
Revisions to Draft EIR

The changes to the Draft EIR presented in this chapter of the Final EIR are either initiated by the City of Oakland (Lead Agency) staff, or are made in response to comments received on the Draft EIR. Changes consisted of corrections, revisions or clarifications to descriptive information presented in the Draft EIR; none of the changes affected the original findings or determinations of the Draft EIR. Throughout this chapter, newly added text is shown in single underline format, and deleted text is shown in ~~strikeout~~ format. For changes specifically initiated by comments received on the Draft EIR, the numeric designator for the comment is indicated in [brackets] prior to its description.

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

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

Chapter #: Project Description

[Master Response #3]: The following Opportunity Site (the EBMUD Adeline Maintenance Center on West Grand Avenue), as indicated on Table 3-1 of the Draft EIR Project Description and found on page 3-9 of the Draft EIR (and elsewhere throughout the Draft EIR), is hereby deleted and is no longer a part of the proposed Specific Plan. This change also removes the previously proposed High Intensity land use designation for the EBMUD Adeline Maintenance Center from this site.

Site#	APN	Address	Area
17	7-572-2-4	Poplar to Linden, West Grand to 20th Street	13.02

[Master Response #3]: The following portion of the Project Description, found on page 3-26 of the Draft EIR (and elsewhere), which describes the Draft Specific Plan's proposed General Plan amendments and re-zoning for the Cocoa-Cola Bottling/Mayway site at 10th and Mandela Parkway, is hereby deleted and is no longer a part of the proposed Specific Plan:

~~Coca Cola Bottling/Mayway Site (Opportunity Site #38): This site is located at the northeast corner of the Mandela Parkway/12th Street intersection. The northerly portion of the site currently contains a medicinal herb international wholesale business (offices, test kitchen and warehouse) with ancillary truck parking. The site is immediately south of an 8-acre former dairy production site, now newly re-constructed and occupied by 8-10 commercial-industrial~~

~~businesses. It is next to a recycler and major food production company (historic Nabisco plant) and across Mandela from the Oakland Fire Station 3 and small local commercial enterprises. The site is located immediately west of Wade Johnson Park and north of the Oakland Housing Authority's Peralta Villa residential neighborhood, which occupies the blocks from 12th Street to 8th Street and Mandela Parkway to Poplar Street. The current General Plan land use designation for this site is Business Mix, whereas the Specific Plan proposes to amend the General Plan to change its land use designation to Housing and Business Mix. The current zoning for this site is Commercial/Industrial Mix (CIX-1), whereas the Specific Plan proposes to re-zone this site to Housing/Business Mix (HBX-2). Implementation of this General Plan amendment and re-zoning would enable reuse of the site for new residences and live/work units, compatible with the adjacent residential uses to the south and the public park to the west (see Figure 3-10).~~

[Master Response #3]: The following portion of the Project Description, found on page 3-51 of the DEIR (and elsewhere), is hereby amended as follows, effectively reinforcing and clarifying the addition of bicycle lanes of West Grand Avenue and Adeline Street, but removing the previously proposed lane reductions of 14th Street, 12th street and 8th Street, and the previously proposed round-a-bouts from the proposed Project:

Complete Streets

The Plan specifically calls for the provision of a network of “complete streets” throughout West Oakland, ¹serving not only the automobile capacities but also providing an interconnected system of bicycle paths and lanes, pedestrian improvements and streetscape amenities, as well as transit improvements intended to better facilitate use of transit choices in West Oakland and to better connect West Oakland to downtown, Jack London Square, the Oakland Army Base and other surrounding areas. As part of the complete streets strategy and consistent with the ~~the Plan proposes traffic calming strategies including travel lane reductions and round-a-bouts where adequate traffic capacity can be maintained, particularly at the following locations (see Figure 3-22)~~ City of Oakland's Bicycle Master Plan, bike lanes are to be added on Adeline Street from 3rd Street to 36th Street at the Emeryville border, and on West Grand Avenue from Mandela Parkway to Market Street. Both projects will close gaps in the citywide bikeway network. The projects will be implemented in coordination with the City's Pavement Management Program through the City's update to the Five Year Paving Plan. If the roadways are not part of the updated Five Year Paving Plan, the projects will be implemented as restriping projects funded by the City's Capital Improvement Program for Bicycle Master Plan Implementation.

- The project on Adeline Street will create a continuous bikeway through Oakland and Emeryville from 3rd Street to 61st Street near the Berkeley border. The project will intersect with existing bikeways on 3rd Street, 8th Street, 14th Street, and 32nd Street. The Adeline Street project will reconfigure the roadway from two travel lanes

¹ Complete Streets (sometimes known as livable streets) describes a comprehensive, integrated transportation network, with roadways designed and operated to enable safe, attractive, and comfortable access and travel for all users, including: pedestrians, bicyclists, persons with disabilities, seniors, children, motorists, movers of commercial goods, operators of public transportation, public transportation users of all abilities, and emergency responders.

in each direction to one travel lane and one bike lane in each direction, plus a two-way center turn lane.

- The West Grand Avenue project will close a key gap from Mandela Parkway to Market Street and connect to the existing bikeway on Grand Avenue between Market Street and Embarcadero in the Grand Lake neighborhood. In conjunction with the proposed Gateway Park project, the West Grand Avenue bike lanes will provide direct access to the eastern span of the San Francisco - Oakland Bay Bridge from West Oakland, downtown, and the Lake Merritt neighborhoods. The West Grand Avenue project will reconfigure the roadway from three travel lanes in each direction to two travel lanes and one bike lane in each direction.
- ~~Reduce the number of travel lanes on 12th Street between Market Street and Mandela Parkway, from the existing four travel lanes to two travel lanes with a center turn lane.~~
- ~~Reduce the number of travel lanes on 14th Street between Market Street and Mandela Parkway, from the existing four travel lanes to two travel lanes with a center turn lane.~~
- ~~Reduce the number of travel lanes on 8th Street between Market Street and Mandela Parkway, from the existing four travel lanes to two travel lanes with a center turn lane.~~
- ~~Roundabouts or other features should be considered at the following intersections to calm traffic and enhance the streetscape as a gateway or landmark feature at Adeline Street at 12th, 14th and 18th Streets; and at Peralta Street at 18th and 28th Streets.~~

Chapter 4: Setting, Impacts and Mitigation Measures

[8-4]: The following text is added to the list of other closely related past, present and reasonably foreseeable probable future projects located outside but near West Oakland:

EBMUD Main Wastewater Treatment Plant Land Use Master Plan: The EBMUD Board of Directors certified the Main Wastewater Treatment Plant (MWWTP) Land Use Master Plan and EIR, which considered a number of EBMUD projects including biodiesel production and food waste pre-processing that are likely to be developed on the existing MWWTP and the adjacent 15.9-acre West End property.

Chapter 4.1: Aesthetics

[5-2]: The following incorrect text found on page 4.1-15 of the DEIR is deleted, and amended with the correct description of building heights at the BART Station TOD, as found on page 4.1-13 (and elsewhere) in the DEIR:

~~No changes in maximum allowed building heights are proposed as part of the Specific Plan. New development would generally not exceed a maximum of five stories in height, except at the 7th Street BART Station TOD, where the Plan proposes buildings up to the maximum height allowed by current zoning (75 feet along the north side of 7th Street and adjacent to~~

the south Prescott neighborhood, stepping up to 90 feet at the BART station and along the south side of 7th Street, and 120 feet near the freeway). Throughout most of West Oakland, no changes in the maximum allowed building heights is proposed as part of the Specific Plan, with the exception of the West Oakland BART Station TOD site. The currently effective building heights proscribed under current zoning that are applicable to the West Oakland BART Station TOD area allow for a maximum building height of 120 feet nearest to I-880, stepping down to 90 feet along 7th Street, and between 60 and 75 feet nearest to the adjacent South Prescott neighborhood. Under these current height limits, new buildings would likely be bulky and block-shaped with 60-foot to 75-foot street walls at the exterior perimeters. The Specific Plan proposes amending the current Zoning Code's height limits to provide for a more precisely defined urban form. At the West Oakland BART Station TOD, the Specific Plan proposes an increase in the maximum allowed building height from the existing height limits of 120 feet (which is currently applicable to parcels adjacent to the I-880 freeway) to allow building heights of up to 160 feet along 7th Street and east of Union Street, 140 feet along 7th Street and east of Union Street, and 140 feet on those parcels adjacent to the I-880 freeway. The Plan would also provide a more effective and substantial transition in building heights nearest to the South Prescott neighborhood, with buildings nearest to this neighborhood as low as 2-stories.

Chapter 4.2: Air Quality

[8-6]: The following text on page 4.2-35 of the DEIR (and elsewhere where this typo has been made) is revised as follows:

The East Bay Municipal Utility District (EBMUD) Main Wastewater Treatment Plant (~~WWTP~~ MWWTP) is located west of West Oakland, within a triangular area formed by Grand Avenue and the I-80, I-580, and I-880 freeways.

[**Master Response #4**]: The following addition to the City of Oakland Standard Condition of Approval (SCA A) is hereby added to the Draft EIR, including the following construction-period toxic air contaminant conclusion at page 4.2-40 of the Draft EIR:

Standard Conditions of Approval

Notwithstanding this lack of detail, SCA A, as supplemented with the additional Best Management Practice identified below, would implement construction-related Best Management Practices in West Oakland and throughout the City of Oakland to substantially reduce construction-related impacts to a **less-than-significant level**.

- At all construction sites where access to grid power is available, grid power electricity shall be used. If grid power is not available, then propane or natural gas generators may be used, as feasible. Only if propane or natural gas generators prove infeasible shall portable diesel engines be allowed.

[**Master Response #4**]: The following additional mitigation measures are hereby added to the Draft EIR, starting at Mitigation Measure Air-9 on page 4.2-44 of the Draft EIR:

Mitigation Measure AIR-9A: Risk Reduction Plan. Applicants for projects that would include backup generators or other stationary sources of toxic air contaminants shall prepare and submit to the City, a Risk Reduction Plan for City review and approval. The applicant shall

implement the approved Plan. This Plan shall reduce cumulative localized cancer risks to the maximum feasible extent. The Risk Reduction Plan may contain, but is not limited to the following strategies:

- a) Demonstration using screening analysis or a health risk assessment that all project sources of toxic air contaminants, when combined with other cumulative sources with 1,000 feet, would result in a cancer risk level less than 100 in a million, a non-cancer risk (chronic or acute) hazard index of less than 10.0, or an annual average concentration of PM_{2.5} of less than 0.8 micrograms per cubic meter.
- b) Installation of non-diesel fueled generators.
- c) Installation of diesel generators with an EPA-certified Tier 4 engine or engines that are retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy.

Mitigation Measure Air-9B: Place loading docks as far from residences as feasible.

Mitigation Measure Air-9C: If the project includes a truck fleet of any size that is registered to the project applicant, the truck fleet must comply with all applicable CARB requirements to control emissions from diesel engines, and demonstrate compliance at the time building permits are issued. Means by which compliance may be achieved may include, but are not limited to new clean diesel trucks, lower-tier diesel engine trucks with added PM filters, hybrid trucks, alternative energy trucks, or another method that achieves the CARB emission standards. Compliance with this requirement shall be verified through CARB's Verification Procedure for In-Use Strategies to Control Emissions from Diesel Engines.

[Master Response #4]: The following additional mitigation measure is hereby added to the Draft EIR, starting at page 4.2-51 of the Draft EIR:

Other Best Management Practices Mitigation Measures

In addition to the City's Standard Conditions of Approval (Supplemental SCA B and C), ~~consider requiring future individual discretionary development projects on those sites which would place new sensitive receptors in areas subject to cancer risks and exposure to PM_{2.5} concentrations to incorporate the following additional (i.e., in addition to the SCAs) Best Management Practices (BMPs) for air quality:~~ the following additional mitigation measure is recommended for all new sensitive receptors within the West Oakland Planning Area that meet the siting criteria; at least until such time as evidence demonstrates that air quality conditions in West Oakland have improved to levels commensurate with other areas within the City:

Mitigation Measure Air-10: In addition to the City's Standard Conditions of Approval (Supplemental SCA B and C), require future discretionary development projects that would place new sensitive receptors in areas subject to cancer risks and exposure to diesel PM concentrations that exceed applicable thresholds to incorporate the following additional (i.e., in addition to the SCAs) best management practices (BMPs) for air quality:

- a) Air filtration units shall be installed to achieve BAAQMD effectiveness performance standards in removing PM_{2.5} from indoor air. The system effectiveness requirement shall be determined during final design when the exact level of exposure is known, based on

proximity to emission sources. According to recent BAAQMD recommendations, air filtration systems rated MERV 16 or higher protect sensitive receptors from toxic air containments and PM2.5 concentrations while inside a building. This measure is effective for reducing exposure from TACs and PM2.5 emissions from diesel engines, highways and roadways.

- b) When locating sensitive receptors near at-grade highways, to the extent feasible, encourage uses that serve sensitive receptors to locate on the upper floors of buildings. PM2.5 concentrations generally decrease with elevation.
- c) Where appropriate, install passive electrostatic filtering systems, especially those with low air velocities (i.e., 1 mph).

Chapter 4.3: Cultural and Historic Resources

[LB6-D]: The text on page 4.4-4 of the DIER is hereby amended as follows:

Oakland fought hard and successfully to become the western terminus of the transcontinental railroad. The local railroad in 1863 made West Oakland a viable commuter residence district; the transcontinental railroad in 1869 gave it a powerful economic base. By the early 1870s enormous Central Pacific yards were located at Oakland Point, west of Peralta Street and south of the 1st Street tracks ~~(the 1874 Car Paint Shop still survives from this complex).~~

[10-3]: The text on page 4.3-20 of the DEIR is amended as follows:

The Lincoln was one of the many theaters that closed in the late 1950s with the coming of television. In 1961 it became the ~~Damscus~~ Damascus Missionary Baptist Church, by 1970 it was vacant, and it later suffered neglect, earthquake and fire damage.

[10-5]: The text on page 4.3-20 of the DEIR is amended as follows:

The cable company relocated its factory to Emeryville in 1928, and the building saw a wide variety of uses after that time., The building was rehabilitated to its current use in the ~~mid-1990's~~ mid-1990s and now houses offices, an art gallery and the Linden Street Brewery.

[10-6]: The text on page 4.3-45 of the DEIR is amended as follows:

The Plan requires that any changes to these buildings follow the Secretary of the Interior Standards.

Chapter 4.4: Climate Change

[**Planning Commission Speaker 39-H**]: The numbers presented in Table 4.4-5 of the DIER are modified as follows:

**Table 4.4-5: Estimated Future 2035 CO₂e Emissions, with Project
(Metric Tons/Year of CO₂e)**

	Existing (2013)	2035, with Project Buildout	Net Change
Operation Vehicle Emissions	86,359	133,730	47,371
Area Source	142	2,7798	2,637
Electricity	23,818	41,986	18,168
Natural Gas (space and water heating)	2,458	9,397	6,939
Water and Wastewater	307	995	688
Solid Waste	6,338	14,409	8,071
Annualized Construction Emissions		612	612
Total Baseline CO ₂ e Emissions	119,423	203,910	84,490
		<u>36,278</u>	<u>25,868</u>
Effective Service Population	10,410	36,396	26,166
			<u>3.27</u>
GHG emissions per service population			<u>3.22</u>

[Planning Commission Speaker 39-I]: Please see new **Figure 4.4-2** showing the effects of a 55-inch sea level rise in West Oakland are hereby added to the EIR (see following pages).

Chapter 4.7: Noise

[10-16]: The following additional recommendation is hereby added to the EIR (at page 4.7-40) related to exploring the potential for new sound walls along I-880:

Recommendation 4.8-9: The City of Oakland should coordinate with Caltrans to investigate the potential for constructing new sound walls along those portions of I-880 where no sound walls are currently provided to protect the adjacent neighborhoods.

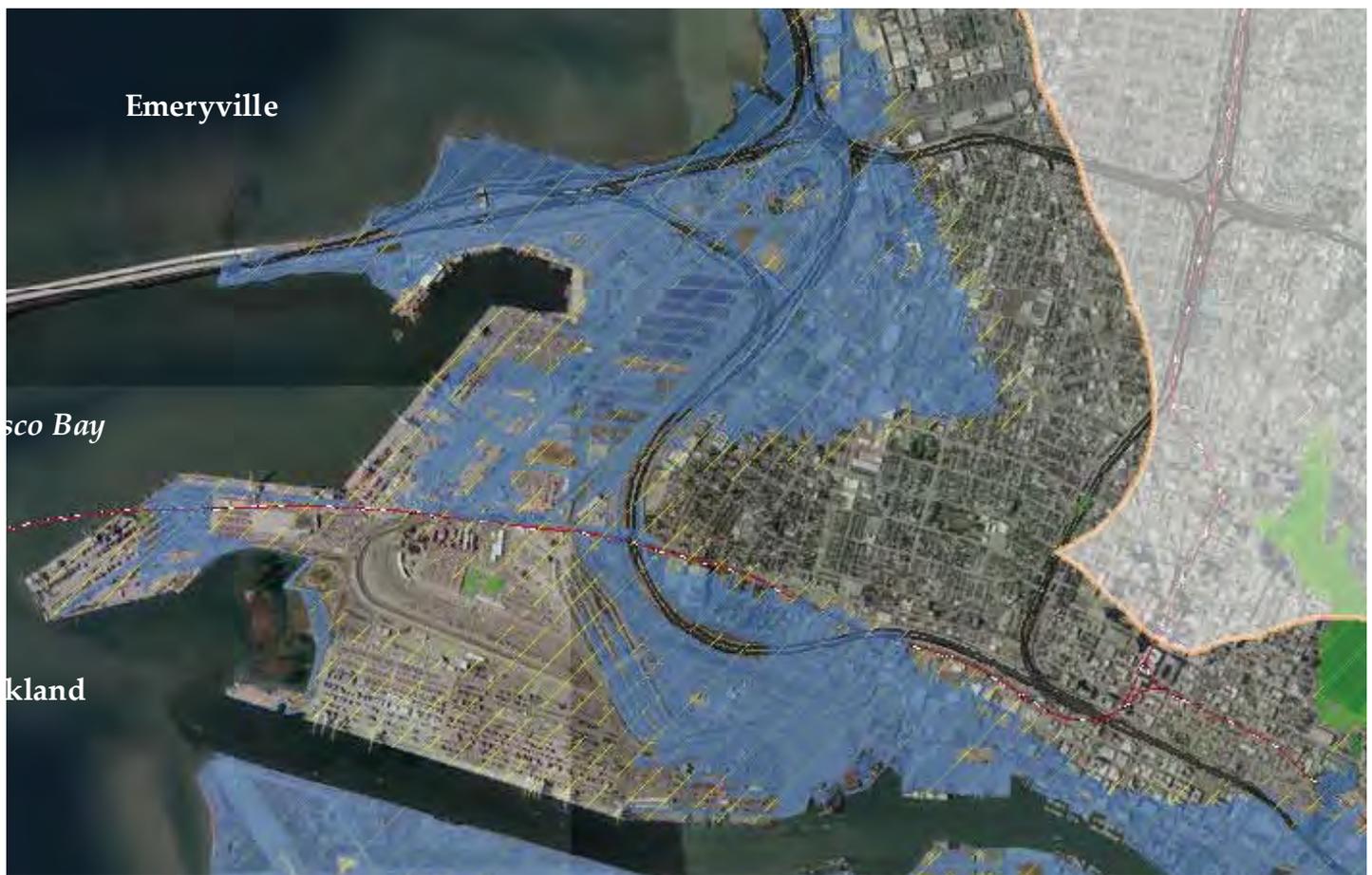
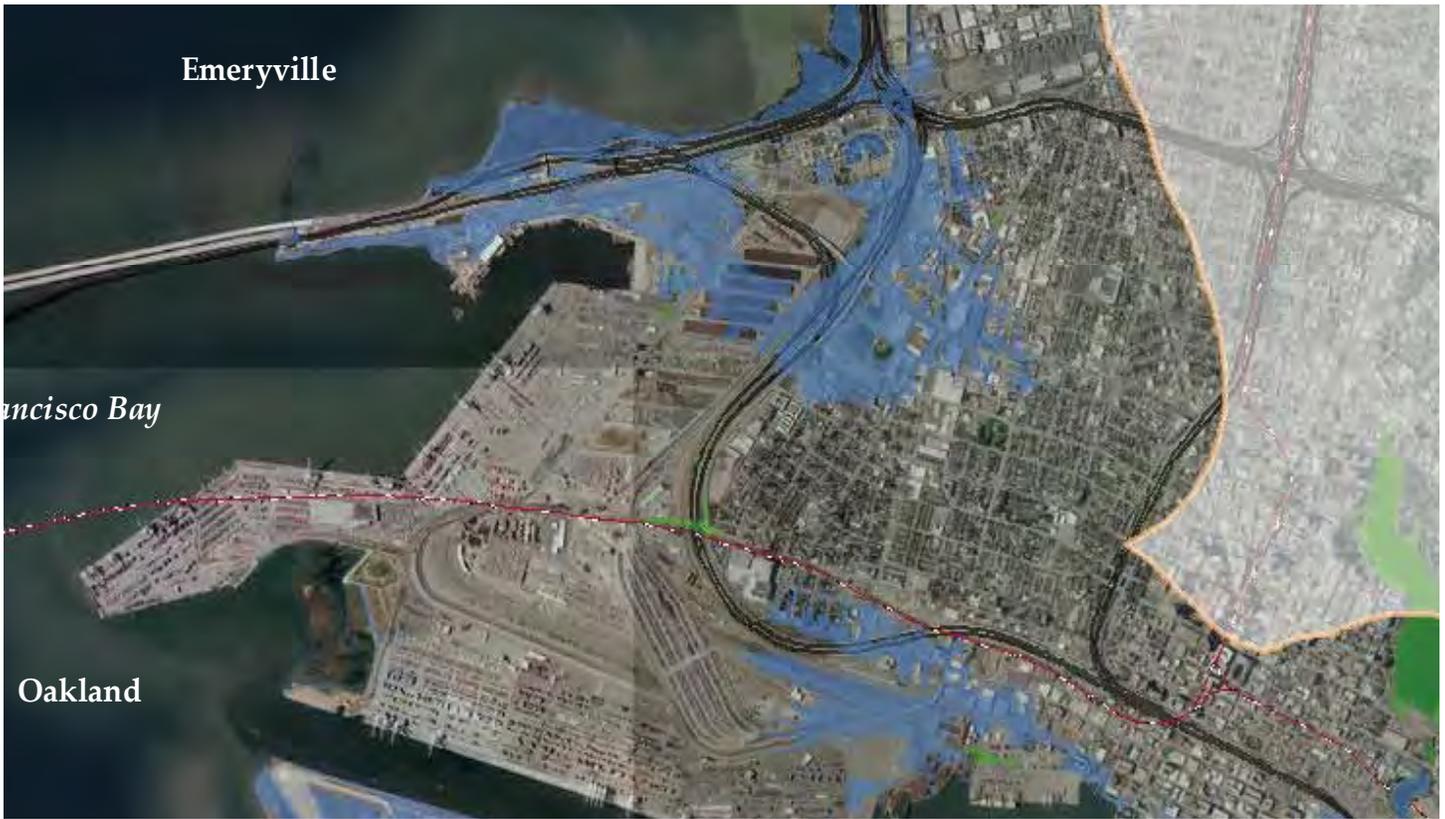
Chapter 4.9: Public Service and Recreation

[20-1 and Planning Commission Speaker 39-K]: Please see updated **Figures 4.9-1** showing City parks and recreation facilities is hereby updated and added to the EIR (see following page).

Chapter 4.10: Transportation

[5-6]: The text on Page 4.10-6 under the heading BART is modified as follows:

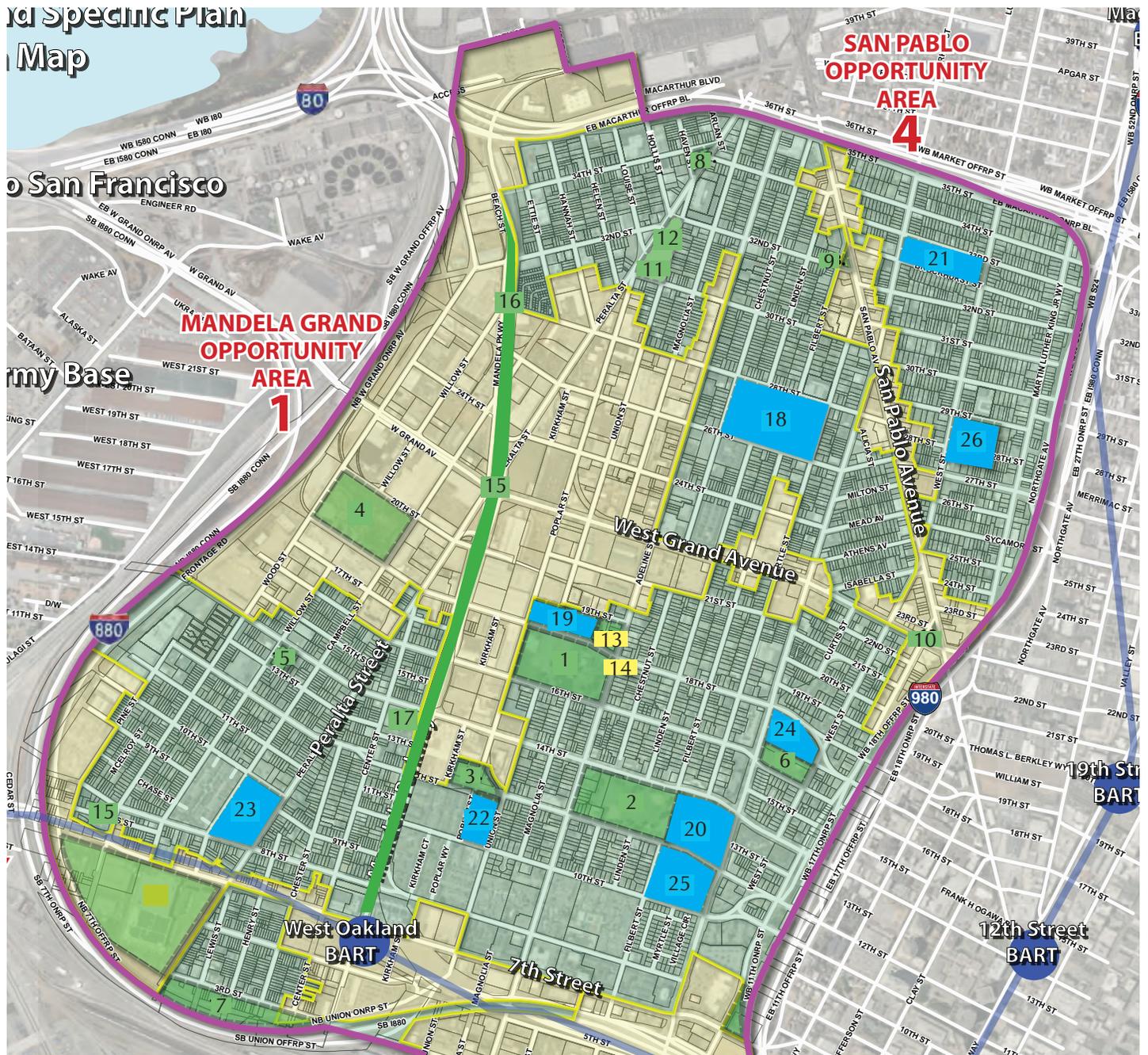
Trains for individual lines have headway of 15 minutes on weekdays and 20 minutes on Saturday and Sundays. As West Oakland BART station is served by four lines, the headways for all lines are between 1.5 minutes to just over 4 minutes.



Additional Figure 4.4-2
55-Inch Sea Level Rise - Tidal Inundation (above) and
Storm Event Flooding (below) - 100 Year Storm



Source: Adapting to Rising Tides, BCDC, MTC,
 AECOM, BART



1. DeFremery Park
2. Lowell Park
3. Wade Johnson Park
4. Raimondi Park
5. Willow Park
6. Marston Campbell Park
7. South Prescott Park
8. Fitzgerald Park
9. St. Andrews Park
10. Brush Street Park
11. Willie Keyes Community Center
12. Poplar Park
13. West Oakland Library

14. West Oakland Senior Center
15. Cypress Frwy Memorial Park
16. Mandela Parkway
17. Bertha Park
18. McClymonds High School
19. Ralph Bunche High School
20. The Kipp Bridge Academy
21. Hoover Elementary
22. Cole Elementary
23. Prescott Elementary
24. Lafayette Elementary
25. Martin Luther King, Jr. Elementary
26. Foster Elementary

**Revised Figure 4.9-1
West Oakland Parks and Community Facilities**

- [5-7]: The following additional text is hereby added to the EIR, supplementing the discussion of other State and Regional Policies and Regulations pertaining to transportation topics:

In July of 2013, The Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) adopted Plan Bay Area, an integrated transportation and land-use strategy through 2040 that marks the nine-county region's first long-range plan to meet the requirements of California's landmark 2008 Senate Bill 375, which calls on each of the state's 18 metropolitan areas to develop a Sustainable Communities Strategy to accommodate future population growth and reduce greenhouse gas emissions from cars and light trucks. Working in collaboration with cities and counties, the Plan advances initiatives to expand housing and transportation choices, create healthier communities, and build a stronger regional economy.²

MTC separately approved the 2013 Transportation Improvement Program (TIP), which updates the list of Bay Area projects that receive federal funds, are subject to federal action, or are considered regionally significant; as well as a final Air Quality Conformity Analysis that establishes both the TIP and Plan Bay Area comply with federal air pollution standards.

Plan Bay Area is the successor to Transportation 2035, the long-range plan adopted by MTC in 2009. It also provides a strategy for meeting 80% of the region's future housing needs in Priority Development Areas (PDAs) – such as West Oakland.

Plan Bay Area's transportation element specifies how \$292 billion in anticipated federal, state and local funds will be spent through 2040. Nearly 87 percent (or \$253 billion) will be used to maintain and operate the existing transportation network. Maintenance and operation of the Bay Area's existing public transit services will receive about 54 percent (\$159 billion) of the revenues. The remainder includes 32 percent for street, road, highway and bridge maintenance; 7 percent for transit expansion; and 5 percent for roadway and bridge expansion. A \$3.1 billion reserve comprised of anticipated future funding through the California Air Resources Board's Cap-and-Trade program for greenhouse gas emissions accounts for another 1 percent of expected revenues.

Chapter 4.11: Utilities and Service Systems

- [8-3]: The following text on page 4.11-4 of the DEIR (and elsewhere where this typo has been made) is revised as follows:

Seismic upgrades have been performed throughout EBMUD's system, most notably at San Pablo Dam, the largest and most vital of ~~EBMUD's~~ EBMUD's local water storage reservoirs.

- [8-2]: The following text for footnote 5 on page 4.11-5 of the DEIR is revised as follows:

EBMUD, Water Supply ~~Master~~ Management Plan 2040 Final Plan, October 2009 ~~April 24, 2012~~

- [8-8]: The following text from page 4.11-8 of the Draft EIR is hereby modified / deleted:

² accessed at: <http://www.onebayarea.org/news/story/Plan-Bay-Area-Adopted.html>

Pursuant to the City's Sanitary Sewer Evaluation System Program, Oakland's sewer collection system is divided into basins and sub-basins. Each numbered sub-basin encompasses a specific physical area and its sewer flows are assigned to a single discharge point from the City's collection system into EBMUD's interceptor lines. Each sub-basin is allocated a certain amount of sewer flow, and flows within a sub-basin normally may not exceed that allocation. Should a sub-basin require more flow than its allocation, allocations may be redirected between adjacent sub-basins. In total, however, flows for the larger sewer basin may not exceed that basin's allocation. ~~Using sub-basin flow data from the Oakland Public Works Department, EBMUD ensures that the capacity of the wastewater transport and treatment system is adequate to serve development.~~ The program allows an approximately 20 percent increase in wastewater flows for each sub-basin to accommodate projected growth. Projected flow increases must stay below the base flow increase allowance for each sub-basin of the system.

- [8-10]:** The following modifications and changes are hereby made to the text on page 4.2-10 of the Draft EIR under the sub-heading of EBMUD Sewer Interceptor System, 1st paragraph:

The City's sewage collection system discharges into EBMUD's sewer interceptor system. EBMUD's pipelines range from 12 to 105 inches in diameter. The EBMUD sewer interceptor system comprises approximately 29 miles of large diameter pipeline, ranging in size from 9 to 12 feet in diameter. The wastewater system in the Planning Area is part of EBMUD's Special District No. 1 (SD-1), which treats domestic, commercial, and industrial wastewater for several East Bay cities. Wastewater from the Planning Area is collected into the ~~42-inch~~ 105-inch South Interceptor. An EBMUD Wastewater Pumping Station then ~~pumps~~ transports the wastewater to EBMUD's Main Wastewater Treatment Plant (MWWTP).

- [8-11]:** The following modifications and changes are hereby made to the text on page 4.2-10 of the Draft EIR under the sub-heading of EBMUD Sewer Interceptor System, 2nd paragraph:

Infiltration of stormwater into the aging sanitary sewer system from misconnections, cracks, and other imperfections in system pipes, joints and manholes can cause a 10-fold increase in the volume of wastewater that reaches EBMUD's sewer interceptor pipes and the MWWTP. During wet weather when heavy rainfall overwhelms the collection and treatment system, flows have at times exceeded the capacity of the MWWTP, resulting in discharges of wastewater receiving less than secondary treatment ~~untreated wastewater~~ into San Francisco Bay. EBMUD reached a settlement in ~~January~~ July 2009 with the Environmental Protection Agency (EPA) and the State Water Resources Control Board to address inadequately treated sewage discharges into San Francisco Bay during large storms.

- [8-12]:** The following modifications and changes are hereby made to the text on page 4.2-10 of the Draft EIR under the sub-heading of EBMUD Sewer Interceptor System, 3rd paragraph:

EBMUD has two interceptors within the Planning Area. The South Interceptor runs east-west on 3rd Street, and the North Interceptor then runs along Wood Street and terminates at the MWWTP. The North Interceptor also conveys raw sewage from the South Interceptor, as well as from Pump Station K on 7th Street (serving portions of the Port of Oakland).

- [8-13]:** The following modifications and changes are hereby made to the text on page 4.2-11 of the Draft EIR under the sub-heading of Wastewater Treatment:

The average annual daily flow into the MWWTP is approximately ~~80~~ 63 mgd.¹³

Footnote 13: <http://www.ebmud.com/water-and-wastewater/wastewater-treatment>

Treated effluent is discharged from the MWWTP to San Francisco Bay south of the Bay Bridge approximately one mile from the East Bay shoreline via a ~~102-inch~~ 108-inch diameter deep water outfall pipeline.

[8-14]: The following modifications and changes are hereby made to the text on page 4.2-11 of the Draft EIR under the sub-heading of Wastewater Treatment:

~~The MWWTP and interceptor system have adequate dry weather capacity to treat wastewater flows from future development. EBMUD's projections for future flows at the MWWTP are based on assumptions about future development within its service area. In areas considered to be fully developed, including Oakland, a 20 percent increase in sanitary flow was assumed.~~

[8-9]: The following text is hereby added to the Draft EIR on page 4.2-11 to provide more information on EBMUD's MWWTP operations and capacity during wet weather conditions:

EBMUD has historically operated three Wet Weather Facilities to provide treatment for high wet weather flows that exceed the treatment capacity of the MWWTP. On January 14, 2009, due to Environmental Protection Agency's (EPA) and the State Water Resources Control Board's (SWRCB) reinterpretation of applicable law, the Regional Water Quality Control Board (RWQCB) issued an order prohibiting further discharges from EBMUD's Wet Weather Facilities. In addition, on July 22, 2009, a Stipulated Order for Preliminary Relief issued by EPA, SWRCB, and RWQCB became effective. This order requires EBMUD to perform work that will identify problem infiltration/inflow areas, begin to reduce infiltration/inflow through private sewer lateral improvements, and lay the groundwork for future efforts to eliminate discharges from the Wet Weather Facilities.

Currently, there is insufficient information to forecast how these changes will impact allowable wet weather flows in the individual collection system sub-basins contributing to the EBMUD wastewater system, including the sub-basins in the Planning Area. It is reasonable to assume that a new regional wet weather flow reduction program may be implemented in the East Bay, but the schedule for implementation of such a program has not yet been determined. In the meantime, it would be prudent for the lead agency to require the project applicant to incorporate the following measures into the proposed project: (1) replace or rehabilitate any existing sanitary sewer collection systems, including sewer lateral lines, to reduce infiltration/inflow and (2) ensure any new wastewater collection systems, including sewer lateral lines, for the project are constructed to prevent infiltration/inflow to the maximum extent feasible.

[8-1 and 8-6]: The following text for footnote 14 on page 4.11-11 of the DEIR is revised as follows:

East Bay Municipal ~~Utilities~~ Utility District, Urban Water Management Plan, 2010 ~~2000~~, p. 5-30

[8-5]: The following additional text is hereby added under the sub-heading of Wastewater Treatment on page 4.11-11 of the Draft EIR:

EBMUD's Main Wastewater Treatment Plant (MWWTP) Land Use Master Plan (Master Plan) and Environmental Impact Report (EIR) (2011). The Master Plan serves as a high-level planning tool to guide development of the existing 48-acre MWWTP site and the adjacent 15.9-acre West End property (former U.S. Army Reserve Center) over a 30-year time horizon. More

stringent regulations may require treatment process expansions at the MWWTP in the long term; however the implementation time line for these projects is uncertain. The EIR includes a programmatic analysis of 14 projects as well as project-level analyses for a biodiesel production facility and a food waste preprocessing facility. In the near term, EBMUD is exploring opportunities to implement renewable energy projects (i.e., biodiesel production, food waste preprocessing) to support sustainability goals, while generating revenue to maintain reasonable rates for our ratepayers. The food waste project, at an initially smaller scale, is scheduled to begin operation in spring 2014 and a lease for the biodiesel production facility starts May 2014. All projects are described on pages 2-7 through 2-21 of the Draft MWWTP Master Plan EIR.

[8-15]: The following modifications and changes are hereby made to the text on page 4.2-30 of the Draft EIR under the sub-heading of Sewer Sub-Basins:

The City of Oakland uses a numbered sub-basin system and assigns the discharges from each sub-basin a single discharge point from the City's collection system to the EBMUD interceptor system. The City allocates each sub-basin a certain amount of sewer flow ~~that may be discharged to the EBMUD system,~~ and flows within a sub-basin normally may not exceed that allocation. Should a sub-basin require more flow than its allocation, allocation may be redirected between adjacent sub-basins. ~~In this manner, the City ensures the continued adequate capacity of the EBMUD main wastewater treatment plant (MWWTP) and interceptor system.~~ The Specific Plan area is located across several sewer sub-basins, and as new development occurs the City will review the sub-basin allocations to ensure adequate capacity exists to accommodate the proposed sewer discharge flow or to reallocate flows from other adjacent sub-basins.

[8-16]: The following additional recommendation is added to the Draft EIR's suggest strategies for further reducing impacts to the wastewater system, as identified on page 4.2-31 of the Draft EIR:

Recommendation Util-3c: Prior to the installation of underground utility improvements at properties to be redeveloped, sewage flow rates and I/I rates should be monitored to determine whether there is significant potential for I/I reduction.