

Chapter 2

Revisions to the Draft Environmental Impact Report

Introduction

As part of the evaluation of the comments received on the Draft EIR, revisions to were made to the draft EIR to clarify and provide additional information in the EIR. Those revisions are shown below. Text to be deleted is shown in ~~strikeout~~, and text that has been inserted is shown in underline.

Revisions

For clarification, page 2-1 of the Draft EIR is revised as follows:

The project site is presently occupied by corner buildings containing restaurants, fronting Broadway. The building at 224-228 Broadway is vacant; the building at 200 Broadway is a restaurant with less than 10 employees. Three-quarters of the project site is a publicly-available surface parking lot that accommodates up to 73 vehicles. The project site is bordered by commercial development and the Produce Market District (produce district). Produce market buildings occupy the rest of the block adjacent to the project site and the area across 2nd and 3rd Streets (see Figure 3B-1 of the Draft EIR, “Historic Districts in the Project Area”).

The second heading on page 3B-8 of the EIR is hereby revised to read:

~~Nearby~~ Areas of Primary and Secondary Importance

The legend for the transportation figures, Figures 3C-1 through 3C-4A and appendix Figures C1-1 and C1-1A, is incomplete. The p.m. peak-hour data is

shown in parenthesis while the a.m. data is not. The legend for the figures will be updated to include this information:

52 (321) = a.m. (p.m.) Peak-Hour Volumes

The second sentence of the second paragraph on page 3C-5 of the Draft EIR is hereby revised as follows:

The project area is served by public transit services. AC Transit routes 58, 59, 59A, 72L, and 73 run very near the project site; routes 58, 72, 72L, and 73 stop at the project site.

The second sentence of the first partial paragraph on page 3C-6 of the Draft EIR is hereby revised as follows:

~~Approximately eight buses per hour serve the area during peak periods. There are 14 trips per hour along Broadway to and from City Center in the peak hour.~~

The first partial paragraph on page 3C-6 is revised to read:

“. . . buses per hour during the morning and evening peak hours. The 72-73 lines travel along Broadway, then up San Pablo Avenue to either the Hilltop Shopping Center (72) or Point Richmond (73) in Richmond. Approximately eight buses per hour serve the area during peak periods. At midday, a free shuttle provides service up and down Broadway between Grand Avenue and Jack London Square. AC Transit plans to expand transit service to the project area. The peak-hour 72L service is proposed to be replaced with a all day “Rapid” service operating from the Jack London Square area to Contra Costa College. This service would stop within a few blocks of the project site.”

Page 3C-6 of the EIR is revised to include the following paragraph after the second paragraph on this page:

During normal hours of operation, Route 58 provides 15-minute service, Route 59 provides 30-minute service, while Routes 72 and 73 each provide 20-minute service. Each line also provides for express services that often provide high frequencies of service depending upon the time of

day and day of the week. The hours of operation for the free shuttle are generally between 11:00 a.m. and 2:10 p.m.

Page 3C-6 of the Draft EIR is revised. The following paragraph is hereby added before the heading “Existing Plans.”

Amtrak’s Capitol Corridor service provides 10 daily weekday trips to Sacramento and San Jose from Jack London Square; Amtrak also provides 7 daily weekday trips to Stockton from Jack London Square.

Page 3C-6 of the EIR is hereby revised as follows to delete this policy.

- ~~*Policy T.3.11 (Prioritizing Parking):* Parking in residential areas should give priority to adjacent residents.~~

Pages 3C-7 and 3C-8 of the Draft EIR are hereby revised as follows.

~~Several planned and programmed transportation improvements have been assumed as part of the traffic analysis. The year 2020 traffic volumes were developed using a set of procedures agreed upon by the City. The 2005 and 2020 Countywide Model was used to establish the 2020 intersection peak-hour turn-movement volumes. However, the existing geometry at each of the analysis intersections were assumed as part of the unmitigated condition. For local and regional roadways, assumptions provided in the Alameda County Congestion Management Agency Countywide Model (Countywide Model) were used. That model includes only programs that have been approved and funded as part of the Congestion Management Program (CMP) adopted by the Alameda County Congestion Management Agency (ACCMA). The following regional roadway and transit improvements are identified in the *Transportation Vision 2018 and Beyond: Alameda County Long-Range Transportation Plan*. These improvements may affect travel in the project area and are included as part of the future roadway network assumed in the Countywide Model:~~

- ~~Oakland Airport four-lane cross-airport roadway (assumed to be in place by 2005);~~
- ~~Fruitvale interchange and Oak Street interchange (assumed to be in place by 2020);~~

- ~~High Street/42nd Avenue/I-880 access improvements (no firm construction date available); and~~
- ~~Reconstruction of I-80/I-580, and I-880 improvement program (no firm construction date available).~~

Because the ACCMA 1998 Level of Service Monitoring study reports LOS F operations for the connection from State Route (SR) 260 eastbound (Posey Tube) to I-880 northbound (at Jackson Street/6th Street) during the p.m. peak hour, a multi-jurisdictional Deficiency Plan has been prepared. The Deficiency Plan identifies short-term and long-term strategies to reduce the delay at the connection to acceptable levels, as follows:

The short-term strategies include:

Traffic forecasts were developed for both the year 2005 and 2020 conditions along the CMP and MTS roadway system. The CMP Countywide model was used for both of these forecast scenarios. The technical appendix of the Draft EIR includes all of the impact tables, analyses and results. The Alameda County CMA Countywide model for 2005 includes all of the improvements listed in the Capital Improvement Program of the 2001 CMP. The year 2020 model includes all of the projects listed in the investment program of the 2001 Countywide Transportation Plan. The following is a list of Alameda County CMA Improvement Projects near the site:

- The 42nd and High Street Interchange improvements anticipated to be completed by 2007.
- The 5th Avenue Retrofit anticipated to be completed by 2008.
- The Oakland Airport Connector.
- The Capitol Corridor improvements in Jack London Square.
- The Smart Corridor improvements within Oakland along Broadway.
- The Oakland/Berkeley/San Leandro AC Transit Corridor enhancements project.
- The Broadway-Jackson Interchange Project anticipated to be completed in 2008. Phase 1 of this program has been evaluated by Caltrans. In June of 2000, Caltrans completed the Project Study Report for Phase 1. Environmental review is currently being conducted on Phase 2. The Phase 1 program includes:
 - Closing the 6th Street connecting ramp to Broadway and restriping the northbound I-880 on-ramp from Jackson Street. The existing exit ramp to Broadway at the top of the northbound on-ramp to I-880 at 6th and Jackson Street

would be eliminated. This improvement would allow the northbound on-ramp to be reconfigured from one to two lanes. This would allow the northbound left turn and southbound right turn movements at 6th and Jackson to access the I-880 freeway without merging together on the on-ramp.

- Channelizing the right turns from Harrison Street to 7th Street and the right lane on 7th Street. Along 7th Street between Harrison Street and Jackson Street, the curb lane would be widened to allow for the construction of a barrier. The barrier would separate the northbound right turning traffic from the Posey tube from the eastbound traffic on Jackson Street. This improvement would eliminate the existing traffic weaving on 7th Street of these two movements.
- Diverting the southbound through-traffic on Jackson Street to eastbound 7th Street or channelizing the right turns from 7th Street to southbound Jackson Street. A similar barrier would be constructed on Jackson Street between 7th Street and 6th Street. This barrier would separate the vehicles that turn right at 7th Street and Jackson Street that proceed south on Jackson Street to access the northbound on-ramp from I-880 from the southbound traffic on Jackson Street wanting to also access the I-880 on-ramp.

~~While the above improvements have been recommended, they have not been constructed. Therefore, they are not assumed as part of the baseline (un-mitigated) conditions. They are discussed under the impact and mitigation portion of this EIR.~~

~~The long-term strategies include:~~

- ~~Constructing the improvements included in the proposed Broadway Jackson Interchange improvements. The Broadway Jackson Interchange improvement plans are currently being developed jointly with the Cities of Oakland and Alameda, Caltrans, and ACCMA. There have been a number of draft improvement programs developed. However, one or more of the components of these plans have either been found unfeasible or were rejected by Oakland or Alameda. Projects were rejected because of the potential impacts to adjacent existing land uses. Therefore, a long-term mitigation strategy is still being developed, and cannot be incorporated into a future baseline condition because these improvements are considered speculative.~~

The overall Broadway/Jackson Interchange Project includes the following.

- Construct new southbound off ramp from I-880 to Martin Luther King in the Jack London District.
- Improve the northbound Jackson Street on-ramp to I-880.
- Create dual left turns from southbound Broadway at the intersection of Broadway and 5th Street.
- Provide improved signage to direct traffic from I-880/I-980 to Downtown Oakland, Jack London Square and the City of Alameda.
- Interconnect traffic signals at both ends of the Posey Tube to optimize traffic flows from Alameda Point to I-880/I-980.

The following discussion supplements the information provided on page 3C-8 of the Draft EIR and is hereby added below the second bullet on page 3C-8.

In addition, Caltrans (in cooperation with the Alameda County CMA) is currently conducting environmental studies for proposed improvements in the vicinity of the I-880 /Broadway–Jackson interchange. Construction is tentatively scheduled to start 2005-06. Elements of that improvement project include the following.

- Construction of a new southbound off-ramp from I-880 to Martin Luther King Jr. Way
- Provision of improved signage to direct traffic from I-880/I-980 to downtown Oakland, Jack London Square, and the City of Alameda
- Improvement of the existing Traffic Operation System to better manage traffic flow to and from the Posey/Webster Tubes (SR 260/61), I-880, and I-980
- Improvements to the northbound on-ramp (widened to 2 lanes along the entire ramp) for I-880 from Jackson/6th Streets (expected to be complete by September 2003)
- Provision of a second southbound through lane on Broadway at 5th Street (for a total cross section of 2 left turn lanes and 2 through lanes).

Given the timing of the above-identified improvements, however, the analysis of project impacts in this report does not assume any of the above transportation improvements. A follow-up e-mail exchange with Mr. Fathollahi at Caltrans on April 19, 2002, confirmed the accuracy of the Draft EIR's description of the status of the improvements and the expected start of construction.

Typographical error on page 3.C-14 is revised:

The worksheets in Appendix 3C2, “Shared Parking Background Information,” provide parking demand for each land use by hour of day, based on data contained in the ULI Shared Parking Report.

Page 3C-15 of the Draft EIR is hereby revised as follows.

Based upon this factor, it is estimated that there could be approximately one transit trip for every 6 vehicle trips generated by the project. Of those trips, approximately 60% could use AC Transit and 40% could use BART. Using these estimates, the project would generate a maximum of 40 passenger trips on AC Transit ~~trips~~ and 26 new passenger trips on BART ~~trips~~ in both directions during each peak hour. Although the project site is close to the Jack London Square ferry service, it is not known what portion of the project-generated peak-hour trips would occur by ferry.

For evaluating transit impacts, a significant impact was considered to occur if increased transit ridership results in: increased average ridership on AC Transit lines by 3% at bus stops where the average load factor with the project in place would exceed 125% over a peak 30-minute period; increased peak hour ridership on BART by 3% where the passenger volume would exceed the standing capacity of BART trains; or increased peak hour average ridership at a BART station by 3% where average waiting time at fare gates would exceed one minute ~~the proposed project would cause one or more transit lines to exceed the capacity goals set by the respective transit agency. Most of AC Transit routes serving the site experience maximum loads that exceed 100%. However, routes 72 and 83 exceed the line limit for only 10 minutes (AC Transit 1998). For AC Transit, which has a capacity goal of 125% during its peak half-hour, the worst existing capacity condition in the project area is for the 72-73 route, which operates at over 126% of seating capacity during brief periods each day. On this route, the peak observed half-hour ridership was 121 passengers on three buses, or 53 fewer than the desired maximum of 174 (125% times three buses times 47 passengers). Therefore, the criterion for a potential significant impact should be 106 passengers per hour per route. For BART, a typical peak-hour train has a seating capacity of 708 passengers (BART 2001). Because some lines already run at BART's upper limit goal of 135% of capacity, an addition of 1% of the seating capacity might cause the goal to be exceeded, depending on which line received the new passengers. One percent of 708 passengers would be 7 riders, so an expected addition of 7 passengers per train would potentially constitute a significant impact.~~

Mitigation Measure 3C-1a is revised to include these additional considerations, following the last bullet on page 3C-27:

- AC Transit should review the plan prior to its approval by the City.

- The plan should provide transit tickets and passes to building occupants at a free or reduced rate.
- Require the applicant to provide funds to support transit service which would be the most responsive and cost effective for residents and employees in the building. This could be a new service or an augmentation of an existing service. The transit services to be provided by these funds should be determined by the City, in consultation with AC Transit, BART, and the Port.
- The applicant should make information available to residents about carsharing programs, such as City Carshare. It may be appropriate to establish a City Carshare pod at the site.

The discussion under Impact 3C-3 on page 3C-29 of the EIR is hereby revised as follows.

The proposed project will contribute to the passenger loading on both AC Transit and BART service. It should be noted that specific passenger load data for AC Transit and BART is available by route and not for precise locations along the route. Therefore, it is not practically feasible to determine whether the project's new transit trips would exceed the bus or train capacity, at any one bus or train stop, near the site due to data limitations, however it is reasonable to determine overall project effects. Because the overall project effect of increased ridership (26 passengers on BART and 40 on AC Transit) would be minimal, dispersed over different times and across different routes, the overall project effect would be less than significant. Further, AC Transit is planning to add express bus service along Broadway that will serve the bus stop. This impact is considered less-than-significant. No mitigation is required. (Also see the mitigation discussion under mitigation measure 3C-1 and the impact discussion under Impact 3C-10 and 11 (ACCMA CMP and MTS system impacts).

The following paragraph is hereby added after the second paragraph to page 3D-4 of the EIR:

The project site is located within the service area of EBMUD's East Bayshore Recycled Water Project, and is therefore eligible to receive recycled water. Recycled water provided to the site could be used for toilet flushing in the commercial and retail portions of the mixed-use project, as well as for landscape irrigation.

Mitigation Measure 3D-3 on page 3D-13 of the EIR is hereby amended as follows:

Mitigation Measure 3D-3: Prior to completing the final design for the project's sewer service, confirmation of the City's surrounding stormwater and sanitary sewer system capacity and state of repair shall be completed by a qualified civil engineer. The project sponsor may be required to pay mitigation fees to improve stormwater and sanitary sewer infrastructure. 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 associated with the proposed project. Additionally, the project sponsor shall be responsible for payment of the required installation or hook-up fees to the affected service providers.

The following data is hereby added following the first paragraph of Draft EIR page 3E-5.

Existing PM10 Concentrations at the Port of Oakland

Table 3E-2a provides additional PM10 monitoring data for the Port of Oakland and environs. This data indicates that the 24-hour average PM10 standard is violated in the Port area while the annual geometric mean standard is not generally violated.

PM10 Measurements in the Project Vicinity

Ambient air monitoring of particulate concentrations was performed in April of 2002 using a MIE model PDR-1000 airborne particulate monitor. Construction activity was observed to be occurring at parcels within a two-block radius of the monitoring site during the monitoring effort. Particulate concentrations monitored at the monitoring site ranged from 9 to 11 micrograms per cubic meter, as indicated below in Table 3E-2b, and were below the state 24-hour standard which is 30 micrograms per cubic meter. Measurements are considered to be conservative when compared with 24-hour averages since they were conducted during daytime when particulate generating activity is at its greatest and nighttime meteorological effects (i.e., dew and fog, which reduce the tendency for particulate matter to become airborne) are not present. While these measurements were conducted during a single day and cannot represent the fluctuations expected day-to-day, they do indicate that PM10 concentrations on the day monitored in the project vicinity were substantially below state standards.

Table 3E-2b. Monitored Particulate Matter Concentrations^a

<u>Location</u>	<u>Particulate Concentration (micrograms per cubic meter)</u>	<u>Averaging Time (minutes)</u>
<u>Jackson Street/5th Street</u>	<u>11</u>	<u>10</u>
<u>Jackson Street/4th Street</u>	<u>11</u>	<u>10</u>
<u>Alice Street/4th Street</u>	<u>9</u>	<u>30</u>

^a All values are micrograms per cubic meter (ug/m3) of particulate matter.
Source: ESA 2002

The Bay Area is a non-attainment area with respect to the State of California's 24-hour average PM10 standard (50 micrograms per cubic meter). The federal 24-hour PM10 standard is 150 micrograms per cubic meter. The Bay Area is designated as unclassified with respect to the federal standard and ambient monitoring throughout the Bay Area and indicate that few, if any violations of the federal standard have been recorded in the past five years.

As indicated by the ambient air monitoring, ambient PM10 concentrations in the project vicinity are less than 50 micrograms per cubic meter and would not be considered to be a health hazard.

Mitigation Measure 3F-1, pages 3F-9 and 10 of the Draft EIR, is hereby revised as follows.

Mitigation Measure 3F-1: Employ noise-reducing construction practices for pile driving or other extreme noise-generating activity (90 dBA or above)

To reduce pile-driving construction noise impacts, construction contractors shall implement the following measures:

- a. Pile driving or other extreme noise generating activity (90 dBA or above) shall be limited to between 8:00 a.m. to 4:00 p.m., Monday through Friday, with no pile driving or other extreme noise generating activity permitted between 12:30 and 1:30 p.m., or other mid-day hour as established and noticed. Pile driving or other extreme noise generating activity is prohibited on Sundays and holidays. Pile driving on Saturdays will be evaluated on a case by case basis, with criteria including the proximity of residential uses and a survey of residents and businesses preferences for whether Saturday activity is

acceptable if the overall duration of the pile driving is shortened. At least 30 days written notice to surrounding residents and businesses (minimum of 300 foot radius) shall be provided of proposed pile driving activity and its estimated duration.

- b. To further mitigate potential pile-driving and/or other extreme noise generating construction impacts, site-specific noise attenuation measures shall be further developed into a noise reduction plan to ensure that the maximum feasible noise attenuation is achieved (feasibility shall be as defined by CEQA). This plan shall be submitted to the City for review and approval and then implemented under the supervision of a qualified acoustical consultant. This plan shall be based on the final design of the project. A third-party peer review, paid for by the applicant, shall be required to assist the City in evaluating the feasibility and effectiveness of the noise reduction plan submitted by the applicant. A special inspection deposit is required to ensure compliance with the noise reduction plan. The amount of the deposit shall be determined by the Building Official, and the deposit shall be submitted by the project sponsor concurrent with submittal of the noise reduction plan. Preliminary review of noise reduction measures found that specific noise control strategies are limited due to the small size of the site and close proximity of surrounding buildings. The noise reduction plan shall include, but not be limited to, an evaluation of the following measures.
- 1) ~~“Quiet” pile-driving technology shall be used, where feasible, considering geotechnical, structural requirements, and other conditions.~~
 - 2) ~~Temporary plywood noise barriers shall be used, where feasible, around the entire construction site.~~
 - 3) ~~Noise control blankets shall be used, where feasible, on the proposed building structure as it is erected to reduce noise emission from the site.~~
 - 4) ~~The feasibility of temporarily improving the noise reduction capability of adjacent or nearby buildings, by the use of sound blankets for example, shall be implemented if found feasible and acceptable to adjacent or nearby users.~~
 - 5) ~~The effectiveness of noise attenuation shall be evaluated by taking noise measurements during construction; and,~~
 - 6) ~~At least 30 days written notice to surrounding residents and businesses (minimum of 300 foot radius) shall be provided of proposed pile driving activity and its estimated duration.~~

Impact 3I-1 on pages 3I-5 and 3I-6 is hereby revised and mitigation added to reduce the identified impact to less than significant as follows.

Impact 3I-1: Exposure of the public to hazardous materials (~~Less than~~
Potentially Significant)

According to the Phase I and Phase II site assessments conducted for the portions of the project site, no hazardous materials are present at the site from previous uses. Soil and groundwater testing identified no contamination of resources at the site. The site is not located within 0.5 mile of a school or on a site that is included on a list of hazardous materials sites. Construction activities, ~~however,~~ would involve operation of heavy equipment that could cause spills of gasoline, diesel, or other petroleum products at the site. Such accidental releases would expose members of the public to hazardous substances. The project sponsor will be required to comply with all applicable OSHA regulations regarding worker safety, consistent with standard City requirements. Although there is no indication of petroleum-related chemicals, such products may be associated with the historic foundry uses, and therefore, the project would not could create a potentially significant hazard to the public or the environment, if some of these chemicals are present. No mitigation is required. Implementation of Mitigation Measure 3I-1 would reduce this impact to less than significant.

Mitigation Measure 3I-1a: Prior to obtaining necessary building permits or commencing construction activities, the project applicant shall confirm the absence of petroleum-related chemicals. If petroleum-related chemicals are present, the project applicant shall consult the Alameda County Health Department and/or other applicable regulatory agencies regarding the potential residual petroleum-impacted soil and groundwater related to the historic foundry use and shall implement the following measures as required.

Prior to development, the project applicant would have to demonstrate to the Alameda County Health Department (ACHD) that a sufficient level of investigation has previously been completed. This could, at a minimum, include preparation of a comprehensive summary report that details each of the past soil and groundwater studies. Depending on the response of the ACHD and its position regarding the project site, the project applicant could be required to perform additional studies to fill any outstanding data gaps. Based on the decision of the ACHD, the project applicant could be required to perform a health-based risk assessment to address potential vapor hazards. The risk assessment would establish appropriate site-specific cleanup levels for petroleum hydrocarbons in soil or groundwater, or provide the basis for design of appropriate structural mitigation measures.

Mitigation Measure 3I-1b: In accordance with standard practices, an environmental site health and safety plan shall be created to address worker safety hazards that may arise during construction activities.

The contractor would be required to comply with all applicable OSHA regulations regarding worker safety, consistent with standard City practices. The OSHA-specified method of compliance would depend on the severity of impact to soil or groundwater. Appropriate measures could include a vapor monitoring program, eye protection, and specific handling instructions.

Mitigation Measure 3I-1c: In accordance with standard practices, the project applicant shall comply with all applicable regulatory agency requirements, including those set forth by Alameda County and the California DTSC regulations regarding the storage and transportation of hazardous materials and hydrocarbon-impacted soil and groundwater.

Soil generated by construction activities would be stockpiled onsite and sampled prior to disposal at an appropriate facility or potential reuse at the project site. Groundwater generated during construction dewatering would be contained and transported offsite for disposal at an appropriate facility, or treated prior to discharge into the sanitary sewer to levels acceptable to the East Bay Municipal Utilities District.

With the implementation of Mitigation Measure 3I-1, this potential impact is reduced to less than significant.