FRUITVALE TRANSIT VILLAGE PHASE 2

Responses to Comments and Final Environmental Impact Report SCH No. 2008122089

Prepared for
City of Oakland,
California

April 2010

ESA

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CHAPTER 1
Introduction

1.1 CEQA Process

An Environmental Impact Report (EIR) is an informational document prepared by a Lead Agency (in this case, the City of Oakland) that contains environmental analysis for public review and for agency decision-makers to use in their consideration of development proposals. On January 14, 2010, the City of Oakland (Lead Agency) released for public review a Draft EIR (or DEIR) for the Fruitvale Transit Village Phase 2 Project (ER08-0005/PUD 08-186). The 45-day public review and comment period on the DEIR began on January 14, 2010, and the City of Oakland Planning Commission held a public hearing on the DEIR February 3, 2010. The public review and comment period ended at 4:00 p.m. Monday, March 1, 2010.

This Responses to Comments document, together the DEIR and its Appendices constitute the Final EIR (or FEIR) for the project. Due to its length, the text of the DEIR is not included with this Response to Comments document; however, it is included by reference as part of the Final EIR.

The Oakland City Planning Commission will consider the Final EIR before approving or denying the proposed project. Before the Lead Agency may approve the project, it must certify that the Final EIR adequately discloses the environmental effects of the proposed project, that the Final EIR has been completed in conformance with the California Environmental Quality Act (CEQA), and that the decision-making body of the Lead Agency independently reviewed and considered the information contained in the Final EIR. Certification of the Final EIR would indicate the City's determination that the Final EIR adequately evaluates the environmental impacts that could be associated with the proposed project.

The City of Oakland has prepared this document pursuant to CEQA Guidelines Section 15132 which specifies the following (and which applies to Draft and Final EIRs):

> "The Final EIR shall consist of:
>
> (a) The DEIR or a revision of that draft.
>
> (b) Comments and recommendations received on the DEIR either verbatim or in a summary.
>
> (c) A list of persons, organizations, and public agencies commenting on the DEIR.

(d) The response of the Lead Agency to significant environmental points raised in review and consultation process.

(e) Any other information added by the Lead Agency."

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

1.2 New Information in the Final EIR

If *significant new information* is added to an EIR after notice of public review has been given, but before final certification of the EIR, the lead agency must issue a new notice and re-circulate the EIR for further comments and consultation. (*Laurel Heights Improvement Association v. Regents of the University of California,* 6 Cal 4th 112, (1993)) None of the corrections or clarifications to the DEIR identified in this document constitutes *significant new information* pursuant to Section 15088.5 of the CEQA Guidelines. As a result, a Recirculation of the DEIR is not required.

Specifically, the new information, corrections or clarifications presented in this document do not disclose that:

- A new significant environmental impact would result from the project or from a new mitigation measure (or standard condition) proposed to be implemented;
- A substantial increase in the severity of an environmental impact would result unless mitigation measures (or standard conditions) are adopted that reduce the impact to a level of insignificance;
- A feasible project alternative or mitigation measure (or standard condition) considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it; or
- The DEIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (CEQA Guidelines Section 15088.5).

Information presented in the DEIR and this document support the City's determination that Recirculation of the DEIR is not required.

1.3 Organization of this Final EIR

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

- Chapter 2, *Project Summary,* summarizes the proposed project as presented in the DEIR as the Project Applicant has not made any changes to the project since publication of the DEIR.

- Chapter 3, *DEIR Changes and Supplemental Information*, contains text changes and corrections to the DEIR initiated by the Lead Agency or resulting from comments received on the DEIR. This chapter also presents supplemental information and analysis that has been developed since publication of the DEIR.

- Chapter 4, *Commenters on the DEIR*, lists 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 Planning Commission Public Hearing on the DEIR.

- Chapter 5, *Master Responses to Recurring Comments*, presents single, comprehensive responses to a number of topics that were raised numerous times by several commenters.

- Chapter 6, *Responses to Written Comments Received on the DEIR*, contains each of the comment letters received on the DEIR and presents individual responses to the specific comments raised in each letter.

- Chapter 7, *Responses to Comments Received at the Planning Commission Hearing on the DEIR*, includes transcripts of the Public Hearing on the DEIR and presents responses to the specific comments received.

CHAPTER 2
Project Summary

The Unity Council[1] (Project Applicant), a non-profit community development corporation, proposes to complete Phase 2 (proposed project) of its integrated transit-oriented village, Fruitvale Transit Village, envisioned as a mixed-use development with commercial, retail, institutional, and residential uses. Phase 1 was completed by the Unity Council in 2003/2004 in partnership with the Bay Area Rapid Transit District (BART), the City of Oakland, the Federal Highway Administration, the U.S. Department of Housing and Urban Development, the Ford Foundation and various other agencies. Phase 1 provided 257,000 square feet of a transit-oriented district (TOD) on former BART parking lots. Its uses include a first-story retail corridor between the Fruitvale BART station and International Boulevard,[2] 47 units of mixed-income housing on the upper two floors, shops and restaurants, a 150-car parking garage (and a large parking structure for BART), and 114,000 square feet of community services and office spaces. Among the community services provided in the Phase 1 buildings are the Unity Council's De Colores Child Development Center, the Fruitvale Senior Center, the Cesar Chavez Library, and La Clinica de la Raza (medical facilities). In addition, Phase 1 houses the Unity Council's offices. BART parking was also planned to be accommodated in the five-story parking garage adjacent to the station.

The environmental impacts of Phase 1 were analyzed in a combined Initial Study (IS), which was required by the California Environmental Quality Act (CEQA), and an Environmental Assessment (EA) required by the National Environmental Policy Act (NEPA). Although a Phase 2 is mentioned in the combined IS/EA, the details of that development were unknown when the environmental document was circulated and approved in 1998/1999.[3]

Today, the General Plan land use designation, the zoning and the Coliseum Redevelopment Plan all anticipate transit-oriented development on the project site that will complement the already-built Phase 1 project. When the Phase 2 project site is developed, BART patron parking lost by the development of the Phase 2 site will be replaced with 138 stalls that will be located on a narrow, fenced lot under the elevated BART tracks between 35th and 37th Avenues.

1 The Unity Council, a non-profit, was formerly known as the Spanish Speaking Unity Council. Founded in 1965, the focus of the Unity Council is economic, social and physical development in the Fruitvale area of Oakland.
2 East 14th Street was renamed International Boulevard in 1996.
3 The joint IS/EA were approved by the City of Oakland, BART, and the Federal Highway Administration.

The Project Applicant has submitted an environmental review application to the City of Oakland for the Fruitvale Transit Village Phase 2 Project, located in Oakland, Alameda County, California. The proposed project consists of the development of 275 residential units in four four-story buildings and a five-story parking structure with approximately 277 parking spaces.

The 3.4-acre project site is located adjacent to the Fruitvale BART station. The site is currently used as a surface parking lot with 547 spaces. The surface parking lot would be removed as part of the proposed project. The Fruitvale Village Phase 1 development, which is a mix of residential and commercial uses, is constructed and located adjacent to the proposed project, west of 35th Avenue.

2.1 Project Site and Vicinity

The Fruitvale Transit Village Phase 2 project site is located in the City of Oakland adjacent to the Fruitvale BART station and bounded by the elevated BART tracks to the south, East 12th Street to the north, 35th Avenue to the west, and 37th Avenue to the east[4]. Interstate 880 is approximately 1,000 feet (approximately three blocks) to the south of the project site, and the Union Pacific rail tracks exist approximately 800 feet south of the site. The Fruitvale BART station is approximately 450 feet from the center of the project site. The Fruitvale Village Phase 1 development is located adjacent to the project, west of 35th Avenue.

The County Assessor's parcel numbers for the site are 033-2197-019 and 033-2177-021. The project site's General Plan land use designation is *Neighborhood Center Mixed Use* and the project site is entirely within S-15, Transit Oriented Development Zone. The project site is within Oakland's San Antonio-Fruitvale-Lower Hills Planning Area for implementation of its General Plan LUTE, and within the City's Coliseum Redevelopment Project Area.

2.2 Project Components and Phasing

The project proposes to subdivide the approximately 3.4 acre project site from two lots into four lots. Three of the lots would be developed with three four-story residential buildings. The fourth lot would be developed with a parking structure for the sole use of the proposed project residents. The current use of the project site as surface parking lot would be phased out during the construction of proposed project. The proposed project would be constructed in four phases. Start of construction is tentatively scheduled for 2011 with an anticipated end date in 2015. Construction start and completion would overlap between phases.

[4] Following Oakland convention, the East Bay Hills are characterized as northerly in compass orientation and the Bay as southerly; thus International Boulevard runs east–west (parallel to East 12th Street and the BART tracks), and Fruitvale Avenue runs north–south (parallel to 35th and 37th Avenues).

As currently contemplated, construction phase 1 of the project would construct the proposed parking structure would include five stories with six levels of parking and a total of 277 parking spaces. A private access roadway with two-way traffic would be constructed between 35th and 37th Avenues along the south side of the project site.

As currently contemplated, construction phase 2 of the project would be the 93-unit residential building on the eastern portion of the project site. Construction phase 3 would be the 88-unit residential building on the northern portion of the project site. Construction phase 4 would be the 94-unit residential building on the western portion of the project site. The existing parking on the project site would be gradually phased out during the four construction phases.

Pedestrian access to the residential areas would be from 35th Avenue on the east, and East 12th Street from the north. Pedestrian access to the parking garage also would be available from each level of the residential buildings during after each building in constructed (as well as from the north and south sides of the garage developed in construction phase 1).

In addition, there would be a network of walkways between all the project buildings. The proposed project would incorporate five courtyard areas between the proposed buildings for the use of the residents. New street trees would be planted along East 12th Street and 35th and 37th Avenues.

CHAPTER 3
DEIR Changes and Supplemental Information

The changes presented in this chapter are initiated by the City of Oakland (Lead Agency) staff or by comments received on the DEIR. Changes include corrections, revisions or clarifications to information presented in the DEIR. Throughout this chapter, newly added text is shown in double 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.

In Section 3.1 of this chapter, changes are listed generally in the order in which they would appear in the DEIR document. A revised DEIR Table 2-1, Summary of Impacts, Mitigation Measures, Standard Conditions, and Residual Impacts, which shows the proposed final text as modified from the DEIR, is presented a the end of this chapter.

As indicated in Chapter 1 (Introduction), the entirety of the Final EIR for the Fruitvale Transit Village Phase 2 Project consists of the DEIR and its Appendices and this Response to Comments document. Thus, the DEIR changes presented in this chapter (including the revised Summary Table of Impacts, Mitigation Measures, Standard Conditions, and Residual Impacts) incorporate and supersede original text in the DEIR.

3.1 DEIR Revisions and Supplemental Analysis

Summary (Section 2)

The following supplemental text is added to Table 2-1, Summary Table of Impacts, Mitigation Measures, Standard Conditions, and Residual Impacts, of the DEIR, page 2-7, to be consistent with Mitigation Measure TRANS-1 presented in Section 4.3, Transportation, Circulation and Parking, in the DEIR; the supplemental text shown below was inadvertently omitted from Table 2-1 *(new text is double underlined).*

> **Mitigation Measure TRANS-1:** Modify the PM peak hour signal timing at the intersection of Fruitvale Avenue / East 9th Street to increase the green time for the eastbound and westbound (East 9th Street) approaches and decrease the green time for the northbound and southbound (Fruitvale Avenue) through movements.
>
> To implement this measure, the project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval:

- Plans, Specifications, and Estimates (PS&E) to modify intersection to accommodate the signal modifications. The signal should be designed to City standards in effect at the time of construction. 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 guidelines) at the time of construction. Current City Standards call for, among other items, the elements listed below:

  – 2070L Type Controller;
  – GPS clock installation (if not already in the City's ITS Master Plan);
  – ADA-compliant curb ramps on all corners (if not already installed);
  – Full signal actuation (includes video detection, bicycle detection, pedestrian push buttons);
  – Countdown Pedestrian Signals; and
  – Signal interconnect for corridors identified in the City's ITS Master Plan for a maximum of 600 feet.

- Signal timing plans for the signals in the coordination group.

The project applicant shall contribute its fair-share cost of preparing and implementing this measure.

Implementation of Mitigation Measure TRANS-1 would not result in an acceptable LOS during the PM peak hour at this intersection. The average delay for the critical eastbound (East 9th Street) through movement would increase by less than the six-second threshold of significance for intersections operating at LOS E. *[Staff-initiated Revision]*

All revisions to impacts, mitigation measures and/or standard conditions of approval shown in the topical sections below are also shown in Table 2-1, Summary Table of Impacts, Mitigation Measures, Standard Conditions, and Residual Impacts, of the DEIR, as shown at the end of this section.

Transportation, Circulation and Parking (Section 4.3)

The following additional Standard Condition of Approval is added to the project and to page 4.3-35 of the DEIR, immediately preceding Section 4.3.3, Project Transportation Characteristics *(new text is double underlined)*:

TRANS-2 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 onsite parking demand and

single occupancy vehicle travel. The applicant shall implement the approved TDM plan. The TDM plan 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. Onsite car-sharing program (such as City Car Share, Zip Car, etc.)

j. Onsite 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

[Staff-initiated Revision]

The following clarification is made to Mitigation Measure TRANS-12 on page 4.3-47 of the DEIR *(deleted text is in strikeout type, and new text is double underlined):*

Mitigation Measure TRANS-12: Restripe the northbound 35th Avenue approach at the intersection of 35th Avenue / East 12th Street to provide one shared left-through lane and one shared through-right lane, which would require removal of two parking or loading spaces on the west side of 35th Avenue.

To implement this measure, the project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval:

- A striping plan, and a traffic signal timing plan ~~(if retiming of the traffic signal is needed)~~.

The project applicant shall be responsible for all work associated with removal of parking spaces and shall contribute its fair-share cost of preparing and implementing this measure. *[Staff-initiated Revision]*

The following clarification is made to Mitigation Measure TRANS-13on page 4.3-48 of the DEIR *(new text is double underlined):*

Mitigation Measure TRANS-13: Restripe the southbound 35th Avenue approach at the intersection of San Leandro Street / 35th Avenue to provide one shared left-through lane and one exclusive right-turn lane, which would require removal of up to three parking spaces on the west side of 35th Avenue. Also, modify the PM peak-hour traffic signal timing to provide increased green time for the westbound (San Leandro Street) through movement and decreased green time for the north-south (35th Avenue) approaches.

To implement this measure, the project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval:

- Plans, Specifications, and Estimates (PS&E) to modify intersection to accommodate the signal modifications. The signal should be designed to City standards in effect at the time of construction. 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 guidelines) at the time of construction. Current City Standards call for among other items the elements listed below:
  - 2070L Type Controller
  - GPS clock installation (if not already in the City's ITS Master Plan)
  - ADA-compliant curb ramps on all corners (if not already installed)
  - Full signal actuation (includes video detection, bicycle detection, pedestrian push buttons)
  - Countdown Pedestrian Signals
  - Signal interconnect for corridors identified in the City's ITS Master Plan for a maximum of 600 feet
- Signal timing plans for the signals in the coordination group.

The project applicant shall be responsible for all work associated with removal of parking spaces and shall contribute its fair-share cost of preparing and implementing this measure. *[Staff-initiated Revision]*

The following clarification is made to Mitigation Measure TRANS-15 on page 4.3-49 of the DEIR *(deleted text is in strikeout type, and new text is double underlined):*

> **Mitigation Measure TRANS-15:** Restripe the southbound 37th Avenue approach at the intersection of San Leandro Street / 37th Avenue to provide one exclusive left-turn lane and one shared through-right lane; and restripe the westbound (San Leandro Street) approach to provide one shared left-through lane, one through lane and one exclusive right-turn lane. The latter restriping would require removal of up to two parking spaces on the north side of San Leandro Street.
>
> To implement this measure, the project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval:
>
> - A striping plan, and a traffic signal timing plan ~~(if retiming of the traffic signal is needed)~~.
>
> The project applicant shall be responsible for all work associated with removal of parking spaces and shall contribute its fair-share cost of preparing and implementing this measure. *[Staff-initiated Revision]*

The following clarification is made to Mitigation Measure TRANS-18 on page 4.3-52 of the DEIR *(deleted text is in strikeout type, and new text is double underlined):*

> **Mitigation Measure TRANS-18:** No feasible mitigation measure was identified to reduce the project impact to less-than-significant level. Optimizing the signal split times would improve the average delay for the overall intersection to better than 2035 Baseline conditions during the AM and PM peak hours, but would result in secondary impacts on critical movement delays. Widening either High Street or San Leandro Street to provide additional capacity would also lessen the project impact, but is not feasible due to right-of-way constraints.
>
> As a condition of project approval, the traffic signal would be upgraded to current City of Oakland standards and include: ~~(e.g., GPS clock or interconnect, audible pedestrian signal heads, and ADA-compliant curb ramps on all corners), and the signal split times would be optimized.~~
>
> - 2070L Type Controller
> - Full signal actuation (video detections & audible pedestrian pushbuttons)
> - Countdown Pedestrian Signals
> - GPS clock installation
> - Signal Interconnect and optimizing signal timing.
>
> Since this intersection would be retimed under MM TRANS-5, the AM peak period would be added to the retiming process. *[Staff-initiated Revision]*

Air Quality (Section 4.1)

Since publication of the DEIR, there have been changes to both statewide and local guidance on the estimation and evaluation of GHG emissions relative to CEQA that inform what should be included in an adequate GHG emission inventory. As a result of these changes, which are discussed below, the City has prepared the following supplemental analysis to advance the information and analysis of the project's contribution to global climate change and greenhouse gases (GHG) emissions (which starts on page 4.1-32 of the DEIR). The information presented in this section does not wholly replace the DEIR analysis, except where specifically indicated. The information presented in the DEIR was accurate and consistent with the CEQA analysis approach that applied at the time the DEIR analysis was conducted.

Overall, the supplemental information presented below:

1) Updates the GHG emissions inventory presented in the DEIR (i.e, "unadjusted emissions");

2) Identifies project design features, applicable City Standard Conditions of Approval, regulatory requirements, and General Plan policies and programs that would reduce GHG emissions from the project;

3) Updates the project's unadjusted GHG emissions inventory presented in the DEIR in carbon dioxide equivalents (CO_2e) for construction and operations ("updated baseline emissions"); and

4) Evaluates the project's unadjusted and updated baseline GHG emissions against the current draft CEQA thresholds of significance for GHGs.

The overall results of the supplemental analysis are that the project's updated baseline GHG emissions are slightly less than what was reported in the DEIR due to GHG reduction measures considered with the project. Comparing the updated baseline emissions to the draft significance thresholds discussed below results in a less-than-significant impact (if the BAAQMD draft Guidelines are approved) instead of the significant impacts (AIR-6 and AIR-7) identified in the DEIR when considering the previous approach. Therefore, the Mitigation Measure AIR-6 which applies to both impacts is no longer required since the project will not result in a significant cumulative impact that would occur under the draft Guidelines. However, this supplemental analysis incorporates the key elements of Mitigation Measure AIR-6 to present the effect of measures the project incorporates, such as TDM. Supporting calculations are provided in Appendix A to this document.

Changes Since Publication of the DEIR

Significance Thresholds

The first of two predominant statewide and local guidance on the estimation and evaluation of GHG emissions relative to CEQA is the amendments to the *CEQA Guidelines* regarding GHG emissions that were adopted on March 18, 2010. No significance threshold is included in the amendments. The *CEQA Guidelines* afford the customary deference provided to lead agencies in

their analysis and methodologies. The Governor's Office of Planning and Research (OPR) emphasizes the need for a consistent threshold to analyze projects, specifies that the analyses should be performed based on the best available information, and that if a lead agency determines that a project may generate GHGs, the agency is responsible for quantifying estimated GHG emissions by type and source. The DEIR analysis was consistent with this guidance.

The DEIR, starting on pages 4.1-18 and 4.1-54, states that in the City of Oakland, the proposed project would be considered to have a significant cumulative impact regarding GHG emissions if it would:

a) Exceed adopted numeric thresholds of an appropriate regulatory agency, either directly or indirectly, may have a significant impact on the environment; or

b) Conflict with any applicable plan, policy or regulation of an appropriate regulatory agency adopted for the purpose of reducing greenhouse gas emissions.

The second predominant change since the DEIR is the Proposed Air Quality CEQA Thresholds of Significance from the Bay Area Air Quality Management District (BAAQMD). While these thresholds are not yet formally adopted (to be considered in June 2010), they represent the only quantitative thresholds formally proposed by a regulatory agency with jurisdiction over the project. Consistent with the draft Guidelines, the City currently uses the two thresholds above to determine a project's significance with respect to the issue of climate change.

Thus, the following revisions are made to the Significance Criteria, Cumulative Impacts discussion that considers after the first bullet at the top of page 4.1-19; and to the last paragraph of the discussion of GHG Emissions Significance Criteria, which is continued at the top of page 4.1-55; and *(deleted text is in strikeout type, and new text is double underlined):*

> ~~The December 2009 BAAQMD *Draft Air Quality Guidelines* identify a project specific threshold of 1,100 metric tons per year as resulting in a cumulatively considerable contribution of GHG emissions and a cumulatively significant impact to global climate change. These criteria are analyzed below under Impact AIR-6.~~
>
> The BAAQMD is currently considering thresholds for assessing the significance of a project's GHG emissions, no thresholds have been adopted to date. However, the analysis herein uses the plan-level and project-level thresholds for the draft BAAQMD CEQA Guidelines (December 2009) to determine the proposed project's significance with respect to the issue of climate change.
>
> Specifically, for "a" above, based on the BAAQMD draft Guidelines, a project would have a significant impact on the environment if it would:

Plan-Level Impacts:

1. Produce emissions of more than 6.6 metric tons of CO_2e per service population[1] annually.

Project–Level Impacts[2]:

2. Produce total emissions of more than 1,100 metric tons of CO_2e annually; **and**[3]

3. Produce emissions of more than 4.6 metric tons of CO_2e per service population annually.

The proposed, draft BAAQMD Guidelines also state that potential plan-level and project-level impacts would be considered less than significant if the lead agency has adopted a Climate Action Plan that meets certain requirements (referred to as a "Qualified Climate Action Plan") and the plan or project complies with the Qualified Climate Action Plan.

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1 The per service population emissions total includes both the residents and employees of a proposed development project.

2 Although the BAAQMD has not proposed a construction-related GHG threshold, the City nevertheless has quantified and disclosed such emissions, and made a significance determination based on the annualized construction emissions compared to the 1,100 metric tons of CO_2e per year threshold (which BAAQMD specifies for operational emissions only) and in relation to meeting AB 32 GHG reduction goals. Per BAAQMD, GHG emissions from permitted stationary source emissions are compared to BAAQMD's 10,000 metric ton per year threshold for such equipment and not included in the project inventory that is used for comparison to the thresholds specified for operational emissions.

3 The impact is significant if the emissions exceed BOTH of these thresholds. The City of Oakland has determined that, generally, the impact is less than significant if the emissions are below EITHER of these thresholds. However, for a project or plan that is a "very large project", which the City defines as any plan or project meeting the criteria in CEQA Guidelines section 15206 (Projects of Statewide, Regional, or Area-wide Significance), the impact is only less than significant if below BOTH of these thresholds. Per Section 15206. Projects of Statewide, Regional, or Areawide Significance. (b) The lead agency shall determine that a proposed project is of statewide, regional, or areawide significance if the project meets any of the following criteria: **(1)** A proposed local general plan, element, or amendment thereof for which an EIR was prepared. If a negative declaration was prepared for the plan, element, or amendment, the document need not be submitted for review. **(2)** A project has the potential for causing significant effects on the environment extending beyond the city or county in which the project would be located. Examples of the effects include generating significant amounts of traffic or interfering with the attainment or maintenance of state or national air quality standards. Projects subject to this subdivision include: **(A)** A proposed residential development of more than 500 dwelling units. **(B)** A proposed shopping center or business establishment employing more than 1,000 persons or encompassing more than 500,000 square feet of floor space. **(C)** A proposed commercial office building employing more than 1,000 persons or encompassing more than 250,000 square feet of floor space. **(D)** A proposed hotel/motel development of more than 500 rooms. **(E)** A proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or encompassing more than 650,000 square feet of floor area. **(3)** A project which would result in the cancellation of an open space contract made pursuant to the California Land Conservation Act of 1965 (Williamson Act) for any parcel of 100 or more acres. **(4)** A project for which an EIR and not a negative declaration was prepared which would be located in and would substantially impact the following areas of critical environmental sensitivity: **(A)** The Lake Tahoe Basin. **(B)** The Santa Monica Mountains Zone as defined by Section 33105 of the Public Resources Code. **(C)** The California Coastal Zone as defined in, and mapped pursuant to, Section 30103 of the Public Resources Code. **(D)** An area within 1/4 mile of a wild and scenic river as defined by Section 5093.5 of the Public Resources Code. **(E)** The Sacramento-San Joaquin Delta, as defined in Water Code Section 12220. **(F)** The Suisun Marsh as defined in Public Resources Code Section 29101. **(G)** The jurisdiction of the San Francisco Bay Conservation and Development Commission as defined in Government Code Section 66610. **(5)** A project which would substantially affect sensitive wildlife habitats including but not limited to riparian lands, wetlands, bays, estuaries, marshes, and habitats for endangered, rare and threatened species as defined by Section 15380 of this Chapter. **(6)** A project which would interfere with attainment of regional water quality standards as stated in the approved areawide waste treatment management plan. **(7)** A project which would provide housing, jobs, or occupancy for 500 or more people within 10 miles of a nuclear power plant.

To date, the City has not adopted a Qualified Climate Action Plan. If and when the City adopts a Qualified Climate Action Plan, the potential impacts of projects would be considered less than significant if the projects comply with the Qualified Climate Action Plan. *[Staff-initiated Revision]*

GHG Emission Sources

GHG Emission Sources Included in the Inventory

In its December 2009 draft Guidelines, BAAQMD is also specific as to what sources of emissions should be considered relative to proposed CEQA GHG thresholds[4] (Table 4-3: GHG Quantification Guidance Standard, page 4-6). As such, the following supplemental information specifies the GHG emissions sources that are included in the updated baseline GHG emissions inventory and identifies those that are not. As stated above, this information augments information about source emissions presented in the DEIR.

- Construction Emissions. These are direct stationary source emissions and are included in the draft Guidelines though BAAQMD is not proposing a specific threshold for construction-related GHG emissions.

- Area Source Emissions. These are direct emissions from sources that include natural gas combustion for heating, cooking, fireplaces, or boilers, as well as emissions from landscape maintenance equipment.

- Operational Fleet Emissions. These are direct emissions from mobile sources including automobiles, trucks, motorcycles, buses and ambulances.

- Operational Electricity Consumption. These are indirect emissions emitted off-site via non-renewable, non-nuclear electricity generators as a result of increased electrical demand.

- Operational Purchased Steam Emissions. These are emissions generated at an off-site location and purchased for the creation of steam to heat or otherwise facilitate operations of a proposed project. It is not anticipated that the purchase of off-site steam would result from the proposed project and as such *no Project-related emissions are anticipated from this type of source or included in the inventory*.

- Operational Process Emissions. These are direct emissions generated by a stationary source, such as a back-up diesel generator or other IC engine used to power process equipment. The project does not include back-up diesel generators or any other type of stationary combustion sources and as such *no project-related operational process emissions are included in the inventory*.

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[4] Bay Area Air Quality Management District, *California Environmental Quality Act Air Quality Guidelines,* Table 4-3: GHG Quantification Guidance Standard, page 4-6. http://www.baaqmd.gov/~/media/Files/Planning%20and%20Research/CEQA/Draft%20BAAQMD%20CEQA%20Guidelines_Dec%207%202009.ashx

- Operational Fugitive (Direct) Emissions. These direct emissions are most commonly associated with a landfill, whereby landfill gas is inadvertently emitted to the atmosphere due to leakage or inherent imperfections in the collection system. Other sources include GHG refrigerants emitted from leaks or other imperfections in refrigeration or air cooling equipment. *No project-related emissions are anticipated from this type of source or included in the inventory*.

- Operational Water Emissions (embedded energy). These indirect emissions are associated with the electricity used to convey water, due to increased water demand from the project.

- Operational Wastewater (non-biogenic). The draft Guidelines define indirect emissions from wastewater treatment as including the GHG emissions associated with the electricity use in wastewater treatment and not the biogenic CO_2 process emissions[5].

GHG Emission Sources Not Included in the Inventory

Emissions not included in the BAAQMD draft Guidelines, and therefore not included in the updated baseline GHG emissions inventory for the project, are discussed below.

- Vegetation Sequestration Change. This is the net change in CO_2 emissions resulting from vegetation change and its associated carbon sequestration. Given the urban location of the proposed project, a significant change in sequestration of CO_2 from vegetative sources is not expected.

- Solid Waste Disposal Emissions. These are indirect emissions associated with waste generation. The residential uses at the development would generate waste. A large percentage of this waste would be diverted from landfills by waste reduction, recycling, and composting. Oakland currently diverts a large portion of its waste and has goals to even further reduce the amount of waste sent to a landfill. The remainder of the waste not diverted would be disposed of at a landfill. Landfills emit anthropogenic methane from the anaerobic breakdown of material.

- Fugitive Refrigeration Emissions. Refrigerant gases such as CFCs, HFCs, and HCFCs have a high global warming potential. Leaks of refrigeration gases were not quantified for the project. At the entitlement stage of development, the degree of uncertainty associated with refrigerant leaks make meaningful quantification of GHG emissions difficult. In addition, since refrigeration systems would be new, they are likely to be efficient and designed for minimum leakage.

- Life Cycle Emissions. Although there is no regulatory definition for "lifecycle emissions," the term is generally used to refer to all emissions associated with the creation and existence of a project, including emissions from the manufacture and transportation of component materials, and even emissions from the manufacture of the machines required to produce those materials. However, since it is impossible to accurately estimate the entire chain of emissions associated with any given project, lifecycle analyses are limited in effectiveness and meaning (relative to assessing or reducing project-specific emissions for the CEQA analysis). The California Natural Resources Agency (CNRA) has stated that

[5] Bay Area Air Quality Management District, *California Environmental Quality Act Air Quality Guidelines*, page 4-7. http://www.baaqmd.gov/~/media/Files/Planning%20and%20Research/CEQA/Draft%20BAAQMD%20CEQA%20Guidelines_Dec%207%202009.ashx

lifecycle analyses are not required under CEQA,[6] and in December 2009 CNRA issued new energy conservation guidelines for EIR's that make no reference to lifecycle emissions.[7] The CNRA's explained that: (1) There exists no standard regulatory definition for lifecycle emissions, and (2) Even if a standard definition for 'lifecycle' existed, the term might be interpreted to refer to emissions "beyond those that could be considered 'indirect effects'" as defined by CEQA Guidelines, and therefore beyond what project managers are required to estimate and mitigate.[8]

Project Design Features, City Standard Conditions of Approval, Regulatory Requirements, and General Plan Policies and Local Programs that Reduce GHG Emissions

As discussed throughout the GHG emissions analysis in the DEIR, there are many ways for a project to reduce its GHG emissions through its design, construction and operations. Examples are presented starting on page 4.1-59 of the DEIR. Local conditions of approval, policies, programs and regulatory requirements that apply to a project also combine to reduce project GHG emissions. Those that apply to the project are discussed below, and several are discussed throughout the *Regulatory Context for GHG Emissions and Climate Change*, generally on pages 4.1-32 through 4.1-47of the DEIR. Each of these factors is considered in the estimate of the project's updated baseline GHG emissions inventory that is presented and quantified further below.

Project Design Features

- CALGreen – Water and Energy Performance Standards. Since publication of the DEIR, the project applicant specified that the project is to meet contemporary energy and design objectives by ensuring that the new buildings meet the CALGreen performance standard. CALGreen is a proposed building code requirement pursuant to Title 24 of the CCR. CALGreen will require that every new building constructed in California reduce water consumption by 20 percent, divert 50 percent of construction waste from landfills and install low pollutant-emitting materials. The effects of these water saving features are incorporated into the revised emission inventory. CALGreen building standards with respect to energy efficiency are mandatory only for non-residential buildings (refer to Section 503.2 of the Code) and for the purposes of the proposed project affect only the calculation of operational water and wastewater emissions.

City Standard Conditions of Approval

City Standard Conditions of Approval are incorporated and required as part of a proposed project and are adopted as conditions of approval and required of the project to help ensure less than significant impacts. This is discussed generally starting on page 4-3 of the DEIR. As added above, under *Transportation, Circulation and Parking (Section 4.3)*, SCA TRANS-2 will apply to the project.

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6 California Natural Resources Agency, 2009. *Final Statement of Reasons for Regulatory Action: Amendments to the State CEQA Guidelines Addressing Analysis and Mitigation of Greenhouse Gas Emissions Pursuant to SB97*, p. 71-72. http://ceres.ca.gov/ceqa/docs/Final_Statement_of_Reasons.pdf (accessed February 4, 2010).

7 State CEQA Guidelines, Appendix F. These new guidelines were part of amendments issued pursuant to SB97.

8 California Natural Resources Agency, 2009. *Final Statement of Reasons for Regulatory Action: Amendments to the State CEQA Guidelines Addressing Analysis and Mitigation of Greenhouse Gas Emissions Pursuant to SB97*, p. 71. http://ceres.ca.gov/ceqa/docs/Final_Statement_of_Reasons.pdf (accessed February 4, 2010).

- Standard Condition of Approval TRANS-2 – Parking and Transportation Demand Management Plan. SCA TRANS-2 (identified as SCA #25 in the City's current *Conditions of Approval & Uniformly Applied Development Standards imposed as Standard Conditions of Approval* document). The applicant will be required to submit to the Planning and Zoning Division for review and approval a TDM plan containing strategies to reduce on-site parking demand and single occupancy vehicle travel. GHG reductions resulting from a set of applicable and feasible implementation measures for the proposed high-density residential project at BART are accounted for in the updated baseline emission inventory. Trip reduction estimates were generated by the URBEMIS2007 model.

General Plan Policies and City Programs

- Oakland General Plan Land Use and Transportation Element (LUTE). The LUTE identifies policies aimed at promoting use of public transit, bicycles and pedestrian travel, all of which would be reflected in the trip generation estimates for this urban project located adjacent to BART and AC Transit services. Therefore no further reduction of transportation-related GHG emissions can be credited in the inventory.

- Oakland General Plan Open Space, Conservation and Recreation (OSCAR) Element. The OSCAR contains policies that (a) encourage the provision of open space, which increases vegetation area (trees, grass, landscaping, etc.) to effect cooler climate, reduce excessive solar gain, and absorb CO_2; (b) encourage stormwater management, which relates to the maintenance of floodplains and infrastructure to accommodate potential increased storms and flooding; and (c) encourage energy efficiency and use of alternative energy sources. Policies that address vegetation area have no impact on the emissions inventory as vegetative sequestration is not a component of BAAQMD's draft Guidelines Other policies regarding energy efficiency encourage and support energy efficiency but are not requirements under any implementation mechanism via the General Plan. They have resulted, however, in the implementation of the City of Oakland sustainability program discussed below.

- City of Oakland Sustainability Programs. The City has proactively adopted a number of sustainability programs in an effort to reduce the City's impact on climate change. Oakland's sustainability efforts are managed by the Oakland Sustainability Community Development Initiative and are organized into six major categories described in the DEIR. The two main categories that would relate to reduced GHG emissions from a development project address renewable energy and green building.

  With regard to renewable energy, the City's Sustainability Program has set a priority of promoting renewable energy with a particular emphasis on solar generation. The Program's aggressive renewable energy goals include the following: 50 percent of city facilities entire electricity use from renewable sources by 2017; and 100 percent of the city's entire electricity use from renewable sources by 2030. The City has some control over renewable energy percentages for buildings it operates by contracting its energy needs directly with the local utility. However, private building operators generally receive a standard energy mix from PG&E, and would not be required to contract for a higher percentage of renewables under this program as it only targets City facilities. PG&E does have a 20 percent renewable energy mix goal for 2020 (compared to a 12 percent mix in 2007).

  With regard to green building strategies, the City of Oakland has implemented green building principles in City buildings through the following programs: Civic Green Building Ordinance (Ordinance No. 12658 C.M.S., 2005), requiring, for certain large civic projects, techniques that minimize the environmental and health impacts of the built environment

through energy, water and material efficiencies and improved indoor air quality, while also reducing the waste associated with construction, maintenance and remodeling over the life of the building; Green Building Guidelines (Resolution No. 79871, 2006) which provides guidelines to Alameda County residents and developers regarding construction and remodeling; and Green Building Education Incentives for private developers. As yet there are no green building requirements for private developers. However, the emissions inventory does assume implementation of CALgreen standards as a project design feature, as discussed above.

Regulatory Requirements

- Pavley Greenhouse Gas Standards (AB 1493). AB 1493 required the California Air Resources Board (CARB) to develop and adopt, by January 1, 2005, regulations that achieve "the maximum feasible reduction of GHGs emitted by passenger vehicles and light-duty trucks and other vehicles determined by CARB to be vehicles whose primary use is noncommercial personal transportation in the State. The ARB has adopted amendments to the "Pavley" regulations that reduce GHG emissions in new passenger vehicles from 2009 through 2016. The amendments, approved by the Board on September 24, 2009, are part of California's commitment toward a nation-wide program to reduce new passenger vehicle GHGs from 2012 through 2016. The Climate Change Scoping Plan does not quantify GHG reductions from Pavley until 2020. Based on the slow turn-over of vehicles and the worse-case project operational year of 2016 assumed in the DEIR, Pavley standards were not assumed to result in quantifiable reductions for the project GHG inventory year. Adjustments have not been made in the GHG inventory to account for the implementation of Pavley standards.

Updated Baseline GHG Emissions Inventory

Construction-Related GHGs

Assumptions

The project inventory includes short-term or one-time emissions associated with construction-related activities. While construction-related activities also generate lifecycle GHG emissions associated with the manufacture and transport of building materials and infrastructure, as previously mentioned, these so-called lifecycle emissions are not included in the final inventory as they would be accounted for under California Assembly Bill 32 (AB 32), the California Global Warming Solutions Act of 2006, in other industry sectors and are specifically identified as "speculative" in the 2009 CEQA Amendments.

CO_2 emissions associated with different aspects of construction activities for urban development can be estimated using a combination of software programs. The OFFROAD2007 and the EMFAC2007 models are used to generate emissions factor data for construction equipment and motor vehicles, respectively. These values serve as inputs for the URBEMIS2007 model, which estimates emissions associated with several different phases of urban development and construction based on emission factors and information specific to the project.

Assumptions regarding construction timing and the number, type, and operating hours of equipment associated with construction of the project are used with emission factors embedded in the URBEMIS2007 model (drawn from OFFROAD 2007 and EMFAC2007 models) to estimate

emissions. Available models do not analyze emissions from construction-related electricity or natural gas consumption, which are generally too speculative to quantify, and typically contribute a relatively small percentage of overall GHG emissions during construction.

Estimated Total Construction-generated GHG Emissions

The construction-generated GHG emissions of the project are shown in Table 1, which summarizes the emissions estimates from the principal GHGs carbon dioxide (CO_2), methane (CH_4), and nitrous oxide (N_2O) in metric tons of CO_2e by year. During the worse-case construction year (2011), construction-generated GHG emissions from t construction equipment and vehicles would be approximately **409 MT CO_2e**, and the total emissions from construction activities for the project is approximately **1,489 MT CO_2e** emissions.

TABLE 1
CONSTRUCTION-GENERATED GHG EMISSIONS OF THE PROPOSED PROJECT

	Annual CO_2e Emissions (metric tons per year)			
	CO_2	CH_4	N_2O	Total CO_2e
2010	307	0.4	2.4	310
2011	405	0.5	3.2	409[a]
2012	348	0.4	2.8	351
2013	318	0.4	2.5	321
2014	97	0.1	0.8	98
Total Construction Emissions				**1,489**
Construction Emissions per Year (annualized over 40 years)				**37**
Construction Emissions per Year (annualized over 5 years to construct the Project)				**298**

[a] Peak annual (2011) construction emissions reported in the DEIR was 405 MT CO_2e, which did not include contributions from CH_4 and N_2O emissions. Total construction-generated emissions for the duration of construction were not previously reported

SOURCE: ESA, 2010

Construction emissions are annualized because the proposed GHG emissions threshold are in terms of metric tons per year. Also, because climate change is a cumulative impact some districts, such as South Coast, suggest annualizing over a 30 or 40 year period. This assumes a 30-40 year lifetime of the project structures after which it is demolished for another use. General practice has evolved to use 40 years rather than 30 as a more realistic average project lifetime. If the total one-time construction-generated GHG emissions are annualized for an assumed 40-year development life (which is the common standard currently used in practice), the one-time construction-related emissions represent approximately **37 MT CO_2e annually**, over 40 years. Standard practice also considers construction emissions annualized over the course of the construction period. Thus, approximately **298 MT CO_2e annually** would be generated during the five-year period of construction, 2010 through 2014.

As previously discussed, BAAQMD is the only agency with jurisdiction over the proposed project that is considering the future adoption of quantitative CEQA thresholds of significance for GHG emission impacts. However, its draft Guidelines does not propose a specific threshold for construction-related GHG emissions. Therefore, the City assumes BAAQMD's proposed threshold of 1,100 MT CO_2e emissions annually as a proxy for construction-related emissions. This analysis quantifies and discloses the construction GHG emissions and makes a significance determination based on 1,100 MT CO_2e emissions annualized, as well as the Project's ability to meet AB 32 GHG reduction goals.

This document addresses construction emissions only through improvements in construction equipment exhaust emissions through manufacturer requirements and turnover. The proposed project would be subject to dust control measures recommended by BAAQMD (Oakland Standard Condition AIR-1, Dust Control), measures related to construction exhaust emissions (Oakland Standard Condition AIR-2, Construction Emissions). With the incorporation of Standard Conditions of Approval AIR-1 and AIR-2 in particular, potential impacts slated to criteria air pollutants during construction would be less than significant under existing BAAQMD thresholds. Further, the Standard Conditions align with existing BAAQMD regulations that relate to portable equipment (e.g., concrete batch plants, and gasoline- or diesel-powered engines used for power generation, pumps, compressors, pile drivers, and cranes), architectural coatings, and paving materials. Equipment used during project construction would be subject to the requirements of BAAQMD Regulation 2 (Permits), Rule 1 (General Requirements) with respect to portable equipment unless exempt under Rule 2-1-105 (Exemption, Registered Statewide Portable Equipment); BAAQMD Regulation 8 (Organic Compounds), Rule 3 (Architectural Coatings); and BAAQMD Regulation 8 (Organic Compounds), Rule 15 (Emulsified and Liquid Asphalts). As shown in Table 4.1-3 in the DEIR, the worse-case daily construction-related emissions for development of each phase would be less than the existing and proposed BAAQMD thresholds for all criteria pollutants and the impact would be less than significant.

Thus, given adherence to all BAAQMD control measures and City of Oakland Standard Conditions addressing construction-period emissions, as presented in the DEIR, GHG emissions from construction of the project would not exceed any adopted numeric threshold, as none exists, or conflict with the goals of AB32.

Comparison to Unadjusted Emissions Estimates Reported in the DEIR

The construction-generated GHG emissions estimate in the DEIR reported only the peak annual emissions for year 2011 (405), which did not include the minimal contributions from CH_4 and N_2O emissions. Total construction-generated emissions for the duration of construction were not previously reported.

Updated Baseline Long-Term Operational GHGs

Assumptions and Estimated Operational GHG Emissions, by Source

Long-term operational GHG emissions associated with the project include indirect emissions from mobile sources (motor vehicle trips), area source emissions (e.g., natural gas combustion for

space and water heating, hearth and landscape maintenance), emissions from electricity use in residential buildings (grid electricity), and emissions from water conveyance and waste water treatment and conveyance. Each of these sources was previously discussed in general under *GHG Emission Sources Included in the Inventory*, above. Notably, although CO_2e emissions associated with solid waste generation were reported in the DEIR, they have been omitted from this updated baseline analysis because they (indirect fugitive emissions) are not included in BAAQMD's GHG Quantification Guidance Standard[9]. The following discussion and quantification of each of these operational emission sources is specific to the proposed project.

- Mobile Source (Motor Vehicle) Emissions. The proposed project consists of 275 residential units located within walking distance of public transportation, designed to minimize the use and impacts of private automobiles.

  The project mobile source emissions would result from the typical daily operation of motor vehicles by residents. Vehicle trip generation from the proposed project is based on information from the transportation analysis in Table 4.3-8 of the DEIR (prepared by Dowling Associates, 2009). The proposed project would result in a net increase of 1,179 standard vehicle trips per day over existing conditions. Emissions for vehicle trips were calculated using the URBEMIS2007 computer model. Trip generation rates of the model were adjusted to reflect the project-specific vehicle trip generation presented in the DEIR.

  URBEMIS2007 calculates the CO_2 emissions from motor vehicle trips based on trip generation and trip lengths. CH_4 and N_2O emissions were calculated using emission factors from CCAR and multiplied by their respective global warming potential (GWP) to convert them to CO_2e. As reported in the DEIR, the resulting unadjusted total project mobile source emissions are estimated to be approximately **1,654 MT CO_2e per year**. Notably, there is also a potential reduction measure that has not been assessed, which would be reducing the proposed parking places for the project from 1.0 space per unit to 0.5 spaces per unit, in accordance with the City Zoning Code for S-15 Transit Oriented Development. Reducing parking would likely reduce the total number of trips generated by the project; however, the traffic and emissions reductions have not been quantified.

  However, a secondary calculation was performed to estimate the emissions that would result from the project with implementation of a Transportation Demand Management (TDM) program. A TDM program would be a Standard Condition of Approval with the project. URBEMIS2007 was used to calculate the CO_2 emissions from motor vehicle trips based on trip generation adjustment using TDM and other mitigation measure "toggles" within the program. These include a trip reduction for Local Serving Retail, Free Transit Passes, Secure Bike Parking (at least 1 space per 20 vehicle spaces), Car Sharing Services Provided, and Information Provided on Transportation Alternatives. The resulting updated baseline mobile source emissions for the project with these measures included are estimated to be approximately **1,581 MT CO_2e per year**.

9 Bay Area Air Quality Management District, *California Environmental Quality Act Air Quality Guidelines,* Table 4-3: GHG Quantification Guidance Standard, page 4-6. http://www.baaqmd.gov/~/media/Files/Planning%20and%20Research/CEQA/Draft%20BAAQMD%20CEQA%20Guidelines_Dec%207%202009.ashx

- Area Sources. Area source emissions stem from natural gas combustion, hearths (including gas fireplaces, wood-burning fireplaces, and wood-burning stoves) and small mobile fuel combustion sources such as lawnmowers and other landscape maintenance equipment. As reported in the DEIR, the area source emissions in the project GHG inventory is approximately **488 MT CO_2e per year**.

- Indirect Electrical GHG Emissions (including Water and Wastewater Treatment and Conveyance). Residential buildings require electricity for space and water heating, air conditioning, lighting, and plug-in outlets. The project GHG inventory also includes emissions associated with drinking water and wastewater supply and treatment. GHGs are indirectly emitted as a result of electrical service required for a proposed project, and the energy used to convey, treat, and distribute water and wastewater. GHGs are emitted during the generation of electricity from fossil fuels.

  When electricity is used in a building, a portion of the electricity is typically generated off site at a power plant, while the remaining percentages are generated by renewable resources such as hydroelectric dams. The relative percentages of renewable and non-renewable resources vary from year-to-year based on the magnitude of available water flows at hydroelectric dams and other source variables. Currently, electricity provided by the standard PG&E grid invariably represents indirect emissions of GHGs from the combustion of fossil fuels. PG&E maintains annual records on the percentage of electricity from renewable and non-renewable resources and, using this data, calculates an average annual emission factor (CO_2e emission rate per kilowatt of electricity generated) for its sources.

  The amount of electricity required to treat and supply water is a function of water use. Three main processes are required to supply potable water to residential and commercial users: (1) supply and conveyance of the water from the source; (2) treatment of the water to potable standards; and (3) distribution of the water to individual users. Indirect emissions resulting from electricity use were determined by multiplying electricity use by California statewide CO_2, CH_4 and N_2O emission factors from CCAR's General Reporting Protocol. Energy use for the various aspects of water treatment (e.g., source water pumping and conveyance, water treatment, distribution to users) was determined using the stated water demand and energy intensity values from the CEC that are also recommended for use by BAAQMD in its latest proposed Air Quality Guidelines.

  Implementation of the proposed CALgreen standard would reduce water demand (and wastewater generation) by 20 percent (projected). For the project inventory, the resulting updated baseline total project indirect electrical generation emissions (including water and wastewater treatment and conveyance) are estimated to be approximately **529 MT CO_2e per year**.

Estimated Total Baseline Operational GHG Emissions Update

As shown in Table 2, the total updated baseline annual GHG emissions generated by the project, exclusive of one-time construction emissions for which BAAQMD has specifically not proposed a threshold of significance, and with implementation of the TDM and Local Serving Retail trip reductions would be approximately **2,598 MT CO_2e per year**. The table reveals that the majority of annual project emissions results from vehicle use, followed by electrical demand, and followed by area sources. Table 2 also reports the project's contribution to citywide emissions.

TABLE 2
UPDATED BASELINE OPERATIONAL GHG EMISSIONS INVENTORY
FROM THE PROPOSED PROJECT

	Annual CO_2e Emissions (metric tons per year)				
	CO_2	CH_4	N_2O	Total Updated Baseline CO_2e	Total Unadjusted CO2e Reported in the DEIR
Emission Source					
Motor Vehicle Trips	1,483	5	93	1,581[a]	1,654
Area Sources (i.e., Space Heating, Landscape maintenance, etc)	463	22	3	488	488
Indirect Electricity Generation	528	<1	1	529	556
Solid Waste Generation[b]					344
Updated Total Baseline Operational Project GHG Emissions (Updated from DEIR)	2,474	27	97	**2,598**	**3,042**
Total Operational Project GHG Emissions by Service Population				**3.6**[c]	**3.7** [c]
Total GHG Emissions for Oakland				2,428,676	2,428,676
Project Percentage of Oakland Emissions				0.12%	0.13%

[a] Trip reduction for transit, bicycle, and pedestrian modes of transportation were already included in the DEIR. This adjustment includes the measures described above: Local Serving Retail and TDM measures (Free Transit Passes, Secure Bike Parking (at least 1 space per 20 vehicle spaces), Car Sharing Services Provided, and Information Provided on Transportation Alternatives).

[b] CO_2e emissions associated with solid waste generation were reported in the DEIR, but are not included in this updated baseline analysis because they (indirect fugitive emissions) are not included in BAAQMD's GHG Quantification Guidance Standard.

[c] With the proposed 275 units, and an average of 2.63 people per residence in the City of Oakland, the project population would be approximately 724 residents. Emissions by service population was estimated by dividing the total project GHG emissions by the project population.

SOURCE: ESA, 2010

Based on the updated baseline GHG emissions, the project would generate approximately **3.6 MT CO_2e per year per capita of service population** with TDM and Local Serving Retail reductions, which is the total annual updated baseline GHG emissions divided by the project's estimated total service population of 724 residents.[10]

Comparison to Unadjusted Emissions Estimate Reported in the DEIR

The total updated baseline annual GHG emissions generated by the project (with the additional trip reductions specified above) is approximately 444 MT CO_2e per year less than the unadjusted emissions reported in the DEIR. The relative reductions result from omitting solid waste emissions from the inventory (approximately 344 MT CO_2e per year less than reported in the DEIR), mobile source emissions (73 MT CO_2e per year less than reported in the DEIR given implementation of the additional trip reduction measures), and indirect electricity emissions (approximately 27 MT CO_2e per year less than reported in the DEIR). Also, the project's total emissions by service population

[10] Total Service Population is calculated for net new residents (275 units * 2.63 residents per unit = 724 residents).

was not previously reported in the DEIR because the service population-based threshold of the BAAQMD was subsequently proposed in December 2009 for all project types (not just mixed-use projects, as BAAQMD originally proposed in September 2009).

GHG Emissions Impacts Summary

As shown in Table 3, the project's total updated baseline annual GHG emissions is approximately **2,598 MT CO_2e per year**, which exceeds the 1,100 MT CO_2e per year threshold. However, the project's **3.6 MT CO_2e per year per capita of service population** does not exceed the 4.6 MT CO per year threshold.

TABLE 3
UPDATED GHG EMISSIONS IMPACT SUMMARY – PROPOSED PROJECT

	Annual CO_2e Emissions (metric tons per year)	
	Construction-generated Short-Term total	**Operational Long-Term Total**
Total Project GHG Emissions		
Updated Baseline	1,489 (37 annualized over 40 years) (298 annualized over 5 years)	2,598
Unadjusted (reported in the DEIR)	*Same annual peak emissions*[a]	*3,042*
Draft BAAQMD Threshold of Significance	None	1,100
Exceeds Threshold? / Impact Determination	NA	Yes / Significant
Consistent with AB32 Goals		Yes
Total Project GHG Emissions by Service Population		
Updated Baseline	NA	3.6
Unadjusted (reported in the DEIR)[b]	NA	*3.7*
Draft BAAQMD Threshold of Significance	NA	4.6
Exceeds Threshold? / Impact Determination	NA	No / Less than Significant
Does Project Meet "Very Large Project" Definition?	NA	No
Is Project Consistent with AB32 Goals	Yes	Yes
Impact Determination	NA	**Less than Significant**

[a] Previously reported only the emissions for the peak annual emissions, not total annual emissions.
[b] Not previously reported; calculated based on previously reported total emissions.

SOURCE: ESA, 2010

While it is not pertinent to the impact assessment, the updated baseline emissions under both standards are less than the unadjusted emissions reported in the DEIR.

As previously presented under *Changes since Publication of the DEIR, Significance Criteria,* consistent with BAAQMD, the City indicates that, generally, a project must exceed **both**

thresholds for it to be considered a significant CEQA impact, except, for a "very large project," a significant impact may result even if the project's GHG emissions are below on of the thresholds.

The City refers to *CEQA Guidelines* section 15206 (Projects of Statewide, Regional, or Areawide Significance) to define "very large project."[11] The Proposed Project does not meet the CEQA definition of "very large project," which would be "a proposed residential development of more than 500 dwelling units" (Section 15206[b)][2][A]). The project proposes 275 residential units.

Thus, the project would not have a significant cumulative GHG impact under the proposed BAAQMD thresholds, as identified in the DEIR as Impact AIR-6, since it does not exceed the 4.6 MT CO_2e per year service population threshold and is not considered a "very large project". The impact identified in the DEIR was significant, if the draft thresholds are adopted, because it exceeded the proposed numeric thresholds used when the DEIR was prepared, which did not include the service population threshold or Oakland's clarification of how the thresholds would apply to a "very large project".

Further, the DEIR identified in Impact AIR-7 that the project would have a significant cumulative GHG emissions impact because it would conflict with the proposed plan threshold (i.e., adopted for the purpose of reducing greenhouse gas emissions) since it exceeded the only numeric threshold applicable at that time the DEIR was prepared. This impact would be less-than-significant, considering the updated baseline emissions and update to the proposed thresholds and approach. The discussion of the project characteristics, location and design features that help implement reduction strategies identified in AB 32 and other plans adopted for the purpose of

[11] Section 15206. Projects of Statewide, Regional, or Areawide Significance. (b) The lead agency shall determine that a proposed project is of statewide, regional, or areawide significance if the project meets any of the following criteria: **(1)** A proposed local general plan, element, or amendment thereof for which an EIR was prepared. If a negative declaration was prepared for the plan, element, or amendment, the document need not be submitted for review. **(2)** A project has the potential for causing significant effects on the environment extending beyond the city or county in which the project would be located. Examples of the effects include generating significant amounts of traffic or interfering with the attainment or maintenance of state or national air quality standards. Projects subject to this subdivision include: **(A)** A proposed residential development of more than 500 dwelling units. **(B)** A proposed shopping center or business establishment employing more than 1,000 persons or encompassing more than 500,000 square feet of floor space. **(C)** A proposed commercial office building employing more than 1,000 persons or encompassing more than 250,000 square feet of floor space. **(D)** A proposed hotel/motel development of more than 500 rooms. **(E)** A proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or encompassing more than 650,000 square feet of floor area. **(3)** A project which would result in the cancellation of an open space contract made pursuant to the California Land Conservation Act of 1965 (Williamson Act) for any parcel of 100 or more acres. **(4)** A project for which an EIR and not a negative declaration was prepared which would be located in and would substantially impact the following areas of critical environmental sensitivity: **(A)** The Lake Tahoe Basin. **(B)** The Santa Monica Mountains Zone as defined by Section 33105 of the Public Resources Code. **(C)** The California Coastal Zone as defined in, and mapped pursuant to, Section 30103 of the Public Resources Code. **(D)** An area within 1/4 mile of a wild and scenic river as defined by Section 5093.5 of the Public Resources Code. **(E)** The Sacramento-San Joaquin Delta, as defined in Water Code Section 12220. **(F)** The Suisun Marsh as defined in Public Resources Code Section 29101. **(G**) The jurisdiction of the San Francisco Bay Conservation and Development Commission as defined in Government Code Section 66610. **(5)** A project which would substantially affect sensitive wildlife habitats including but not limited to riparian lands, wetlands, bays, estuaries, marshes, and habitats for endangered, rare and threatened species as defined by Section 15380 of this Chapter. **(6)** A project which would interfere with attainment of regional water quality standards as stated in the approved areawide waste treatment management plan**. (7)** A project which would provide housing, jobs, or occupancy for 500 or more people within 10 miles of a nuclear power plant.

reducing GHG emissions (e.g., Governor's EO S-3-05, Oakland Sustainability Plans, etc.) are discussed in the DEIR under Impacts AIR-6 and AIR-7 and still apply.

Thus, the data and tables in the DEIR for the GHG Emissions analysis are not replaced because they accurately represents the impacts of the unadjusted project at the time given the methods appropriate to use when the DEIR was prepared. This analysis supplements the DEIR analysis, and the impact findings in the DEIR are modified as follows for clarity.

Impact AIR-6 on page 4.1-56 of the DEIR, and Mitigation Measure AIR-6 on page 4.1-60 of the DEIR are revised as follows *(deleted text is in strikeout type, and new text is double underlined):*

Impact AIR-6: Construction and operation of the project would not result in a cumulatively considerable increase in greenhouse gas emissions. (<u>Less than</u> Significant <u>under current thresholds and</u> ~~if~~ proposed BAAQMD Thresholds ~~are adopted~~)

~~**Mitigation Measure AIR-6:** The applicant shall be required to develop a GHG Reduction Plan for City review and approval, which shall reduce GHG emissions to the maximum extent feasible. Items in this plan may include:~~

- ~~Free transit passes for all residents;~~
- ~~Electrically powered landscape equipment;~~
- ~~Plant shade trees within 40 feet of the south side or within 60 feet of the west side of the property;~~
- ~~Require cool roof materials (albedo >= 30);~~
- ~~Require smart meters and programmable thermostats;~~
- ~~Install solar water heaters;~~
- ~~Install solar panels on residential buildings; and~~
- ~~HVAC duct sealing.~~

~~Significance after Implementation of Project Design Features and Mitigation Measures~~

In addition to the project design features ~~and mitigation measures~~ described above, emissions would also be reduced because the project would be subject to all the regulatory requirements, ~~mitigation measures,~~ and Standard Conditions of Approval in this EIR that would reduce GHG emissions of the project. These include, for example, Standard Conditions of Approval for transportation management to address cumulative air quality impacts, adherence to best management construction practices and equipment use, and maximizing standards regulating post construction storm-water. ~~Although these criteria would reduce GHG emissions, the project would still result in a significant impact after mitigation. As shown in Table 4.1-8, GHG emissions from mobile sources alone, which already account for trip reduction assumptions based on walking, bicycling, and transit use, would exceed the BAAQMD draft threshold for GHGs. This cumulative impact would be significant and unavoidable if the draft BAAQMD threshold is adopted.~~

~~**Significance after Implementation of Project Design Features and Mitigation Measures**: Significant and Unavoidable if the draft BAAQMD Threshold is adopted.~~

Mitigation: None required. *[Staff-initiated Revision]*

Impact AIR-7 on page 4.1-61 of the DEIR is revised as follows *(deleted text is in strikeout type, and new text is double underlined):*

Impact AIR-7: The project would not conflict with an applicable plan, policy or regulation of an appropriate regulatory agency adopted for the purpose of reducing greenhouse gas emissions. (Less than Significant under current thresholds and ~~if~~ proposed BAAQMD Thresholds ~~are adopted~~)

As discussed previously in this section, ~~because~~ the proposed project would exceed the numeric threshold of 1,100 CO_2e per year (Impact AIR-6), but would not exceed the 4.6 MT CO_2e per year service population threshold. ~~it~~ Thus, the project is not ~~also~~ considered to impair attainment of GHG reduction goals by levels proposed by the governor and targeted by the City of Oakland. The cumulative impact would be less than significant ~~and unavoidable. Standard Conditions AIR-1 and AIR-2 shall apply. In addition the following mitigation shall apply:~~

Mitigation ~~Measure AIR-7~~: None Required~~Implement Mitigation Measure AIR-6~~.

~~**Significance after Mitigation:** Significant and Unavoidable.~~ *[Staff-initiated Revision]*

TABLE 2-1
SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, MITIGATION MEASURES, AND RESIDUAL IMPACTS

Environmental Impact	Standard Conditions of Approval and Mitigation Measures	Level of Significance after application of Standard Conditions of Approval and Mitigation
4.1 Air Quality		
Impact AIR-1: Activities associated with demolition, site preparation, and construction throughout development of the project would generate criteria air pollutants. (Less than Significant under existing and proposed BAAQMD thresholds)	**Standard Conditions of Approval AIR-1**, *Dust Control*; **AIR-2**, *Construction Emissions*; and **AIR-4**, *Asbestos Removal in Structures*	Less than Significant
Impact AIR-2: The project would result in increased emissions of criteria pollutants and their precursors from vehicular traffic to and from the project site, however, the emission increases from the project would not exceed BAAQMD significance criteria. (Less than Significant under the existing and proposed BAAQMD Thresholds)	None Required	
Impact AIR-3: Mobile emissions generated by project traffic would increase carbon monoxide concentrations at intersections in the project vicinity. (Less than Significant)	None Required	
Impact AIR-4: The proposed project could result in exposure of persons to substantial levels of Toxic Air Contaminants (TACs) which may result in adverse health effects. (Significant during construction under proposed BAAQMD Thresholds only)	**Mitigation Measure AIR-4:** The project applicant and its contractors shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used during construction of the project would achieve a project wide fleet-average 20 percent NOx reduction and a 45 percent PM reduction compared to the most recent CARB fleet average. Acceptable options from reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as such become available.	Less than Significant
Impact AIR-5: The proposed project is fundamentally consistent with the growth assumptions of the Bay Area Clean Air Plan. (Less than Significant)	None Required	
Impact AIR-6: Construction and operation of the project would not result in a cumulatively considerable increase in greenhouse gas emissions. (Less than significant under current thresholds and ~~if~~ proposed BAAQMD Thresholds ~~are adopted~~)	None required. ~~**Mitigation Measure AIR-6:** The applicant shall be required to develop a GHG Reduction Plan for City review and approval, which shall reduce GHG emissions to the maximum extent feasible. Items in this plan may include:~~ ~~• Free transit passes for all residents;~~ ~~• Electrically powered landscape equipment;~~ ~~• Plant shade trees within 40 feet of the south side or within 60 feet of the west sides of the property;~~ ~~• Require cool roof materials (albedo >= 30);~~ ~~• Require smart meters and programmable thermostats;~~	~~Significant and Unavoidable if proposed BAAQMD Thresholds are adopted.~~

TABLE 2-1 (Continued)
SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, MITIGATION MEASURES, AND RESIDUAL IMPACTS

Environmental Impact	Standard Conditions of Approval and Mitigation Measures	Level of Significance after application of Standard Conditions of Approval and Mitigation
4.1 Air Quality (cont.)		
Impact AIR-6 (cont.)	~~• Install solar water heaters;~~ ~~• Install solar panels on residential buildings; and~~ • ~~HVAC duct sealing.~~	
Impact AIR-7: The project would not conflict with an applicable plan, policy or regulation of an appropriate regulatory agency adopted for the purpose of reducing greenhouse gas emissions. (Less than ~~S~~significant under current thresholds and ~~if~~ proposed BAAQMD Thresholds are adopted)	~~**Mitigation Measure AIR-7:** Implement Mitigation Measure AIR-6.~~None Required.	~~Significant and Unavoidable if proposed BAAQMD Thresholds are adopted.~~
4.2 Noise		
Impact NOI-1: Construction activities would intermittently and temporarily generate noise levels above existing ambient levels in the project vicinity. (Significant)	**Standard Conditions of Approval NOI-1**, *Days/Hours of Construction Operation*, and **NOI-3**, *Noise Control*	Less than Significant
Impact NOI-2: Noise from project-generated traffic and other operational noise sources, such as mechanical equipment, truck loading/unloading, etc., would not exceed the Oakland Noise Ordinance standards and impact nearby sensitive receptors. (Less than Significant)	None Required	
Impact NOI-3: The project would place noise-sensitive multifamily residential uses in a noise environment characterized as "normally unacceptable" for such uses by the City of Oakland. (Significant)	**Standard Condition of Approval NOI-4**, *Interior Noise*	Less than Significant
Impact NOI-4: The project would expose sensitive residential uses to ground-borne vibration from trains passing by on the UPRR tracks. (Significant)	**Standard Condition of Approval NOI-6**, *Vibration*	Less than Significant
Impact NOI-5: The proposed project, together with past, present, existing, approved, pending, and foreseeable future development included in the area, could result in long-term traffic increases that could cumulatively increase noise levels in the project area. (Less than Significant)	None Required	

TABLE 2-1 (Continued)
SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, MITIGATION MEASURES, AND RESIDUAL IMPACTS

Environmental Impact	Standard Conditions of Approval and Mitigation Measures	Level of Significance after application of Standard Conditions of Approval and Mitigation
4.3 Transportation, Circulation and Parking		
Before Project Approval	**Standard Condition of Approval,** *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	

TABLE 2-1 (Continued)
SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, MITIGATION MEASURES, AND RESIDUAL IMPACTS

Environmental Impact	Standard Conditions of Approval and Mitigation Measures	Level of Significance after application of Standard Conditions of Approval and Mitigation
4.3 Transportation, Circulation and Parking (cont.)		
Before Project Approval (cont.)	l) Parking spaces sold/leased separately m) Parking management strategies; including attendant/valet parking and shared parking spaces	
Project Construction	**Standard Condition of Approval**, *Construction Traffic and Parking:* *Prior to the issuance of a demolition, grading or building permit:* 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 items and requirements: a) 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. b) Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures will occur. c) Location of construction staging areas for materials, equipment, and vehicles at an approved location. d) 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.	

TABLE 2-1 (Continued)
SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, MITIGATION MEASURES, AND RESIDUAL IMPACTS

Environmental Impact	Standard Conditions of Approval and Mitigation Measures	Level of Significance after application of Standard Conditions of Approval and Mitigation
4.3 Transportation, Circulation and Parking (cont.)		
Project Construction (cont.)	e) Provision for accommodation of pedestrian flow. *Major Project Cases:* f) Provision for parking management and spaces for all construction workers to ensure that construction workers do not park in on-street spaces. 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. h) Any heavy equipment brought to the construction site shall be transported by truck, where feasible. i) No materials or equipment shall be stored on the traveled roadway at any time. j) Prior to construction, a portable toilet facility and a debris box shall be installed on the site, and properly maintained through project completion. k) All equipment shall be equipped with mufflers. 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.	

TABLE 2-1 (Continued)
SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, MITIGATION MEASURES, AND RESIDUAL IMPACTS

Environmental Impact	Standard Conditions of Approval and Mitigation Measures	Level of Significance after application of Standard Conditions of Approval and Mitigation
4.3 Transportation, Circulation and Parking (cont.)		
Impact TRANS-1: Buildout of the proposed project would cause an increase in the average delay by more than six seconds during the PM peak hour for the critical eastbound (East 9th Street) through movement at Intersection #4 Fruitvale Avenue / East 9th Street, which currently operates at an unacceptable LOS E. (Significant)	**Mitigation Measure TRANS-1:** Modify the PM peak hour signal timing at the intersection of Fruitvale Avenue / East 9th Street to increase the green time for the eastbound and westbound (East 9th Street) approaches and decrease the green time for the northbound and southbound (Fruitvale Avenue) through movements. To implement this measure, the project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval: • Plans, Specifications, and Estimates (PS&E) to modify intersection to accommodate the signal modifications. The signal should be designed to City standards in effect at the time of construction. 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 guidelines) at the time of construction. Current City Standards call for, among other items, the elements listed below: – 2070L Type Controller; – GPS clock installation (if not already in the City's ITS Master Plan); – ADA-compliant curb ramps on all corners (if not already installed); – Full signal actuation (includes video detection, bicycle detection, pedestrian push buttons); – Countdown Pedestrian Signals; and – Signal interconnect for corridors identified in the City's ITS Master Plan for a maximum of 600 feet. • Signal timing plans for the signals in the coordination group. The project applicant shall contribute its fair-share cost of preparing and implementing this measure. Implementation of Mitigation Measure TRANS-1 would not result in an acceptable LOS during the PM peak hour at this intersection. The average delay for the critical eastbound (East	Less than Significant

TABLE 2-1 (Continued)
SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, MITIGATION MEASURES, AND RESIDUAL IMPACTS

Environmental Impact	Standard Conditions of Approval and Mitigation Measures	Level of Significance after application of Standard Conditions of Approval and Mitigation
4.3 Transportation, Circulation and Parking (cont.)		
Impact TRANS-1 (cont.)	9th Street) through movement would increase by less than the six-second threshold of significance for intersections operating at LOS E.	
Impact TRANS-2: Buildout of the proposed project would cause an increase in the overall intersection average delay by more than two seconds during the PM peak hour at Intersection #4 - Fruitvale Avenue and East 9th Street, which would operate at an unacceptable LOS F under 2015 Baseline conditions. (Significant)	**Mitigation Measure TRANS-2:** Modify the PM peak-hour signal phasing at the intersection of Fruitvale Avenue / East 9th Street to allow protected-permitted left-turn movements on the northbound and southbound (Fruitvale Avenue) through movements, and refine the signal phase time. To implement this measure, the project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval: • Plans, Specifications, and Estimates (PS&E) to modify intersection to accommodate the signal modifications. The signal should be designed to City standards in effect at the time of construction. 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 guidelines) at the time of construction. Current City Standards call for, among other items, the elements listed below: - 2070L Type Controller; - GPS clock installation (if not already in the City's ITS Master Plan); - ADA-compliant curb ramps on all corners (if not already installed); - Full signal actuation (includes video detection, bicycle detection, pedestrian push buttons); - Countdown Pedestrian Signals; and - Signal interconnect for corridors identified in the City's ITS Master Plan for a maximum of 600 feet. • Signal timing plans for the signals in the coordination group. The project applicant shall contribute its fair-share cost of preparing and implementing this measure.	Less than Significant

TABLE 2-1 (Continued)
SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, MITIGATION MEASURES, AND RESIDUAL IMPACTS

Environmental Impact	Standard Conditions of Approval and Mitigation Measures	Level of Significance after application of Standard Conditions of Approval and Mitigation
4.3 Transportation, Circulation and Parking (cont.)		
Impact TRANS-3: Buildout of the proposed project would cause an increase in the average delay by more than four seconds during the PM peak hour for the critical eastbound (East 12th Street) through movement at Intersection #6 - 35th Avenue and East 12th Street, which would operate at an unacceptable LOS F under 2015 Baseline conditions. (Significant)	**Mitigation Measure TRANS-3:** Modify the PM peak-hour traffic signal timing at the intersection of 35th Avenue / East 12th Street to provide increased green time for the east-west (East 12th Street) approach and decreased green time for the north-south (35th Avenue) approach. To implement this measure, the project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval: • Plans, Specifications, and Estimates (PS&E) to modify intersection to accommodate the signal modifications. The signal should be designed to City standards in effect at the time of construction. 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 guidelines) at the time of construction. Current City Standards call for, among other items, the elements listed below: - 2070L Type Controller; - GPS clock installation (if not already in the City's ITS Master Plan); - ADA-compliant curb ramps on all corners (if not already installed); - Full signal actuation (includes video detection, bicycle detection, pedestrian push buttons); - Countdown Pedestrian Signals; and - Signal interconnect for corridors identified in the City's ITS Master Plan for a maximum of 600 feet. • Signal timing plans for the signals in the coordination group. The project applicant shall contribute its fair-share cost of preparing and implementing this measure.	Less than Significant

TABLE 2-1 (Continued)
SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, MITIGATION MEASURES, AND RESIDUAL IMPACTS

Environmental Impact	Standard Conditions of Approval and Mitigation Measures	Level of Significance after application of Standard Conditions of Approval and Mitigation
4.3 Transportation, Circulation and Parking (cont.)		
Impact TRANS-4: Buildout of the proposed project would cause the PM peak-hour LOS to degrade from an acceptable LOS D under 2015 Baseline conditions to an unacceptable LOS E at Intersection #8 - San Leandro Street and 35th Avenue. (Significant)	**Mitigation Measure TRANS-4:** At the intersection of San Leandro Street / 35th Avenue, eliminate the protected left-turn signal phase for westbound San Leandro Street, and optimize the signal split during the PM peak-hour. • To implement this measure, the project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval: Plans, Specifications, and Estimates (PS&E) to modify intersection to accommodate the signal modifications. The signal should be designed to City standards in effect at the time of construction. 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 guidelines) at the time of construction. Current City Standards call for, among other items, the elements listed below: - 2070L Type Controller; - GPS clock installation (if not already in the City's ITS Master Plan); - ADA-compliant curb ramps on all corners (if not already installed); - Full signal actuation (includes video detection, bicycle detection, pedestrian push buttons); - Countdown Pedestrian Signals; and - Signal interconnect for corridors identified in the City's ITS Master Plan for a maximum of 600 feet. • Signal timing plans for the signals in the coordination group. The project applicant shall fund the cost of preparing and implementing this measure.	Less than Significant

TABLE 2-1 (Continued)
SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, MITIGATION MEASURES, AND RESIDUAL IMPACTS

Environmental Impact	Standard Conditions of Approval and Mitigation Measures	Level of Significance after application of Standard Conditions of Approval and Mitigation
4.3 Transportation, Circulation and Parking (cont.)		
Impact TRANS-5: Buildout of the proposed project would cause an increase in the overall intersection average delay by more than two seconds during the PM peak hour at Intersection #14 - San Leandro Street and High Street, which would operate at an unacceptable LOS F under 2015 Baseline conditions. (Significant)	**Mitigation Measure TRANS-5:** Modify the PM peak-hour traffic signal phasing at the intersection of San Leandro Street / High Street to provide increased green time for the east-west (San Leandro Street) approach and decreased green time for the north-south (High Street) approach. To implement this measure, the project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval: • Plans, Specifications, and Estimates (PS&E) to modify intersection to accommodate the signal modifications. The signal should be designed to City standards in effect at the time of construction. 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 guidelines) at the time of construction. Current City Standards call for, among other items, the elements listed below: - 2070L Type Controller; - GPS clock installation (if not already in the City's ITS Master Plan); - ADA-compliant curb ramps on all corners (if not already installed); - Full signal actuation (includes video detection, bicycle detection, pedestrian push buttons); - Countdown Pedestrian Signals; and - Signal interconnect for corridors identified in the City's ITS Master Plan for a maximum of 600 feet. • Signal timing plans for the signals in the coordination group. The project applicant shall contribute its fair-share cost of preparing and implementing this measure.	Less than Significant

TABLE 2-1 (Continued)
SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, MITIGATION MEASURES, AND RESIDUAL IMPACTS

Environmental Impact	Standard Conditions of Approval and Mitigation Measures	Level of Significance after application of Standard Conditions of Approval and Mitigation
4.3 Transportation, Circulation and Parking (cont.)		
Impact TRANS-6: Buildout of the proposed project would cause an increase in the average delay by more than four seconds during the AM peak hour for the critical southbound (High Street) through movement at Intersection #15 - High Street and Coliseum Way, which would operate at an unacceptable LOS F under 2015 Baseline conditions. (Significant)	**Mitigation Measure TRANS-6:** Modify the AM peak-hour traffic signal timing at the intersection of High Street / Coliseum Way to provide increased green time for the southbound (High Street) through movement and decreased green time for the northbound (High Street) left-turn movement. To implement this measure, the project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval: • Plans, Specifications, and Estimates (PS&E) to modify intersection to accommodate the signal modifications. The signal should be designed to City standards in effect at the time of construction. 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 guidelines) at the time of construction. Current City Standards call for, among other items, the elements listed below: - 2070L Type Controller; - GPS clock installation (if not already in the City's ITS Master Plan); - ADA-compliant curb ramps on all corners (if not already installed); - Full signal actuation (includes video detection, bicycle detection, pedestrian push buttons); - Countdown Pedestrian Signals; and - Signal interconnect for corridors identified in the City's ITS Master Plan for a maximum of 600 feet. • Signal timing plans for the signals in the coordination group. The project applicant shall contribute its fair-share cost of preparing and implementing this measure.	Less than Significant

TABLE 2-1 (Continued)
SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, MITIGATION MEASURES, AND RESIDUAL IMPACTS

Environmental Impact	Standard Conditions of Approval and Mitigation Measures	Level of Significance after application of Standard Conditions of Approval and Mitigation
4.3 Transportation, Circulation and Parking (cont.)		
Impact TRANS-7: Buildout of the proposed project would cause an increase in the average delay by more than four seconds during the PM peak hour for the critical southbound (Fruitvale Avenue) through movement at Intersection #1 - Fruitvale Avenue / International Boulevard, which would operate at LOS F under 2035 Baseline conditions. (Significant)	**Mitigation Measure TRANS-7:** Modify the PM peak-hour traffic signal timing at the intersection of Fruitvale Avenue / International Boulevard to provide increased green time for the north-south (Fruitvale Avenue) approaches and decreased green time for the east-west (International Boulevard) approaches. To implement this measure, the project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval: • Plans, Specifications, and Estimates (PS&E) to modify intersection to accommodate the signal modifications. The signal should be designed to City standards in effect at the time of construction. 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 guidelines) at the time of construction. Current City Standards call for among other items the elements listed below: - 2070L Type Controller - GPS clock installation (if not already in the City's ITS Master Plan) - ADA-compliant curb ramps on all corners (if not already installed) - Full signal actuation (includes video detection, bicycle detection, pedestrian push buttons) - Countdown Pedestrian Signals - Signal interconnect for corridors identified in the City's ITS Master Plan for a maximum of 600 feet • Signal timing plans for the signals in the coordination group. The project applicant shall contribute its fair-share cost of preparing and implementing this measure.	Less than Significant

TABLE 2-1 (Continued)
SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, MITIGATION MEASURES, AND RESIDUAL IMPACTS

Environmental Impact	Standard Conditions of Approval and Mitigation Measures	Level of Significance after application of Standard Conditions of Approval and Mitigation
4.3 Transportation, Circulation and Parking (cont.)		
Impact TRANS-8: Buildout of the proposed project would cause an increase in the average delay by more than four seconds during the PM peak hour for the critical southbound (Fruitvale Avenue) through movement at Intersection #2 - Fruitvale Avenue / East 12th Street, which would operate at LOS F under 2035 Baseline conditions. (Significant)	**Mitigation Measure TRANS-8:** Modify the PM peak-hour signal phasing at the intersection of Fruitvale Avenue / East 12th Street to provide protected-permissive left-turn phasing for eastbound and westbound (East 12th Street) and to provide increased green time for southbound (Fruitvale Avenue) and decreased green time for eastbound (East 12th Street). To implement this measure, the project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval: • Plans, Specifications, and Estimates (PS&E) to modify intersection to accommodate the signal modifications. The signal should be designed to City standards in effect at the time of construction. 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 guidelines) at the time of construction. Current City Standards call for, among other items, the elements listed below: - 2070L Type Controller; - GPS clock installation (if not already in the City's ITS Master Plan); - ADA-compliant curb ramps on all corners (if not already installed); - Full signal actuation (includes video detection, bicycle detection, pedestrian push buttons); - Countdown Pedestrian Signals; and - Signal interconnect for corridors identified in the City's ITS Master Plan for a maximum of 600 feet. • Signal timing plans for the signals in the coordination group. The project applicant shall contribute its fair-share cost of preparing and implementing this measure.	Less than Significant

TABLE 2-1 (Continued)
SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, MITIGATION MEASURES, AND RESIDUAL IMPACTS

Environmental Impact	Standard Conditions of Approval and Mitigation Measures	Level of Significance after application of Standard Conditions of Approval and Mitigation
4.3 Transportation, Circulation and Parking (cont.)		
Impact TRANS-9: Buildout of the proposed project would cause an increase in the average delay by more than four seconds during the AM peak hour for the critical northbound (Fruitvale Avenue) through movement at Intersection #3 - Fruitvale Avenue / San Leandro Street, which would operate at LOS F under 2035 Baseline conditions. (Significant)	**Mitigation Measure TRANS-9:** Modify the AM peak-hour traffic signal timing at the intersection of Fruitvale Avenue / San Leandro Street to provide increased green time for the north-south (Fruitvale Avenue) approaches and decreased green time for the east-west (San Leandro Street) approaches. To implement this measure, the project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval: • Plans, Specifications, and Estimates (PS&E) to modify intersection to accommodate the signal modifications. The signal should be designed to City standards in effect at the time of construction. 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 guidelines) at the time of construction. Current City Standards call for, among other items, the elements listed below: - 2070L Type Controller; - GPS clock installation (if not already in the City's ITS Master Plan); - ADA-compliant curb ramps on all corners (if not already installed); - Full signal actuation (includes video detection, bicycle detection, pedestrian push buttons); - Countdown Pedestrian Signals; and - Signal interconnect for corridors identified in the City's ITS Master Plan for a maximum of 600 feet. • Signal timing plans for the signals in the coordination group. The project applicant shall contribute its fair-share cost of preparing and implementing this measure.	Less than Significant

TABLE 2-1 (Continued)
SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, MITIGATION MEASURES, AND RESIDUAL IMPACTS

Environmental Impact	Standard Conditions of Approval and Mitigation Measures	Level of Significance after application of Standard Conditions of Approval and Mitigation
4.3 Transportation, Circulation and Parking (cont.)		
Impact TRANS-10: Buildout of the proposed project would cause an increase in the overall intersection average delay by more than two seconds during the PM peak hour at Intersection #4 - Fruitvale Avenue and East 9th Street, which would operate at LOS F under 2035 Baseline conditions. The addition of project traffic also would cause an increase in the average delay by more than four seconds during the AM peak hour for the critical eastbound (East 9th Street) through movement. (Significant)	**Mitigation Measure TRANS-10:** Modify the PM peak-hour signal phasing at the intersection of Fruitvale Avenue / East 9th Street to provide protected-permissive left-turn phasing for northbound and southbound (Fruitvale Avenue) and to provide increased green time for the east-west (East 9th Street) approaches and decreased green time for the north-south (Fruitvale Avenue) approaches. To implement this measure, the project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval: • Plans, Specifications, and Estimates (PS&E) to modify intersection to accommodate the signal modifications. The signal should be designed to City standards in effect at the time of construction. 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 guidelines) at the time of construction. Current City Standards call for, among other items, the elements listed below: - 2070L Type Controller; - GPS clock installation (if not already in the City's ITS Master Plan); - ADA-compliant curb ramps on all corners (if not already installed); - Full signal actuation (includes video detection, bicycle detection, pedestrian push buttons); - Countdown Pedestrian Signals; and - Signal interconnect for corridors identified in the City's ITS Master Plan for a maximum of 600 feet. • Signal timing plans for the signals in the coordination group. The project applicant shall contribute its fair-share cost of preparing and implementing this measure.	Less than Significant

TABLE 2-1 (Continued)
SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, MITIGATION MEASURES, AND RESIDUAL IMPACTS

Environmental Impact	Standard Conditions of Approval and Mitigation Measures	Level of Significance after application of Standard Conditions of Approval and Mitigation
4.3 Transportation, Circulation and Parking (cont.)		
Impact TRANS-11: Buildout of the proposed project would cause the PM peak-hour LOS to degrade from an acceptable LOS D under 2035 Baseline conditions to an unacceptable LOS E at Intersection #5 - Fruitvale Avenue / East 8th Street. (Significant)	**Mitigation Measure TRANS-11:** Modify the PM peak-hour traffic signal timing at the intersection of Fruitvale Avenue / East 8th Street to provide increased green time for the east-west (East 8th Street) approaches and decreased green time for the north-south (Fruitvale Avenue) approaches. To implement this measure, the project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval: • Plans, Specifications, and Estimates (PS&E) to modify intersection to accommodate the signal modifications. The signal should be designed to City standards in effect at the time of construction. 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 guidelines) at the time of construction. Current City Standards call for among other items the elements listed below: - 2070L Type Controller - GPS clock installation (if not already in the City's ITS Master Plan) - ADA-compliant curb ramps on all corners (if not already installed) - Full signal actuation (includes video detection, bicycle detection, pedestrian push buttons) - Countdown Pedestrian Signals - Signal interconnect for corridors identified in the City's ITS Master Plan for a maximum of 600 feet • Signal timing plans for the signals in the coordination group. The project applicant shall fund the cost of preparing and implementing this measure.	Less than Significant

TABLE 2-1 (Continued)
SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, MITIGATION MEASURES, AND RESIDUAL IMPACTS

Environmental Impact	Standard Conditions of Approval and Mitigation Measures	Level of Significance after application of Standard Conditions of Approval and Mitigation
4.3 Transportation, Circulation and Parking (cont.)		
Impact TRANS-12: Buildout of the proposed project would cause an increase in the overall intersection average delay by more than two seconds during the AM peak hour at Intersection #6 - 35th Avenue and East 12th Street, which would operate at LOS F under 2035 Baseline conditions. The addition of project traffic also would cause an increase in the average delay by more than four seconds during the AM and PM peak hours for the critical northbound (35th Avenue) through movement. (Significant)	**Mitigation Measure TRANS-12:** Restripe the northbound (35th Avenue) approach at the intersection of 35th Avenue / East 12th Street to provide one shared left-through lane and one shared through-right lane, which would require removal of two parking or loading spaces on the west side of 35th Avenue. To implement this measure, the project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval: • A striping plan, and a traffic signal timing plan~~(if retiming of the traffic signal is needed)~~. The project applicant shall be responsible for all work associated with removal of parking spaces and shall contribute its fair-share cost of preparing and implementing this measure.	Less than Significant
Impact TRANS-13: Buildout of the proposed project would cause an increase in the overall intersection average delay by more than two seconds during the PM peak hour at Intersection #8 - San Leandro Street and 35th Avenue, which would operate at LOS F under 2035 Baseline conditions. (Significant)	**Mitigation Measure TRANS-13:** Restripe the southbound (35th Avenue) approach at the intersection of San Leandro Street / 35th Avenue to provide one shared left-through lane and one exclusive right-turn lane, which would require removal of up to three parking spaces on the west side of 35th Avenue. Also, modify the PM peak-hour traffic signal timing to provide increased green time for the westbound (San Leandro Street) through movement and decreased green time for the north-south (35th Avenue) approaches. To implement this measure, the project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval: • Plans, Specifications, and Estimates (PS&E) to modify intersection to accommodate the signal modifications. The signal should be designed to City standards in effect at the time of construction. 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 guidelines) at the time of construction. Current City Standards call for among other items the elements listed below: - 2070L Type Controller - GPS clock installation (if not already in the City's ITS Master Plan)	Less than Significant

TABLE 2-1 (Continued)
SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, MITIGATION MEASURES, AND RESIDUAL IMPACTS

Environmental Impact	Standard Conditions of Approval and Mitigation Measures	Level of Significance after application of Standard Conditions of Approval and Mitigation
4.3 Transportation, Circulation and Parking (cont.)		
Impact TRANS-13 (cont.)	- ADA-compliant curb ramps on all corners (if not already installed) - Full signal actuation (includes video detection, bicycle detection, pedestrian push buttons) - Countdown Pedestrian Signals - Signal interconnect for corridors identified in the City's ITS Master Plan for a maximum of 600 feet • Signal timing plans for the signals in the coordination group. The project applicant shall be responsible for all work associated with removal of parking spaces and shall contribute its fair-share cost of preparing and implementing this measure.	
Impact TRANS-14: Buildout of the proposed project would add more than 10 trips during the PM peak hour to Intersection #9 - 37th Avenue / East 12th Street, which would meet signal warrants, and would operate at LOS F under 2035 Baseline conditions. (Significant)	**Mitigation Measure TRANS-14:** Signalize the intersection of 37th Avenue / East 12th Street when the Caltrans Manual on Uniform Traffic Control Devices signal warrants are met. The project applicant shall pay for future signal warrant analysis (estimated to be $21,000 in 2009 dollars) to be done in three-year intervals, and its fair-share cost of signalization of this intersection.	Less than Significant
Impact TRANS-15: Buildout of the proposed project would cause an increase in the overall intersection average delay by more than two seconds at during the AM and PM peak hours Intersection #10 - San Leandro Street / 37th Avenue, which would operate at LOS F under 2035 Baseline conditions. The addition of project traffic also would cause an increase in the average delay by more than four seconds during the AM peak hour for the critical westbound (San Leandro Street) through movement. (Significant)	**Mitigation Measure TRANS-15:** Restripe the southbound (37th Avenue) approach at the intersection of San Leandro Street / 37th Avenue to provide one exclusive left-turn lane and one shared through-right lane; and restripe the westbound (San Leandro Street) approach to provide one shared left-through lane, one through lane and one exclusive right-turn lane. The latter restriping would require removal of up to two parking spaces on the north side of San Leandro Street. To implement this measure, the project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval: • A striping plan, and a traffic signal timing plan~~(if retiming of the traffic signal is needed)~~. The project applicant shall be responsible for all work associated with removal of parking spaces and shall contribute its fair-share cost of preparing and implementing this measure.	Less than Significant

TABLE 2-1 (Continued)
SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, MITIGATION MEASURES, AND RESIDUAL IMPACTS

Environmental Impact	Standard Conditions of Approval and Mitigation Measures	Level of Significance after application of Standard Conditions of Approval and Mitigation
4.3 Transportation, Circulation and Parking (cont.)		
Impact TRANS-16: Buildout of the proposed project would cause the PM peak-hour LOS to degrade from an acceptable LOS D under 2035 Baseline conditions to an unacceptable LOS E at Intersection #11 - International Boulevard / 38th Avenue. (Significant)	**Mitigation Measure TRANS-16:** Modify the PM peak-hour traffic signal timing at the intersection of International Boulevard / 38th Avenue to increase the cycle length from 65 seconds to 67 seconds. To implement this measure, the project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval: • Plans, Specifications, and Estimates (PS&E) to modify intersection to accommodate the signal modifications. The signal should be designed to City standards in effect at the time of construction. 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 guidelines) at the time of construction. Current City Standards call for among other items the elements listed below: - 2070L Type Controller - GPS clock installation (if not already in the City's ITS Master Plan) - ADA-compliant curb ramps on all corners (if not already installed) - Full signal actuation (includes video detection, bicycle detection, pedestrian push buttons) - Countdown Pedestrian Signals - Signal interconnect for corridors identified in the City's ITS Master Plan for a maximum of 600 feet • Signal timing plans for the signals in the coordination group. To implement this measure, the project applicant shall submit signal timing plans to City of Oakland's Transportation Services Division for review and approval. As a condition of project approval, the traffic signal would be upgraded to include a GPS clock and pedestrian signal heads. The project applicant shall fund the cost of preparing and implementing this measure.	Less than Significant

TABLE 2-1 (Continued)
SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, MITIGATION MEASURES, AND RESIDUAL IMPACTS

Environmental Impact	Standard Conditions of Approval and Mitigation Measures	Level of Significance after application of Standard Conditions of Approval and Mitigation
4.3 Transportation, Circulation and Parking (cont.)		
Impact TRANS-17: Buildout of the proposed project would cause an increase in the overall intersection average delay by more than two seconds during the AM peak hour at Intersection #13 - International Boulevard / High Street, which would operate at LOS F under 2035 Baseline conditions. The addition of project traffic also would cause an increase in the average delay by more than four seconds during the AM peak hour for the critical southbound (High Street) through movement. (Significant)	**Mitigation Measure TRANS-17:** Modify the AM peak-hour signal phasing at the intersection of International Boulevard / High Street to provide protected-permissive left-turn phasing for westbound (International Boulevard) and optimize the signal split during the AM peak hour. To implement this measure, the project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval: • Plans, Specifications, and Estimates (PS&E) to modify intersection to accommodate the signal modifications. The signal should be designed to City standards in effect at the time of construction. 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 guidelines) at the time of construction. Current City Standards call for among other items the elements listed below: - 2070L Type Controller - GPS clock installation (if not already in the City's ITS Master Plan) - ADA-compliant curb ramps on all corners (if not already installed) - Full signal actuation (includes video detection, bicycle detection, pedestrian push buttons) - Countdown Pedestrian Signals - Signal interconnect for corridors identified in the City's ITS Master Plan for a maximum of 600 feet • Signal timing plans for the signals in the coordination group. The project applicant shall contribute its fair-share cost of preparing and implementing this measure.	Less than Significant

TABLE 2-1 (Continued)
SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, MITIGATION MEASURES, AND RESIDUAL IMPACTS

Environmental Impact	Standard Conditions of Approval and Mitigation Measures	Level of Significance after application of Standard Conditions of Approval and Mitigation
4.3 Transportation, Circulation and Parking (cont.)		
Impact TRANS-18: Buildout of the proposed project would cause an increase in the overall intersection average delay by more than two seconds during the AM and PM peak hours at Intersection #14 - San Leandro Street / High Street, which would operate at LOS F under 2035 Baseline conditions. The addition of project traffic also would cause an increase in the average delay during the PM peak hour by more than four seconds for the critical northbound (High Street) through movement. (Significant)	**Mitigation Measure TRANS-18:** No feasible mitigation measure was identified to reduce the project impact to less than significant level. Optimizing the signal split times would improve the average delay for the overall intersection to better than 2035 Baseline conditions during the AM and PM peak hours, but would result in secondary impacts on critical movement delays. Widening either High Street or San Leandro Street to provide additional capacity would also lessen the project impact, but is not feasible due to right-of-way constraints. As a condition of project approval, the traffic signal would be upgraded to current City of Oakland standards and include: ~~(e.g., GPS clock or interconnect, audible pedestrian signal heads, and ADA-compliant curb ramps on all corners).~~ • 2070L Type Controller • Full signal actuation (video detections & audible pedestrian pushbuttons) • Countdown Pedestrian Signals • GPS clock installation • Signal Interconnect and optimizing signal timing. Since this intersection would be retimed under MM TRANS-5, the AM peak period would be added to the retiming process.	Significant and Unavoidable
Impact TRANS-19: Buildout of the proposed project would cause an increase in the overall intersection average delay by more than two seconds during the AM and PM peak hours at Intersection #15 - Coliseum Way / High Street, which would operate at LOS F under 2035 Baseline conditions. The addition of project traffic also would cause an increase in the average delay by more than four seconds during the AM peak hour for the critical southbound (High Street) left-turn movement. (Significant)	**Mitigation Measure TRANS-19:** Modify the AM peak-hour traffic signal timing at the intersection of Coliseum Way / High Street to provide increased green time for the southbound (High Street) approach and decreased green time for the northbound (High Street) left-turn movement. Modify the PM peak-hour traffic signal timing to provide increased green time for the north-south (High Street) approaches and decreased green time for the westbound (Coliseum Way) approach. To implement this measure, the project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval: • Plans, Specifications, and Estimates (PS&E) to modify intersection to accommodate the signal modifications. The signal should be designed to City standards in effect at the	Less than Significant

TABLE 2-1 (Continued)
SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, MITIGATION MEASURES, AND RESIDUAL IMPACTS

Environmental Impact	Standard Conditions of Approval and Mitigation Measures	Level of Significance after application of Standard Conditions of Approval and Mitigation
4.3 Transportation, Circulation and Parking (cont.)		
Impact TRANS-19 (cont.)	time of construction. 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 guidelines) at the time of construction. Current City Standards call for among other items the elements listed below: - 2070L Type Controller - GPS clock installation (if not already in the City's ITS Master Plan) - ADA-compliant curb ramps on all corners (if not already installed) - Full signal actuation (includes video detection, bicycle detection, pedestrian push buttons) - Countdown Pedestrian Signals - Signal interconnect for corridors identified in the City's ITS Master Plan for a maximum of 600 feet • Signal timing plans for the signals in the coordination group. Services Division for review and approval. As a condition of project approval, the traffic signal would be upgraded to include a GPS clock and pedestrian signal heads. The project applicant shall contribute its fair-share cost of preparing and implementing this measure.	
Impact TRANS-20: Buildout of the proposed project would add traffic to the freeway ramps and mainline segments of I-880. (Less than Significant)	None Required	
Impact TRANS-21: Buildout of the proposed project would contribute to 2015 changes to traffic conditions on the regional and local roadways. (Significant)	**Mitigation Measure TRANS-21:** Mitigation of the project's significant impact on eastbound San Leandro Street west of 35th Avenue is not feasible. An additional lane on eastbound San Leandro Street would require removal of the parking lane or widening of San Leandro Street. However, such measures are considered infeasible due to physical constraints caused by on-street parking demand and existing right-of-way.	Significant and Unavoidable

TABLE 2-1 (Continued)
SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, MITIGATION MEASURES, AND RESIDUAL IMPACTS

Environmental Impact	Standard Conditions of Approval and Mitigation Measures	Level of Significance after application of Standard Conditions of Approval and Mitigation
4.3 Transportation, Circulation and Parking (cont.)		
Impact TRANS-22: Buildout of the proposed project would contribute to 2015 changes to traffic conditions on the regional and local roadways. (Significant)	**Mitigation Measure TRANS-22:** Mitigation of the project's significant impact on eastbound San Leandro Street west of High Street is not feasible. An additional lane on eastbound San Leandro Street would require removal of the parking lane or widening of San Leandro Street. However, such measures are considered infeasible due to physical constraints caused by on-street parking demand and existing right-of-way.	Significant and Unavoidable

CHAPTER 4
Commenters on the DEIR

4.1 Agencies, Organizations and Individuals Commenting in Writing

The following lists correspondence received from public agencies, organizations, and individuals, generally in the order it was received by the City of Oakland. Within each chronological listing, correspondence is listed alphabetically.

PUBLIC AGENCIES

Designator	Agency / Signatory Name	Correspondence Dated
A	East Bay Municipal Utility District (EBMUD), William R. Kirkpatrick, Manager of Water Distribution Planning	02/25/10
B	Alameda County Congestion Management Agency (ACCMA), Diane Stark, Senior Transportation Planner	03/0110
D	California Public Utilities Commission (CPUC), Moses Stites, Rail Corridor Safety Specialist	03/01/10

4.2 Commenters at the Planning Commission Public Hearing

The following lists persons who provided verbal comments at the Public Hearing on the DEIR, held at the February 2010, meeting of the Oakland Planning Commission. Speakers are listed generally in order of presentation.

Public Speakers (Listed in Order of Presentation)

- Patrick VanNess, Signature Properties
- Moses Stites, CPUC
- Kevin Schumacher, CPUC
- Sanjiv Handa. East Bay News Service

Planning Commissioners

- Commissioner Gibbs
- Commissioner Colbruno
- Commission Truong
- Commissioner Boxer
- Commissioner Galvez
- Commissioner Huntsman (Chair)

CHAPTER 5
Responses to Written Comments Received on the DEIR

This chapter includes copies of the written comments received by mail during the public review period on the DEIR. Specific responses to the individual comments in each correspondence follow each letter or email. Consistent with the list of commenters presented in Chapter 4, correspondence received from public agencies is presented first, followed by those received from organizations and individuals.

An alpha designator (e.g., Letter A") identifies each correspondence. Specific comments within each correspondence are identified by an alphanumeric designator that reflects the alphabetic correspondence designator and the numeric sequence of the specific comment within the correspondence (e.g., "A-1" for the first comment in Letter A). The set of responses immediately follows the correspondence.

Responses may reference a response to a comment presented in Chapter 6 (Responses to Comments Received at the Public Hearing on the DEIR).

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 the DEIR or CEQA are noted as such for the public record. Where comments and/or responses have warranted changes to the text of the DEIR, these changes appear as part of the specific response and are repeated in Chapter 3 (DEIR Changes and Supplemental Information), where they are listed generally in order of where the revision would appear in the DEIR document.

EAST BAY
MUNICIPAL UTILITY DISTRICT

February 25, 2010

Kristi Bascom, Project Planner
City of Oakland
Community and Economic Development Agency
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612

Re: Notice of Release and Availability of Draft Environmental Impact Report – Fruitvale Transit Village Phase 2 Project, Oakland (Case No. ER 08-0005/PUD 08-186)

Dear Ms. Bascom:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Draft Environmental Impact Report (EIR) for the Fruitvale Transit Village Phase 2 Project located in the City of Oakland (City). EBMUD has the following comments.

GENERAL

EBMUD's comments and response to the Notice of Preparation of a Draft EIR to the City on January 28, 2009 (see enclosed) regarding water service, water recycling and water conservation issues still apply.

WASTEWATER PLANNING

On page A-81, Appendix A of the Draft EIR, the language below shall be incorporated to paragraph (a) under Section XVI. Utilities and Service Systems:

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 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 Environmental Protection Agency, the SWRCB, and RWQCB became effective. This order requires EBMUD to begin work that will

A-1

identify problem inflow/infiltration areas, begin to reduce inflow/infiltration 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 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 City to require the project applicant to incorporate the following measures into the proposed project: (1) replace or rehabilitate any existing sanitary sewer collection systems to reduce inflow/infiltration and (2) ensure any new wastewater collection systems for the project are constructed to prevent inflow/infiltration to the maximum extent feasible. Please include such provisions in the environmental documentation and other appropriate approvals for this project.

A-1 cont.

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_010.doc

Enclosure

Letter A Response – East Bay Municipal Utility District

A-1: New text is added to Appendix A of the DEIR, page A-81, Section XVI, Utilities and Service Systems *(new text is double underlined)*:

> 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 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 the Environmental Protection Agency, the SWRCB, and RWQCB became effective. This order requires EBMUD to begin work that will identify problem inflow/infiltration areas, begin to reduce inflow/infiltration 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 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.
>
> Regarding the measures that the commenter indicates the City shall require the project applicant incorporate into the proposed project, the project is already required to implement and comply with the following City of Oakland Standard Condition of Approval (SCA) UTIL-1, *Stormwater and Sewer*, which requires the project to replace or improve existing sanitary sewer / wastewater systems to reduce inflow/infiltration. Thus, the requirements of the suggested measures are already imposed on the project. SCA UTIL-1 is presented on page A-82 of the Initial Study Checklist on in Appendix A to this document and states as follows:
>
> > **Standard Condition UTIL-1 (Stormwater and Sewer): *Prior to completing the final design for the project's sewer service.*** 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.

Comment Letter B

ALAMEDA COUNTY
CONGESTION MANAGEMENT AGENCY

1333 BROADWAY, SUITE 220 • OAKLAND, CA 94612 • PHONE: (510) 836-2560 • FAX: (510) 836-2185
E-MAIL: mail@accma.ca.gov • WEB SITE: accma.ca.gov

March 1, 2010

Kristi Bascom
Contract Planner
City of Oakland
Community & Economic Development Agency
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612
Kristi@planbmc.com

SUBJECT: Comments on the Draft Environmental Impact Report (DEIR) for Fruitvale Transit Village, Phase 2, Residential Project

Dear Ms. Bascom:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Fruitvale Transit Village, Phase 2, and Residential Project. The project is bounded by 35th and 37th Avenues, East 12th Street and BART tracks. The project is a 275-unit residential development with a 4-story condo/apartment building wrapped around a 5-story, 275 space parking garage. The existing BART parking lot and landscaping would be removed from the project site.

The ACCMA respectfully submits the following comments:

- For Mitigation Measure TRANS-18, for which the mitigation measure is significant and unavoidable, it is recommended that the project sponsor consider implement transportation demand management (TDM) strategies, which in conjunction with roadway and transit improvements, can serve a means of attaining acceptable levels of service (see 2009 Congestion Management Plan, ACCMA, Chapter 4). Whenever possible, mechanisms that encourage ridesharing, flextime, transit, bicycling, telecommuting and other means of reducing peak hour traffic trips should be considered. B-1

Thank you for the opportunity to comment on this Notice of Preparation. Please do not hesitate to contact me at 510.836.2560 if you require additional information.

Sincerely,

Diane Stark
Senior Transportation Planner

cc: Beth Walukas, ACCMA Manager of Planning
file: CMP - Environmental Review Opinions - Responses - 2010

Letter B Response – Alameda County Congestion Management Agency (ACCMA)

B-1: All projects in the City of Oakland that involve 50 or more residential units shall comply with the City of Oakland's *Standard Conditions of Approval & Uniformly Applied Development Standards* No. 25, Parking and Transportation Demand Management, requires preparation of a Transportation Demand Management (TDM). This Standard Condition of Approval applies to the project, as presented starting on page 3-2 in Chapter 3, DEIR Changes and Supplemental Information, of this document. The proposed project would have 275 units and therefore, it would be required to comply with the above measure.

In addition, the project's proposed multi-family residential units would be constructed adjacent to the Fruitvale BART station, and the proximity to public transportation (including the AC Transit bus lines that stop at this BART station) would facilitate achievement of lower-than-typical vehicle trip generation. Therefore, this transit oriented development (TOD) project already embodies characteristics (by virtue of its setting and existing services) that substantially reduced the vehicle trips associated with the proposed development. Also, Mitigation Measure TRANS-18 incorporates a project condition of project approval that would upgrade the traffic signal and optimize the signal split times, which will reduced the average delay during the PM peak hour at the impacted Intersection #14 - San Leandro Street / High Street, but not to a less-than-significant level.

STATE OF CALIFORNIA Arnold Schwarzenegger, *Governor*

PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

March 1, 2010

Kristi Bascom
City of Oakland
250 Frank H. Ogawa
Oakland, CA 94612

Re: Notice of Completion-Draft Environmental Impact Report (DEIR)
Fruitvale Transit Village Phase 2
SCH # 2008122089

Dear Ms. Bascom:

As the state agency responsible for rail safety within California, the California Public Utilities Commission (CPUC or Commission), we request this letter be entered into the public/ administrative record for this project in addition to the letters\emails dated 2/5/09, 5/13/09, 2/19/10 to the City of Oakland and oral testimony before the Planning Commission on 2/03/10.

The CPUC has significant concerns with the traffic/circulation analysis and findings for the at-grade railroad crossings near the proposed project. The crossings of concern are located at 29th Avenue, Fruitvale Avenue and 37th Avenue. The traffic consultant provided (3) types of analysis in the DEIR, they are; 1.) Collision between trains and vehicles 2.) Trains and pedestrians 3.) Queues on the approach to the rail crossings. C-1

The DEIR lists crossings as an area of controversy with 4 bullet points related to things the Commission has brought up; however there are no proposed improvements to the preemption timing, sidewalks or medians. The consultants found that there would be a significant impact on the level of service (LOS), and therefore they propose various traffic signal improvements, yet they found that there would be no impact on queue lengths extending over the crossings. C-2

The Commission is in disagreement with the DEIR findings and conclusion that the project impacts are not considered significant for the 2015 year interim scenarios (pages 4.3-61 and 62) and as a significant consequence, no mitigation measures are proposed for the project. We request that the City and project proponent review all the substantial evidence submitted by the Commission as it relates to rail safety for this project in accordance with CEQA. C-3

Safety Concerns/mitigation measures at rail crossings:

Vehicles stopped on the track: Traffic signal preemption (go to green with sufficient time to move vehicles away from the tracks as a train approaches). Installation of battery backup for the traffic signals. C-4

Gate drive around behavior: Median separation C-5

Pedestrian deficiencies: sidewalk approaches (paving, slope, width), detectable warning (yellow warning strips on the ground like curb ramps), curbs clearly channelizing vehicular traffic, drainage and utility modifications. C-6

Railroad collisions present safety hazard to both roadway users and train passengers and crew. C-7

Given the accident history along this rail corridor and at-grade crossings we are very concerned that no mitigation measures are being recommended to mitigate project and cumulative impacts according to CEQA. The Commission also commented early in the project review during the NOP and traffic impact study scope as well as providing mitigation measures for the project proponent and City. C-8

This is a transit oriented development which encourages walking in the area, so pedestrian needs should be reviewed with a high degree for safety and elimination of hazardous conditions. C-9

Please notify us of any scheduled Planning Commission and City Council meetings for this project, so we may provide additional testimony at the public hearings if we are unable to reach a resolution prior to the Final Environmental Impact Report (FEIR).

Thank you for your consideration of these additional comments and we look forward to working with the City in resolving the rail safety concerns for this project. If you have any questions in this matter, please contact me at (415) 713-0092 or email at ms2@cpuc.ca.gov.

Sincerely,

Moses Stites
Rail Corridor Safety Specialist
Consumer Protection and Safety Division
Rail Transit and Crossings Branch
515 L Street, Suite 1119
Sacramento, CA 95814

Letter C Responses – California Public Utilities Commission (CPUC)

C-1: The commenter's concerns are acknowledged. In response to the CPUC's February 5, 2009 NOP comment letter, the identified railroad crossings were considered for study in the DEIR. Because it was projected that the project would only add one trip to the 29th Avenue crossing during each of the AM and PM peak hours, the project would not result in a significant impact, and that location was not selected for inclusion in the analysis. As stated on page 4.3-18 of the DEIR, the Fruitvale Avenue and 37th Avenue crossings were selected for analysis, as well as the High Street crossing (although it was not identified in the CPUC letter).

C-2: It is assumed that the bullet points to which comment refers are the three areas listed on page 4.3-62 of the DEIR. The DEIR's analysis of the project's potential impacts in those areas of concern (collisions between trains and vehicles, collisions between trains and pedestrians, and increases in traffic queues on the approaches to the rail crossings) presents a rationale for the less-than-significant impact determination, and the absence of mitigation measures called for by the commenter (i.e., preemption timing, sidewalks or medians). Traffic queues onto the tracks were assessed in the traffic study prepared in support of the DEIR (see pages 62 and 63 of that study, in Appendix E of the DEIR). While queues would extend beyond the crossings under some scenarios, they are either happening under existing conditions or would be the results of cumulative traffic growth, not due to the project. The project's contribution is so nominal that the analysis found neither a cumulatively considerable impact nor a significant project impact in this regard.

As there was no finding of significant impact, no mitigation measure or funding details were provided in the DEIR. However, the traffic study included improvement measures suggested by CPUC, as well as lane reconfiguration on Fruitvale Avenue, that the City, CPUC, Amtrak and other train operators could consider, potentially improving crossing safety (see pages 63 and 64 of that study, in Appendix E of the DEIR). The project could contribute its fair share towards the installation of these improvements; however, the project's contribution would be so small that it unlikely would be the determinant of their implementation. While not required as a CEQA mitigation measure, City Staff have prepared Conditions of Approval for the project that include the requirement for rail safety crossing improvements in the project vicinity. These improvements will be detailed in the project staff report, findings, and recommended conditions of approval for the project.

C-3: The commenter's opinion about the DEIR's determination that the proposed project would have a less-than-significant impact on safety at the railroad crossings is noted, as is the material submitted by the CPUC to support their opinion. See response to Comment C-2 regarding the basis for the DEIR's less-than-significant impact determination, and the absence of mitigation measures.

C-4: See response to Comment C-2 regarding potential rail crossing improvements identified in the traffic study prepared in support of the DEIR.

C-5: See response to Comment C-2 regarding potential rail crossing improvements identified in the traffic study prepared in support of the DEIR.

C-6: See response to Comment C-2 regarding potential rail crossing improvements identified in the traffic study prepared in support of the DEIR.

C-7: The comment does not address the adequacy of the analysis in the DEIR or other aspects pertinent to the environmental analysis pursuant to CEQA. The City will consider this input prior to taking action on the EIR and the proposed project.

C-8: See response to Comment C-2 regarding the basis for the DEIR's less-than-significant impact determination, and the absence of mitigation measures.

C-9: Pedestrian trips generated by the project that would traverse the crossings were expected to be low as most attractions are located towards International Boulevard away from the crossings; therefore, this information was not included in the traffic study. According to the Alameda County CMA travel demand model, about 13 percent of all trips from the project's traffic analysis zone are made on foot. As such, the project would generate about 11 and 14 walk trips in the AM and PM peak hours, respectively, as well as 153 walk trips a day. Using the same trip distribution pattern described in the report, it is projected that the project would result in one walk trip at each of the three crossings during either the AM or PM peak hours, or about seven daily trips.

CHAPTER 6
Responses to Comments Made at the Public Hearings on the DEIR

The Planning Commission held a Public Hearing on the DEIR on February 3, 2010. This chapter presents the transcript of the Public Hearing, followed by the responses to each speaker's comments. Reference may be made to a response to an individual written comment presented in Chapter 5, Responses to Written Comments Received on the DEIR.

As in Chapter 6, responses presented in this chapter 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 the DEIR or CEQA are noted as such for the public record and may be taken into consideration by the Planning Commission and the City Council prior to acting on the EIR or the proposed project.

6.1 Responses to Comments Received at the Planning Commission Public Hearing

The transcript that follows only includes that portion of the Public Hearing that is relevant to the DEIR. Proceedings of the full Planning Commission meeting that includes discussion not pertinent to the public hearing on the Fruitvale Transit Village Phase 2 DEIR is available for review at the City of Oakland Planning and Zoning Division.

City of Oakland Planning Commission Meeting

February 3, 2010

Fruitvale Transit Village Phase II Public Hearing – Item #3

Speakers:

SCOTT MILLER
GARY PATTON
KRISTI BASCOM
PATRICK VANNESS
MOSES STITES
KEVIN SCHUMACHER
SANJIV HANDA
CHAIR BLAKE HUNTSMAN
COMMISSION VIEN TRUONG
COMMISSIONER SANDRA GÁLVEZ
COMMISSIONER MADELEINE ZAYAS-MART

MR. MILLER: Moving quickly onto Item #3. Item #3 is the public hearing for a Draft Environmental Impact Report for the Fruitvale Transit Village Phase II Residential Project.

CHAIR HUNTSMAN: I just want to introduce to the Commission one of the contract planners for Major Projects, Kristi Bascom, Planner. She'll be giving us a short staff report.

MS. BASCOM: Thank you Gary, good evening, chair, members of the Commission. The purpose of this public hearing this evening is to receive comments on the Draft Environmental Impact Report for the Fruitvale Transit Village Phase II Project. The Draft EIR was circulated for review on January 14th and the review period is for 45 days, during which the City holds this public hearing to give people an opportunity to comment and also for us to receive direction from the Planning Commission. Just as a very short description of the project: it's a 275 unit project on

nearly three and half acres adjacent to the Fruitvale BART Station on a site that's currently used as a service parking lot, a public lot, bounded by 35th and 37th Avenue, 12th Street and the BART right-of-way. The Draft EIR focused on analyzing potential impacts just for three sections: Air Quality; Noise; and Transportation and Circulation. The Notice of Availability was sent to a long list of interested parties. The Draft EIR was also sent to many interested parties; was made available on the City's website; and also in the CEDA offices in City Hall. The comment period closes on March 1st. We'll be continuing to receive comments until then, prepare the responses, and then the Final EIR will be back in front of the Planning Commission shortly thereafter, along with the project application for the PDF and conditional use permit and tentative map. So that concludes my very short presentation. I'll be happy to answer any questions. The developer, Signature Properties, is also here, and we'll give you a very quick rundown on the site plan and describe the project in a little bit of detail.

CHAIR HUNTSMAN: Thank you. Are there any questions? Okay.

MR. VANNESS: Good evening. I'm Patrick VanNess with Signature Properties. We're the developer for the Unity Council, who's the Project Applicant. And I'm just going to tell you briefly about the project because we're going to come back with the PDP and go into much more detail after the close of the EIR period.

But basically, as Kristi said, the project is the second phase of the Fruitvale Transit Village. It's been a long time in planning and we're excited to bring it for you tonight, as far getting the EIR process going and moving this project along. Our plan is a multi-phase project. We've got about a third of the project, which is an affordable housing piece, that will be built more likely by another developer and will be deed-restricted rental affordable. The first phase is a parking garage, which borders the BART parking lot, and then this portion is the market-rate portion of the project, which will be divided into two phases. So it's a multi-phase project. It will be built over a period of time. I have more detail for you if you'd like, if you want to look at any elevations here tonight to help you in making comments. We have gone to the Design Review Committee twice and we've incorporated comments that we've received there, as well. And as I've said, we'll be

back for you with the Preliminary Development Plan in the future. So if you have any questions I can take those right now.

CHAIR HUNTSMAN: Thank you. Any questions for… Okay, not at this time, but we do reserve the right to call you back. Mr. Patton.

MR. PATTON: I have three speakers on this item: Kevin Schumacher; Moses Stites and Mr. Handa.

CHAIR HUNTSMAN: Could you please come up and take the mike in any order. Thank you.

MR. STITES: Thank you. Mr. Chairman, members of the Planning Commission. My name is Moses Stites. I'm with the State of California Public Utilities Commission. And also with me is Kevin Schumacher, Utilities Engineer, with the PUC as well. Address is 505 Van Ness Avenue, San Francisco, California. We request to enter the following remarks into the administrative record for this project. The CUP has serious concerns with the traffic analysis findings for the at-grade railroad crossings near the proposed project. The traffic consultant provided three types of analysis at our request. One, collision between trains and vehicles and trains. And secondly, trains and pedestrians. And thirdly, queues on the approach to the rail crossings. Kevin Schumacher, when I'm through with mine, he'll get into the specific analysis or lack of at the railroad crossings. PH-1

We are in disagreement with the DEIR conclusions that the project impacts are not considered significant for the 2015 year interim scenarios or buildout scenarios, pages IV.3-61 and -62 of the DEIR which is before you. And as a consequence, no mitigation measures are proposed for the project. Given the accident history along this corridor and at-grade railroad crossings, we are surprised that no mitigation measures are being proposed to mitigate project impacts and cumulative impacts, according to CEQA. The CPUC also commented early on in the project review during the NOP and the traffic impact study scope, providing mitigation measures likely for this project, to no avail. And those letters were sent to the City on February 5, (20)09, almost a year to the date, and also May 13 of (20)09 and subsequent e-mails as well. Further, it PH-2 cont.

should be noted that Phase I did not provide mitigation to any at-grade crossings at that time. If they did, please provide us that information for our consideration. PH-2 cont.

Lastly, if the City of Oakland has these crossings in the City fee program that identified improvements in an infrastructure plan, then this could address our concerns in part, if that's the case. Or the developer could enter into a deferment agreement with the City and do the improvements up front, and be reimbursed at a later date, depending on the nexus fair share proportionality. PH-3

We are more than willing to work with staff and developers to arrive at a conclusion before the March 1 deadline of these comments. We are more than willing to work with the City and the project. We are not opposed to the project. I just want to go on record. We did indicate on there that we are neutral but we do have some serious concerns with regard to safety as that is our structure. And with that, Kevin Schumacher, Utilities Engineer.

MR. PATTON: Thank you, sir.

MR. SCHUMACHER: I'll keep this brief. My name is Kevin Schumacher. I'm with the California Public Utilities Commission. I'm in the Rail Crossings Engineering Section. We deal with railroad crossing safety. We deal quite a bit with Union Pacific and with the City of Oakland on railroad safety matters. Primarily, our concerns are at Fruitvale and High Street, which are two railroad crossings that do have traffic signals near them and which have had accidents and which are identified as having significant impacts to the traffic signals and congestion near those intersections. PH-4

And also pedestrian safety. At none of the crossings in the area are there ADA-compliant sidewalks so, with grade other pedestrian treatments are inadequate around the rails. So pedestrian issues. Vehicular issues are people stopping on the tracks and people driving around the gates. And there are improvements that we have recommended and put in writing to the City for sidewalk improvements: improvement of traffic signals by putting battery backup for when the power goes out; additional time for green signals to get people off of the tracks when a train is approaching. PH-5

At High Street there's been a number of accidents where people have been stopped on the tracks, have not been able to move off because traffic signal has not given the PH-6

green. And currently there is no plan that I am aware of to install such a treatment. That's something that should be put in. There's a Level of Service F at that intersection of High Street and Coliseum. PH-6 cont.

So further details are in our comments, but in short, there have been accidents. Probably approximately ten in the last ten years between intersections in the area and we're recommending (inaudible). PH-7

CHAIR HUNTSMAN: Thank you. Next speaker.

MR. HANDA: For the record, Sanjiv Handa, East Bay News Service. You know the old saying, build it and they will come. In Oakland, get it approved, and we'll keep coming back for subsidies. Many of Oakland's housing projects have been phased in over two and three and four decades. Non-profit developers like the Unity Council and Bridge Housing, for-profit ones like Signature and others, have often come back for subsidies. The train station project down in West Oakland, there were issues where it was maintained that there were going to be no City subsidies, so the project would not be compelled to have any below-market component in the rentals. But then after the project was approved, they came back for the subsidies that were needed to finish out the actual project. PH-8

There are also hidden things like what are called streetscape improvements and others, the taxpayers basically pick up the tab for. And I would remind you that affordable housing is not any cheaper to build than for-profit housing, because the materials and labor cost just about the same. The difference is that nobody is getting a profit, but at the same time these non-profits are being paid hefty development fees. They are being paid management fees and their CEOs are certainly looking at some of the bigger ones, are being paid six-figure salaries, are being given expense accounts, are given company cars and all that. You would start with Bridge Housing and a couple of the others, I could run down the list. Looking at their Form 990s filed with the State. PH-9

The bottom line is that this is another project that was piecemealed. The City Council back then, led by Ignacio De La Fuente, took short cuts, threatened public safety, put people's PH-10

lives at risk, because Mr. De La Fuente was in a hurry to get a street named after him. That's what had been promised. He'd been out there, take a look at Ignacio De La Fuente Way.

There were a number of other issues that were raised in the last go-round. The City did absolutely nothing. But the legal climate has changed. Back then, the courts were reluctant to intervene in EIRs, and intervene where city councils had absolute power. And as we know from at least five cases in the last couple of, at least the last eight or nine years, this City has lost when it's gone to court, when they've been sued on environmental impact reports. Some cases narrow, and some cases wide. But clearly it's something where the courts are taking a lot more interest. And part of that is from the City of Oakland, not doing what it should do to protect the safety, the health and the welfare of seniors, children and others who reside in the city. Thank you.

PH-10 cont.

CHAIR HUNTSMAN: Thank you, Mr. Handa. At this time are there any other speakers? At this time I'd like to bring it back to the Commission for comments. Anyone? Commissioner Gibbs.

COMMISSIONER GIBBS: Especially given that this is a preliminary, I'll be very brief. Not points for discussion but just points to be included in the going forward. Number one, I think it, well actually I do have a question. I'd like know why the comments of the CUP have not been addressed. Well let's first of all establish that that is true, because I think that is significant. Especially when they come out and speak to public safety and they've taken the time to come here and do so in front of us, I think that needs to be taken into consideration. So, before this comes back to us, I want that addressed, absolutely.

PH-11

Next, this is more of a blanket statement, not just about this specific project, but as the new guy on the block, I'm seeing these types of projects come before us and be compared to the Bay Area quality standards, and all of them have significant problems in that regard. So it brings up the question, number one, are the standards too high, or are the mitigation strategies inadequate? I think as a body we need to address that outside of this particular project, but in general, and take a stand and be proactive about how we as a body feel about the adequacies of the mitigation strategies and how they address the Bay Area quality standards. Which obviously

PH-12

aren't in effect yet, but we are assuming that they will be, otherwise it wouldn't be addressed in this document. That's my comment. PH-12 cont.

CHAIR HUNTSMAN: Thank you Commissioner Gibbs. Anyone else? Commissioner… I'm sorry Mr. Patton.

MR. PATTON: Just quickly to the Chair. I too was surprised by the PUC comments. I had not seen those. And our responses from Transportation Division did not reflect any of their concerns. So we'll make sure we get to the bottom of those issues when we come back.

On the second question, we have the same question about BAAQMD. Obviously, they are reviewing their performance standards as we speak. We're hoping they will have finalized those by the time this comes back. So that we'll have an idea where the bar is supposed to be and then we can determine significance. Thank you.

CHAIR HUNTSMAN: Thank you Mr. Patton. Commissioner Truong.

COMMISSIONER TRUONG: Thank you. I thank Mr. Patton for addressing the CPUC questions. I think moving forward in the Final EIR, I want to see that being addressed fully and PH-13 appreciate that it is a sudden issue. And then moving forward, if we can also look at how we address and mitigate the significant questions around traffic and around air quality. I do understand that although the Bay Area Air Quality Management District thresholds are pending, it is a higher threshold that we want to hold ourselves up to, which is great, and I support that to the extent feasible. And so I continue to support and urge that we continue to use this practice even if it hasn't quite been passed yet. PH-14

CHAIR HUNTSMAN: Thank you, Commissioner. Commissioner Gálvez.

COMMISSIONER GÁLVEZ: I would just echo the same comments Mr. Gibbs made, as well as supporting what Commissioner Truong just said about holding ourselves to these higher standards that will hopefully be passed pretty soon. PH-15

CHAIR HUNTSMAN: Thank you Commissioner Gálvez. Commissioner Zayas-Mart.

COMMISSIONER ZAYAS-MART: I just want to make sure that any mitigations of increased pedestrian traffic is included. In terms of, kind of along the same lines as the BRT PH-16

conversation, just to make sure that it's safe, inviting, place that is multi-modal so that this project looks not just at sort of within the property line but just beyond. Thank you.

PH-16 cont.

CHAIR HUNTSMAN: Thank you Commissioner Zayas-Mart. I guess my comments are, one of my concerns is right around in that area there is young folks with, there is issues there with children, a lot of children are serviced by La Clinica. There is a school not far from there. So the air quality from construction I mean it looks like a pretty good plan. But you know. It's just got to really be tight. But also in your plan, really be clear that the trucks should run through East 12th, not East 12th but San Leandro Boulevard. Keep… the construction traffic runs out through the back of the site. I see no other glaring issues here. I think the biggest issue I'd have is to make sure that the air quality is light. I trust that staff will suss out the air quality issues that were outlined by the PUC. So work together to move forward with that. I… applaud consultants and staff on a very comprehensive draft report. Thank you.

PH-17

PH-18

PH-19

- - End Item #3, Fruitvale Transit Village Phase II - -

Responses to Comments Received at the Planning Commission Public Hearing

Public Hearing Commenters

Moses Stites, CPUC

PH-1: See responses to Comment Letter C in Chapter 5 of this document regarding specific concerns raised by the CPUC.

PH-2: See response to Comment C-2 in Chapter 5 of this document regarding the basis for the DEIR's less-than-significant impact determination, and the absence of mitigation measures. Three letters were received from the Commenter regarding this project. The letter dated February 2, 2009 in response to the NOP is included in Appendix B of the DEIR. The comments in that letter were addressed in the Traffic Impact Study and incorporated into the Transportation section of the DEIR. Even though the letter dated May 13, 2009 pertained to the Traffic Impact Study scope of work and not directly on the DEIR, the letter is included below. The comments in that letter were addressed in the Traffic Impact Study. The letter dated February 19, 2010 and responses to the comments raised are included in Chapter 5 of this document under Comment Letter C.

PH-3: The City does not have a program that identifies improvements to the rail crossings mentioned by the commenter. However, the City and the CPUC have been working collaboratively for some time to identify potential funding sources and to seek federal (Section 130) funding to help pay for the safety improvements needed at the Fruitvale and High Street rail crossings.

Kevin Schumacher, CPUC

PH-4: As stated on page 4.3-18 of the DEIR, the Fruitvale Avenue and 37th Avenue crossings were selected for analysis, as well as the High Street crossing.

PH-5: See response to Comment C-2 in Chapter 5 of this document regarding potential rail crossing improvements identified in the traffic study prepared in support of the DEIR, and response to Comment C-4 in Chapter 5 of this document for discussion of specific potential improvements identified in the CPUC's comment letter. See Comments C-5 and C-6 in Chapter 5 of this document for safety concerns and proposed improvements.

PH-6: See response to Comment C-2 in Chapter 5 of this document regarding potential rail crossing improvements identified in the traffic study prepared in support of the DEIR, and response to Comment C-4 in Chapter 5 of this document for discussion of specific potential improvements identified in the CPUC's comment letter.

PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

May 13, 2009

Kristi Bascom
City of Oakland Contract Planner
Plan B Municipal Consulting
2843 Hopyard Road, Suite 168
Pleasanton, CA 94588

Re: Traffic Impact Study (T.I.S.) scope of work, City of Oakland
Fruitvale Transit Village 2 project-SCH # 2008122089

Dear Ms. Bascom:

Thank you for sending the proposed TIS scope of work for our review and comment. We offer the following comments:

1.) We recommend that the 29th Avenue railroad crossing needs to be included in the study. The consultants may be able to draw from other recent traffic studies at that location which found that the 95th percentile queues do extend onto the tracks.

2.) At High Street, Fruitvale and 29th Avenue it is expected that the 95th percentile queues already extend onto the tracks. There is already a need for mitigation at this location based on the existing conditions.

3.) Three years of collision data is insufficient in analysis of railroad crossing incidents which are less frequent, but more severe and have the potential for catastrophic results. We recommend 10 years of collision data be applied in this traffic analysis. The High Street and Fruitvale Avenue crossings have a history of incidents/accidents.

4.) Pre-signals and advance preemption need to be considered as mitigation measures for this project. At the Fruitvale Avenue and at High Street, the track circuitry is already in place allowing advance preemption. The track circuitry is usually the expensive component
.

5.) Please provide specifics as to the funding and phasing of the mitigation measures based on the analysis of the study.

We appreciate your response to our 2/5/09 letter on the NOP, as we raised issues to adjacent at-grade rail crossings to this project. By working with the CPUC early in the environmental review process, we can work with the City on resolving identified issues and expedite our review during the Draft EIR under CEQA.

If you have any questions in this review, please contact Kevin Schumacher, Utility Engineer at (415) 703-1298 or email at shk@cpuc.ca.gov. Any other project related questions can be directed to me at (415) 713-0092 or email at ms2@cpuc.ca.gov. We look forward to working with the City on this project.

.

Sincerely,

Moses Stites
Rail Corridor Safety Specialist
Consumer Protection and Safety Division
Rail Transit and Crossings Branch
515 L Street, Suite 1119
Sacramento, CA 95814

PH-7: As stated on page 4.3-19 of the DEIR, there were 22 collisions reported over the ten-year period between October 1, 1998 and September 30, 2008, within roughly 100 feet of the at-grade railroad track crossings on Fruitvale Avenue, East 9th Street / 37th Avenue, and High Street in the study area. Additional data obtained from the CPUC for train-related collisions that occurred after September 2008 indicated that three additional motor vehicle-train collisions occurred at the Fruitvale Avenue crossing, the latest on December 1, 2009.

Sanjiv Handa, East Bay News Service

PH-8: The comment does not address the adequacy of the analysis in the DEIR or other aspects pertinent to the environmental analysis pursuant to CEQA. The City will consider this input prior to taking action on the EIR and the proposed project.

PH-9: The comment does not address the adequacy of the analysis in the DEIR or other aspects pertinent to the environmental analysis pursuant to CEQA. The City will consider this input prior to taking action on the EIR and the proposed project.

PH-10: As called out on page 1-1 of the DEIR, the environmental documents for the Phase 1 of the Fruitvale Transit Village project includes Phase 2, however details of the Phase 2 development were unknown at the time those documents were prepared. In the intervening years since the Phase 1 project was completed, the details of the Phase 2 project have been worked out, and the City prepared this Fruitvale Transit Village Phase 2 DEIR to evaluate the impacts of the proposed project.

Planning Commission Discussion

Commissioner Gibbs

PH-11: See responses to Comment Letter C in Chapter 5 of this document regarding specific concerns raised by the CPUC.

PH-12: The comment first poses a broader question to the Planning Commission about the proposed Bay Area Air Quality Management District (BAAQMD) standards and proposed mitigation strategies included in those standards, rather than addressing the specifics of the project or its impacts. The proposed project would not result in a significant cumulative impact regarding greenhouse gas (GHG) emissions and policies under the proposed standards, given the GHG reduction measures incorporated into the project, as discussed in detail in Chapter 3, DEIR Changes and Supplemental Information.

Commissioner Truong

PH-13: See responses to Comment Letter C in Chapter 5 of this document regarding specific concerns raised by the CPUC.

PH-14: See response to Comment PH-12, above.

Commissioner Galvez

PH-15: See responses to Comment Letter C in Chapter 5 of this document, and Comment PH-12, above.

Commissioner Zayas-Mart

PH-16: Starting on page 4.3-60 of the DEIR is the assessment of the project's effects on pedestrian traffic, which is projected to increase to access bus and rail service at the Fruitvale station and to the retail commercial and transit corridor on International Boulevard beyond the boundaries of the project site. The project would not alter the existing multi-modal environment around the project site or the existing pedestrian network. As discussed in the DEIR, the project would provide pedestrian access and amenities along the project frontages on 35th Avenue, 37th Avenue, and East 12th Street.

Chair Huntsman

PH-17: The comment addresses construction-period air quality, specifically in given proximity of the project site to a nearby clinic and school. Potentially significant construction-period air quality impacts (which would only occur under proposed BAAQMD thresholds) are associated with diesel particulate matter (DPM) concentrations and would be reduced to less than significant with implementation of Mitigation Measure AIR-4, as discussed in detail starting on page 4.1-25 of the DEIR). The impact of construction-period criteria pollutants emissions would be less than significant, and the project will also implement the City's Standard Condition of Approval (SCA) AIR-1, *Dust Control*, and SCA AIR-2, *Construction Emissions* to address any related effects.

PH-18: Pursuant to City's Standard Conditions of Approval, TRANS-1, *Construction Traffic and Parking*, the project will include a specific Construction Traffic Management Plan developed by the project applicant prior to issuance of permits for the project site, which will specify construction traffic routes to and from the project site. As stated on page 4.3-60 of the DEIR, use of local roadways would be limited given the proximity of the project site to I-880.

PH-19: Written comments from the PUC in Letter C in Chapter 5 of this document, and by public comments PH-1 through PH-7, above, do not outline any air quality issues. Air quality impacts of the project are analyzed in Section 4.1 of the DEIR. As discussed in response to Comment PH-17, potentially significant construction-period air quality impacts (which would only occur under proposed BAAQMD thresholds) will be reduced to less than significant with implementation of Mitigation Measure AIR-4 (page 4.3-26 of the DEIR). See the detailed discussion in Chapter 3, DEIR Changes and Supplemental Information, under Air Quality, which details the GHG emissions impacts of the project after consideration of GHG reduction measures incorporated into the project.

APPENDIX A

Greenhouse Gas Background Information

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EMISSIONS in tons

2010 Construction Emissions **CO2** **CH4** **N2O**

338.6 (from URBEMIS)

From CCAR GPR 3.1 (2009) Table C-6

Diesel emission of CO2 10.15 kg CO2/gal
0.00058 kg CH4/gal
0.00026 kg N2O/gal

So for Mobile sources… CH4 emission = 5.71E-05 percent of CO2 Emissions
N2O emissions = 2.56E-05 percent of CO2 Emissions

Total Construction emissions in tons =

CO2	CH4	N2O	Total GHG
338.60	0.02	0.01	338.63

Total construction emissions as eCO2 in tons =

338.60	0.41	2.69	341.70

Total construction Emissions as eCO2 on Metric tons =

307.17	**0.37**	**2.44**	**309.98**

EMISSIONS in tons

2011 Construction Emissions **CO2** **CH4** **N2O**

446.57 (from URBEMIS)

From CCAR GPR 3.1 (2009) Table C-6

Diesel emission of CO2 10.15 kg CO2/gal
0.00058 kg CH4/gal
0.00026 kg N2O/gal

So for Mobile sources… CH4 emission = 5.71E-05 percent of CO2 Emissions
N2O emissions = 2.56E-05 percent of CO2 Emissions

Total Construction emissions in tons =

CO2	CH4	N2O	Total GHG
446.57	0.03	0.01	446.61

Total construction emissions as eCO2 in tons =

446.57	0.54	3.55	450.65

Total construction Emissions as eCO2 on Metric tons =

405.12	**0.49**	**3.22**	**408.82**

EMISSIONS in tons

2012 Construction Emissions **CO2** **CH4** **N2O**

383.07 (from URBEMIS)

From CCAR GPR 3.1 (2009) Table C-6

Diesel emission of CO2 10.15 kg CO2/gal
0.00058 kg CH4/gal
0.00026 kg N2O/gal

So for Mobile sources… CH4 emission = 5.71E-05 percent of CO2 Emissions
N2O emissions = 2.56E-05 percent of CO2 Emissions

Total Construction emissions in tons =

CO2	CH4	N2O	Total GHG
383.07	0.02	0.01	383.10

Total construction emissions as eCO2 in tons =

383.07	0.46	3.04	386.57

Total construction Emissions as eCO2 on Metric tons =

347.51	**0.42**	**2.76**	**350.69**

2013 Construction Emissions

EMISSIONS in tons

CO2	CH4	N2O
350.35 (from URBEMIS)		

From CCAR GPR 3.1 (2009) Table C-6

Diesel emission of CO2

10.15 kg CO2/gal
0.00058 kg CH4/gal
0.00026 kg N2O/gal

So for Mobile sources… CH4 emission = 5.71E-05 percent of CO2 Emissions
N2O emissions = 2.56E-05 percent of CO2 Emissions

Total Construction emissions in tons =

CO2	CH4	N2O	Total GHG
350.35	0.02	0.01	350.38

Total construction emissions as eCO2 in tons =

350.35	0.42	2.78	353.55

Total construction Emissions as eCO2 on Metric tons =

317.83	**0.38**	**2.52**	**320.74**

2014 Construction Emissions

CO2	CH4	N2O
106.45 (from URBEMIS)		

From CCAR GPR 3.1 (2009) Table C-6

Diesel emission of CO2

10.15 kg CO2/gal
0.00058 kg CH4/gal
0.00026 kg N2O/gal

So for Mobile sources… CH4 emission = 5.71E-05 percent of CO2 Emissions
N2O emissions = 2.56E-05 percent of CO2 Emissions

Total Construction emissions in tons =

CO2	CH4	N2O	Total GHG
106.45	0.01	0.00	106.46

Total construction emissions as eCO2 in tons =

106.45	0.13	0.85	107.42

Total construction Emissions as eCO2 on Metric tons =

96.57	**0.12**	**0.77**	**97.45**

Total Construction Emissions = All Years	**1474.20**	**1.77**	**11.71**	**1487.68** MT eCO2

Amortized over 40 Year Project Lifetime = 37.19 MT eCO2/yr

MITIGATED
CALCULATION OF METHANE AND N2O EMISSIONS

Vehicles:

From URBEMIS 2007: 1634.42 tons per year of CO2

Vehicle Emissions = 1482.721 metric tons per year of CO2

From Table 6 California Greenouse Gas Emisssions and Sink Summary:

in 2004 transportation fossil fuel combustion was	188	MMT CO2	
Mobile source combustion	0.6	MMT CH4	as eCO2
Mobile Source Combustion	11.8	MMT N2O	as eCO2

So for Mobile sources…	CH4 emission =	0.32	percent of CO2 Emissions		as eCO2
	N2O emissions =	6.28	percent of CO2 Emissions		as eCO2
	CH4 emissions =	4.74	metric tons/year	as eCO2	
	N2O emissions =	93.11	metric tons/year	as eCO2	

Area Sources

From URBEMIS 2007: 510.74 tons per year of CO2

Natural Gas = 463.3355 metric tons per year of CO2

From Table 6 California Greenouse Gas Emisssions and Sink Summary:

in 2004 residential fossil fuel combustion was	27.9	MMT CO2	
Stationary source combustion	1.3	MMT CH4	as eCO2
Stationary Source Combustion	0.2	MMT N2O	as eCO2

So for Stationary sources…	CH4 emission =	4.66	percent of CO2 Emissions		as eCO2
	N2O emissions =	0.72	percent of CO2 Emissions		as eCO2
	CH4 emissions =	21.59	metric tons/year	as eCO2	
	N2O emissions =	3.34	metric tons/year	as eCO2	

UNMITIGATED
CALCULATION OF METHANE AND N2O EMISSIONS

Vehicles:

From URBEMIS 2007: 1710.63 tons per year of CO2

Vehicle Emissions = 1551.857 metric tons per year of CO2

From Table 6 California Greenouse Gas Emisssions and Sink Summary:

in 2004 transportation fossil fuel combustion was	188	MMT CO2
Mobile source combustion	0.6	MMT CH4 as eCO2
Mobile Source Combustion	11.8	MMT N2O as eCO2

So for Mobile sources…	CH4 emission =	0.32	percent of CO2 Emissions	as eCO2
	N2O emissions =	6.28	percent of CO2 Emissions	as eCO2
	CH4 emissions =	4.97	metric tons/year	as eCO2
	N2O emissions =	97.46	metric tons/year	as eCO2

Area Sources

From URBEMIS 2007: 510.74 tons per year of CO2

Natural Gas = 463.3355 metric tons per year of CO2

From Table 6 California Greenouse Gas Emisssions and Sink Summary:

in 2004 residential fossil fuel combustion was	27.9	MMT CO2
Stationary source combustion	1.3	MMT CH4 as eCO2
Stationary Source Combustion	0.2	MMT N2O as eCO2

So for Stationary sources…	CH4 emission =	4.66	percent of CO2 Emissions	as eCO2
	N2O emissions =	0.72	percent of CO2 Emissions	as eCO2
	CH4 emissions =	21.59	metric tons/year	as eCO2
	N2O emissions =	3.34	metric tons/year	as eCO2

Indirect Greenhouse Gas (GHG) Emissions from Project use of Electricity (Power Plant Emissions)

Typical PG & E Residential Customer Monthly Household Energy Use:	540	kWh/month	** No electricity reduction assumed
Water and Wastewater Conveyance Electricity (Annual Household Use):	1600	kWh/year	** Includes a 20% reduction in water/wastewater usage
Residential Units:	275		(CALgreen standard)

Estimated Project Annual Electrical Use: 2,222,000 kWh (kilowatt hours)/yr
2,222 mWh (megawatt hours)/yr

Indirect GHG gases	Emission Factor lb/mWh	Annual Project Electricity mWh	GHGs metric tons	CO2 Equivalent Factor	Annual CO2 Equivalent Emissions (metric tons)
Carbon Dioxide (CO2)	524	2,222	528	1	528.1
Nitrous Oxide (N2O)	0.0037	2,222	0.0	296	1.1
Methane (CH4)	0.0067	2,222	0.0	23	0.2
Total Indirect GHG Emissions from Project Electricity Use=					**529** annual average

Notes and References:

Total Emissions from Indirect Electricity Use
CO2 Emission Factor Source: PG&E (http://www.pge.com/mybusiness/environment/calculator/assumptions.shtml)
Formula and Emission Factor from The California Climate Action Registry Report Protocol 2009

lbs/metric ton = 2204.62

Indirect Greenhouse Gas (GHG) Emissions from Project use of Electricity (Power Plant Emissions)

Typical PG & E Residential Customer Monthly Household Energy Use:	540	kWh/month
Water and Wastewater Conveyance Electricity (Annual Household Use):	2000	kWh/year
Residential Units:	275	

Estimated Project Annual Electrical Use:	2,332,000	kWh (kilowatt hours)/yr
	2,332	mWh (megawatt hours)/yr

Indirect GHG gases	Emission Factor lb/mWh	Annual Project Electricity mWh	Annual GHGs metric tons	CO2 Equivalent Factor	Annual CO2 Equivalent Emissions (metric tons)
Carbon Dioxide (CO2)	524	2,332	554	1	554.3
Nitrous Oxide (N2O)	0.0037	2,332	0.0	296	1.2
Methane (CH4)	0.0067	2,332	0.0	23	0.2
		Total Indirect GHG Emissions from Project Electricity Use=			**556** annual average

Notes and References:

Total Emissions from Indirect Electricity Use
CO2 Emission Factor Source: PG&E (http://www.pge.com/mybusiness/environment/calculator/assumptions.shtml)
Formula and Emission Factor from The California Climate Action Registry Report Protocol 2009

Pg. 35 (CCARRP) gives Equations

Pg. 94 (CCARRP) gives CO2 equivalency factors

Pg. 95 (CCARRP) gives Methane and Nitrous Oxide electricity emission factors (lbs/mWh)
Methane - 0.0302 (lbs/mWh)
Nitrous Oxide - 0.0081 (lbs/mWh)

lbs/metric ton = 2204.62

Greenhouse Gas emission from Solid Waste Disposal

Project: Fruitvale TV2 Development Project

of units = 275

persons/hshld = 2.6 Per Oakland Census Data

Pop Growth = 715

Per EPA: 1060 pounds eCO2 per person from solid waste www.epa.gov/climatechange/emissions/ind_home.html

Project waste emissions = 757900 pounds per year eCO2
= 344 metric tons per year eCO2

side calc: emission rate (1060 pounds/yr) assumes 1130 pounds of waste per year per person (same source as above)

so waste emission factor assumed by EPA = 0.938053 pounds eCO2 per pound waste

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Urbemis 2007 Version 9.2.4

Combined Annual Emissions Reports (Tons/Year)

File Name: E:\208475.00 - Fruitvale Transit Village Phase 2\GHG Reduction Memo\New URBEMIS\Phase 4 Ops rev.urb924

Project Name: Fruitvale TV2 - Phase 4 Ops

Project Location: Bay Area Air District

On-Road Vehicle Emissions Based on: Version : Emfac2007 V2.3 Nov 1 2006

Off-Road Vehicle Emissions Based on: OFFROAD2007

Summary Report:

AREA SOURCE EMISSION ESTIMATES

	ROG	NOx	CO	SO2	PM10	PM2.5	CO2
TOTALS (tons/year, unmitigated)	3.45	0.40	1.56	0.00	0.19	0.18	510.74

OPERATIONAL (VEHICLE) EMISSION ESTIMATES

	ROG	NOx	CO	SO2	PM10	PM2.5	CO2
TOTALS (tons/year, unmitigated)	1.35	1.51	14.22	0.02	3.16	0.60	1,710.74
TOTALS (tons/year, mitigated)	1.30	1.45	13.59	0.02	3.02	0.57	1,634.42
Percent Reduction	3.70	3.97	4.43	0.00	4.43	5.00	4.46

SUM OF AREA SOURCE AND OPERATIONAL EMISSION ESTIMATES

	ROG	NOx	CO	SO2	PM10	PM2.5	CO2
TOTALS (tons/year, unmitigated)	4.80	1.91	15.78	0.02	3.35	0.78	2,221.48

Both Area and Operational Mitigation must be turned on to get a combined mitigated total.

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Area Source Unmitigated Detail Report:

AREA SOURCE EMISSION ESTIMATES Annual Tons Per Year, Unmitigated

Source	ROG	NOx	CO	SO2	PM10	PM2.5	CO2
Natural Gas	0.03	0.38	0.16	0.00	0.00	0.00	483.19
Hearth	0.61	0.02	1.26	0.00	0.19	0.18	27.30
Landscape	0.01	0.00	0.14	0.00	0.00	0.00	0.25
Consumer Products	2.46						
Architectural Coatings	0.34						
TOTALS (tons/year, unmitigated)	3.45	0.40	1.56	0.00	0.19	0.18	510.74

Area Source Changes to Defaults

Percentage of residences with wood stoves changed from 35% to 5%

Percentage of residences with wood fireplaces changed from 10% to 5%

Percentage of residences with natural gas fireplaces changed from 55% to 90%

Operational Unmitigated Detail Report:

OPERATIONAL EMISSION ESTIMATES Annual Tons Per Year, Unmitigated

Source	ROG	NOX	CO	SO2	PM10	PM25	CO2
Condo/townhouse high rise	1.35	1.51	14.22	0.02	3.16	0.60	1,710.74
TOTALS (tons/year, unmitigated)	1.35	1.51	14.22	0.02	3.16	0.60	1,710.74

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Operational Mitigated Detail Report:

OPERATIONAL EMISSION ESTIMATES Annual Tons Per Year, Mitigated

Source	ROG	NOX	CO	SO2	PM10	PM25	CO2
Condo/townhouse high rise	1.30	1.45	13.59	0.02	3.02	0.57	1,634.42
TOTALS (tons/year, mitigated)	1.30	1.45	13.59	0.02	3.02	0.57	1,634.42

Operational Settings:

Does not include correction for passby trips

Does not include double counting adjustment for internal trips

Analysis Year: 2015 Season: Annual

Emfac: Version : Emfac2007 V2.3 Nov 1 2006

Summary of Land Uses

Land Use Type	Acreage	Trip Rate	Unit Type	No. Units	Total Trips	Total VMT
Condo/townhouse high rise	2.80	4.29	dwelling units	275.00	1,179.75	10,086.51
					1,179.75	10,086.51

Vehicle Fleet Mix

Vehicle Type	Percent Type	Non-Catalyst	Catalyst	Diesel
Light Auto	53.8	0.2	99.6	0.2
Light Truck < 3750 lbs	12.7	0.8	96.8	2.4
Light Truck 3751-5750 lbs	19.9	0.0	100.0	0.0
Med Truck 5751-8500 lbs	6.6	0.0	100.0	0.0
Lite-Heavy Truck 8501-10,000 lbs	0.9	0.0	77.8	22.2
Lite-Heavy Truck 10,001-14,000 lbs	0.6	0.0	50.0	50.0

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Vehicle Fleet Mix

Vehicle Type	Percent Type	Non-Catalyst	Catalyst	Diesel
Med-Heavy Truck 14,001-33,000 lbs	1.0	0.0	20.0	80.0
Heavy-Heavy Truck 33,001-60,000 lbs	0.4	0.0	0.0	100.0
Other Bus	0.1	0.0	0.0	100.0
Urban Bus	0.1	0.0	0.0	100.0
Motorcycle	3.2	50.0	50.0	0.0
School Bus	0.1	0.0	0.0	100.0
Motor Home	0.6	0.0	83.3	16.7

Travel Conditions

	Residential			Commercial		
	Home-Work	Home-Shop	Home-Other	Commute	Non-Work	Customer
Urban Trip Length (miles)	10.8	7.3	7.5	9.5	7.4	7.4
Rural Trip Length (miles)	16.8	7.1	7.9	14.7	6.6	6.6
Trip speeds (mph)	35.0	35.0	35.0	35.0	35.0	35.0
% of Trips - Residential	32.9	18.0	49.1			

% of Trips - Commercial (by land use)