, City of Oakland, Oakland Chinatown Chamber of Commerce and Asian Health Services Regarding Cooperation to Study and Mitigate Traffic and Related Impacts in Alameda, Oakland, and specifically in Oakland Chinatown (Oakland Chinatown Agreement dated April 19, 2004), which established an Oakland Chinatown Advisory Committee (OCAC) with specific provisions regarding traffic impacts and their associated mitigations.

The Oakland Chinatown Agreement, Section 1.3 states that the role of OCAC as “The OCAC will meet to review and make recommendations to the Alameda Planning Board and City Council and Oakland Planning Commission and City Council regarding potentially significant environmental effects related to the potential implementation of Alameda Point and Downtown Oakland development projects on the Oakland Chinatown community.” The Draft EIR was circulated to all concerned parties in OCAC for review and comments. The CEQA process is not a process for recommending whether the proposed Project should be approved, but is instead a disclosure document of potentially significant environmental impacts. While OCAC has not met to discuss the merit of the proposed Project, it is not in violation of any CEQA requirements.

**Response E-6:** This comment indicates that the Oakland Chinatown Agreement calls for inclusion of Transportation System Management and Transportation Demand Management (TSM/TDM) programs as part of the mitigation plans for transportation impacts of projects in Oakland Chinatown area, and suggests that the Draft has proposed accepting significant and unavoidable traffic impacts without the inclusion of any TSM/TDM mitigations.

To the contrary, the Draft EIR (see page 4.2-37) indicates that the Project would be required to comply with City of Oakland Standard Conditions of Approval Traf-1: Parking and Transportation Demand Management. This condition of Project Approval provides for the following:

**SCA Traf-1: Parking and Transportation Demand Management.** *Prior to issuance of a final inspection of the building permit.* The applicant shall submit for review and approval by the Planning and Zoning Division a Transportation Demand Management (TDM) plan containing strategies to reduce on-site parking demand and single occupancy vehicle travel. The applicant shall implement the approved TDM plan. The TDM shall include strategies to increase bicycle, pedestrian, transit, and carpools/vanpool use. All four modes of travel shall be considered. Strategies to consider include the following:

- a. Inclusion of additional bicycle parking, shower, and locker facilities that exceed the requirement
- b. Construction of bike lanes per the Bicycle Master Plan; Priority Bikeway Projects



- c. Signage and striping onsite to encourage bike safety
- d. Installation of safety elements per the Pedestrian Master Plan (such as cross walk striping, curb ramps, count down signals, bulb outs, etc.) to encourage convenient crossing at arterials
- e. Installation of amenities such as lighting, street trees, trash receptacles per the Pedestrian Master Plan and any applicable streetscape plan.
- f. Direct transit sales or subsidized transit passes
- g. Guaranteed ride home program
- h. Pre-tax commuter benefits (checks)
- i. On-site car-sharing program (such as City Car Share, Zip Car, etc.)
- j. On-site carpooling program
- k. Distribution of information concerning alternative transportation options
- l. Parking spaces sold/leased separately
- m. Parking management strategies; including attendant/valet parking and shared parking spaces.

To further implement this Standard Condition of Approval, the Project applicant shall include the following Project-specific conditions as part of the required TDM Plan:

- n. investigate the possibility of contracting with off-site locations to provide additional parking.
- o. The applicant shall work with the City of Oakland to determine the Project's appropriate financial contribution share and/or other efforts to support the Broadway/Valdez shuttle service or other shuttle service which provides service along Broadway. The applicant shall include, in an annual report to be submitted to the City, documentation of financial contribution and/or other efforts to support the shuttle.

The Project sponsor has agreed to include AC Transit information, including the sale of Clipper Cards, in its sale package of residential units.

**Response E-7:** This comment suggests that the Oak-to-Ninth Street development project was not considered in the Cumulative or Cumulative + Project traffic analyses, resulting in significantly lower traffic volumes for the 2030 horizon year at the intersections of 5th/Oak Street and 6th/Jackson Street than were presented in the Oak-to-Ninth Street EIR.

The ACCMA Travel Demand Model, which was used to assess cumulative traffic conditions in the Draft EIR, includes the Oak-to-Ninth Street development project. Therefore, the Draft EIR did consider the Oak-to-Ninth Street development project as part of the future cumulative condition.

**Response E-8:** This comment indicates that it is not clear how traffic growth was calculated for the interim year of 2015 and for the horizon year of 2030.

The changes in traffic volumes from existing conditions to the two future year scenarios (2015 and 2030) were calculated by increasing the traffic volumes between the Base Year (2005) and future years (2015 and 2030) for each approach to each intersection using the traffic volume data from the ACCMA Travel Demand Model. This method determines the net change in traffic volumes as forecasted by the Alameda

County model. These net changes were then added to the traffic volumes from existing traffic counts for each intersection.

**Response E-9:** This comment requests backup information to justify the percentage of pass-by trips for the commercial traffic.

As stated on page 4.2-24 of the Draft EIR, the 65% pass-by trip reduction was obtained from the ITE Trip Generation Handbook, 2<sup>nd</sup> Edition. The pass-by estimates were derived from Table 5.6 of the ITE Trip Generation Handbook for shopping centers of less than 25,000 square feet of gross leasable area. See also Response to Comment B-1 for a more comprehensive response to Project trip generation rates.

**Response E-10:** This comment requests further clarification of the validity of traffic data presented in the Draft EIR given changes in signal operations (particularly pedestrian scramble signals) at certain intersections.

Page 4.2-15 of the Draft EIR identified four intersections that have an exclusive pedestrian scramble phase. The intersection analysis considered the pedestrian scramble phase in its assessment. The intersection of 9<sup>th</sup> Street/Webster Street has an exclusive pedestrian scramble phase and was selected for new counts in December 2009 to confirm the validity of the 2006 traffic counts. The traffic volumes at this intersection did not change significantly (less than five percent) during that period and such variations are generally representative of changes in daily variations during the peak hours.

**Response E-11:** This comment indicates that the City of Alameda did not receive a copy of the Draft EIR.

The City of Alameda is on the City of Oakland's circulation list for environmental documents and is routinely provided with the Notice of Availability of City of Oakland environmental documents for review and comment.

## Letter F



1600 Franklin Street, Oakland, CA 94612 - Ph. 510/891-4754 - Fax. 510/891-4874

**Tina Spencer**  
Director of Planning

December 10, 2010

Heather Klein  
City of Oakland  
Community and Economic Development Agency  
Major Projects  
Planning Division  
250 Frank Ogawa Plaza, Suite 3315  
Oakland, Ca. 94612

**Subject: Comments on the Draft Environmental Report for the 325 7<sup>th</sup> Street Project**

Dear Ms. Klein:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the 325 7<sup>th</sup> Street Project in Chinatown. AC Transit believes that this project application provides an opportunity to improve both land use and the urban environment at this location.

**Project Description:** The Project applicant, BALCO Properties Ltd., proposes to demolish all of the existing structures at the site, including the existing residential structure currently located at 617-621 Harrison Street.

The applicant would then redevelop the Project site with construction of 380 residential condominium units and 9,110 square feet of street-level retail/office space, in addition to 399 off-street parking spaces. The building is designed as two tall towers situated on a four-story podium. Tower 1 would reach a total height of 27 stories and Tower 2 would reach a total height of 20 stories. The top of the building would include a prominent architectural feature. The towers are entirely residential with associated open space.

A total of 6,795 square feet of retail and 2,315 square feet of commercial office space (9,110 total commercial space) would be provided at street level along Harrison Street and the Harrison Street/7<sup>th</sup> Street corner.

A total of 399 off-street parking spaces would be provided within a parking garage (one story underground and three stories above ground level). Access to the parking areas would be via one entrance located on 7<sup>th</sup> Street (serving the above-ground parking areas) and one entrance located on 6<sup>th</sup> Street (serving the underground parking area). No vehicle access to the proposed parking areas would be provided along Harrison Street. A loading area would be located along 6<sup>th</sup> Street.



**AC Transit Service to the Site:** AC Transit provides service to the site on 7<sup>th</sup> Street with lines 11 and 62. Line 11 is a cross-town route that serves Piedmont to the northeast and Eastlake to the southeast. Along the route, Line 11 serves a number of attractors including: Whole Foods, 19<sup>th</sup> Street BART Station, 12<sup>th</sup> Street BART Station, Lake Merritt BART Station, International Boulevard and Highland Hospital. Line 11 currently operates at a 20-minute frequency on weekdays and hourly on weekends.

Line 62 is also a cross-town route that serves West Oakland to the west and Fruitvale to the east. Along the route, Line 62 serves West Oakland BART Station, Lake Merritt BART Station, International Boulevard, Highland Hospital, Macarthur Boulevard and Fruitvale BART Station. Line 62 currently operates at a 20-minute frequency on weekday and 30 minutes on weekends.

F-1

Adjacent to the site, AC Transit provides service in and out of the City of Alameda via the Webster Tube and Posey Tube, respectively. Our buses enter the Webster Tube via Webster Street on the west side of the project site and exit the Posey Tube via Harrison Street on the east side of the project site. Service through the tubes includes cross-town, trunk and Transbay routes.

As you move further away from the project site, AC Transit provides very frequent service on the north end of Chinatown along 11<sup>th</sup> and 12<sup>th</sup> streets. This service connects Downtown Oakland and East Oakland. We also provide frequent service along Broadway to serve Jack London Square, Downtown, Uptown and the Upper Broadway Corridor.

The City of Oakland and the project developer should note that AC Transit's routes around the project site have changed due to the implementation of major service adjustments in March and October of 2010.

**AC Transit Stop Location:** At present, Line 11 and Line 62 buses stop at the southwest corner of 7<sup>th</sup> and Harrison streets, on the near side of the intersection. The bus stop consists of a bench, trash receptacle and bus stop pole and flag. Buses pull out of traffic and into a striped shoulder to serve the stop.

**Impacts and Mitigations:** AC Transit appreciates the project sponsor's effort to measure bus travel time delay and ridership demand as a result of the project using both 2015 and 2030 data. Based on the data analysis in the DEIR, AC Transit understands that the project creates less than significant impacts to bus travel time and generates relatively minor increases in ridership as compared to available passenger capacity on routes that serve the project site.

F-2

However, because the DEIR identifies 8<sup>th</sup> & Webster as an intersection with potentially significant traffic impacts as a result of the project and the intersection already includes a pedestrian scramble phase, AC Transit asks that the City and project sponsor work closely with the District's traffic engineer to properly implement mitigations that will not

F-3



Draft Environmental Impact Report  
325 7<sup>th</sup> Street Project

create significant delay to our bus service along 8<sup>th</sup> Street, which includes lines 11, 62, 851 and most importantly, Line 51 – the most heavily used route in our service area.

Existing Bus Stop

The existing bus stop on the southwest corner of 7<sup>th</sup> & Harrison streets is in front of the project site and will provide direct bus access to future project residents and employees. It is also located at the nearside of a signalized intersection, which creates potential safety issues for the increased pedestrians crossing 7<sup>th</sup> Street, in front of buses and without proper sight distance for oncoming traffic. The stop will most likely be impacted during construction of the project and after project completion.

F-4

To mitigate this impact, the FEIR should require the City of Oakland to relocate the bus stop to the southeast corner of 7<sup>th</sup> & Webster streets, on the farside of the intersection and beyond the pedestrian crosswalks. This proposed location is safer for buses and pedestrians and will still provide direct transit access to the project site. The project should also provide bus stop amenities such as a bus shelter, bench seating, lighting, digital and static signage, and trash receptacle, while maintaining ADA accessibility for both pedestrians and bus riders. The proposed location is also ideal for the installation of a bus bulb, which would facilitate ADA access and improve bus speed. Along with the installation of amenities, these improvements would create a better overall streetscape for the project.

The project sponsor will need to work closely with AC Transit to properly place the new bus stop in relation to the proposed driveway entrance to the project on 7<sup>th</sup> Street. Under this scenario, the ideal location for the driveway would be closer to Harrison Street.

Construction Impacts

During project construction, the project sponsor must coordinate with AC Transit to temporarily relocate the bus stop to a location that still provides transit service to the surrounding neighborhood, while ensuring ADA access, and a safe operating environment for vehicles, pedestrians and bus riders.

F-5

In addition, the project sponsor must maintain proper levels of vehicular access through the Webster and Posey tubes and on 7<sup>th</sup> Street in order to not significantly delay traffic and consequently, AC Transit's bus service.

F-6

Transportation Demand Management Strategies

As part of the TDM plan required by the City of Oakland, the project sponsor should include strategies to encourage transit use, especially with direct transit service already existing at the project site. Strategies would include:

F-7

- Transit amenities to the adjacent bus stop as stated above
- Implementation of AC Transit's EasyPass program for residential communities, which provides unlimited transit access for an annual fee
- A marketing plan to encourage transit use by residents
- Potential subsidies to increase transit service to the project site

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Thank you for your interest in AC Transit's comments on this project. We look forward to continuing to work with the City and BALCO Properties on the project. If you have questions about this letter, please contact Robert del Rosario, Senior Transportation Planner at 891-4734.

Sincerely,

 ON BEHALF OF

Tina Spencer  
Director of Service Development and Planning

Cc: Cory Lavigne  
Nathan Landau  
Robert del Rosario  
Sean Diest Lorgion  
Wil Buller  
Ajay Martin

## Response to Letter F

*AC Transit; Tina Spencer, Director of Service Development and Planning; December 10, 2010*

**Response F1:** The City recognizes that AC Transit's routes around the Project site have changed due to implementation of major service adjustments in March and October of 2010.

To more accurately reflect AC Transit service in the area, the text on page 4.2-8 and 4.2-9 of the Draft EIR has been modified consistent with this comment (please see changes in Chapter 4 of this document).

**Response F-2:** This comment acknowledges that the Project would create less than significant impacts to bus travel time and would generate relatively minor increases in ridership as compared to available passenger capacity on routes that serve the Project site. Comment is noted.

**Response F-3:** This comment requests that the City and Project sponsor work closely with AC Transit District's traffic engineer to properly implement mitigations for the 8<sup>th</sup>/Webster Street intersection that will not create significant delay to bus service along 8<sup>th</sup> Street, which includes lines 11, 62, 851 and 51 (the most heavily used route in the service area).

The comment is noted, and the City will include AC Transit input on design plans for the intersection improvement at 8<sup>th</sup> and Webster as indicated in the additional language inserted in Mitigation Measure Traf-9 (see Chapter 4: Revisions to the Draft EIR). Please note that the optimization of the traffic signal at this intersection will include a determination of the allocation of green time for each intersection approach based on traffic levels, but will maintain the current 90 second signal cycle length.

**Response F-4:** This comment suggests that the existing bus stop at the southwest corner of 7<sup>th</sup>/Harrison Street will most likely be impacted during construction of the Project and after Project completion, and suggests that to mitigate this impact, the bus stop should be relocated to the southeast corner of 7<sup>th</sup>/Webster Street, on the far side of the intersection and beyond the pedestrian crosswalks and that the Project should provide bus stop amenities at this location.

Page 4.2-23 of the Draft EIR identifies the requirement (pursuant to Condition of Approval SCA Traf-2) for preparation and implementation of construction traffic and parking control measures to reduce construction impacts on traffic and transit conditions. In response to this comment the following additional language has been added to this condition of Project approval:

To further implement SCA Traf-2, the following additional element shall be added to construction-period traffic and parking management strategies:

- m. The Project sponsor shall coordinate with AC Transit and the City of Oakland Public Works Transportation Services Department to identify an appropriate temporary location for the existing bus stop located at the southwest corner of 7<sup>th</sup> and Harrison, which will most likely be adversely affected by Project construction activity. The Project sponsor shall implement all steps necessary to establish this temporary bus stop, including replacing the bus shelter that will be removed during the construction period, to a location mutually agreed upon by the City of Oakland and AC Transit. This temporary bus stop location is anticipated to be at the southeast corner of 7<sup>th</sup>/Webster Street, on the far side of the intersection and beyond the pedestrian crosswalks.

The following additional condition of approval is recommended for the Project to address the permanent location of the bus stop:

To further implement SCA WW-2, the following additional Project-specific element shall be added to the list of improvement plans required for the public right-of-way:

- h. The Project sponsor shall work closely with AC Transit and the City of Oakland to determine the desirability of permanently relocating the existing bus stop currently located at the southwest corner of 7<sup>th</sup>/Harrison Street, immediately in front of the Project site. A key consideration in determining whether the bus stop should be permanently relocated is whether it is more desirable to have Project vehicles access the Project's garage entry and exit in front of AC Transit buses (i.e., by permanently relocating the bus stop to the southeast corner of 7<sup>th</sup>/Webster Street) or whether cars should access the Project's garage entry/exit behind AC Transit buses (i.e., returning the bus stop location to where it is currently located at the southwest corner of 7<sup>th</sup>/Harrison Street). The permanent location of the bus stop must be approved by the City of Oakland Public Works Department, Traffic Services Division and AC Transit. Under either scenario for the permanent bus stop location, the Project sponsor shall develop a bus stop relocation plan for City and AC Transit review and approval, and shall implement the approved plan, including but not limited to funding the furnishing, installation, maintenance, repair and replacement of a bus shelter.

These additional recommended conditions of Project approval have been added to the text of the EIR, inserted on page 4.2-55 (please see changes to the Draft EIR in Chapter 4 of this document).

**Response F-5:** This comment requests that the project sponsor work closely with AC Transit to identify a proper location for a temporary bus stop along 7<sup>th</sup> Street during Project construction. Comment noted. Please see Response to Comment F-4 above.

**Response F-6:** This comment requests that proper access be maintained through the Posey and Webster Tubes.

The proposed Project would not make any changes to vehicular access to both Webster and Posey tubes and 7<sup>th</sup> Street. The Draft EIR did include a discussion of potential impacts on regional roadway segments, including the Webster and Posey tubes and 7<sup>th</sup> Street (see page 4.2-38 to 4.2-41). Based on the analysis contained in the Draft EIR, additional vehicle trips generated by the Project would not degrade the level of service on these roadways, nor would it increase the volume-to-capacity ratio on the Webster or Posey tubes or on 7<sup>th</sup> Street by more than 3 percent. Since the Project would not adversely affect traffic congestion on these regional roadways, the Project would similarly not cause a significant delay to AC Transit's bus service on these same roadways.

Page 4.2-33 of the Draft EIR discusses construction-period impacts. Compliance with City of Oakland Standard Condition of Approval SCA Traf-2 will ensure that Project construction traffic will not adversely impact access to the Webster and Posey Tubes.

**Response F-7:** This comment requests that the TDM Plan prepared for the Project include strategies to encourage transit use.

Page 4.2-23 of the Draft EIR identifies the requirement (pursuant to Condition of Approval SCA Traf-1) for preparation and implementation of a TDM plan to encourage transit uses. This Standard Condition of Approval requires the Project applicant to submit for review and approval by the Planning and Zoning Division a Transportation Demand Management (TDM) plan containing strategies to reduce on-site parking demand and single occupancy vehicle travel through strategies that increase bicycle, pedestrian,



transit, and carpools/vanpool use. The City of Oakland Planning and Zoning Division will take into consideration AC Transit's recommendations of methods to encourage transit usage at the site when reviewing and ultimately considering approval of this TDM Plan.

The Project sponsor has agreed to relocate the bus stop that is immediately in front of the Project site, on both a temporary and permanent basis, to a location mutually agreed upon by the City of Oakland and AC Transit, and will include AC Transit information, including the sale of Clipper Cards, in its sale package of residential units.



## Letter G

December 1, 2010

(By Electronic Transmission)

Oakland City Planning Commission

**Subject: Case File ER07-0002; CMDV06-573**

Dear Commissioners:

Oakland Heritage Alliance is grateful for the opportunity to comment on the 325 Seventh Street Project. We would like to associate ourselves with the comments of the Landmarks Preservation Advisory Board. In particular, we find the DEIR inadequate and incomplete as follows:

A. The archaeological or subsurface resources may be significant. Within an API in the historic Chinatown area, more careful scrutiny must be undertaken than has been allowed for in the proposed mitigations. Please require more intense monitoring of excavation and removal, and provide a clear plan for the removal, storage, and preservation of artifacts in a known facility.

G-1

B. The representations of the project do not show its context in the API. One has no way to judge the adequacy of the design in its neighborhood and historic context.

G-2

C. As the project requests a variance to reduce open space, thus placing an additional burden on recreational facilities in the area, it should be required to make a contribution to upkeep or improvements at the historic park across Harrison Street.

G-3

D. The structure proposed for demolition, 617-621 Harrison St., is not shown in the DEIR. Its description and potential for reuse should be more thoroughly documented.

G-4

E. Greater study and feasible mitigation for the proposed demolition is in order. We would suggest that a substantial contribution toward moving the building to a nearby suitable site, and assistance in finding and obtaining that site, would be appropriate. If a move is determined infeasible, than an equivalent sum should be contributed to the facade improvement program.

G-5

F. Design review should address the appearance of the building in its context, its impacts on pedestrians, and whether it is wise, in the context of an architecturally rich downtown area, to incorporate the idiosyncratic "hat" features on the top of the building.

G-6

Sincerely,

Dea Bacchetti

President, Oakland Heritage Alliance

**Response to Letter G**

*Oakland Heritage Alliance; Dea Bacchetti, President; December 1, 2010*

**Response G-1:** This comment recommends that more intense monitoring for archaeological and subsurface cultural resources be conducted during excavation and removal, with a clear plan for the removal, storage and preservation of any found artifacts.

The December 2007 Initial Study indicated that while no archaeological resources are known to exist within the Project area, the possibility of discovery of buried archaeological resources during site preparation and construction activities does exist. The December 2007 Initial Study identified the following City of Oakland Standard Condition of Approval regarding the discovery of buried archaeological or paleontological resources or human remains that would apply to the Project.

**SCA Cultural-1: Archaeological Resources:** (*Ongoing throughout demolition, grading, and/or construction*). Pursuant to CEQA Guidelines section 15064.5 (f), “provisions for historical or unique archaeological resources accidentally discovered during construction” should be instituted. Therefore, in the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist or paleontologist to assess the significance of the find. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified archaeologist would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Oakland. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and a report prepared by the qualified archaeologist according to current professional standards.

- a. In considering any suggested measure proposed by the consulting archaeologist in order to mitigate impacts to historical resources or unique archaeological resources, the project applicant shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while measure for historical resources or unique archaeological resources is carried out.
- b. Should an archaeological artifact or feature be discovered on-site during project construction, all activities within a 50-foot radius of the find would be halted until the findings can be fully investigated by a qualified archaeologist to evaluate the find and assess the significance of the find according to the CEQA definition of a historical or unique archaeological resource. If the deposit is determined to be significant, the project applicant and the qualified archaeologist shall meet to determine the appropriate avoidance measures or other appropriate measure, subject to approval by the City of Oakland, which shall assure implementation of appropriate measure measures recommended by the archaeologist. Should archaeologically-significant materials be recovered, the qualified archaeologist shall recommend appropriate analysis and treatment, and shall prepare a report on the findings for submittal to the Northwest Information Center.

**SCA Cultural-2: Human Remains:** (*Ongoing throughout demolition, grading, and/or construction*). In the event that human skeletal remains are uncovered at the project site during construction or ground-breaking activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section

15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.

**SCA Cultural-3: Paleontological Resources:** *(Ongoing throughout demolition, grading, and/or construction).* In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards (SVP 1995,1996)). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.

These Standard Conditions of Approval would be adopted as requirements of the Projects if approved by the City. The December 2007 Initial Study concluded that compliance with these standard conditions of approval would ensure that potential impacts to currently unknown cultural resources associated with the proposed Project would be reduced to a level of less than significant. No comments from the public or public agencies were received in response to this Initial Study conclusion at the close of the Initial Study comment period.

Where there are peculiar circumstances associated with a project or project site that will result in significant environmental impacts despite implementation of these Standard Conditions of Approval, the City determines if additional mitigation measures are necessary and feasible to reduce the impact to less than significant levels. In an effort to more thoroughly explore whether the Project site may have peculiar or special circumstances, the City has reviewed a March 2009 records search by the California Historical Resources Information System, Northwest Information Center (NWIC) for another site approximately 3 blocks (0.3 miles) southeast of the Project site, at the corner of 6<sup>th</sup> Street and Oak Street. The results of that records search indicate the following:

*“There are no Native American resources in or adjacent to the proposed project area referenced in the ethnographic literature.*

*Based on an evaluation of the environmental setting and features associated with known sites, Native American cultural resources in this part of Alameda County have been found in areas marginal to the San Francisco Bay shore, and inland near intermittent and perennial watercourses. The project area the corner of 6<sup>th</sup> and Oak Streets is located less than 1/4 mile from the historic boundary of the tidal channel flowing into Lake Merritt. Given the similarity of these environmental factors, there is a moderate likelihood that unrecorded Native American cultural resources exist in the proposed project area at 6<sup>th</sup> and Oak Streets.*

*Review of historical literature and maps indicated historic-period buildings within the project area. The 1878 Thompson and West historic maps indicated several buildings within the project*

*area, and the 1889 Oakland Sanborn map indicated two buildings within the project area. With this in mind, there is a high possibility of identifying historic period archaeological resources.”<sup>7</sup>*

The Project site at 325 7<sup>th</sup> Street is slightly more than ¼ mile northwest of the site at 6<sup>th</sup> and Oak Streets, and about ½ mile from the historic boundary of the tidal channel flowing into Lake Merritt. Given the relative proximities of these two sites, it is reasonable to conclude that there is a somewhat less than moderate possibility of identifying Native American sites at the Project site (given that it is further away from the tidal channel to Lake Merritt than the 6<sup>th</sup> and Oak site).

Given the proximate locations of the two sites relative to the 7<sup>th</sup> Street Harrison Square Residential Historic District, there is a similarly high possibility of identifying historic-period archaeological resources at the Project site. Historic period archaeological resources could include stone or adobe foundations or walls, structures and remains with square nails, and refuse deposits or bottle dumps, often located in old wells or privies.

Furthermore, there is also the likelihood of discovery of archaeological resources related to historic-period settlement of Oakland Chinatown. As indicated in the Lake Merritt Specific Plan Existing Conditions Report;

*“Chinese were the first Asian people to come to Oakland in significant numbers. They came from the Pearl River Delta region of southeast China, lured by the discovery of gold near Sacramento. Some came to Oakland in the 1850s. They lived in at least four different parts of a new and growing Oakland, and were moved from place to place to accommodate the development needs of other private interest and institutions, until they settled at the corner of 8th and Webster Streets either in the late 1860s or 1870s. This corner remains the center of the Oakland Commercial District today.*

*According to “An Overview of Planning Efforts in Oakland’s Chinatown, 1950-2000”, Oakland’s Chinatown substantially grew between the 1880’s and 1960’s. Maps show the areas that some considered being part of Oakland Chinatown during [various parts of historic periods].”*

As shown on **Figure 4.7-3**, the Project site was part of the original Chinatown settlement of the 1870 through 1905 period.<sup>8</sup> Given the high potential for discovery of historic-period archaeological resources, the Project site could be considered to have peculiar or special circumstances that warrant additional Project-specific conditions of approval to ensure that potential impacts are reduced to less than significant levels. For the 6<sup>th</sup> and Oak Streets site, the NWIC recommended that, *“a qualified archaeologist conduct further archival and field study to identify cultural resources. Field study may include, but is not limited to, pedestrian survey, auguring, monitoring construction activities as well as other common methods used to identify the presence of archaeological resources.”* A pedestrian survey for the Project site would not be fruitful since the site is entirely covered by buildings or pavement. However, to further supplement and implement SCA Cult-1, the following additional Project-specific conditions are recommended to the address the high potential for discovery of historic-period archaeological resources:

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<sup>7</sup> California Historical Resources Information System, Northwest Information Center, *Rapid Response Record Search Results for the Proposed HUD Project at the Corner of 6<sup>th</sup> Street and Oak Street, Oakland, California*, Jillian Guldenbrein, Researcher, March 30, 2009

<sup>8</sup> The 1985 Oakland Cultural Heritage Survey for the 7<sup>th</sup> Street Harrison Square Residential Historic District notes that, “the 1870 birds-eye map shows no buildings at all on Harrison Square and two other blocks, the northeast block of 7<sup>th</sup> and Oak and the southwest block of 7<sup>th</sup> and Harrison (i.e., the Project site), and the remaining blocks sparsely developed.

The following additional SCAs (SCA Cultrl-1a through -1d) are added to supplement and further implement SCA Cultrl-1 to decrease the potential for adverse damage of archaeological resources, paleontological resources and human remains during construction. To implement these additional SCAs, the Project applicant may choose to either implement SCA Cultrl-1a (Intensive Pre-Construction Survey) or SCA Cultrl-1d (Construction ALERT Sheet). If, in either case, a high potential presence of historic-period archaeological resources on the Project site is indicated or a potential resource is discovered, the Project applicant shall also implement SCA Cultrl-1b (Construction Period Monitoring), SCA Cultrl-1c (Avoidance and/or Find Recovery) and SCA Cultrl-1d (to establish a Construction ALERT Sheet if the Intensive Pre-Construction Survey was originally implemented per SCA Cultrl-1a, or to update and provide more specificity to the initial Construction ALERT Sheet if a Construction Alert Sheet was originally implemented per SCA Cultrl-1d). If in either case a high potential presence of historic-period archaeological resources is not discovered, SCAs Cultrl-1, -2 and -3 shall apply and be adequate to decrease the potential for adverse damage to archaeological resources, paleontological resources and human remains during construction.

SCA Cultrl-1a through d are detailed as follows:

a. **Intensive Pre-Construction Survey.** *Prior to demolition, grading and/or construction.* The project applicant, upon approval from the City Planning Department, may choose to complete a site-specific, intensive archaeological resources study prior to soil-disturbing activities occurring on the Project site. The purpose of the site-specific, intensive archaeological resources study is early identification of the potential presence of historic-period archaeological resources on the Project site. If that approach is selected, the study shall be conducted by a qualified archaeologist approved by the City Planning Department. If prepared, at a minimum, the study shall include:

- i. An intensive cultural resources study of the Project site, including subsurface presence/absence studies of the Project site. Field studies conducted by the approved archaeologist(s) may include, but are not limited to, auguring and other common methods used to identify the presence of archaeological resources;
- ii. A report disseminating the results of this research;
- iii. Recommendations for any additional measures that could be necessary to mitigate any adverse impacts to recorded and/or inadvertently discovered cultural resources.

If the results of the study indicate a high potential for presence of historic-period archaeological resources on the Project site, or a potential resource is discovered, the Project applicant shall hire a qualified archaeologist to monitor any ground-disturbing activities on the Project site during construction (see SCA Cultrl-1b: Construction-Period Monitoring, below), implement avoidance and/or find recovery measures (see SCA Cultrl-1c: Avoidance and/or Find Recovery, below), and prepare an ALERT Sheet that details what could potentially be found at the Project site (see SCA Cultrl-1d: Construction ALERT Sheet, below). If no potential resource is discovered during the pre-construction study, SCA Cultrl-1, -2 and -3 shall apply and be adequate to reduce any potentially significant impact to less than significant.

b. **Construction-Period Monitoring.** *Ongoing throughout demolition, grading and/or construction.* Archaeological monitoring would include briefing construction personnel about the type of artifacts that may be present (as referenced in the ALERT Sheet required per SCA Cultrl-1d: Construction ALERT Sheet, below) and the procedures to follow if any artifacts are encountered, field recording and sampling in accordance with the *Secretary of Interior's Standards and Guidelines for Archaeological Documentation*, notifying the appropriate officials if human remains or cultural resources are discovered, or preparing a report to document negative findings after construction is completed. If a significant archaeological resource is discovered during the monitoring activities, adherence to SCA Cultrl-1c: Avoidance and/or Find Recovery (discussed below), would be required to reduce the impact to less than significant. The Project applicant shall hire a qualified archaeologist to monitor all ground-disturbing activities on the Project site throughout construction.

- c. **Avoidance and/or Find Recovery.** *Ongoing and throughout demolition, grading and/or construction.* If a significant archaeological resource is present that could be adversely impacted by the Project, the Project applicant shall either:
- i. Stop work and redesign the proposed Project to avoid any adverse impacts to significant archaeological resource(s); or
  - ii. If avoidance is determined infeasible by the City, design and implement an Archaeological Research Design and Treatment Plan (ARDTP). The Project applicant shall hire a qualified archaeologist who shall prepare a draft ARDTP that shall be submitted to the City Planning Department for review and approval. The ARDTP is required to identify how the proposed data recovery program would preserve the significant information that the archaeological resource is expected to contain. The ARDTP shall identify the scientific/historic research questions applicable to the expected resource, the data classes the resource is expected to possess, and how the expected data classes would address applicable research questions. The ARDTP shall include the analysis and specify the curation and storage methods. Data recovery, in general, shall be limited to the portions of the archaeological resource that could be impacted by the proposed Project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if non-destructive methods are practical. The Project applicant shall implement the ARDTP. Because the intent of the ARDTP is to save as much of the archaeological resource as possible, including moving the resource if feasible, preparation and implementation of the ARDTP would reduce the impact to less than significant.
- d. **Construction ALERT Sheet.** *Prior to and during all subsurface construction activities for the Project.* The Project applicant, upon approval by the City Planning Department, may choose to prepare a Construction ALERT Sheet prior to soil disturbing activities occurring on the Project site, instead of conducting site-specific, intensive archaeological studies pursuant to SCA Cultrl-1a, above. The Project applicant shall submit for review and approval by the City prior to subsurface construction activity an ALERT Sheet prepared by a qualified archaeologist, with visuals that depict each type of artifact that could be encountered on the Project site. Training by the qualified archaeologist shall be provided to the Project's prime contractor, any subcontractor firms (including demolition, excavation, grading, foundation, and pile driving), and or utilities firm involved in soil disturbing activities within the Project site.
- i. The ALERT Sheet shall state, in addition to the basic measures of SCA Cult-1, that in the event of discovery of cultural resource materials, all work must be stopped in the area and the City's Environmental Review Officer contacted to evaluate the find.
  - ii. Significant cultural resource materials may include, but are not limited to: concentrations of shellfish remains; evidence of fire (ashes, charcoal, burnt earth, fire-cracked rocks); concentrations of bones; recognizable Native American artifacts (arrowheads, shell beads, stone mortars [bowls], humanly shaped rocks); building foundation remains; trash pits, privies [outhouse holes]; floor remains; wells; concentrations of bottles, broken dishes, shoes, buttons, cut animal bones, hardware, household items, barrels, etc.; thick layers of burned building debris (charcoal, nails, fused glass, burned plaster, burned dishes); wood structural remains (building, ship, wharf); clay roof/ floor tiles; stone walls or footings; or gravestones.
  - iii. Prior to any soil disturbing activities, each contractor shall be responsible for ensuring that the ALERT Sheet is circulated to all field personnel including machine operators, field crew, pile drivers and supervisory personnel.

If the Project applicant chooses to implement SCA Cultrl-1d: Construction ALERT Sheet, and a potential resource is discovered on the Project site during ground-disturbing activities, the Project applicant shall hire a qualified archaeologist to monitor any ground-disturbing activities on the Project site during construction (see SCA Cultrl-1b: Construction-Period Monitoring,

above), implement avoidance and/or find recovery measures (see SCA Cultr1-1c: Avoidance and/or Find Recovery, above), and prepare an updated ALERT Sheet that addresses details what could potentially be found at the Project site (see SCA Cultr1-1d: Construction ALERT Sheet, below). If no potential resource is discovered during the pre-construction study, SCA Cultr1-1, -2 and -3 shall apply and be adequate to reduce any potentially significant impact to less than significant.

This additional information and recommended Project-specific Conditions of Approval are added to the EIR, as indicated in Chapter 4 of this Response to Comments document.

**Response G-2:** In response to this comment and several similar comments by public speakers, additional images have been prepared to better show the proposed Project in context with its surroundings, including the surrounding 7<sup>th</sup> Street / Harrison Square Residential Historic District (see revised **Figures 3-5 through 3-7** in Chapter 4 of this document).

**Response G-3:** The S-17 Downtown Open Space Combining Zone regulations specify that open space is to be provided at a ratio of 75 square feet per standard unit, and 50 square feet per efficiency (or studio) unit. Using these ratios, the open space requirement for the Project is 340 standard units x 75 square feet plus 40 studio units x 50 square feet, for a total requirement of 27,500 square feet of useable open space.

The Project includes 9,042 square feet of private open space (balconies and patios) and 10,169 square feet of group open space. The group open space is provided in three courtyards within the Project, an 8,200-square foot courtyard on Level 4, a 769 square-foot courtyard on Level 18, and a 1,200 square-foot courtyard on Level 22. Under Section 17.126.020 of the Oakland Municipal Code, 1 square foot of private open space is the equivalent of 2 square feet of group open space for purposes of calculating open space requirements. Using this ratio, total open space equivalent provided at the Project site would be 28,253 square feet. With 27,500 square feet of open space required, the Project meets the Planning Code requirements.

The Project site is located in an urban area already served by existing parks and urban open space areas, including the 1.4-acre Chinese Garden Park located directly east of Harrison Street across from the Project site. This park includes the Hall of Pioneers, which hosts the Hong Lok Senior Center. An average of approximately 110 seniors per day utilize the Hong Lok Senior Center Monday through Friday from 9:00 am to 3:00 pm, although they are not all there at the same time. Most of them are either inside the building or in the Chinese Zodiac Garden while they are using the park, and there is generally limited use of the park outside of these areas during program hours. Although some increase in the use of local parks and recreational facilities can be anticipated with development of the Project, the proposed Project will not increase the use of existing parks and recreational facilities such that substantial deterioration would occur or be accelerated, nor would existing facilities need expansion.

**Response G-4:** The following information is provided to more thoroughly document the structure at 617-621 Harrison Street, proposed for demolition as part of the Project.

According to the Oakland Cultural Heritage Survey for the 7<sup>th</sup> Street Harrison Square Residential Historic District, the building at 617-619 (now 617-621) Harrison Street was originally constructed by the Southern Pacific yard master William Watkinson in 1890 (architect unknown).

As shown in **Figure 4.7-2** the building is a Queen Anne house, a 2-story home with a raised basement and an attic under a hip and gable roof. The ground floor appears to have once been a basement; the building may have been raised to accommodate the lower apartment, which has a large, nearly square window of non-Victorian appearance and a new door. Its design is typical of



the Queen Anne style, with about one-third of the façade width consisting of a projecting polygonal bay window topped by a gable-end, its lower corners cantilevered over the bay's angled sides. The cantilevered corners rest on a pair of decorated brackets. The projecting gable end is ornamented with fish-scaled shingles. The other two-thirds of the façade is recessed under the main roof for an entry porch on the first level. The porch has turned-corner post and cut-work brackets, and a band of spindlework. A new staircase is a relatively large addition at the sidewalk level. In spite of the raised floor and the altered staircase, the building retains the characteristic appearance and ornamentation. Overall, the building suffers from lack of maintenance, with several broken and boarded-over windows and missing stairs. The building is currently vacant.

The Oakland Cultural Heritage Survey rates this building's significance as a "C" (secondary importance), its National Register status as "3D" (appears eligible only as a part of a district), and its City Landmark status as not a Landmark, not in a Preservation Zone, and not on the Landmark Study List.

This Setting information is added to the EIR, as also indicated in Chapter 4 of this Response to Comments document.

**Response G-5:** The comment suggests that greater study of the proposed demolition of the building at 617-621 Harrison Street is needed, and that a substantial financial contribution towards moving the building and assistance in finding a suitable site would be appropriate.

The Draft EIR (on page 4.7-13) indicates that, pursuant to the requirements of SCA Hist-2 and Policy 3.7 of the Historic Preservation Element, the Project applicant will be required to make good faith efforts to relocate the existing home at 617-621 Harrison Street to a location consistent with its historic and architectural character. Although the Project applicant has indicated that their efforts to relocate this building at the time of publication of the Draft EIR had not proven successful, the Standard Condition of Approval includes several additional procedural steps that must be taken to demonstrate required good faith efforts. Since publication of the Draft EIR, the Project applicant has continued efforts to relocate the building at 617-621 Harrison Street. The applicant identified a potential site in West Oakland where the structure could be relocated, indicated their willingness to pay for the move with the intention of donating the house to the Alliance for West Oakland, and coordinated with the Alliance for West Oakland to have the house restored as part of their Jobs Training Program.

However, these efforts have also discovered an obstacle which could make relocation of the house infeasible. Because the house fronts onto Harrison Street, the movers would need to close Harrison Street to through traffic (including closure of the Harrison Street tube from Alameda) for a several-hour time period so that they could move their equipment into position, lift the house and load it onto the transport. The other option would be to take down the existing commercial structure at the corner of 7<sup>th</sup> and Harrison Street first, providing the movers with access to the house from the adjacent property. The existing commercial structure now has tenants using that building. Taking down the existing commercial structure at the corner of 7<sup>th</sup> and Harrison Street would likely not occur until such time as the Project's construction is ready to commence.

Since preparation of the Draft EIR, the building has undergone serious deterioration, with removal of the front stairs, graffiti, and trash and the applicant has been cited for blight. In addition, the City of Oakland's Fire Department and the Police Department have made a determination that the building is being illegally occupied and is unsafe. Therefore, these agencies are requesting abatement of these illegal activities either by repair, rehabilitation, demolition or other approved corrective action, securing the building openings against entry, and removal of combustibles and waste. As indicated in the Draft EIR, the demolition of this historic resource would result in a significant and unavoidable impact.

The comment also suggests that if relocation proves infeasible, then an equivalent sum (i.e., equivalent to what the cost of relocation would be) should be contributed to the City's Façade Improvement Program. The Draft EIR (on page 4.7-14) includes Mitigation Measure Hist-2b, which recommends that if the building cannot be successfully relocated, the Project applicant shall make a monetary contribution to the City which shall exclusively be used for; a) development of an Historic Interpretive and Improvement Program, and b) an historic resource-related program such as the Façade Improvement Program or the Property Relocation Assistance Program. The specific amount of the financial contribution required under MM Hist-2b is a policy matter for the City, and at this time possible calculations are still being considered by the LPAB.

**Response G-6:** This comment pertains to the City's Design Review process and the architectural merits of the Project, and does not address the adequacy or sufficiency of the Draft EIR. The Design Review findings will be considered by City decision makers prior to a decision on the Project.

## Letter H

# SoNiC

South of the Nimitz Improvement Council  
229 Harrison Street, Oakland, CA 94607  
Voice: 510-893-9829 Fax: 510-763-8866  
Email: [knechtgary@aol.com](mailto:knechtgary@aol.com)

South of the Nimitz Improvement Council is an informal association of business and property owners interested in shaping the future of the SoNi District, the area between the Nimitz Freeway and the Oakland-Alameda estuary, stretching from Fallon Street to Adeline Street. Active participation and generous contributions by all are encouraged.

November 29, 2010

Heather Klein  
City of Oakland, Community and Economic Development Agency  
Major Projects, Planning Division  
250 Frank Ogawa Plaza, Suite 3315  
Oakland, CA 94612

RE: Comments on the DEIR for 325 7<sup>th</sup> Street Project – ER-07-002

Dear Ms. Klein:

Questions and comments in this letter focus on the Transportation, Circulation, and Parking section of the DEIR (pages 4.2-1 to 4.2-62) and specifically those impacts that may affect intersections and streets of the SoNi District (aka the Jack London District) located near the proposed project.

## **TRANSPORTATION, CIRCULATION, AND PARKING COMMENTS AND QUESTIONS**

### Page 3-9 [INTERNAL CIRCULATION AND PARKING]:

#### "Access

*The Project site currently has vehicular access from 7th Street, Harrison Street and 6th Street, with driveways on each of these streets. With development of the Project site as proposed, the existing vehicle access points would be retained along 7th Street (serving the above-ground parking areas) and along 6th Street (serving the underground parking area). No vehicle access to the proposed parking areas would be provided from the current driveway along Harrison Street....*

#### "Parking and Loading

*A total of 399 off-street parking spaces would be provided within a podium parking garage (one story underground and three stories above ground). The majority of the parking spaces (365 of the 399 total) are proposed as mechanical, multi-parking systems that provide independent parking spaces for cars, one on top of the other and side by side. These mechanical parking systems have parking spaces arranged on three different levels, one level on top of the other. The parking spaces of this multi-parking system are accessed horizontally, like a traditional parking space. The vehicles are parked on solid steel platforms. The platforms of both the lower floor and upper floor move vertically, and the platforms of the ground floor move horizontally, allowing for shifting the ground floor parking spaces sideways and enabling an upper floor parking space or lower floor parking space to be lowered or lifted to the approach level. These parking systems are designed to accommodate passenger cars and station wagons [Klaus Parking Automat, series P310 and P210 designs]. Of the remaining 34 parking spaces, 11 spaces are standard, 15 are compact, and 8 are handicap accessible. A loading area would be located along 6th Street, and would be designed in accordance with all City standards to avoid conflicts*

*with all streets, driveways and service lanes. Loading and service facilities would also be located to avoid pedestrian facilities and residences to the maximum extent feasible."*

Question 1: How many of the 399 proposed parking spaces will be accessed from 6<sup>th</sup> Street (168?) and how many from 7<sup>th</sup> Street (231?)? Which street will provide access to how many of the 11 standard, 15 compact, and 8 handicap accessible spaces?

Question 2: How many parking spaces will be available for guests of residents?

H-1

Question 3: How many parking spaces will be available for employees of commercial space? How many spaces will be available for customers or the general public? How will they be accessed?

Question 4: Will each of the proposed 380 condominium units be entitled to use an assigned parking space? Will that entitlement be transferable independently of the condominium unit or will it stay with the condominium? Who will manage sales, ownership, and use of parking spaces?

Page 4.2-1 [STUDY AREA]: Among the intersections that "*could be significantly affected by Project traffic (based on existing intersection operations, the amount of traffic generated by the Project during peak hours and the effect of that traffic on the surrounding street and intersection network)*" are the following:

1. 5th Street/Oak Street
2. 5th Street/Jackson Street
3. 6th Street/Oak Street
4. 6th Street/Jackson Street
5. ...

Comment 1: SoNiC believes three additional intersections could be significantly affected by Project traffic and therefore should be studied. None is currently controlled by a traffic signal, all currently have light traffic most of the day, and each will be directly affected by vehicles entering and leaving the proposed 6<sup>th</sup> Street garage and loading docks:

1. 6th Street/Webster Street
2. 6th Street/Webster Place
3. 6th Street/Harrison Street

For some reason Webster Place is not even mentioned in the Transportation, Circulation, and Parking chapter of the DEIR. In fact it is only mentioned once in the entire DEIR (Chapter 5: Alternative 4: Draft I-880/Broadway/Jackson Interchange, page 5-26). Since Webster Place is just one block long, located midblock between Webster and Harrison Streets, and unknown too many, this is not surprising. However if a traffic consultant is doing a study for an adjacent site, that consultant should probably visit the site and observe existing conditions requiring analysis. Webster Place is directly opposite the proposed 6<sup>th</sup> Street garage entrance/exit, and will most certainly be used by future residents. Under no circumstances should proposing to eliminate Webster Place be considered in response to this comment; however moving it to the east as an extension of Harrison Street might improve auto and pedestrian circulation and could be considered.

H-2

Comment 2: After studying the intersection of 6<sup>th</sup> Street/Harrison Street it will become obvious to the traffic consultant that although existing traffic is light, wait times to turn left into Harrison Street can be several minutes when drivers wait for all lanes of Posey Tube traffic to clear so they can turn right at 7<sup>th</sup> Street/Harrison Street. Not infrequently SoNiC has observed this condition during the AM peak period. However Figure 4.2-6 (Trip Assignments for Proposed Project) assumes no right turns at 7<sup>th</sup> Street/Harrison Street will be generated by the proposed Project. Without mitigations (such as restricting left turn traffic to the left lane of Harrison Street from 6<sup>th</sup> Street to 7<sup>th</sup> Street), this assumption is totally unrealistic and must be revised. SoNiC believes this is a dangerous intersection and the addition of Project traffic without mitigations will exacerbate the situation.



Comment 3: SoNiC believes the Study Area should be expanded to include various intersections along 4<sup>th</sup> Street:

1. 4<sup>th</sup> Street/Broadway
2. 4<sup>th</sup> Street/Webster Street
3. 4<sup>th</sup> Street/Harrison Street
4. 4<sup>th</sup> Street/Jackson Street
5. 4<sup>th</sup> Street/Oak Street

H-3

Because Webster Place has been overlooked by the traffic consultant, Figure 4.2-4 ("Entering the Project") erroneously assumes all vehicles entering the 6<sup>th</sup> Street garage will arrive by travelling southbound on Webster Street. There can be no question that Webster Place northbound from 5<sup>th</sup> Street to 6<sup>th</sup> Street will also be used. The only question is what percentage of traffic will reach Webster Place from the 4<sup>th</sup> Street/Webster Street intersection and what percentage will reach Webster Place from 4<sup>th</sup> Street/Harrison Street. Vehicles exiting the proposed 6<sup>th</sup> Street garage and loading docks will either use Harrison Street (northbound traffic merging with Posey Tube traffic) or Webster Place & Webster Street (southbound traffic). Because 5<sup>th</sup> Street (like 6<sup>th</sup> Street) is not a through street, all traffic leaving the Project via Webster Place or Webster Street will pass through an intersection on 4<sup>th</sup> Street no matter where final destinations may be.

H-4

Comment 4: Figure 4.2-5 ("Exiting the Project") assumes that traffic heading east on 4<sup>th</sup> Street will turn left on Alice Street and that traffic heading west will turn left on Broadway. Both assumptions defy common sense. SoNiC believes some traffic heading west on 4<sup>th</sup> Street will turn right on Broadway to access the tube to Alameda while other traffic will turn right and head north on Broadway to a variety of destinations north of the freeway. SoNiC believes very few (if any) vehicles heading east on 4<sup>th</sup> Street will turn left on Alice Street only to merge with the I-980 off-ramp at the very busy 5<sup>th</sup> Street/Jackson Street intersection. Nearly all vehicles heading east on 4<sup>th</sup> Street will turn left on Jackson Street or on Oak Street. Until the traffic consultant acknowledges the existence of Webster Place and unless the Study Area is expanded to include 4<sup>th</sup> Street, it will be impossible to assess the impact of the proposed Project on the Jack London District or to suggest appropriate mitigation measures where needed.

H-5

Comment 5: SoNiC believes the intersection of 4<sup>th</sup> Street/Jackson Street could be significantly affected by Project traffic and therefore should be studied in depth. At 5:00pm on Tuesday, Nov 16 SoNiC timed a vehicle take 180 seconds to drive from 4<sup>th</sup> and Jackson to the I-880 on-ramp at 6<sup>th</sup> and Jackson. An informal survey of 10-12 drivers that evening said the traffic was not unusual ("sometimes it's faster; sometimes it's slower"). Additional traffic generated by the proposed Project could have a significant adverse effect on the 4<sup>th</sup> Street/Jackson Street intersection (as well as on the 5<sup>th</sup> Street/Jackson Street and 6<sup>th</sup> Street/Jackson Street intersections).

H-6

Page 4.2-15 [EXISTING TRAFFIC CONDITIONS]: "Existing intersection turning movement volumes for the 13 study intersections were originally collected on April 19, 2006 during the AM (7:00 a.m. to 9:00 a.m.) and PM (4:00 p.m. to 6:00 p.m.) peak periods. Because the original traffic volumes are more than three years old, traffic counts from recent projects were used for three intersections (5<sup>th</sup> Street/Oak Street, 6<sup>th</sup> Street/Oak Street, and 6<sup>th</sup> Street/Jackson Street). For the remaining 10 intersections that no recent counts are available, sample traffic counts were collected December 9, 2009 for the following five intersections to determine whether traffic volumes have changes significantly since 2006. These five intersections are along major arterial roads and were selected with a consultation with the City of Oakland CEDA staff and agreed to subsequently.

- (#5): 7<sup>th</sup> Street/Harrison Street (AM and PM peak hours)
- (#7): 7<sup>th</sup> Street/Broadway (AM peak hour),
- (#10): 9<sup>th</sup> Street/Webster Street (PM peak hour)
- (#12): 11<sup>th</sup> Street/Harrison Street (PM peak hour)
- (#13): 12<sup>th</sup> Street/Harrison Street (PM peak hour)



*The survey results show that there is no significant change in traffic volume at these five intersections between the 2006 and 2009 counts; thus, the original traffic counts are considered valid for use in the analysis and no other traffic counts are collected for the remaining intersections."*

Comment 6: SoNiC believes new traffic counts are needed for the 5<sup>th</sup> Street/Jackson Street/I-980 Westbound Off-ramp intersection. SoNiC believes new counts will confirm that the existing Level of Service (LOS) cannot possibly be "B" as stated in Table 4.2-6 on page 4.2-16, but is, in fact, much closer to LOS = "F". According to page 4.2-15 (quoted above) 5<sup>th</sup> Street/Jackson Street data was collected April 19, 2006. However Appendix E (Traffic Analysis Modeling Results and Intersection Movement Calculations) shows existing traffic counts for this intersection were collected by Baymetrics Traffic Resources on October 25, 2006. In either case, this data is over 4 years old and SoNiC believes new counts are essential. The five intersections recounted on December 9, 2009 are all north of I-880/I-980 where new construction activity has been minimal during the past 4 years and traffic impacts are dispersed in many directions. However, south of I-880/I-980 in the Jack London District, within six blocks of the 5<sup>th</sup> Street/Jackson Street/I-980 Westbound Off-ramp intersection, over 600 new residential units have been completed and occupied since 2006 along with 25,000 sq ft of new commercial space. If this alone isn't convincing evidence of the need for new counts, what about the recent addition of over 100 lawyers in the Jack London Market building and over 100 employees of Sungevity at 66 Franklin Street, plus the openings of Bocanova, Encuentro Cafe, Blue Bottle Coffee, and a variety of other traffic generating businesses south of the freeway within a few blocks of the 5<sup>th</sup> and Jackson intersection? Clearly growth in the Jack London District during the past four years requires new traffic counts at 5<sup>th</sup> Street/Jackson Street/I-980 Westbound Off-ramp.

H-7

Comment 7: Not only does SoNiC believe new traffic counts are needed for the 5<sup>th</sup> Street/Jackson Street/I-980 Westbound Off-ramp intersection to establish realistic "existing conditions", but SoNiC also believes a more careful analysis of "existing + Project" conditions is essential. The Jackson Street off-ramp for westbound I-980 lands on 5<sup>th</sup> Street at this intersection and is likely to serve as the primary off-ramp for a majority of residents of the proposed Project. Figure 4.2-6 assumes there will be no right turns onto Jackson Street caused by project traffic. However once the existence of Webster Place is acknowledged and studied (see Comments 1 and 3), this assumption will need to be changed as will other assumptions about this intersection.

H-8

Comment 8: SoNiC believes new traffic counts for the 6<sup>th</sup> Street/Jackson Street/I-880 Northbound On-ramp intersection are also needed. SoNiC attempted to determine when traffic counts were collected but was unable to do so. Appendix E (Traffic Analysis Modeling Results and Intersection Movement Calculations) shows counts for 6<sup>th</sup> Street/Jackson Street were collected by Baymetrics Traffic Resources on April 18, 2006; however different counts were analyzed by CHS Consulting Group at an unknown date prior to April 2010. That analysis shows the existing LOS at 6<sup>th</sup> Street/Jackson Street as "E" (see Table 4.2-6). According to DEIR page 4.2-15 (quoted above) "traffic counts from recent projects were used for three intersections" including 6<sup>th</sup> Street/Jackson Street. Following staff's advice to review the recently completed DEIR for the Kaiser Center Office Project, SoNiC found existing LOS for Jackson Street/6<sup>th</sup> Street/I-880 Northbound On-ramp listed as "F" based on traffic counts collected on October 23, 2008. Furthermore, delay times in the Kaiser DEIR are more than twice as long as those in the 325 7<sup>th</sup> Street DEIR (>120 sec./veh. vs. 55 sec./veh.). Based on this evidence, SoNiC is convinced that the 325 7<sup>th</sup> Street DEIR analysis is unreliable and therefore Mitigation Measure Traf-8 may be inadequate. As noted in Comment 6, growth in the Jack London District during the past four years requires new traffic counts at 5<sup>th</sup> Street/Jackson Street/I-980 Westbound Off-ramp. SoNiC believes the same is true at 6<sup>th</sup> Street/Jackson Street/I-880 Northbound On-ramp. During the past 2 years over 230 new residential units have been completed and occupied, over 100 lawyers have moved into in the Jack London Market building, over 100 employees of Sungevity have occupied 66 Franklin Street, plus Bocanova, Encuentro Cafe, Blue Bottle Coffee, and a variety of other traffic generating businesses have

H-9



opened south of the freeway within a few blocks of the 6<sup>th</sup> Street/Jackson Street intersection. To properly analyze impacts of the proposed Project at this intersection, SoNiC believes new (current) existing traffic counts are needed.

**Page 4.2-45 [SIGNIFICANT TRAFFIC IMPACTS]: 6<sup>th</sup> Street/Jackson Street (Intersection #4)**

**"Impact Traf-8:** The intersection of 6<sup>th</sup> Street/Jackson Street would operate at LOS E in the AM and PM peak hours. During the AM peak hour, the addition of Project traffic would cause an increase in the average delay for the critical movements (southbound right and westbound through) of 5.9 seconds, less than the City's six second threshold of significance. Therefore, the Project impact in the AM peak hour would be less than significant. During the PM peak hour, the Project generated increases in the average delay for the critical movements (7 seconds for southbound right and 2.6 seconds for westbound through) would exceed the City's six-second threshold of significance. (Potentially Significant)

**"Mitigation Measure Traf-8:** Optimize the traffic signal timing at the intersection of 6<sup>th</sup> Street/Jackson Street. Optimization of traffic signal timing shall include adjusting cycle length from 60 seconds to 75 seconds, and determination of allocation of green time for each intersection approach in tune with the relative traffic volumes on those approaches.

To implement this measure, the Project sponsor shall submit the following to City of Oakland's Transportation Service Division and Caltrans for review and approval:

- Plans, Specifications, and Estimates (PS&E) to modify the intersection. All elements shall be designed to City standards in effect at the time of construction and all new and upgraded signals should include these enhancements. All other facilities supporting vehicle travel and alternative modes through the intersection should be brought up to both City standards and ADA standards (according to Federal and State Access Board guideline) at the time of construction. Current City Standards call for ....
- Signal timing plans for the signals in the coordination group.

The Project sponsor shall fund, prepare and install the approved plans and improvements.

**"Significance after Mitigation:** Conservatively Deemed Significant and Unavoidable

After implementation of this measure, the intersection would operate at an acceptable LOS D during the PM hour and the Project impact would therefore be mitigated to a less than significant level. This mitigation measure would not require an encroachment permit from Caltrans since the signal hardware and timing is operated and maintained by the City of Oakland through a service agreement contract. However, because the City of Oakland, as lead agency, could not implement the mitigation measure without the approval of Caltrans, the Project impact is conservatively deemed significant and unavoidable."

H-9,  
continued

**Comment 9:** SoNiC expects that accurate (current) traffic counts for the 5<sup>th</sup> Street/Jackson Street/I-980 Westbound Off-ramp intersection will reveal significant traffic issues and require the addition of a Mitigation Measure for this intersection, which should include coordination of signal timing for this intersection with signal timing at 6<sup>th</sup> Street/Jackson Street. Adding a left turn lane (into 5<sup>th</sup> Street) on southbound Jackson Street should also be considered.

**Comment 10:** SoNiC expects that accurate (current) traffic counts for the 6<sup>th</sup> Street/Jackson Street/I-880 Northbound On-ramp intersection will inspire significant revisions to Impact Traf-8 and Mitigation Measure Traf-8. SoNiC believes adding a signalized left turn lane on northbound Jackson Street at the I-880 Northbound On-ramp should be an essential component of any mitigations proposed for this intersection.

**Page 7: [STAFF REPORT FOR THE DECEMBER 1, 2010 MEETING OF THE OAKLAND CITY**

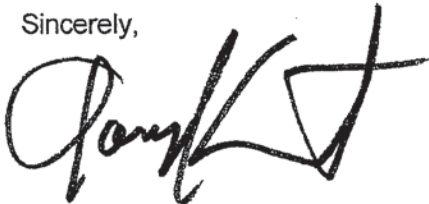
**PLANNING COMMISSION]:** "Comments on the Draft EIR should focus on the adequacy of the EIR in discussing the possible impacts on the physical environment, ways in which potential adverse effects might be minimized, and alternatives to the Project in light of the EIR's purpose to provide useful and accurate information about such factors."

In this letter SoNiC has provided ten comments on a small portion of one chapter of the DEIR. We identified several obvious omissions, erroneous assumptions, and outdated data (see Comments 1 through 8). We suggested three ways in which potential adverse effects might be minimized (see Comments 2, 9, and 10).

H-10

Because of the inadequacies found in the relatively small portion of the traffic study we focused on, SoNiC wonders if the rest of the traffic study may have similar problems and cannot be counted on to provide useful and accurate information about transportation, circulation, and parking. A careful review may be needed to verify adequacy of the rest of the chapter.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Knecht". The signature is stylized with a large, looped "G" and a sharp, angular "K".

Gary Knecht  
President

cc: Jack London District Association



## Response to Letter H

*South of the Nimitz Improvement Council; Gary Knecht, President; November 29, 2010*

**Response H1:** This comment request further details regarding the Project's proposed parking plans. As indicated in the Draft EIR (page 4.2-57), of the proposed 399 parking spaces provided in the Project, 380 spaces would be reserved for the residents of the development (one space per unit per Planning Code requirements) and 19 spaces would be available for the office and retail uses.

- As shown on Figure 3-8 of the Draft EIR, the basement level garage containing 168 spaces will be accessible from 6<sup>th</sup> Street only, and all 168 parking spaces would be provided within a mechanical parking system. No handicap accessible, compact, and standard parking spaces will be provided at the basement level.
- Three stories above the ground level (see Figures 3-9, 3-10 and 3-11), a garage containing 231 spaces will be accessible from 7<sup>th</sup> Street only. Of these spaces, 197 parking spaces would be provided within a mechanical parking system. The remaining 34 parking spaces will be self parked spaces, 11 spaces are standard, 15 are compact, and 8 are handicap accessible.

There will be no spaces designated for guests of residents. There will be 19 spaces available for both the office and retail uses. Vehicle access to the office/retail parking spaces would be from 7<sup>th</sup> Street.

Per City of Oakland Planning Section 17.116.060, each of the 380 residential units will have one parking space, dedicated to the unit and (as proposed) recorded in the Covenants, Conditions, and Restrictions (CC&R) for the Project. The Project sponsor proposes that individual owners can sell their unit and/or its associated parking space separately. Under this CC&R arrangement, a Condo Association would manage the operation and use of parking spaces, and any change in the use and configuration of the parking spaces would need to be approved by the Board of Directors of the Condominium Association and the City of Oakland. Under current code restrictions, the City would not permit parking spaces to be sold separately from their associated unit unless such an arrangement was provided for in a City-approved Transportation Demand Management (TDM) Plan.

**Response H-2:** This comment suggests that three additional intersections along 6<sup>th</sup> Street should be analyzed in the EIR.

Additional information regarding the three suggested additional intersections on 6<sup>th</sup> Street have been obtained to verify that the Project would not adversely affect traffic operations at these locations.

- The 6<sup>th</sup>/Webster Street intersection is an unsignalized "T" intersection where the one-lane Webster Street (heading to Jack London Square) meets 6<sup>th</sup> Street. 6<sup>th</sup> Street is a short, discontinuous street approximately six blocks long between Harrison Street and Martin Luther King Jr. Way. Because 6<sup>th</sup> Street is discontinuous and not a through street, traffic volumes on this street are relatively low. Traffic with destinations in the City of Alameda have already entered the Webster Tube before reaching the 6<sup>th</sup> Street intersection, so traffic volumes on this portion of Webster Street are also relatively low as well. A field investigation on April 5, 2011 found traffic volumes on the Webster Street approach to be 32 vehicles during the PM peak hour (16 left-turn vehicles and 16 through vehicles), and traffic volumes on the 6<sup>th</sup> Street approach (the minor street approach) to be 12 vehicles during PM peak hour. The Project would add traffic to both southbound Webster Street (40 vehicles

during the PM peak) and westbound 6<sup>th</sup> Street (28 vehicles during the PM peak). When Project-generated traffic is added to existing traffic at this intersection, existing-plus-Project traffic volumes would be approximately 72 vehicles at Webster Street approach and 40 vehicles at 6<sup>th</sup> Street approach during the most congested, PM peak hour. The minimum threshold for considering installation of a traffic signal is 100 vehicles per hour for the minor street approach. The intersection would not satisfy a Caltrans Peak Hour Volume Warrant and the additional Project-generated traffic would not adversely roadway capacity during either the AM or PM peak hours. Therefore, this intersection was not considered as critical to traffic system function and would not be adversely affected by the proposed Project.

- The 6<sup>th</sup>/Webster Place intersection is also an unsignalized “T” intersection where both streets have extremely low traffic volumes. Webster Place is a short section of roadway located beneath I-880, between 5<sup>th</sup> and 6<sup>th</sup> Streets, and this portion of 6<sup>th</sup> Street only serves four buildings between Webster Street and Harrison Street. A field investigation on April 5, 2011 found traffic volumes on the Webster Place approach to be 43 vehicles during the PM peak hour (4 left-turn vehicles and 39 right-turn vehicles), and traffic volumes on the 6<sup>th</sup> Street approach (the minor street approach) to be 12 vehicles during PM peak hour. The Project would add traffic to Webster Place (10 vehicles during the PM peak) and would add traffic to westbound 6<sup>th</sup> Street (28 vehicles during the PM peak). When Project-generated traffic is added to existing traffic at this intersection, existing-plus-Project traffic volumes would be approximately 53 vehicles at Webster Place approach and 50 vehicles at 6<sup>th</sup> Street approach during the most congested, PM peak hour. The minimum threshold for considering installation of a traffic signal is 100 vehicles per hour for the minor street approach. The intersection would not satisfy a Caltrans Peak Hour Volume Warrant and the additional Project-generated traffic would not adversely roadway capacity during either the AM or PM peak hours. Therefore, this intersection was not considered as critical to traffic system function and would not be adversely affected by the proposed Project.
- There is no intersection at 6<sup>th</sup>/Harrison Street. At this location along Harrison, 6<sup>th</sup> Street is disconnected by the Posey Tube. The connection from 6<sup>th</sup> Street to Harrison Street is a merge, not an intersection. A field investigation on April 5, 2011 found that traffic volumes on the 6<sup>th</sup> Street approach to the merge at Harrison Street to be 39 vehicles during the PM peak hour. The Project would add 22 vehicles to the 6<sup>th</sup> Street approach to the merge at Harrison Street, resulting in a total existing-plus-Project traffic volume of approximately 61 vehicles during the PM peak hour. The minimum threshold for considering installation of a traffic signal is 100 vehicles per hour for the minor street approach. Even if this merge were to be considered an intersection, it would not satisfy a Caltrans Peak Hour Volume Warrant. This merge lane would not be adversely affected by the proposed Project.

**Response H-3:** This comment suggests that five additional intersections along 4<sup>th</sup> Street should be analyzed in the EIR.

These suggested additional intersections were not analyzed in the Draft EIR because traffic flow at these intersections would not be adversely affected by the proposed Project. The Draft EIR analyzed levels of service for intersections during the morning and afternoon peak hours. Since the proposed Project is predominately a residential building, the great majority of trips generated by the Project during the AM and PM peak hours would be home-to-work and work-to-home trips made by the Project’s residents. Residents in the proposed Project could work at any place in the entire Bay Area, but the traffic model makes assumptions regarding workplace locations based on region-wide job centers. As shown in the following table, Jack London Square has approximately 1.4% of the jobs in Alameda County, and about 0.3% of all jobs in the entire Bay Area. The traffic analysis presented in the Draft EIR assumes that approximately 3% of the Project’s trips made during the AM and PM peak hours would originate from or

have destinations to Jack London Square. By applying this percentage to the total number of trips generated by the Project, the number of Project residents who would use 4<sup>th</sup> Street to access Jack London Square during the AM or PM peak hours would be quite small - less than 7 vehicles during the AM and PM peak hours. A change of approximately 7 vehicles during the peak hour is generally representative of daily variations in traffic volumes during the peak hours along 4<sup>th</sup> Street, and is not a significant change in traffic volumes.

Area	Total Employment		
	2005	2030	Growth
Bay Area	3,763,406	5,404,214	1,640,808
Alameda County	746,681	1,088,297	341,616
Jack London Square	6,951	11,636	4,685
Percentage at Jack London Square			
Bay Area	0.2%	0.1%	0.3%
Alameda County	0.1%	1.1%	1.4%

Source: ACCMA

**Response H-4:** This comment suggests that Webster Place was overlooked in the analysis, and that Project-generated traffic will use Webster Place to access other locations.

Webster Place is an obscure street underneath the I-880 freeway. The only access to Webster Place is via 4<sup>th</sup> Street and Webster Street. The only reason that future Project residents would use 4<sup>th</sup> Street to access Webster Place as a route to or from the Project site would be trips that originate from or have a destination to Jack London Square. As explained in Responses to Comment H-3 above, the number of such trips would be very small and would not adversely affect traffic movement along this route. It is unlikely that trips originating in other parts of Oakland or from I-880 would use Webster Place to get to or from the Project site.

**Response H-5:** This comment suggests that Figure 4.2-5 of the Draft EIR (“Exiting plus Project Traffic”) incorrectly assumes that traffic heading east on 4<sup>th</sup> Street will turn left on Alice Street, and that traffic heading west will turn left on Broadway. The comment suggests that some traffic heading west on 4<sup>th</sup> Street will instead turn right on Broadway to access the Tube to Alameda, while other westbound traffic on 4<sup>th</sup> Street will turn right and head north on Broadway to a variety of destinations north of the freeway, and that few (if any) vehicles heading east on 4<sup>th</sup> Street will turn left on Alice Street (which merges with the 1-980 off-ramp at the very busy 5<sup>th</sup> Street/Jackson Street intersection) but instead nearly all vehicles heading east on 4<sup>th</sup> Street will instead turn left on Jackson Street or on Oak Street.

In response to this comment, the traffic patterns of Project-generated traffic, as shown on Figure 4.2-5 of the DEIR, has been revised to indicate that a certain amount of Project-generated traffic exiting from the Project would head east on 4<sup>th</sup> Street, would make a turn left on Jackson Street, and then turn right on 5<sup>th</sup> Street to get on I-880 southbound. As a result, traffic conditions for the 5<sup>th</sup>/Jackson Streets intersection were also revised as indicated below. Changes to Figure 4.2-5, Figure 4.2-6, Figure 4.2-7, Figure 4.2-8 and Figure 4.2-9 are also made to the EIR, as indicated in Chapter 4 of this Response to Comments document.

**TABLE 4.2-12: INTERSECTION LOS IMPACTS:  
EXISTING + PROJECT WEEKDAY AM AND PM PEAK HOUR**

Intersection	AM Peak Hour				PM Peak Hour			
	Existing		Existing + Project		Existing		Existing + Project	
	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
(#2): 5 <sup>th</sup> Street/Jackson Street	13.8	B	<del>44.2</del> <u>13.8</u>	B	13.3	B	13.7	B

**TABLE 4.2-13: INTERSECTION LOS IMPACTS:  
2015 BASELINE AND 2015 WITH PROJECT LOS - AM AND PM PEAK HOUR**

Intersection	AM Peak Hour				PM Peak Hour			
	2015 Baseline		2015 + Project		2015 Baseline		2015 + Project	
	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
(#2): 5 <sup>th</sup> Street/Jackson Street	15.2	B	<del>45.9</del> <u>15.3</u>	B	21.4	C	<del>25.3</del> <u>23.0</u>	B

**TABLE 4.2-14: INTERSECTION LOS IMPACTS:  
2030 BASELINE AND 2030 WITH PROJECT LOS - AM AND PM PEAK HOUR**

Intersection	AM Peak Hour				PM Peak Hour			
	2030 Baseline		2030 + Project		2030 Baseline		2030 + Project	
	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
(#2): 5 <sup>th</sup> Street/Jackson Street	45.8	D	<del>53.3</del> <u>47.0</u>	D	26.2	C	<del>32.4</del> <u>28.8</u>	C

As indicated in these revised tables, this change in the circulation patterns of Project-generated traffic does not result in a significant change in the levels of service at the 5<sup>th</sup> Street/Jackson Street intersection or elsewhere in the traffic study area.

**Response H-6:** This comment suggests that the intersection of 4<sup>th</sup> Street/Jackson Street could be significantly affected by Project traffic and therefore should be studied in depth. The comment includes personal observations that it can take a vehicle 180 seconds to drive from 4<sup>th</sup> Street/Jackson to the 1-880 on-ramp at 6<sup>th</sup> Street/Jackson, and that additional traffic generated by the proposed Project could have a significant adverse effect on the 4<sup>th</sup> Street/Jackson Street intersection as well as on the 5<sup>th</sup> Street/Jackson and 6<sup>th</sup> Street/Jackson intersections.

The intersection of 4<sup>th</sup> Street/Jackson was not selected for the traffic analysis because this intersection currently operates smoothly with minimal delays during AM and PM peak hours. This condition was confirmed by a field observation conducted on January 18, 2011. The field observation also showed that existing traffic volumes along 4<sup>th</sup> Street are very low during AM and PM peak hours. Project-generated traffic along 4<sup>th</sup> Street, between Webster and Jackson Streets, would amount to approximately 24 vehicles during AM peak hour and 28 vehicles during PM peak hour. This volume of additional Project-generated traffic would not have an adverse impact on roadway capacity along 4<sup>th</sup> Street during AM and PM peak hours. Therefore, 4<sup>th</sup> Street was not considered as critical to traffic system function, and intersections along 4<sup>th</sup> Street were not selected for analysis in the traffic study.

See responses below for additional information regarding the 5<sup>th</sup> Street/Jackson and 6<sup>th</sup> Street/Jackson intersections.

**Response H-7:** The comment suggests that new traffic counts should have been conducted, particularly for the intersection of 5<sup>th</sup> Street/Jackson Street, due to the additional new development that has occurred in the Jack London Square area since the time that the traffic counts were conducted.

Existing traffic counts were collected at 5<sup>th</sup> Street/Jackson Street (and the 13 other study intersections) on three separate days; April 19, 2006, July 11, 2006 and October 25, 2006. Because these traffic counts are more than three years old, updated traffic counts available from more recent City of Oakland EIRs were used for three intersections (5<sup>th</sup>/Oak Street, 6<sup>th</sup>/Oak Street and 6<sup>th</sup>/Jackson Street). For the remaining 10 intersections (where no more recent counts were available), sample traffic counts were collected on December 9, 2009 for the five of the 10 intersections to determine whether traffic volumes had changed significantly since 2006. These five intersections are located along major arterial roads and were selected in consultation with the City of Oakland staff. These sample traffic count updates were conducted at:

- Intersection #5: 7<sup>th</sup>//Harrison Street (am and pm peak hours),
- Intersection #7: 7<sup>th</sup>/Broadway (am peak hour);
- Intersection #10: 9<sup>th</sup>/Webster Street (pm peak hour);
- Intersection #12: 11<sup>th</sup>/Harrison Street (pm peak hour); and
- Intersection #13: 12<sup>th</sup>/Harrison Street (pm peak hour).

The results of these updated sample traffic counts showed that there was no significant change in traffic volumes at these five intersections between the time of the three original counts conducted in 2006 and the time of the sample counts conducted in 2009. Therefore, the original traffic counts were considered valid for use in the EIR analysis, and no other traffic counts were collected for the remaining intersections.

Specifically for the intersection of 5<sup>th</sup>/Jackson Street, the more recent Oak-to-Ninth Avenue Project EIR provided existing traffic conditions at that intersection. That EIR indicated that the 5<sup>th</sup>/Jackson Street intersection operates at LOS B during the AM and PM peak hours. That level of service, as reported in the Oak-to-Ninth Avenue Project EIR, is consistent with the LOS analysis in this EIR as well.

To clarify the timing of traffic counts performed for this EIR, the second full paragraph on page 4.2-13 of the Draft EIR has been modified as follows:

Existing intersection turning movement volumes for the 13 study intersections were originally collected on April 19, 2006, July 11, 2006, and October 25, 2006 during the AM (7:00 a.m. to 9:00 a.m.) and PM (4:00 p.m. to 6:00 p.m.) peak periods.

This Setting information is added to the EIR, as also indicated in Chapter 4 of this Response to Comments document.

**Response H-8:** This comment suggests that the assignment of Project-generated traffic is unrealistic, particularly at the 5<sup>th</sup>/Jackson Street intersection.

The assignment of Project-generated vehicle trips in the traffic model used for the analysis presented in the Draft EIR reflects the circulation patterns that would be dictated by the location of proposed vehicle access to and from the Project site. As such, a majority of Project-generated traffic would access the site via 7<sup>th</sup> Street. See also Response to Comment H-5 above.

**Response H-9:** The comment suggests that new traffic counts should have been conducted, particularly for the intersection of 6<sup>th</sup> Street/Jackson Street due to the additional new development that has occurred in the Jack London Square area since the time that the traffic counts were conducted. The comment also points out differences between traffic conditions projected in the Draft EIR as compared to traffic conditions projected in the City's recent Kaiser Center Project EIR, and expresses concern that the recommended mitigation measure at this location may be inadequate.

The traffic counts used in the Draft EIR for the 6<sup>th</sup>/Jackson Street intersection were obtained from the Kaiser Center Project EIR. The analysis results presented in the Draft EIR are different from the Kaiser Center Project EIR because the two analyses are based on different assumptions regarding intersection lane geometries. The Draft EIR analysis reflects the actual existing lane configuration, as verified by the City's traffic engineer.

Mitigation Measure Traf-8 would improve level of service conditions at the 6<sup>th</sup>//Jackson Street intersection by reducing delays on Jackson Street, and thus reducing overall delays at the intersection.

**Response H-10:** Please see responses to all comments provide, above.

**Response H-11:** The comment expresses concern that there may be more errors in the traffic study, and that the study may warrant more careful review. The responses provided to all comments above indicate that there were no substantive errors in the traffic analysis. The EIR preparers cannot respond to speculative concerns regarding the remainder of the traffic study.

## Letter I

### MEMORANDUM

TO: City of Oakland Planning Commissioners

FROM: Joann Pavlinec, Secretary – Landmarks Preservation Advisory Board (LPAB)

SUBJECT: **LPAB Comments on Draft EIR – 325 7<sup>th</sup> Street Project**

DATE: November 19, 2010

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The Landmarks Preservation Advisory Board (LPAB) reviewed and commented on the Draft Environmental Impact Report (DEIR) for the 325 7<sup>th</sup> Street Project at their November 8, 2010 meeting.

The Chair summarized the direction of the Board discussion and comments as follows:

Inadequacies in the DEIR include the following:

- a. Level of detail of analysis on potential impacts to archeological and historic resources and appropriate mitigations for those impacts:
  - i. Analysis should look at this location in the center of the Chinatown area where smaller projects in the vicinity have turned up artifacts. Due to the presence of historic buildings and the land use history, the site is likely to contain intact archeological remains that are legally significant. Typical suggestions for mitigations are monitoring and/or training of construction managers. I-1
  - ii. Analysis of the impact of the proposed demolition on the Area of Primary Importance (API) district: Analysis should include discussion of the current API district boundary and inclusion of the contributors and potential contributors remaining along Harrison Street to determine if the proposed demolition would reduce the integrity of this area of the API to the extent that this area of the API district no longer conveys the district's significance. I-2
  - iii. Analysis of the impact of the new project on the Area of Primary Importance (API) district: Analysis in general should be discussed. Specifically the scale, massing, setting and compatibility of the new proposed design with the API district character should be analyzed to determine if the impacts of the new construction would reduce the integrity of the API to the extent that this area of the API district no longer conveys the district's significance. I-3
  - iv. Analysis of the impacts to the historic park, across Harrison Street, including but not limited to shadow impacts: Analysis should look at the project request for a variance to reduce project required open space, to determine the impact of the additional residents use of the park in conjunction with the park's current heavy use by local residents and maintenance of the historic park with this increased use. I-4  
I-5

- b. Visual depictions of the proposed project in context of its location, which includes the adjacent residential buildings, the freeway and the neighborhood: Renderings should depict how the project fits into the neighborhood and environment, including the historic API district. I-6
- c. Photographs of the 617-621 Harrison Street residential structure, proposed for demolition. I-7
- d. Financial contribution to the façade grant program or to the relocation assistance program in an amount to be determined: Separate the interpretive program cost from the financial contribution. The amount of the financial contribution should not be less than the cost to relocate the building. I-8

The DEIR is incorrect in its labeling of figures, specifically Figure 3-6. I-9



## Response to Letter I

*Memorandum, LPAB Comments on the Draft EIR – 325 7<sup>th</sup> Street Project, Joann Pavlinec, Secretary; November 19, 2010*

**Response I-1:** This comment suggests that, due to the presence of historic buildings and the land use history, the Project site is likely to contain significant archaeological remains. It also suggests that appropriate mitigation measures should include monitoring and/or training of construction managers. Please refer to Response to Comment G-1.

**Response I-2:** This comment requests additional analysis to determine whether the proposed demolition of the property at 617-621 Harrison Street would reduce the integrity of the Area of Primary Importance (API), such that the API no longer conveys the district's significance.

As indicated in the Draft EIR, a portion of the Project site (the property at 617-621 Harrison Street) is located within the 7<sup>th</sup> Street/ Harrison Square Residential Historic District. This district is designated in the OCHS as an API and appears eligible for listing on the National Register of Historic Places as a surviving area of middle and lower-middle class housing constructed largely between 1889 and 1910. According to the OCHS, "Two-thirds of the district's features [or 80 separate properties] are contributors, and more could contribute if restored. Except for intrusions, the district is unified in scale, apparent density, use and relationship of buildings to lots. However, the district is far from intact. Half a dozen industrial buildings intrude on the residential picture, four of them on 7<sup>th</sup> Street, three massive. There are also a dozen modern apartment buildings ranging in size from a modest duplex to a vastly over-scale 7-story, 48-unit structure. Although not compatible in design, their residential use does harmonize with that of the older houses. The district is bounded on the west and northwest by the Chinatown commercial district and on the other three sides by new construction; BART and ABAG buildings to the north, Laney Community College buildings and parking lot to the east, and to the south freeway and related uses (gas station, small parking lots, small industrial buildings and a motel)."

According to the U.S. Department of the Interior, National Park Service, National Register Bulletin 15;<sup>9</sup>

*"To be listed in the National Register of Historic Places, a property must not only be shown to be significant under the National Register criteria, but it also must have integrity. The evaluation of integrity is sometimes a subjective judgment, but it must always be grounded in an understanding of a property's physical features and how they relate to its significance. Historic properties either retain integrity (this is, convey their significance) or they do not. Within the concept of integrity, the National Register criteria recognize seven aspects or qualities that, in various combinations, define integrity. To retain historic integrity a property will always possess several, and usually most, of the aspects. The retention of specific aspects of integrity is paramount for a property to convey its significance. The seven aspects or qualities that define historic integrity include: 1) location, 2) design, 3) setting, 4) materials, 5) workmanship, 6) feeling, and 7) association.*

*For a district to retain integrity as a whole, the majority of the components that make up the district's historic character must possess integrity, even if they are individually undistinguished.*

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<sup>9</sup> U.S. Department of the Interior, National Park Service, National Register Bulletin 15 – "How To Evaluate The Integrity Of A Property", [http://www.nps.gov/history/nr/publications/bulletins/nrb15/nrb15\\_8.htm](http://www.nps.gov/history/nr/publications/bulletins/nrb15/nrb15_8.htm)

*In addition, the relationships among the district's components must be substantially unchanged since the period of significance. When evaluating the impact of intrusions upon the district's integrity, take into consideration the relative number, size, scale, design, and location of the components that do not contribute to the significance. A district is not eligible if it contains so many alterations or new intrusions that it no longer conveys the sense of a historic environment."*

The following additional discussion is provided here (and added to the EIR as indicated in Chapter 4 of this Response to Comment document) to clarify and further substantiate the conclusion presented in the Draft EIR that the proposed Project, including the demolition (or relocation) of the property at 617-621 Harrison Street and the construction of the new proposed building, would not significantly reduce the integrity of the Area of Primary Importance (API) and that the API would continue to convey the district's significance:

- Location - The location of the API would not be substantially affected by the proposed Project. The Project is located at the very northwesterly edge of the API, and it is possible that the northwesterly boundary of the API might change to reflect the loss of this one contributing property. However, as shown on Figure 4.7-1 of the Draft EIR, the API currently contains many properties that are not contributors to the API, but that are within its boundaries. With the possible exception of the one lot at 617-621 Harrison, the area and boundaries of the majority of the API would remain the same.
- Design - The proposed design of the Project would be substantially different, visually and architecturally, from the majority of the remainder of the API. Its modern architectural style and massive height and bulk would sharply contrast with the predominantly Victorian style of the houses which comprise the API, which feature wood cladding, Queen Anne ornamentation, and shingled, pitched roofs. However, internal to the API, the vast majority of the other existing contributing resources (79 other properties) would retain their design and would not be impacted by the Project.
- Setting & Feeling - The proposed Project would substantially alter the setting of the northwesterly boundary of the API and visually overwhelm the shorter, modest structures that comprise the majority of the API. The contrast in the setting of the API caused by the proposed Project would be even greater than the contrasts presented by other existing buildings and development along the edges of the API, including the BART and ABAG buildings to the north, the Laney Community College buildings and parking lot to the east, and the freeway to the south. The proposed Project is much taller and more massive than these other existing buildings and developments, and would tower above the API. However, for the majority of the API, along 7<sup>th</sup> Street from Harrison Street to Fallon Street, the historic setting and feeling of the API would remain the same.
- Materials, Workmanship & Construction Methods - As discussed under issues of design, the materials, workmanship and construction methods of the Project would be substantially different from the majority of the remainder of the API. Its modern architectural materials would sharply contrast with the wood cladding, ornamentation and shingled roof predominant throughout the API. However, internal to the API the vast majority of the other existing contributing resources (79 other properties) would retain their materials and workmanship and would not be impacted by the Project.
- Association - The API is eligible for listing on the National Register of Historic Places as a good example of "a surviving area of middle and lower-middle class housing constructed largely between 1889 and 1910." The API's association as an early middle-class residential neighborhood in Downtown Oakland will not be affected by the proposed Project.

In summary, demolition (or relocation) of the one property at 617-621 Harrison Street would result in the loss of 1 of the 80 separate contributors to the API. The remaining 79 structures that contribute to the

API's character (far more than the majority) would remain and would retain their current historic integrity. The relationships among the remaining 79 contributors to the API would also remain substantially unchanged, such that the integrity of the district as a whole would be retained.

When considering whether the proposed new structure would significantly intrude upon the District's integrity, NPS guidelines recommend considering the relative number, size, scale, design, and location of those components that cumulatively do not contribute to (or detract from) the significance of the District. The District would become ineligible for listing on the National Register of Historic Places if it contained so many alterations or new intrusions that it no longer conveyed the sense of a historic environment.

As indicated in the OCHS, even before consideration of the proposed Project, the district is "far from intact". Half a dozen existing industrial buildings intrude on the residential picture, a dozen existing modern apartment buildings are not compatible in design, and the District is bounded by development that is not consistent with the district's character and setting (i.e., the Chinatown commercial district, the BART and ABAG buildings, Laney Community College buildings and parking lot, and the I-880 freeway and related uses). The proposed Project would add one more intrusion into the setting and feeling of the district. However, the proposed Project (like most of the other existing alterations and intrusions which surround the District) is located on the outer edge of the District. Like the other buildings and developments along the District's edge, the Project's visual intrusion onto and above the District would not substantially change the historic relationships among the District's remaining internal components and the majority of those components that make up the District's historic character would continue to possess integrity as a whole.

**Response I-3:** This comment requests additional analysis to determine whether construction of the proposed Project would reduce the integrity of the API such that this portion of the API no longer conveys the district's significance.

As shown on **Figure 4.7-4**, the Project site consists of several adjacent parcels, with one of the easterly parcels (617-621 Harrison Street) being located within the 7<sup>th</sup> Street/Harrison Square Residential Historic District. With development of the Project, the existing building at 617-621 Harrison Street would be demolished and replaced with a portion of the new Project. The existing building is a contributor to the 7<sup>th</sup> Street/Harrison Square Residential Historic District API, whereas the new Project would not contribute to the integrity of the API. Thus, it is possible that the boundary of the API might change to reflect the loss of this contributing property. However, as shown on Figure 4.7-1 of the Draft EIR, the API currently contains many properties that are not contributors to the API but that are within its boundaries.

The boundaries in this portion of the API extend across Harrison Street to encompass three contributing buildings, including the building at 617-621 Harrison. These buildings face onto the westerly side of Harrison Square Park (Chinese Garden Park), and are mirrored by similar buildings on Alice Street which face onto the easterly side of Harrison Square Park. Even with the loss of one the three buildings along Harrison Street, the association of the two remaining buildings to the historic park, and the similarity of this association with the mirrored homes on Alice Street, would likely justify retention of this westerly extension of the API.

**Response I-4:** The Aesthetics chapter of the Draft EIR contains an extensive analysis of the shadow impacts of the Project on Harrison Square Park. As shown in Figure 4.1-8 of the Draft EIR, development of the Project site as proposed would generate new shadows that would fall on portions of this park in the late afternoons during the weeks around June 23<sup>rd</sup> each year. The shadows that would be cast by the Project onto Harrison Square Park (Chinese Garden Park) would not materially impair the resource's historic significance, since it would not materially alter any physical characteristics of the resource that convey its historical significance. The Chinese Garden Park is regarded as historically significant because

it remains in its original location and has retained nearly its original size since it was formally designated as a park shortly after the City of Oakland was founded. There are no other physical features or characteristics in the park that convey its historic significance that would be materially affected by shadows cast by the Project.

**Response I-5:** Please refer to Draft EIR text revisions regarding open space on pages 4-1 through 4-2, and Response to Comment G-3 in this Response to Comment document.

**Response I-6:** In response to this comment and several similar comments by public speakers, additional images have been prepared to better show the proposed Project in context with its surroundings, including the surrounding 7<sup>th</sup> Street / Harrison Square Residential Historic District (see revised Figures 3-5 through 3-7 in Chapter 4 of this document).

**Response I-7:** A photograph of the building at 617-621 Harrison (the building proposed for demolition) has been added to the Setting section of Chapter 4.7 of the EIR, as indicated in Chapter 4 of this Response to Comments document (see **Figure 4.7-2**) to more thoroughly document this structure. The building suffers from lack of maintenance, and has several broken and boarded-over windows and missing stairs since the time this photograph was taken.

**Response I-8:** This comment suggests separating the costs for preparation of a Historic Interpretive and Improvement Program as required under Mitigation Measure Hist-2b (a), from the financial contributions to an historic resource-related program such as the Façade Improvement Program or the Property Relocation Assistance Program as required under Mitigation Measure Hist-2b (b). It also suggests that the amount of financial contribution to the Façade Improvement Program or the Property Relocation Assistance Program should not be less than the costs to relocate the building at 617-621 Harrison Street.

The obligation for the Project to fund a Historic Interpretive and Improvement Program and to make a financial contribution to the Façade Improvement Program or the Property Relocation Assistance Program is established under Mitigation Measure Hist-2b, conservatively assuming that relocation of the building ultimately proves infeasible. As written in the Draft EIR mitigation measure, funding of the Historic Interpretive and Improvement Program is a separate financial contribution, in addition to the financial contribution to the City's Façade Improvement Program or the Property Relocation Assistance Program.

Please see Response to Comment G-5 regarding the status of the Project applicant's efforts to relocate the building at 617-621 Harrison Street, and the reasons why relocation may ultimately prove to be infeasible.

The specific amount of the financial contribution required under MM Hist-2b is a policy matter for the City, and at this time possible calculations are still being considered by the LPAB. As a general guide under CEQA, Section 15370 of the CEQA Guidelines defines mitigation to include "compensation for the impact by replacing or providing substitute resources or environments." Under Section 15041 of the CEQA Guidelines, the City of Oakland (as lead agency) has the authority to require such mitigation provided that such mitigation is "consistent with applicable constitutional requirements such as the 'nexus' and 'rough proportionality' standards established by case law."

**Response I-9:** Comment noted. Figure 3-6 should correctly be labeled "3D Visual Simulation, 6<sup>th</sup> 7<sup>th</sup> and Harrison Street View". This correction is made to the EIR, as also indicated in Chapter 4 of this Response to Comments document.

## Klein, Heather

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From: Thomas Price [TPrice@dtsc.ca.gov]  
Sent: Wednesday, November 17, 2010 3:11 PM  
To: Klein, Heather  
Subject: RE: 325 7th Street Project, Oakland

I intended it to be a comment on the draft EIR. Thanks

>>> "Klein, Heather" <HKlein@oaklandnet.com> 11/17/2010 2:42 PM >>>

Thomas,

Thank you for the e-mail. The public comment period for this project runs through December 1, 2010. Did you intend for this e-mail to be considered a comment on the Draft EIR or are you asking for a clarification on the source for inclusion in the comment letter?

Heather A. Klein, CGPB, LEED AP  
250 Frank H. Ogawa Plaza, Suite 3315  
Oakland, CA 946110

Phone: (510)238-3659

Fax: (510)238-6538

-----Original Message-----

From: Thomas Price [mailto:TPrice@dtsc.ca.gov]  
Sent: Wednesday, November 17, 2010 2:38 PM  
To: Klein, Heather  
Subject: 325 7th Street Project, Oakland

Dear Ms. Klein,

Regarding the draft Environmental Impact Report for the site, the Department of Toxic Substances Control (DTSC) has noted:

Top of page 4.5-3, lists target groundwater concentrations in units of grams per liter (g/L)- it should be micrograms per liter (ug/L).

On page 4.5-3 the second bullet lists the target cleanup level for diesel at 640 ug/L - What is the source of this target level? It is not consistent with table 4 of the environmental investigation report included in Appendix J.

Thank you,

Tom Price - Project Manager  
Brownfields and Environmental Restoration Program Dep't Toxic Substances Control 700 Heinz Avenue Berkeley, CA 94710  
phone: (510) 540-3811  
fax: (510) 540-3819  
email: tprice@dtsc.ca.gov

**Response to Letter J**

*DTSC, e-mail correspondence re: 325 7<sup>th</sup> Street Project, Tom Price, November 17, 2011*

**Response J-1:** This comment points out a typographical error regarding units of measurement. This information is corrected as presented below, and as also indicated in Changes to the Draft EIR, Chapter 4.

- Non-automotive type volatile organic compounds of Dichloroethene (1,1-DCE) and Trichloroethene (1,1,1-TCA) were detected in the groundwater samples from Boring B1 at concentrations of up to 91 and 100 µg/L, respectively. These concentrations exceed the Target Groundwater Concentrations for these compounds of 25 and 62 ~~µg/L -g/L~~, respectively. The likely sources of this contamination are the former junkyard at this location and/or the current Erik's Auto Tech shop.

**Response to J-2:** This comment questions the source and consistency of the reported cleanup level for diesel contamination. This information is corrected as presented below, and as also indicated in Changes to the Draft EIR, Chapter 4.

- Diesel and motor oil were detected directly adjacent to the intersection of Harrison and 7th Streets (Boring B3), at concentrations of up to 220 and 380 micrograms per liter (µg/L) respectively. These concentrations exceed the Environmental Screening Levels (ESLs) of 100 µg/L ~~are below the action level of 640 µg/L~~ for diesel and motor oil (total petroleum hydrocarbons, TPL-d and -mo) as used by the RWQCB. ESLs are considered to be conservative. Under most circumstances, the presence of a chemical in soil, soil gas or groundwater at concentrations below the corresponding ESL can be assumed to not pose a significant, long-term (chronic) threat to human health and the environment.

### **November 8, 2010 Landmarks Preservation Advisory Board Hearing**

*The purpose of the meeting was to receive public and LPAB comments on the adequacy of the information, issues and analysis of historic and cultural resources as contained in the Draft EIR. The following is a summary of public and LPAB members' comments, with responses.*

#### **LPAB Speaker 1: Naomi Schiff**

**Response to Speaker 1:** Ms. Schiff indicated that she was speaking on behalf of the Oakland Heritage Alliance (with written comments reflected in Letter G: Oakland Heritage Alliance; Dea Bacchetti, President; December 1, 2010), and as an individual. Comments made include concern that the building at 617-621 Harrison Street (the historic building proposed to be removed) had suffered from neglect and inadequate care; that documentation of the building at 617-621 Harrison Street should be more thorough and include pictures; and that she supports the idea of having the project applicant move the building. Speaking as an individual, Ms. Schiff commented that she did not understand the aesthetics of the architectural ornamentation at the top of the building.

Each of these comments is specifically responded to in Responses to Comment Letter G.

Comments regarding the aesthetics of the architectural ornamentation at the top of the building pertain to the City's Design Review process and the architectural merits of the Project, and do not address the adequacy or sufficiency of the Draft EIR. The Design Review findings will be considered by City decision makers prior to a decision on the Project.

#### **Board Members:**

**Naruta-1:** This comment questioned how the proposed demolition of the historic property at 617-621 Harrison Street related to the required findings under the City's June 2010 Planning Code amendments relating to demolition of historic structures. These amendments require that, for any project involving complete demolition of Heritage Properties or Potential Designated Historic Properties requiring discretionary City permits, the City will make a finding that: (1) the design quality of the proposed project is at least equal to that of the original structure and is compatible with the character of the neighborhood; or (2) the public benefits of the proposed project outweigh the benefit of retaining the original structure; or (3) the existing design is undistinguished and does not warrant retention and the proposed design is compatible with the character of the neighborhood. City Planner Heather Klein replied that the Project had a complete application filed with the City prior to the effective date of the City Planning Code amendments regarding findings for historic structure demolition, and that, per Section 5 of the demolition ordinance, the Project was 'grandfathered' under the prior code requirements.

**Naruta-2:** This comment questioned why the EIR had not analyzed in greater detail the potential for buried archaeological resources, especially considering that the Project site is located within the heart of long-standing Oakland Chinatown. Please see response to Comment G-1

**Muller-3:** This comment suggested that images showing the Project in context with its surroundings, especially showing the massing of the Project in comparison to the historic character of the Area of Primary Importance, should have been provided. Comment noted - Additional images have been prepared to better show the proposed Project in context with its surroundings. Please refer to Chapter 4, revisions to the Draft EIR

**Muller-4:** This comment raised concern that demolition of the building at 617-621 Harrison Street would jeopardize the viability of the historic district's boundaries (and those remaining properties) to the north side of Harrison Street. Please see response to Comment I-2 and I-3.

**Naruta-5:** This comment questioned whether the Project, as a massive non-contributing building would cut off the remaining contributors of the API such that their contribution to the District would be too weak to remain viable components. Please see response to Comment I-3.

**Naruta-6:** This comment questioned whether the Oakland Cultural Heritage Survey information from 1985 was still adequate to document the historic building at 617-621 Harrison Street, or whether re-survey of this building was necessary. Historic Preservation Planner, Betty Marvin, responded that the 1985 survey generally described the 7<sup>th</sup> Street/Harrison Square residential historic district and the identified property on Harrison Street adequately under current conditions. See Response to Comment G-4 regarding supplemental information on the property at 617-621 Harrison Street.

**Garry-7:** This comment expressed concern regarding the incompatibility of the Project's height with the much shorter, generally 2-story Queen Anne structures within the API. Please see response to Comment I-2 for a discussion as to whether the proposed Project would reduce the integrity of the Area of Primary Importance (API), such that the API no longer conveys the district's significance. Comments regarding the architectural merits of the Project and the aesthetic compatibility of the Project with its surroundings pertain to the City's Design Review process, and do not address the adequacy or sufficiency of the Draft EIR. The Design Review findings will be considered by City decision makers prior to a decision on the Project.

**Garry-8:** This comment expressed concerns regarding the effects of shadows, wind and impacts of the Project on the adjacent park. Please see Response to Comment I-4 regarding shadow impacts on the adjacent park. The Draft EIR includes a detailed analysis of potential wind effects of the Project and concludes that no wind impacts would occur. See also response to Comment G-3 regarding the Project's impacts on the adjacent park due to increased use.

**Garry-9:** This comment questions how a 4-story parking garage podium would enhance pedestrian circulation near the building. The design elements of the Project include retail space along the street level of the 7<sup>th</sup> Street frontage, also wrapping around the corner at 7<sup>th</sup> and Harrison. Office space is also provided along the street frontage on Harrison Street and on 6<sup>th</sup> Street. The parking spaces are located within the next three levels of the podium structure.

**Garry-10:** Expressed the opinion that the Reduced Density Alternative provided the best mitigation for the project as it saves the historic building and is more compatible in height with the surrounding API. The recommendations of the LPAB regarding these mitigation measures will be presented to the Planning Commission prior to consideration of EIR certification and consideration of Project approvals.

**Muller-11:** Noted that Figure 3-6 was incorrectly labeled and should show the adjacent structures to remain. Comment noted. The title of this Figure should correctly be labeled "3D Visual Simulation, 6<sup>th</sup> 7<sup>th</sup> and Harrison Street View". This correction is made to the EIR, as also indicated in Chapter 4 of this Response to Comments document. Additionally, images showing the Project in better context with its surroundings have been added to the EIR.

**Biggs-12:** Questioned whether the Reduced Density Alternative made financial sense to the applicant, and also questioned if there was an established methodology for calculating the amount of the financial contribution that the Project sponsor would be required to pay toward the historic resource-related



programs such as the Façade Improvement Program or the Property Relocation Assistance Program as required under Mitigation Measure Hist-2b (b).

Comments regarding the financial preferences of the Project applicant do not address the adequacy or sufficiency of the Draft EIR, and thus no response is provided here. The specific amount of the financial contribution required under MM Hist-2b is a policy matter for the City and at this time possible calculations are still being considered by the LPAB. As a general guide under CEQA, Section 15370 of the CEQA Guidelines defines mitigation to include “compensation for the impact by replacing or providing substitute resources or environments.” Under Section 15041 of the CEQA Guidelines, the City of Oakland (as lead agency) has the authority to require such mitigation provided that such mitigation is “consistent with applicable constitutional requirements such as the ‘nexus’ and ‘rough proportionality’ standards established by case law.”

**Muller-13:** Comment suggests that mitigation measures for the loss of the building at 617-621 Harrison and replacement of this structure with the Project should take into account the potential loss of the other two remaining structures (those two properties on the north side of Harrison Street, which would remain) from the historic district. The viability of retaining these two properties within the historic district may be jeopardized by the Project, as well as by the volume of traffic on Harrison Street. Please see Response to Comment I-3.

**Naruta-14:** Expressed concern regarding shadow impacts to the historic public park, indicating that the park is already heavily used by senior and children and that the shadows might make the park too cold for continued use. This comment also suggested that, because of the already high demands for recreational use, this park cannot bear additional demands represented by the Project’s need for an open space variance.

Please see Response to Comment I-4 regarding shadow impacts on the adjacent park. Please see Response to Comment G-3 regarding the Project’s provision of open space, which meet City Planning Code requirements and do not require a variance.

**Naruta-15:** This comment suggested that the project sponsor should pay to relocate the building, and that research regarding the City’s history of establishing an appropriate cost for such relocation of historic buildings should be conducted. Please see response to Comment G-5 regarding the Project applicant’s efforts to date regarding relocation of the building at 617-621 Harrison Street. Please see response to Comment Biggs-12 (above) regarding the specific amount of financial contribution required under MM Hist-2b (required contribution toward the Historic Building Relocation Program and/or City’s Historic Façade Improvement Program).

**Prevost-16:** Disagreed with the comment that the Reduced Density Alternative would provide the best mitigation for incompatible design with the adjacent historic district, suggesting that there are examples (i.e., in Chicago) where old and new, and short and tall buildings can work well together. However, the comment also indicated that better images of the project in context with the surrounding historic structures would be needed before it would be possible to determine whether the Project had been designed well. Comment noted. Additional images have been prepared to better show the proposed Project in context with its surroundings (see revised **Figures 3-5 through 3-7** in Chapter 4 of this document).

**Prevost-17:** This comment suggested that in the case of this project, a financial contribution to the Façade Improvement Program would be more valuable than paying to relocate the building at 617-621 Harrison Street, given that it may not be feasible to relocate this building given its current condition. Comment noted. Please see Response to Comment G-5 regarding the status of relocation efforts for this building.

The specific amount of the financial contribution required under MM Hist-2b, and the use of those funds by the City is a policy matter for the City, and at this time possible calculations are still being considered by the LPAB.

**Naruta-18:** Questioned why photo-documentation of the building at 617-621 Harrison Street pursuant to Historic American Building Survey (HABS) methodologies was not recommended as mitigation for the removal of this structure. Staff's response to this question was that because this is a relatively small building and only considered historic as a contributor to the 7<sup>th</sup> Street District, it was likely that there would be no appropriate curator interested in retaining such documentation, and that the money would be better spent on façade improvements or relocation. Member Muller agreed with staff's response. Photo-documentation under HABS methodologies under is not a requirement under City policy.

## **December 1, 2010 Planning Commission Hearing**

*The purpose of the meeting was to receive public and Planning Commission comments on the adequacy of the information, issues and analysis contained in the Draft EIR. The following is a summary of public and Planning Commission comments, with responses.*

### **PC Speaker 1: Naomi Schiff**

**Response to Speaker 1:** Ms. Schiff indicated that her comments were reflected in the letter submitted on behalf of the Oakland Heritage Alliance (Letter G: Oakland Heritage Alliance; Dea Bacchetti, President; December 1, 2010). Oral comments presented at the hearing included the comment that cultural resource mitigation measures were not adequate; that archaeological resources at the site may be significant and warrant more scrutiny and better research and discovery protocols; that documentation of the building at 617-621 Harrison Street (to be removed) should be more thorough and include a picture; that illustrations should be provided showing the Project in context; and that she supports moving the building or having the Project applicant make a contribution to the Historic Façade Improvement Program.

Each of these comments is specifically responded to in Responses to Comment Letter G.

### **PC Speaker 2: Gary Knecht**

**Response to Speaker 2:** Mr. Knecht indicated that his comments were reflected in the letter submitted on behalf of the SoNIC (Letter H: South of the Nimitz Improvement Council; Gary Knecht, President; November 29, 2010). Oral comments presented at the hearing included the comment that the Project will impact traffic south of the Nimitz and that these impacts were not adequately addressed in the Draft EIR; that Webster Place was not mentioned in the Draft EIR but across the street from the Project site and will be impacted by Project traffic; and that the traffic counts prepared for the traffic study are out of date and should be updated.

Each of these comments is specifically responded to in Responses to Comment Letter H.

### **PC Speaker 3: Mark Alstadt**

**Response 3-1:** The speaker noted that he liked the Project, including the architectural ornamentation at the top of the building. Comment noted. This comment does not address the adequacy or sufficiency of the Draft EIR, so no response is provided. The Design Review findings for the Project will be considered by City decision makers prior to a decision on the Project.

**Response 3-2:** The speaker suggested that images showing the Project in context with its surroundings should have been provided, and that relatively simple computer models are available to prepare such images. Additional images have been prepared to better show the proposed Project in context with its surroundings (see revised **Figures 3-5 through 3-7** in Chapter 4 of this document).

### **PC Speaker 4: Steve Lowe**

**Response 4-1:** The commenter expressed his agreement with comments of previous speakers. Comment noted, please see responses to comments from previous speakers.

### PC Speaker 5: Michael Lok

**Response 5-1:** Speaker indicated his involvement with the Lake Merritt Specific Plan process, commented that there was a lot of planning occurring in the Project vicinity, and that plans for the Project should be coordinated with efforts underway for the Lake Merritt Specific Plan.

The Lake Merritt Station Area Specific Plan includes a Planning Area encompassing approximately ½ mile radius from the Lake Merritt BART Station, and a Focus Area more precisely defined by major transportation corridors. The Project site at 325 7<sup>th</sup> Street is located within both the Planning Area and the Focus Area of the Specific Plan. The planning process for the Lake Merritt Station Area Plan is underway. Current efforts include data gathering, preparing maps and conducting interviews with public agencies and community organizations. Final approvals of the Specific Plan and its associated EIR are not anticipated to occur until late 2011, after an anticipated decision on the proposed Project. However, key objectives of the Project which coincide with those of the Lake Merritt Station Area Specific Plan include:

- Increase use of non-automobile modes of transportation, including walking, bicycling, bus, BART, carpooling, ridesharing and other options; and reduce auto use.

As indicated in the Draft EIR, U.S. Census data for the year 200 indicates that non-automobile usage (transit, walking, and bicycling) for residents in the Oakland Chinatown area was approximately 59.5%. This relatively high percentage of non-auto travel is due to the extensive transit service that is available in the area (two BART Stations, one at 12<sup>th</sup> Street and one at Lake Merritt, and ten AC Transit bus lines), a significant number of employment opportunities in Oakland Chinatown and Downtown Oakland within a reasonable walking distance, and a high proportion of elderly residents in Oakland Chinatown. Although the Draft EIR used a more conservative non-auto modal split of 17%, it is likely that residents of the Project will take transit, walk and bicycle at ratios closer to that indicated in the U.S. Census data. To facilitate use of these non-auto modes of transportation, Conditions of Approval applicable to the Project include **SCA Traf-1: Parking and Transportation Demand Management**. This condition of approval requires the applicant to submit for review and approval by the Planning and Zoning Division a Transportation Demand Management (TDM) Plan containing strategies to reduce on-site parking demand and single occupancy vehicle travel. The applicant shall implement the approved TDM plan. The TDM shall include strategies to increase bicycle, pedestrian, transit, and carpools/vanpool use. All four modes of travel shall be considered.

- Increase the housing supply, especially affordable housing for low-income residents. Specifically increase the amount of housing around the BART station.

The Project is primarily a residential development project with 380 new market-rate housing units proposed. The City of Oakland does not have an inclusionary affordable housing program or policy requiring a fixed portion of residential dwelling units in new developments to be made affordable to low and moderate income households. Such a policy has been discussed in the past and may be considered by the City Council in the future, but is not applicable to the current Project.

The Project site is located within the Oakland Central District Redevelopment Project Area, established in 1969, prior to the State of California adopting affordable housing production requirements for redevelopment areas. According to California Redevelopment Law, Project Areas adopted before 1976 do not require that 15% of newly constructed or substantially

rehabilitated housing units within the Project Area by entities other than the Redevelopment Agency must be made affordable to low and moderate income households.

The Redevelopment Plan for the Central District is now set to expire in either 2012 or 2013, and a redevelopment extension is being contemplated for the Project Area for an additional 10 years. As indicated in the Lake Merritt Specific Plan's Affordable Housing Technical Memo, "These [affordable housing] requirements do not currently apply to the Central District, but would apply if the Redevelopment Plan is extended. Extension of the time limits for the Redevelopment Plan would cause the housing production requirement to apply to all units for which building permits are issued after the plan's extension. This would impose an inclusionary requirement on the Redevelopment Agency for the redevelopment project area as a whole, but not necessarily on individual housing developments [such as the Project]. As a result, construction of new market rate housing would trigger additional responsibility for the Agency to produce or assist in the production of affordable housing."

- Increase jobs and improve access to jobs along the transit corridor, and provide services and retail options in the station area.

The Project proposes a total of 9,110 square feet of commercial space at street level along the Harrison Street and the Harrison Street/7<sup>th</sup> Street corner (approximately 6,795 square feet of general retail space and approximately 2,315 square feet of office space). Using a ratio of approximately 750 square feet of space per worker,<sup>10</sup> it is estimated that the Project would employ only about 12 people on a permanent basis (not including construction workforce employees).

- Identify additional recreation and open space opportunities

Aside from the private on-site open space (courtyards and balconies) provided by the Project, it does not include any additional recreational or open space amenities available to the public.

- Provide an impetus for real development projects and specific public improvements. The plan should generate interest, enthusiasm and consensus about new development in the area and establish priorities for public improvement projects.

New development projects such as the proposed Project are identified as a key objective and outcome of the Specific Plan. Regarding public improvements, see Response 5-2 below.

**Response 5-2:** The comment indicated that pedestrian safety in and around the Project site is very important and needs to be studied, with pedestrian improvements made as necessary.

The Draft EIR includes a thorough analysis of pedestrian safety issues, beginning on page 4.2-33 of the Draft. As indicated in the Draft EIR, although the Project would increase both pedestrian activity and vehicular traffic in and around the Project area, the increase in vehicular traffic at the study intersections would not cause significant impacts on pedestrian movements, and additional pedestrian volumes generated by the proposed Project would continue to be accommodated by existing sidewalks and crosswalks. Although not necessary to address a significant CEQA impact, public improvements related to pedestrian movements and transit accessibility have been included as recommended conditions of

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<sup>10</sup> USDOE, Energy Information Administration, *Commercial Buildings Energy Consumption Survey*, 1995, which determined a combined average of approximately 766 square feet per worker for all commercial uses, nationwide.

approval. These conditions of approval will be considered by City decision makers prior to a decision on the Project. The following Conditions of Approval are recommended in the Draft EIR to improve pedestrian access and flow within the Project site and immediate vicinity:

**Recommended Project-specific Condition Traf-3: Pedestrian Enhancements:** The Project is anticipated to generate approximately 553 daily walking trips. It is likely that most of these walking trips would be toward the Lake Merritt or 12<sup>th</sup> Street BART, or toward Chinatown. In order to improve pedestrian flow, it is recommended that the following intersections be upgraded as follows:

- a. Audible signals should be installed at the intersection of 7<sup>th</sup> Street/Broadway, both westbound and eastbound.
- b. Pedestrian countdown signals should be installed at the intersection of 7<sup>th</sup> Street/Harrison Street.
- c. Enhancement of pedestrian crosswalks and installation of ADA compliant ramps with domes should be conducted at the intersections of 7<sup>th</sup> Street/Webster Street, 7<sup>th</sup> Street/Harrison Street, and 8<sup>th</sup> Street/Harrison Street.

## **Planning Commissioners**

### **Commissioner Zayas-Mart**

**Zayas-Mart-1:** The Commissioner agreed with the previous speaker that pedestrian safety in and around the Project site is very important and needs to be studied, with pedestrian improvements made as necessary.

As indicated in response to PC Speaker 5 above, the Draft EIR includes a thorough analysis of pedestrian safety issues, beginning on page 4.2-33 of the Draft. As indicated in the Draft EIR, although the Project would increase both pedestrian activity and vehicular traffic in and around the Project area, the increase in vehicular traffic at the study intersections would not cause significant impacts on pedestrian movements, and additional pedestrian volumes generated by the proposed Project would continue to be accommodated by existing sidewalks and crosswalks. Although not necessary to address a significant CEQA impact, the Draft EIR recommended Project-specific Conditions of Approval requiring the Project to improve pedestrian access and flow within the Project site and immediate vicinity including enhancements to pedestrian crosswalks and improved traffic signals with pedestrian-oriented features such as audible signals and pedestrian countdown signals, relocated bus stops and bulb-outs at intersections.

**Zayas-Mart-2:** The Commissioner agreed with the need for better images showing the Project in context with its surroundings, and that relatively simple computer models should be used to prepare such images. Additional images have been prepared to better show the proposed Project in context with its surroundings (see revised Figures 3-5 through 3-7 in Chapter 4 of this document).

### **Commissioner Huntsman**

**Huntsman-1:** The Commissioner's only comment at this point was to indicate that he liked the Project was in favor of economic development as represented by the Project. This comment pertains to the specific merits of the Project and does not address the adequacy or sufficiency of the Draft EIR. No response is indicated.

### Commissioner Galvez

**Galvez-1:** The Commissioner had no comments on the Draft EIR.

### Commissioner Gibbs

**Gibbs-1:** The Commissioner indicated that more information regarding the proposed demolition of the building at 617-621 Harrison Street was needed, including resolution of what would happen to that building if the Project were to be approved.

Please see Response to Comment G-5 regarding the status of the Project applicant's efforts to relocate the building at 617-621 Harrison Street, and the reasons why relocation may ultimately prove to be infeasible. If relocation or Project re-design efforts are unsuccessful or not feasible, demolition of the building at 617-621 Harrison Street is conservatively assumed. The Project's proposed design is dependent upon use of the property at 617-621 Harrison Street, and there are no feasible mitigation measures (beyond relocation as described above) to fully avoid the loss of this resource under the Project as proposed. Mitigation measures are recommended to reduce and/or compensate for the loss of this structure, including preparation and implementation of a Deconstruction and Salvage Plan (MM Hist-2a); and making a monetary contribution to the City which shall exclusively be used for (a) development of an Historic Interpretive and Improvement Program, and (b) an historic resource related program such as the Façade Improvement Program or the Property Relocation Assistance Program (MM Hist-2b).

The Draft EIR also identifies several alternatives to the Project that are capable of avoiding impacts to this historic resource. The Reduced Density Alternative, the Reduced Site Alternative and the Point Tower planning alternative are all able to avoid the need for demolition of the building at 617-621 Harrison Street, but each of these alternatives would require substantial re-design of the Project as proposed.

**Gibbs-2:** The Commissioner agreed with the need for better images showing the Project in context with its surroundings, and that relatively simple computer models should be used to prepare such images. Additional images have been prepared to better show the proposed Project in context with its surroundings (see revised Figures 3-4 through 3-7 in Chapter 4 of this document).

**Gibbs-3:** The Commissioner commented that the traffic study prepared for the EIR should be updated as necessary to ensure that traffic impacts are accurately and fully accounted for and mitigated to the extent possible.

As indicated in responses to Comment Letters B (Caltrans), Comment Letter E (City of Alameda), Comment Letter F (AC Transit) and Comment Letter H (South of the Nimitz Improvement Council), minor updates to the traffic study have been made, but such updates have not resulted in the identification of any additional traffic impacts not previously disclosed in the Draft EIR or the need for further mitigation measures beyond those as recommended in the Draft EIR.

### Commissioner Truong

**Truong-1:** The Commissioner agreed with the need for better images showing the Project in context with its surroundings, and that relatively simple computer models should be used to prepare such images. Additional images have been prepared to better show the proposed Project in context with its surroundings (see Figures 3-5 through 3-7 in Chapter 4 of this document).

**Truong-2:** The Commissioner questioned whether the Project included, or should include the provision of a footbridge over Harrison Street to enable pedestrians to better access Chinese Garden/Harrison Square Park. The Project as proposed does not include a pedestrian footbridge over Harrison Street.

As indicated in the Draft EIR, although the Project would increase both pedestrian activity and vehicular traffic in and around the Project area, the increase in vehicular traffic at the study intersections would not cause significant impacts on pedestrian movements, and additional pedestrian volumes generated by the proposed Project would continue to be accommodated by existing sidewalks and crosswalks. Although not necessary to address a significant CEQA impact, the Draft EIR recommended Project-specific Conditions of Approval requiring the Project to improve pedestrian access and flow within the Project site and immediate vicinity including enhancements to pedestrian crosswalks and improved traffic signals with pedestrian-oriented features (audible signals and pedestrian countdown signals). A footbridge was not included as either a mitigation measure or as a condition of Project approval in the EIR.

#### Chair Boxer

**Boxer-1:** The Chair thanked the public speakers and fellow Commissioners for their comments and directed staff to prepare the Final EIR with responses to all comments. This comment does not address the adequacy or sufficiency of the Draft EIR, and no response other than those responses provided above is indicated.



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