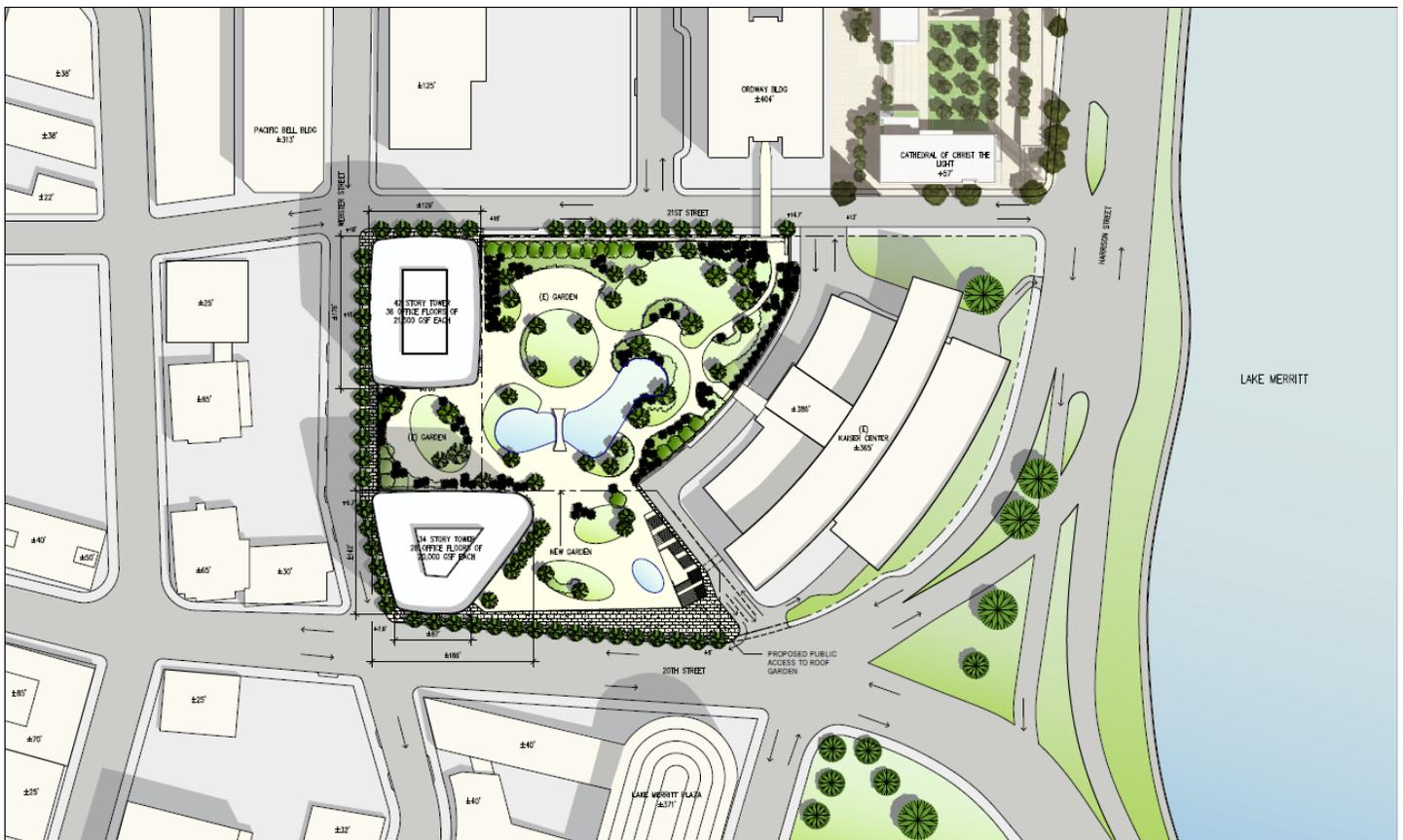


KAISER CENTER OFFICE PROJECT

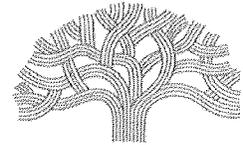
Response to Comments and Final Environmental Impact Report

Prepared for
City of Oakland

April 2011



CITY OF OAKLAND



250 FRANK H. OGAWA PLAZA, OAKLAND, CALIFORNIA 94612 – 2033

Community and Economic Development Agency
Planning & Zoning Services Division

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KAISER CENTER OFFICE PROJECT NOTICE OF RELEASE AND AVAILABILITY OF RESPONSES TO COMMENTS AND FINAL ENVIRONMENTAL IMPACT REPORT (FEIR)

TO: All Interested Parties

SUBJECT: Notice of Release/Availability of Responses to Comments and Final Environmental Impact Report for the Kaiser Center Office Project.

CASE NO.: ER 08-003, PUD 08-103, TPM 9848; CEQA State Clearinghouse No. 2008052103

PROJECT SPONSOR: The Swig Company as "Project Applicant" on behalf of its affiliate, SIC-Lakeside Drive. LLC, the Property Owner

PROJECT LOCATION: 300 Lakeside Drive, Oakland, CA 94612

The Proposed Project is located at the northeast corner of Webster and 20th Streets and the southeast corner of Webster and 21st Streets in the vicinity of downtown Oakland. The Project Site is bounded by Webster Street to the west, 20th Street to the south, Harrison Street to the east, and 21st Street to the north.

PROJECT DESCRIPTION: The Proposed Project includes a Vesting Tentative Parcel Map, Planned Unit Development Permit, and a Preliminary Development Plan to add two new office towers to a 2.2-acre portion of the existing 7.15 acre Kaiser Center site and is identified as Assessor Parcel Number 008-0652-001-05. The Project includes the 5-story Kaiser Center Parking Garage, roof garden, the Webster Street Mall, and the 20th Street Mall. The existing 29-story Kaiser Center office tower at the eastern side of the Project Site is not a part of the Proposed Project. The existing Kaiser Center office building would not be altered as part of the Proposed Project and will not be physically affected by the Proposed Project.

The Project would add approximately 1,474,992 square feet of net new development. The Project includes (1) demolition of 280,002 square feet of existing retail/commercial development along 20th and Webster Streets; (2) construction of one 34-story office tower (469 feet tall) at the corner of 20th/Webster Streets; (3) construction of one 42-story office tower (573 feet tall) at the corner of Webster/21st Street; (4) construction of 46,200 square feet of retail at street level and on the 6th floor of the towers; and (5) the addition of 697 parking spaces. An existing 122,606 square foot roof garden will be partially demolished (removing approximately 18,369 square feet) and replaced/reconfigured with an additional 22,933 square feet along 20th Street. The Project would be constructed in two phases: Phase I would include construction of the South Tower (at 20th and Webster streets) and rooftop garden expansion; Phase II would include construction of the North Tower (at 21st and Webster streets).

The Project Site is within the Central Business District land use designation identified in the Oakland General Plan. The zoning on the Project Site at the time the Project application was deemed complete was C-55 Central Core Commercial Zone¹, which is combined with the S-17 Downtown Residential Open Space Combining Zone, and the S-4 Design Review Combining Zone. The Project Site is also located within the Lake Merritt Historic District.

ENVIRONMENTAL REVIEW: The preparation of the Responses to Comments has been overseen by the City's Environmental Review Officer and the conclusions and recommendations in the document represent the independent conclusions and recommendations of the City. Copies of the Responses to Comments and Final Environmental Impact Report are available for distribution to interested parties at no charge at the Community and Economic Development Agency, Planning Division, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, Monday through Friday, 8:30 a.m. to 5:00 p.m. The Final EIR is also available on the City of Oakland website at <http://www2.oaklandnet.com/Government/o/CEDA/o/PlanningZoning/s/Application/DOWD009157> (see Item 9).

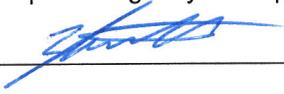
PUBLIC HEARING: The Oakland Planning Commission will hold a public hearing to consider the project on **May 4, 2011**. This action consists of consideration of the certification of the Final EIR and consideration of the planning-related items discussed above. The Planning Commission hearing begins at 6:00 p.m. in Hearing Room 1, City Hall, 1 Frank H. Ogawa Plaza. For further information, please contact Heather Klein, Planner III, at **(510) 238-3659**, or at hklein@oaklandnet.com.

Copies of the DEIR were available for review at the Community and Economic Development Agency, Planning Division, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, the Oakland Public Library, and on the City's website at <http://www2.oaklandnet.com/Government/o/CEDA/o/PlanningZoning/s/Application/DOWD009157>.

Copies of the DEIR were also distributed to interested parties.

The public were encouraged to provide comments during the public comment period from August 23, 2010 through October 7, 2010. Public Hearings were held on October 4, 2010 at the Meeting of the Landmarks Preservation Advisory Board, and on October 6, 2010 at the Meeting of the City Planning Commission. Comments were made at the public hearings as well as received in writing. All comments that were received have been addressed in this Responses to Comments and Final EIR document.

If you challenge the environmental document or other actions pertaining to the Project in court, you may be limited to raising only those issues raised at the public hearings described above or in written correspondence received by the Community and Economic Development Agency on or prior to **May 4, 2011**.


Eric Angstadt
Deputy Community and Economic Development Agency Director
Environmental Review Officer

File Number ER 08-003, PUD 08-103, TPM 9848;
Date of Notice: **April 21, 2011**

¹ Effective July 21, 2009, the zoning on the Project Site was changed to CBD-C Central Business District Commercial. However, pursuant to Section 6 of the rezoning ordinance, the Proposed Project is "grandfathered" under the C-55, S-17, and S-4 zones, and thus, the City is processing the application as such.

KAISER CENTER OFFICE PROJECT

Response to Comments and Final Environmental Impact Report

Prepared for
City of Oakland

April 2011



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TABLE OF CONTENTS

Kaiser Center Office Development Project Responses to Comments and Final EIR

| | <u>Page</u> |
|---|--------------|
| I. Introduction | I-1 |
| A. CEQA Process | I-1 |
| B. Consideration of the Final EIR | I-2 |
| C. Organization of this Document | I-2 |
| II. Project Overview | II-1 |
| A. Project Summary | II-1 |
| B. Site Location and Setting | II-1 |
| C. Key Components of the Project and Phasing | II-2 |
| D. Public Agency Approvals | II-2 |
| III. Commenters on the DEIR | III-1 |
| A. Agencies, Organizations and Individuals Commenting in Writing | III-1 |
| B. Commenters at the Landmarks Preservation Advisory Board Public Hearing | III-2 |
| C. Commenters at the Planning Commission Public Hearing | III-2 |
| IV. Revisions to the DEIR | IV-1 |
| A. Updates to the DEIR Resulting from New and Updated Information Since Publication of the DEIR | IV-1 |
| B. Revisions to Draft EIR | IV-8 |
| C. Revised Impacts, Standard Conditions, and Mitigation Measures | IV-28 |
| V. Responses to Written Comments Received on the Draft EIR | V-1 |
| Letter A – Governor’s Office of Planning and Research, State Clearinghouse | V-2 |
| Letter B – California Department of Transportation | V-5 |
| Letter C – California Geological Survey | V-9 |
| Letter D – Alameda County Transportation Commission | V-11 |
| Letter E – Bay Area Rapid Transit (BART) | V-14 |
| Letter F – AC Transit | V-39 |
| Letter G – East Bay Municipal Utility District | V-42 |
| Letter H – Oakland Heritage Alliance | V-48 |
| Letter I – Walk Oakland Bike Oakland | V-53 |
| Letter J – Naomi Schiff | V-56 |
| VI. Responses to Comments Received at the City of Oakland Landmarks Preservations Advisory Board Public Hearing on the Draft EIR | VI-1 |

| | <u>Page</u> |
|---|--------------|
| VII. Responses to Comments Received at the City of Oakland Planning Commission Public Hearing on the Draft EIR | VII-1 |

Appendices

| | |
|---|-------|
| A. Kaiser Center Office Project Transportation Demand Management (TDM) Plan | A-1 |
| B. Final Greenhouse Gas Emissions Reduction Plan | B-1 |
| C. Preferred Measure DD | C-1 |
| C.1 Proposed Measure DD Improvements | C.1-1 |
| C.2 Proposed Kaiser Center Project Mitigation Measures Related to the Preferred Measure DD Configuration | C.2-1 |
| C.3 Preferred Configuration to Mitigate Impacts of the Kaiser Center Office Project Memorandum | C.3-1 |

Tables

| | |
|--|-------|
| IV.B-11 Baseline Operational GHG Emissions Inventory from the Proposed Project | IV-4 |
| IV.B-4 Average Daily Construction-Related Pollutant Emissions | IV-10 |
| II-1 Revised Summary of Impacts, Standard Conditions of Approval, Mitigation Measures, and Residual Impacts | IV-29 |
| V-1 BART Weekday Average Exits | V-24 |
| V-2 BART Train Capacity Utilization (Existing plus Project Conditions) | V-26 |
| V-3 BART Peak Hour Passenger Volume (Existing plus Project Conditions) | V-27 |
| V-4 BART Train Capacity Utilization (Existing plus Project – TDM Scenario 1) | V-29 |
| V-5 BART Peak Hour Passenger Volume (Existing plus Project Conditions – TDM Scenario 1) | V-30 |
| V-6 BART Train Capacity Utilization (Existing plus Project Conditions – TDM Scenario 2) | V-30 |
| V-7 BART Peak Hour Passenger Volume (Existing plus Project Conditions – TDM Scenario 2) | V-32 |

Figure

| | |
|--|------|
| V-1 Potential Pedestrian, Bicycle and Public Amenity Improvements (Conceptual) 20th Street from Broadway to Franklin Street | V-34 |
|--|------|

CHAPTER I

Introduction

A. 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 August 23, 2010, the City of Oakland (Lead Agency) released for public review a Draft EIR (or DEIR) for the Kaiser Center Office Development Project (ER08-003). The 45-day public review and comment period on the DEIR began on Monday, August 23, 2010. The Landmarks Preservation Advisory Board held a public hearing on the DEIR on October 4, 2010, and the City of Oakland Planning Commission held a public hearing on the DEIR October 6, 2010. The public review and comment period ended at 4:00 p.m. Thursday, October 7, 2010.

This Responses to Comments document, together with the DEIR and the DEIR 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 City of Oakland 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 also 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.

B. Consideration of 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)) The City has determined that 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.

C. Organization of this Document

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, *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 and/or the Landmarks Preservation Advisory Board Public Hearing on the DEIR.
- Chapter 4, *Revisions to the DEIR*, contains text changes and corrections to the DEIR initiated by the Lead Agency or resulting from comments received on the DEIR. Chapter 4 also presents clarified, refined and updated information to the DEIR.
- Chapter 5, *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 6, *Responses to Comments Received at the City of Oakland Landmarks Preservation Advisory Board Public Hearing on the Draft EIR*, includes a summary of the October 4, 2010 Public Hearing on the DEIR and presents responses to the summarized comments received.
- Chapter 7, *Responses to Comments Received at the City of Oakland Planning Commission Public Hearing on the Draft EIR*, includes a summary of the October 6, 2010 Public Hearing on the DEIR and presents responses to the summarized comments received.

Appendices to this document follow Chapter 7 and include:

- Appendix A: Kaiser Center Office Project Transportation Demand Management Plan
- Appendix B: Final Greenhouse Gas Emissions Reduction Plan
- Appendix C: Preferred Measure DD
 - C.1: Proposed Measure DD Improvements
 - C.2: Proposed Kaiser Center Mitigation Measures Related to the Preferred Measure DD Configuration
 - C.3 Preferred Configuration to Mitigate Impacts of the Kaiser Center Office Project Memorandum

CHAPTER II

Project Overview

A. Project Summary

As described in the DEIR, The Swig Company LLC (“Project Applicant”), on behalf of the property owner, SIC-Lakeside Drive, LLC, an affiliate of the Project Applicant, proposes to develop the Kaiser Center Office Project (“proposed Project” or “Project”) located near Lake Merritt in Oakland, Alameda County, California.

B. Site Location and Setting

The proposed Project is located at 300 Lakeside Drive, Oakland, California, on the west side of Lake Merritt, north of downtown Oakland. The Project Site is 7.2 acres bounded by Harrison Avenue on the east, 20th Street on the south, Webster Street on the west, and 21st Street on the north. The Assessor’s Parcel Number (APN) for the Project Site is 008-0652-001-05.

The Project Site consists of the existing 29-story Kaiser Center office tower on the east side of the site and associated 4-level parking garage on the north side and center of the site, the roof garden (on top of the parking garage) in the center of the site, and the 20th Street Mall and Webster Street Mall located on the west side of the site. The proposed Project affects only the 20th Street Mall, the Webster Street Mall and a relatively minor portion of the roof garden – a total of approximately 2.2 acres at the westernmost area of the 7.2-acre Project Site.¹

The Project Site is within the Central Business District land use designation identified in the Oakland General Plan. The zoning on the Project Site at the time the project application was deemed complete was C-55 Central Core Commercial Zone, which is combined with the S-17 Downtown Residential Open Space Combining Zone, and the S-4 Design Review Combining Zone². The Project Site is also located within the Lake Merritt Historic District.

¹ For clarity in this EIR, “Project Site” refers to the entire 7.2-acre site; the “Proposed Project” refers only to the two mall buildings and roof garden in the central and western portions of the site that will be physically affected by the Proposed Project.

² Effective July 21, 2009, the zoning on the Project Site was changed to CBD-C Central Business District Commercial. However, pursuant to Section 6 of the rezoning ordinance, the Proposed Project is “grandfathered” under the C-55, S-17, and S-4 zones, and thus, the City is processing the application as such.

Land uses surrounding the Project Site include high-rise office/commercial buildings similar to those proposed by the Project and the existing Kaiser Center office tower, retail stores at street level, and high-density residential dwellings. Lake Merritt and Lake Merritt Park are located to the east of the Project Site.

C. Key Components of the Project and Phasing

The proposed Project would demolish approximately 280,002 square feet (sf) of office and commercial/retail uses and construct approximately 1.47 million square feet (msf) of office and commercial/retail uses in two high-rise towers.

The proposed Project would be constructed in two phases. The first phase would construct the 34-story South Tower (replacing the existing 20th Street Mall building) and additional roof garden space adjacent to the existing garden, and stairs accessible by visitors to the Kaiser Center to the expanded roof garden space from 20th Street. Demolition and construction activities for the first phase of the Proposed Project would occur for approximately four years following approval of the final development plan for the first phase. Occupancy of the South Tower is anticipated to occur approximately in the fourth year.

The second phase would construct the 42-story North Tower (replacing the existing Webster Street Mall building) and remove and replace a portion of the roof garden. Demolition and construction activities for the second phase of the proposed Project are projected to begin a few months after completion of the South Tower, and would continue for approximately three to four years. Occupancy of the North Tower is anticipated to occur approximately at the end of the fourth year after the start of construction of the North Tower, or, in other words, approximately in the middle of the eighth year after demolition and construction begins on the South Tower.

D. Public Agency Approvals

This EIR is intended to be used to provide CEQA clearance for all required discretionary actions for the proposed Project. The Planning Commission will make decisions on the required discretionary actions. The discretionary actions and other considerations and approvals anticipated to be required for the proposed Project include those listed below, without limitation.

- **Preliminary Development Plan (PDP), Final Development Plans (FDPs) and Design Review for a Planned Unit Development (PUD)** (Oakland Planning Code Chapter 17.140)
- **Vesting Tentative Parcel Map (VTM)** (Oakland Municipal Code Title 16)
- **Tree Removal Permit** (Oakland Municipal Code Chapter 12.36)
- **Encroachment Permits** (Oakland Municipal Code Chapter 12.08)
- **Demolition Permits** (Oakland Municipal Code Chapter 15.36)
- **Excavation Permits** (Oakland Municipal Code Chapter 12.12)

- **Public Right-of-Way (P)-Job Permit** (Oakland Municipal Code Chapter 12.20)
- **Other Various Building Permits** (Oakland Municipal Code Title 15)
- **Development Agreement** (Oakland Municipal Code Chapter 17.138). At the time this Responses to Comments / Final EIR document was prepared, the Project Applicant has not elected to seek approval of a development Agreement with the City, but Applicant reserves the right to do so.

CHAPTER III

Commenters on the Draft EIR

A. Agencies, Organizations and Individuals Commenting in Writing

The roster below lists correspondence received from public agencies, organizations, and individuals. Each correspondence is included in Chapter V.

| Designator | Agency / Signatory Name | Correspondence Dated |
|--|--|----------------------|
| PUBLIC AGENCIES AND COMMISSIONS | | |
| A | State of California, Governor's Office and Planning and Research, State Clearinghouse and Planning Unit Scott Morgan, Director | 10/11/2010 |
| B | California Department of Transportation Lisa Carboni, District Branch Chief, Local Government – Intergovernmental Review | 10/5/2010 |
| C | California Geological Survey Charles R. Real, Supervising Engineering Geologist | 9/1/2010 |
| D | Alameda County Transportation Commission Diane Stark, Senior Transportation Planner | 10/7/2010 |
| E | Bay Area Rapid Transit District Val Joseph Menotti, Deputy Planning Manager, Stations | 10/7/2010 |
| F | AC Transit Cory LaVigne, Director of Service Development and Planning | 10/6/2010 |
| G | East Bay Municipal Utility District William R. Kirkpatrick | 10/5/2010 |
| ORGANIZATIONS | | |
| H | Oakland Heritage Alliance Dea Bacchetti, President | 10/7/2010 |
| I | Walk Oakland Bike Oakland Ruth Miller, Policy Fellow | 8/30/2010 |
| INDIVIDUAL | | |
| J | Naomi Schiff, Oakland, CA | 10/7/2010 |

B. Commenters at the Landmarks Preservation Advisory Board Public Hearing

The following persons provided spoken comments at the public hearing on the Draft EIR, held October 4, 2010 by the City of Oakland Landmarks Preservation Advisory Board. The comments are identified in Chapter VI by the designation of “LP” followed by specific comment number.

Public Speaker

Naomi Schiff

LPAB Members

Chair Kirk Peterson
Member Daniel Schulman
Member Valerie Garry, M.S.
Vice-Chair Delphine Prévost
Member Rosemary Muller, FAIA
Member Anna Naruta, Ph.D.

C. Commenters at the Planning Commission Public Hearing

The following persons provided spoken comments at the public hearing on the Draft EIR, held October 6, 2010 by the City of Oakland Planning Commission. The comments are identified in Chapter VI by the designation “PC” followed by specific comment number.

Public Speaker

Sanjiv Handa

Planning Commissioners

Commissioner Vince Gibbs
Commissioner Madeleine Zayas-Mart
Commissioner Sandra Galvez
Commissioner C. Blake Huntsman
Vice Chair Vien Truong
Chair Douglas Boxer

CHAPTER IV

Revisions to the Draft EIR

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

In Section A of this chapter, revisions are listed generally in the order in which they would appear in the Draft EIR document. A revised Summary Table of Impacts, Mitigation Measures, and Residual Impacts, which shows proposed final text as modified from Table II-2 in the Draft EIR, is presented in Section C of this chapter.

A. Updates to the DEIR Resulting from New and Updated Information Since Publication of the DEIR

Transportation Demand Management (TDM) Plan

The City of Oakland requires the Project Sponsor to prepare, submit for approval and implement a Project-specific Transportation Demand Management Plan (TDM Plan), pursuant to City of Oakland Standard Condition of Approval (SCA) TRANS-1. The purpose of the TDM Plan is to (1) evaluate targeted Project trip reductions on vehicle trips and parking demand (construction and operations); (2) recommend “Mandatory TDM measures” to meet targeted Project trip reductions and outline a timeline and responsible parties for implementation; (3) recommend “Additional TDM measures” to meet target trip reductions, if needed; and (4) recommend a TDM Plan monitoring, evaluation and enforcement program. The Kaiser Center Office Project TDM Plan, which includes each of the aforementioned components and explores two trip reductions scenarios, is presented as Appendix A to this Final EIR.

In the TDM Plan prepared since publication of the Draft EIR, Scenario 1 targets a “15% Phase I and 20% Phase II” trip reduction scenario at Phase II/Buildout which would result in approximately 213 fewer vehicles (tenant-based) coming to the Project site each day. As a result, the Project’s parking demand shortfall reported in the Draft EIR would be reduced by 213 spaces (from 238 spaces reported in the Draft EIR to 25 spaces). Scenario 2 targets a “20% Phase I Only, with a 15% trip reduction in the short-term” trip reduction scenario which would result in approximately 93 fewer vehicles (tenant-based) coming to the Project site each day, which would thereby reduce the

Project's parking demand shortfall and increase the Phase II/Buildout parking surplus identified in the Draft EIR by 93 spaces (from 607 spaces to 700 spaces).

Vehicle trip reductions resulting from implementation of the TDM Plan measures are a primary component of the Greenhouse Gas (GHG) Emissions Reduction Plan, since emissions from motor vehicles are the major source of GHG emissions. The GHG Plan is discussed below, as are the resulting effects of the TDM Plan on related significant impacts identified in the Draft EIR.

Greenhouse Gas (GHG) Emissions Reduction Plan

For purposes of the analysis in the Preliminary GHG Plan in Appendix I to the Draft EIR, a conservative (minimal reduction) 10% Buildout TDM trip reduction scenario was considered. The Final GHG Plan is included as Appendix B to this Final EIR. A comparative summary of the GHG emissions impacts from the Preliminary GHG Plan in the Draft EIR, and the Final GHG Plan in this Final EIR is presented below.

Preliminary GHG Reduction Plan Impacts (Draft EIR Appendix I)

- Project without TDM Trip Reduction – The Preliminary GHG Plan in the Draft EIR (Appendix I) considered a baseline Project with no TDM trip reduction, resulting in a *potentially significant impact from GHG emissions for Phase I, reduced to less than significant with Mitigation Measure GHG-1 (GHG Reduction Plan)*, and a *less than significant GHG emissions impact at Phase II/Buildout of the Project*.
- Project with 10% TDM Trip Reduction – The Preliminary GHG Plan in the Draft EIR also considered a 10 percent TDM trip reduction for the Project, which resulted in the same *potentially significant impact from GHG emissions for Phase I, reduced to less than significant with Mitigation Measure GHG-1 (GHG Reduction Plan)*, and a *less than significant GHG emissions impact at Phase II/Buildout of the Project*.
- Phase I Only with 10% TDM Trip Reduction (CEQA Alternative One) – The Preliminary GHG Plan in the Draft EIR also considered a 10 percent TDM trip reduction with a Phase I Only scenario of the Project, which resulted in the same *potentially significant GHG emissions impact at Phase I, reduced to less than significant with Mitigation Measure GHG-1 (GHG Reduction Plan)*.

Final GHG Emissions Reduction Plan Impacts (Final EIR Appendix B)

- Project with 15/20% TDM Trip Reduction (Scenario 1) – The Final GHG Plan considers a 15 percent TDM trip reduction during Phase I, increasing to a 20 percent TDM trip reduction at Buildout, which resulted in *less than significant GHG emissions impact at Phase I and at Buildout of the Project*.¹ *SCA GHG-1 1 (GHG Reduction Plan) would apply to the Project*.

¹ For Scenario 1, in the short-term, the TDM trip reduction target should be achieved by the one-year anniversary of the date upon which at least 85% of the rentable office space situated within Phase I is occupied by tenants, or 3 years from the certificate of occupancy issuance for the Phase I Building, whichever comes first. In the long-term, the TDM trip reduction target should be achieved by the one-year anniversary of the date upon which at least 85% of the rentable office space situated within Phase II is occupied by tenants, or 3 years from the certificate of occupancy issuance for the Phase II Building, whichever comes first.

- Phase I Only with 20% TDM Trip Reduction (Scenario 2) – The Final GHG Plan in this Final EIR also considered a Phase I Only scenario that generally assumes a 20 percent TDM trip reduction of the Project (end of Phase I); no Phase II would be developed. The result is a *less than significant GHG emissions impact at Phase I*.² *SCA GHG-1 1 (GHG Reduction Plan) would apply to the Project.*

In summary, with the 15/20% TDM Trip Reduction Scenarios 1 or 2, the Project would result in the same less than significant GHG emissions impacts at Phase I and Phase II/Buildout identified in the Draft EIR (wherein the Phase I impact was reduced to less than significant after mitigation). A GHG emissions impact is significant if both, the 1,100 MT CO₂e per year **AND** 4.6 MT CO₂e per year per service population, thresholds are exceeded. The Project's total annual GHG emissions reported in the Preliminary GHG Plan in Appendix I to the Draft EIR totaled 6,691 MT CO₂e and 4.7 MT CO₂e per service population at Phase I, and 12,861 MT CO₂e and 3.9 MT CO₂e per service population at Buildout. The Project's total annual GHG emissions reported in the Final GHG Plan in Appendix B to this Final EIR total 6,485 MT CO₂e and 4.6 MT CO₂e per service population at Phase I, and 12,030 MT CO₂e and 3.7 MT CO₂e per service population at Buildout.

Revisions to the Draft EIR

The Draft EIR is revised throughout to reflect the above changes, in particular the text on Draft EIR pages IV.B-46 through IV.B-59 regarding Impact AIR-9); page IV.B-61 regarding Impact AIR-10; and in Appendix I, Preliminary GHG Reduction Plan, to the Draft EIR.

Specifically, Table IV.B-11 on Draft EIR page IV.B-54 is revised consistent with the data shown in Table 3 in Appendix B, Final GHG Emissions Reduction Plan, to this Final EIR, as shown on the following page (additions are shown in double-underline; deletions in ~~strikeout~~).

Additionally, revision to the applicable Standard Condition of Approval and Mitigation Measure to address GHG emissions is revised (Impact AIR-9 and AIR-10) in Table II-1 at the end of this chapter.

Each of these revisions is initiated by City staff.

² For Scenario 2, in the short-term, by the one-year anniversary of the date upon which at least 85% of the rentable office space situated within Phase I is occupied by tenants, or 3 years from the certificate of occupancy issuance for the Phase I Building, whichever comes first. In the long-term, by the five-year anniversary of the date upon which at least 85% of the rentable office space situated within Phase I is occupied by tenants, or 7 years from the certificate of occupancy issuance for the Phase I Building, whichever comes first.

**TABLE IV.B-11
BASELINE OPERATIONAL GHG EMISSIONS INVENTORY FROM THE PROPOSED PROJECT**

| Emission Source | Annual CO ₂ e Emissions (metric tons per year) | |
|--|--|--|
| | Phase 1 Total CO ₂ e | Project Buildout ^a Total CO ₂ e |
| Motor vehicle trips without TDM / with TDM ^{a,b} | 4,190 / <u>3,565</u> ,774 | 8,359 / <u>6,684</u> ,515 |
| Natural gas | 682 | 1,632 |
| Grid Electricity | 1,995 | 3,099 |
| Water Conveyance | 8 | 15 |
| Wastewater Treatment & Conveyance | 13 | 24 |
| Solid Waste | 170 | 462 |
| Area Source (landscape maintenance) | 0.24 | 0.24 |
| Total Baseline Operational Project GHG Emissions without TDM / with TDM, without Construction Emissions | 7,058 / <u>6,436</u>,639 | 13,591 / <u>11,916</u>2,747 |
| Construction Emissions per Year (annualized over 40 years) (see Table IV.B-9) | 52 | 114 |
| Total Baseline Operational Project GHG Emissions without TDM / with TDM, with Construction Emissions | 7,110 / <u>6,486</u>,691 | 13,705 / <u>12,030</u>4,864 |
| BAAQMD Threshold of Significance | 1,100 | 1,100 |
| <i>Exceeds Threshold?</i> | <i>Yes/Yes</i> | <i>Yes/Yes</i> |
| Total Operational Project GHG Emissions by Service Population without TDM / with TDM | 5.0 / <u>4.64</u>.7^c | 4.2 / <u>3.73</u>.9^d |
| BAAQMD Threshold of Significance | 4.6 | 4.6 |
| <i>Exceeds Threshold?</i> | <i>Yes/No</i> | <i>No/No</i> |
| Impact Determination <u>without TDM</u>^e | Significant | Less than Significant ^e |
| Impact Determination <u>with TDM</u>^e | <u>Less than Significant</u> | <u>Less than Significant</u> |

a Project Buildout includes Phase 1 (South Tower) and Phase 2 (North Tower) and all other Project components.

b Assumes preliminary 10 percent TDM reduction of vehicle trips. Assumes 15 percent TDM reduction of vehicle trips after Phase I, and 20 percent reduction at Buildout (Scenario 1 in the TDM Plan).

c Total emissions divided by service population of 1,423 net new employees for Phase I of the Project.

d Total emissions divided by service population of 3,233 net new employees for the Project at Buildout.

e For projects that meet the City's definition of a "very large project," the City requires the Project applicant to prepare a GHG Reduction Plan as a Standard Condition of Approval, even though no CEQA impact is identified. Impact is significant if both thresholds are exceeded. "Impact Determination without TDM" is not considered for CEQA significance since the TDM Plan is considered part of the Project (as SCA TRANS-1); the data is provided for comparative purposes only.

SOURCE: ESA, 2010

Preferred Measure DD Configuration

Measure DD Considerations in the Draft EIR

The Draft EIR describes and illustrates the planned improvements relevant to the Kaiser Center Office Project that would occur with the “Measure DD Implementation Project Configuration” (referred to as “Measure DD Configuration”) on Draft EIR pages IV.L-71 and IV.L-72. These improvements would occur within the Harrison Street / Lakeside Drive / 20th and 21st Streets / Kaiser Center Access Road “triangle” near the Project Site, and Measure DD Configuration is shown in Figure IV.L-14. These improvements are considered in the traffic and circulation analysis for the Kaiser Center Office Project.

The Draft EIR also describes and analyzes a possible alternative configuration (“Alternative Measure DD”) for the same intersection (Harrison Street / Lakeside Drive / 20th and 21st Streets / Kaiser Center Access Road “triangle”) starting on Draft EIR page 161 (*Alternative Measure DD Intersection Configuration Analysis*) and shown in Figure IV.L-20 on Draft EIR page IV.L-162. Relevant impacts and mitigation measures in the Draft EIR explicitly consider the applicability and implications of the Alternative Measure DD configuration.

Since publication of the Draft EIR, the City has studied and refined the Measure DD Configuration studied in the Draft EIR, and put forth a “Preferred Measure DD Configuration” (referred to as “Preferred Configuration”) for consideration. The Preferred DD Configuration supersedes both the Measure DD Configuration and the Alternative DD Configuration.

Study and Refinement of Measure DD Configuration

The results of the City’s study and refinements of the Measure DD Configuration are presented in Appendix C, Preferred Measure DD, to this Final EIR, as follows.

Appendix C.1 to this Final EIR describes the Preferred Measure DD roadway configuration improvements³ that would be implemented and that would result in acceptable traffic operations (even if the Kaiser Center Office Project is not constructed or is not constructed at the time that the Preferred Measure DD improvements are implemented). The roadway improvements are illustrated in Figure C.1, Proposed Measure DD Improvements, in Appendix C.1.

Appendix C.2 presents the proposed Kaiser Center Office Project mitigation measures related to the Preferred Measure DD Configuration, and illustrates them in Appendix C.2, Figure C.2, Proposed Kaiser Center Mitigation Measures. These mitigation measures supplement and provide additional detail to those identified for Measure DD-related intersections and roadways in the Draft EIR. Implementing the more specified mitigation measures would not result in secondary impacts, as each was considered generally in the Draft EIR.

³ The roadway improvements are only one aspect of the entire improvements required by Measure DD. Measure DD also includes improvements to other roadway segments and intersections, parks and public spaces, and other elements that are not part of this EIR or affected by the proposed project.

Appendix C.3 describes how the traffic analysis impacts of the Kaiser Center Office Project identified in the Draft EIR (which assumed the Measure DD Configuration) are affected assuming implementation of the Preferred Configuration and the mitigation measures shown in Appendix C.2 (prepared by Dowling Associates, Inc., December 23, 2010). Traffic operations were considered, as in the Draft EIR, for Existing Plus Project, Near-Term 2015, and Cumulative 2030 Plus Project Conditions for Phase I and II of the Project.

The analysis in Appendix C.3 considers the four intersections that would be impacted by the Kaiser Center Office Project and that could be affected by changes in traffic operations at the Harrison Street / Lakeside Drive / 20th and 21st Streets / Kaiser Center Access Road area; these are specifically Intersection #13 (Harrison Street / 21st Street), and Intersection #24 (Harrison Street / 20th Street / Kaiser Center Access Road).

To summarize from the *Traffic Operations* discussion in Appendix C.3 (pages 5 through 7), the Preferred Configuration, as mitigated, would not result in new or worsened impacts than those identified in the Draft EIR. However, at Intersection #13 (Harrison Street / 21st Street) under 2030 Cumulative Plus Project Conditions, while the intersection level of service (LOS) would still be degraded (the vehicle LOS will change from LOS B to an unacceptable LOS F) during the PM peak hours, the following component of Mitigation Measure TRANS-7e identified in the Draft EIR (first bullet on Draft EIR page IV.L-124) specifically would not be required with the Preferred Measure DD Configuration:

- ~~“Prohibit eastbound right turns from 21st Street to Harrison Street during the PM peak period, which will increase capacity on the critical eastbound left turn movement.”~~

and, overall, Mitigation Measure TRANS-7e is revised be consistent with Mitigation Measure TRANS-1c (see Table II-1 at the end of this chapter).

Revisions to the Draft EIR

The following Draft EIR pages are hereby revised with the above Preferred Measure DD Configuration replacing references to the “Alternative DD Measures” scenario; specific revisions to mitigation measures and explanatory discussion of level of significance after application of mitigation measures, are shown in Table II-1 at the end of this chapter:

Project Mitigation Measures (Revisions shown in Table II-1)

- Page IV.L-63: Impact TRANS-1c Mitigation Measure
- Page IV.L-88: Impact TRANS-3d Significance After Mitigation
- Page IV.L-102: Impact TRANS-5e Significance After Mitigation
- Page IV.L-124: Impact TRANS-7e Mitigation Measure and Significance After Mitigation
- Page IV.L-126: Impact TRANS-7f Significance After Mitigation

Alternative DD Configuration Deletions

- Pages IV.L-161 through IV.L-177: Alternative Measure DD Intersection Configuration Analysis Discussion (superseded by Appendix C.3)
- Page IV.L-162: Figure IV.L-20 Alternative Measure DD Configuration (superseded by Appendix C.1, Figures C.1 and C.2)
- Page IV.L-165: Figure IV.L-21 Alternative Measure DD Traffic Volumes (superseded by Appendix C.3)
- Page IV.L-166: Table IV.L-27 Near-Term (2015) Intersection Levels of Service – Alternative Measure DD (superseded by Appendix C.3)
- Page IV.L-167: Table IV.L-28 Cumulative (2030) Intersection Levels of Service – Alternative Measure DD (superseded by Appendix C.3)
- Page IV.L-167: Table IV.L-29 Near-Term (2015) plus Project (Phase I) Intersection Levels of Service – Alternative Measure DD (superseded by Appendix C.3)
- Page IV.L-169: Table IV.L-30 Near-Term (2015) plus Project (Phase I and Phase II) Intersection Levels of Service – Alternative Measure DD (superseded by Appendix C.3)
- Page IV.L-170: Table IV.L-31 Cumulative (2030) plus Project (Phase I and Phase II) Intersection Levels of Service – Alternative Measure DD (superseded by Appendix C.3)
- Page IV.L-172: Table IV.L-32 Microsimulated Movement Delay – Alternative Measure DD (superseded by Appendix C.3)
- Page IV.L-173: Table IV.L-33 Microsimulated 95th Percentile Queues – Original Measure DD (superseded by Appendix C.3)
- Page IV.L-174: Table IV.L-34 Microsimulated 95th Percentile Queues – Alternative Measure DD (superseded by Appendix C.3)
- Page IV.L-176: Recommendation TRANS-6: Installation of a signalized mid-block crossing across Harrison Street between 20th Street and 21st Street (superseded by Appendix C.1, Figures C.1 and C.2)
- Table IV.L-34 Microsimulated 95th Percentile Queues – Alternative Measure DD (superseded by Appendix C.3)
- Page V-4: Intersection #24 (Harrison Street / 20th Street / Kaiser Center Access Road) (deleted; superseded by Appendix C.3)
- Page VI-3 and VI-4: Intersection #24 (Harrison Street / 20th Street / Kaiser Center Access Road) (deleted; superseded by Appendix C.3)

Each of these revisions is initiated by City staff.

B. Revisions to the Draft EIR

1. In Draft EIR Chapter II, Summary, the following revision is made in the second sentence of the second paragraph on page II-3 (deletions are shown in ~~strikeout~~):

The Proposed Project combined with cumulative development will result in significant and unavoidable cumulative impacts associated with wind hazards, air quality (PM-10 emissions), ~~greenhouse gas emissions~~, and traffic.

This revision is initiated by City staff.

2. In Draft EIR Section IV.B, Air Quality and Greenhouse Gases, the following revisions are made to the list of Standard Conditions of Approval starting on page IV.B-9 (additions are shown in double-underline; deletions in ~~strikeout~~):

The following SCA AIR-2 was inadvertently included in the Draft EIR. SCA AIR-1, which starts on page IV.B-7 in the Draft EIR, already incorporates the elements of SCA AIR-2. Therefore, SCA AIR-2 is deleted from the Draft EIR.

- ~~SCA AIR-2 Construction Emissions (Prior to issuance of a demolition, grading or building permit.)~~

~~To minimize construction equipment emissions during construction, the Project Applicant shall require the construction contractor to:~~

- ~~a. Demonstrate compliance with BAAQMD Regulation 2, Rule 1 (General Requirements) for all portable construction equipment subject to that rule. BAAQMD Regulation 2, Rule 1 provides the issuance of authorities to construct and permits to operate certain types of portable equipment used for construction purposes (e.g., gasoline or diesel powered engines used in conjunction with power generation, pumps, compressors, and cranes) unless such equipment complies with all applicable requirements of the "California Air Pollution Control Officers Association (CAPCOA)" Portable Equipment Registration Rule" or with all applicable requirements of the Statewide Portable Equipment Registration Program. This exemption is provided in BAAQMD Rule 2-1-105.~~
- ~~b. Perform low NOx tune-ups on all diesel powered construction equipment greater than 50 horsepower (no more than 30 days prior to the start of use of that equipment). Periodic tune-ups (every 90 days) should be performed for such equipment used continuously during the construction period.~~

This revision is initiated by City staff.

3. In Draft EIR Section IV.B, Air Quality and Greenhouse Gases, the first paragraph of Impact AIR-2 on page IV.B-17 is revised as follows (additions are shown in double-underline; deletions in ~~strikeout~~):

Impact AIR-2: Activities associated with demolition, site preparation, and construction throughout development of the Proposed Project would generate emissions of criteria pollutants, including equipment exhaust emissions, DPM and TACs. (Potentially Less than Significant Phase 2 ROG emissions.)

Emissions and DPM. Construction activities would result in the emission of ROG, NO_x, CO, SO_x and particulates (PM₁₀ and PM_{2.5}) from equipment exhaust, construction-related vehicular activity and construction worker automobile trips. Emission levels for construction activities would vary depending on the number and type of equipment use, duration of use, operation schedules (the time and frequency) and the number of construction workers traveling to the worksite by motorized vehicle. Criteria pollutant emissions of ROG and NO_x from these emissions sources would incrementally add to the regional atmospheric loading of ozone precursors during construction. The Project would be subject to SCA AIR-1, listed above, which would further reduce impacts from construction equipment emissions.

This revision is initiated by City staff.

4. In Draft EIR Section IV.B, Air Quality and Greenhouse Gases, the following heading is inserted before the first paragraph on page IV.B-18 (additions are shown in double-underline):

Exposure to Nearby Sensitive Uses

The significance criterion considers the potential effect of sensitive land uses located within 1,000 feet of TAC sources.

This revision is initiated by City staff.

5. In Draft EIR Section IV.B, Air Quality and Greenhouse Gases, the following table and following text on page IV.B-19 is revised as follows (additions are shown in double-underline; deletions in ~~strikeout~~):

**TABLE IV.B-4
AVERAGE DAILY CONSTRUCTION-RELATED POLLUTANT EMISSIONS (POUNDS PER DAY)**

| Year | ROG | NO _x | CO | SO ₂ | PM-10 | PM-2.5 | CO ₂ |
|-------------------------------|------------------------|-----------------|-------------|-----------------|-----------|-----------|-----------------|
| Phase 1 | | | | | | | |
| 2012 | 1.65 | 16.5 | 8.66 | <0.1 | 0.9 | 0.78 | 2,469 |
| 2013 | 2.95 | 21.9 | 37.2 | <0.1 | 1.0 | 0.95 | 6,184 |
| 2014 | 30.8 | 17.1 | 43.4 | <0.1 | 1.04 | 0.95 | 6,336 |
| 2015 | 50.8 | 19.3 | 44.1 | <0.1 | 1.26 | 1.15 | 6,841 |
| BAAQMD Construction Threshold | 54 | 54 | None | None | 82 | 54 | None |
| Significant Impact? | No | No | No | No | No | No | No |
| Phase 2 / Buildout | | | | | | | |
| 2015 | 0.90 | 6.84 | 5.48 | <0.1 | 0.4 | 0.37 | 1,124 |
| 2016 | 2.79 | 15.7 | 47.0 | <0.1 | 0.80 | 0.72 | 8,083 |
| 2017 | 40.3 | 14.2 | 45.3 | <0.1 | 0.85 | 0.77 | 8,038 |
| 2018 | 80.0 | 16.0 | 45.8 | <0.1 | 0.99 | 0.90 | 8,552 |
| BAAQMD Construction Threshold | 54 | 54 | None | None | 82 | 54 | None |
| Significant Impact? | Yes^a | No | No | No | No | No | No |

^a Reduced to 37.8 pounds per day, thus, less than significant, with incorporation of SCA AIR-1, which is considered a condition of approval for the Project.

SOURCE: URBEMIS2007

BAAQMD has adopted new daily mass significance thresholds for construction-related activities in its *Air Quality Guidelines*. These thresholds are 54 pounds per day of either ROG, NO_x or PM_{2.5} and 82 pounds per day for PM₁₀. BAAQMD has indicated that these standards are to be compared to average daily emissions, not peak daily emissions (Tholen, 2010). Therefore daily emissions in Table IV.B-4 are an average over the entire year. As can be seen from the data in Table IV.B-4, construction-related exhaust emissions from Phase 1 would not exceed any of the BAAQMD thresholds. ~~Construction-related emissions from Phase 2 would exceed the ROG threshold.~~ Table IV.B-4 also shows that construction-related exhaust emissions from Phase 2 would exceed the ROG threshold in year 2018, which ~~could~~ would be reduced to a less-than-significant level (from 80.0 pounds per day to a mitigated 37.8 pounds per day) by use of low volatile organic compounds (VOC) architectural coatings, which is a required measure to be implemented as part of SCA AIR-1.

This revision is initiated by City staff.

6. In Draft EIR Section IV.B, Air Quality and Greenhouse Gases, text in the second paragraph on page IV.B-20 is revised as follows (additions are shown in double-underline; deletions in ~~strikeout~~):

The Project would be subject to SCA ~~AIR-3~~AIR-2, listed above, which would reduce impacts from airborne asbestos fibers to a less than significant level under existing

BAAQMD thresholds. ~~Under the thresholds, Phase 2 ROG emissions would be significant.~~

Mitigation Measure AIR-1: None Required. ~~To reduce the significant Phase 2 ROG emissions, the Project applicant shall use low VOC architectural coatings. Use of low VOC coatings will reduce ROG emissions to below significance thresholds (37.8 pounds per day).~~

Significance after Mitigation and Standard Condition: ~~Less than Significant.~~

This revision is initiated by City staff.

7. In Draft EIR Section IV.B, Air Quality and Greenhouse Gases, footnote “b” in Table IV.B-5 on page IV.B-21 is clarified as follows (additions are shown in double-underline; deletions in ~~strikeout~~):

^b Net PM₁₀ emission would be reduced to ~~86-100~~ pounds per day with implementation of a 10 percent vehicle reduction through TDM_s and 86 pounds per day through compliance with Clean Car Standards regulations, pursuant to AB 1493, both of which would exceed the significance threshold by 18.0 and 4.0 pounds per day, respectively.

Also note that, due to font formatting, footnote “b” pertaining to PM emissions in Table IV.B-5 appears in print as the letter “D.” The reference is correct to footnote “b” above.

This revision is initiated by City staff.

8. In Draft EIR Section IV.B, Air Quality and Greenhouse Gases, the following text immediately following Table IV.B-5 on page IV.B-21 is clarified as follows (additions are shown in double-underline; deletions in ~~strikeout~~):

Transportation-related SCAs are anticipated to reduce vehicle trips 10 to 20 percent (and preliminarily and conservatively assumed to achieve a 10 percent reduction ~~in the GHG analysis in this Draft EIR,~~ pending completion of a TDM Plan for the Project), equating to ~~a reduction of about 161 pounds per day of PM₁₀ from the Project (or about 100 pounds per day net new emissions).~~ Implementation of Pavley Standards (pursuant to AB 1493 and also referred to as “Clean Car Regulations”) ~~standards~~ for automobiles will reduce Project PM₁₀ emissions by approximately 14 percent by 2020 (CARB, 2008d) to 147 pounds per day from the Project (or about 86 pounds per day net new emissions). Therefore, with application of SCA TRANS-1 and or AB1493, Project emissions of PM₁₀ with the Proposed Project would remain

significant as they would exceed the BAAQMD significance threshold of 82 pounds per day by at least 4.0 pounds per day.

Mitigation: Not feasible because none available. PM₁₀ emissions are most effectively reduced by reductions in motor vehicle trips generated by the Project, as targeted by a TDM required as SCA TRANS-1. Compliance with new state Clean Car Standards (i.e., amended Pavley Standards pursuant to AB 1493) would reduce vehicle GHG emissions, including PM₁₀, but not to a less than significant level~~compliance is not within the control of the Project Applicant~~. No other feasible mitigations are known to reduce vehicle trips and related emissions

This revision is initiated by City staff.

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9. In Draft EIR Section IV.B, Air Quality and Greenhouse Gases, the following text immediately preceding the Mitigation at the bottom of page IV.B-21 is revised as follows (additions are shown in double-underline; deletions in ~~strikeout~~):

Therefore, with application of SCA TRANS-1 and AB1493, Project emissions of PM₁₀ with the Proposed Project would remain significant as they would exceed the BAAQMD significance threshold of 82 pounds per day by 4.0 pounds per day.

This revision is initiated by City staff.

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10. In Draft EIR Section IV.B, Air Quality and Greenhouse Gases, the following text on page IV.B-25 is revised as follows (additions are shown in double-underline; deletions in ~~strikeout~~):

Mitigation Measure AIR-2: *Construction:* None Required. ~~Implement Mitigation Measure AIR-1.~~ *Operations:* Not feasible because none available. PM₁₀ emissions are most effectively reduced by reductions in motor vehicle trips generated by the Project, as targeted by a TDM required as SCA TRANS-1. Compliance with new state Clean Car Standards (i.e., amended Pavley Standards pursuant to AB 1493) would reduce vehicle GHG emissions, including PM₁₀, but compliance is not within the control of the Project Applicant. No other feasible mitigations within the Project's Applicant's control are known to reduce vehicle trips and related emissions

Significance after Mitigation and Standard Conditions: ~~Construction:~~ *Less than Significant.* *Operations:* Significant and Unavoidable PM₁₀ emissions.

This revision is initiated by City staff.

11. In Draft EIR Section IV.C, Biological Resources, text in the first paragraph on page IV.C-33 is revised as follows (additions are shown in double-underline; deletions in ~~strikeout~~):

(i.e., use hydrologic source controls) to the maximum extent practicable. The Project is replacing existing buildings and not expected to increase impervious surface amounts over those already existing at the site. In fact, the Project will expand the roof garden, which may result in a net increase of permeable surface at the Project site. ~~SCA GEO-4~~, SCA HAZ-1, SCA HYD-1, SCA HYD-2, and SCA HYD-3 would be applied to the Proposed Project and would serve to minimize potential impacts on water quality, which will ensure that the Project is in compliance with all aspects of the Creek Protection Ordinance.

This revision is initiated by City staff.

12. In Draft EIR Section IV.D, Cultural Resources, the following text at the bottom page IV.D-12, following the full text of SCA CUL-1, Archaeological Resources, is added as follows (additions are shown in double-underline):

The following additional SCAs (SCA CUL-1a through SCA CUL-1d) are added to supplement and further implement SCA GHG-1, Archaeological Resources, to decrease the potential for adverse damage of archaeological resources, paleontological resources and human remains during construction.

To implement the additional SCAs, a project applicant may choose to either implement SCA CUL-1a (Intensive Pre-Construction Study) or SCA CUL-1d (Construction ALERT Sheet). If in either case a high potential presence of historic-period archaeological resources on the project site is indicated, or a potential resource is discovered, the project applicant shall also implement

- SCA CUL-1b (Construction-Period Monitoring),
- SCA CUL-1c (Avoidance and/or Find Recovery), and
- SCA CUL-1d (to establish a Construction ALERT Sheet if the Intensive Pre-Construction Study was originally implemented per SCA CUL-1a, or to update and provide more specificity to the initial Construction ALERT Sheet if a Construction Alert Sheet was originally implemented per SCA CUL-1d).

If in either case a high potential presence of historic-period archaeological resources is not indicated, or a potential resource is not discovered, SCA CUL-1 shall apply and be adequate to decrease the potential for adverse damage of archaeological resources, paleontological resources and human remains during construction.

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

SCA CUL-1a: Intensive Pre-Construction Study. *Prior to demolition, grading and/or construction.* The project applicant, upon approval from the City Planning Department, may choose to complete a site-specific, intensive archaeological resources study prior to soil-disturbing activities occurring on the project site. The purpose of the site-specific, intensive archaeological resources study is to identify early the potential presence of history-period archaeological resources on the project site. If that approach is selected, the study shall be conducted by a qualified archaeologist approved by the City Planning Department.

If prepared, at a minimum, the study shall include:

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

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

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

SCA CUL-1c: Avoidance and/or Find Recovery. *Ongoing and throughout demolition, grading and/or construction.*

If a significant archaeological resource is present that could be adversely impacted by the proposed project, the project applicant of the specific project site shall either:

- Stop work and redesign the proposed project to avoid any adverse impacts on significant archaeological resource(s); or,
- If avoidance is determined infeasible by the City, design and implement an Archaeological Research Design and Treatment Plan (ARDTP). The project applicant shall hire a qualified archaeologist who shall prepare a draft ARDTP that shall be submitted to the City Planning Department for review and approval. The ARDTP is required to identify how the proposed data recovery program would preserve the significant information the archaeological resource is expected to contain. The ARDTP shall identify the scientific/historic research questions applicable to the expected resource, the data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. The ARDTP shall include the analysis and specify the curation and storage methods. Data recovery, in general, shall be limited to the portions of the archaeological resource that could be impacted by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practical. The project applicant shall implement the ARDTP. Because the intent of the ARDTP is to save as much of the archaeological resource as possible, including moving the resource, if feasible, preparation and implementation of the ARDTP would reduce the potential adverse impact to less than significant.

SCA CUL-1d: Construction ALERT Sheet. *Prior to and during all subsurface construction activities for the Project.*

The project applicant, upon approval from the City Planning Department, may choose to prepare a construction ALERT sheet prior to soil-disturbing activities occurring on the project site, instead of conducting site-specific, intensive archaeological resources pursuant to SCA CUL-1a, above. The project applicant shall submit for review and approval by the City prior to subsurface construction activity an “ALERT” sheet prepared by a qualified archaeologist with visuals that depict each type of artifact that could be encountered on the project site. Training by the qualified archaeologist shall be provided to the project’s prime contractor; any project subcontractor firms (including demolition, excavation, grading, foundation, and pile driving); and/or utilities firm involved in soil-disturbing activities within the project site.

The ALERT sheet shall state, in addition to the basic measures of SCA CUL-1, that in the event of discovery of the following cultural materials, all work must be stopped in the area and the City’s Environmental Review Officer contacted to evaluate the find: concentrations of shellfish remains; evidence of fire (ashes, charcoal, burnt earth, fire-cracked rocks); concentrations of bones; recognizable Native American artifacts (arrowheads, shell beads, stone mortars [bowls], humanly shaped rock); building foundation remains; trash pits, privies (outhouse holes); floor remains; wells; concentrations of bottles, broken dishes, shoes, buttons, cut animal bones, hardware, household items, barrels, etc.; thick layers of burned building debris (charcoal, nails, fused glass, burned plaster, burned dishes); wood structural remains (building, ship, wharf); clay roof/floor tiles; stone walls or footings; or gravestones.

Prior to any soil-disturbing activities, each contractor shall be responsible for ensuring that the ALERT sheet is circulated to all field personnel, including machine operators, field crew, pile drivers, and supervisory personnel.

If the project applicant chooses to implement SCA CUL-1d, Construction ALERT Sheet, and a potential resource is discovered on the project site during ground disturbing activities during construction, the project applicant shall hire a qualified archaeologist to monitor any ground disturbing activities on the project site during construction (see SCA CUL-1b, Construction-Period Monitoring, above), implement avoidance and/or find recovery measures (see SCA CUL-1c, Avoidance and/or Find Recovery, above), and prepare an updated ALERT Sheet that addresses the potential resource(s) and other possible resources based on the discovered find found on the project site. If no potential resource(s) are discovered during ground disturbing activities during construction pursuant to the construction ALERT sheet, SCA CUL-1, Archaeological Resources, shall apply and be adequate to reduce any potentially significant impact to less than significant.

This revision is made in response to Comment LP-17.

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13. In Draft EIR Section IV.D, Cultural Resources, text in the first paragraph of Mitigation Measure CUL-1.1 on page IV.D-23 is revised as follows (additions are shown in double-underline; deletions in ~~strikeout~~):

Mitigation Measure CUL-1.1. The Project applicant shall modify the design of the base of the new structures to ensure, to the extent feasible, a historically and architecturally appropriate ~~retain the existing~~ street level design and character that shall be differentiated from the old mall buildings and shall meet the appropriate design findings under Policy 3.5 of the existing Historic Preservation Element of the City's General Plan, and shall prepare a salvage program.

The project applicant shall modify the design of the base of the new tower structures to ensure a historically and architecturally appropriate ~~retain the existing~~ street level design and character that shall be differentiated from the old mall buildings and shall meet the appropriate design findings under Policy 3.5 of the existing Historic Preservation Element of the City's General Plan. ~~As appropriate, characteristics may consider~~ elements of the Mall Buildings, which include its height, massing, flat roofs, dolomite panels, the strong, solid horizontally-oriented band at the base of the tower “floating” above the first floor, the relationship between the Office Tower’s side exterior dolomite panels with the Mall Building’s side exterior dolomite panels, and the terrazzo floors. Other than the terrazzo floors, the majority of the remaining historic fabric is expressed on the exterior of these buildings. This mitigation would satisfy Policy 3.8.1 (1) of the Historic Preservation Element of the City of Oakland General Plan (Modification of the Project design to avoid adversely affecting the character defining elements of the property).

This revision is made in response to Comment LP-14.

14. In Draft EIR Section IV.D, Cultural Resources, text starting with Impact CUL-5 on page IV.D-31 is revised as follows (additions are shown in double-underline; deletions in ~~strikeout~~):

Impact CUL-5: Construction of the Proposed Project could cause substantial adverse changes to the significance of archaeological resources at the Project Site. Archaeological resources are potentially historical resources as defined in CEQA Section 15064.5(a) or unique archaeological resources as defined in CEQA Section 21083.2(g). (~~Less than~~Potentially Significant)

During the historic-period the Project Site was the location of the Convent of Our Lady of the Sacred Heart. The school was established in 1868 and remained at the location until 1957. The existing building at the Project Site has a one-story basement that extends approximately 10 feet below ground surface. While it is possible, therefore it is likely that this ground disturbance and construction has destroyed archaeological features and deposits created during the historic period. ~~Additional~~ furthermore, ground disturbance required for the Project may have the potential to ~~has also likely destroyed and/or disturbed any~~ prehistoric archaeological features and materials.

Implementation of the City of Oakland's SCA CUL-1, Archaeological Resources, would likely ensure that inadvertent discoveries of any subsurface archaeological materials are dealt with according to regulatory guidance, the information provided by the commenter and subsequently documented makes it reasonably possible for materials at Kaiser Center that qualify as unique archaeological resources under CEQA to exist at the Project Site. This supports additional proactive measures recommended given information available in published archaeological reports and surveys prepared for the Uptown Oakland Project Area (which is located within one-half mile of the Project Site) and documentation of subsurface conditions that support possibility that significant archaeological resources may be discovered during construction (excavation) of the Project. Even though no documents regarding the findings at the Uptown Oakland Project site resulted from the 2008 Northwest Information Center (NWIC) search conducted at the of the California Historical Resources Information System for the Project Site (File No. 07-1502), historic maps show a tributary associated with San Antonio Bay (later referred to as Lake Merritt) generally along 20th Street (Archeo-Tec Inc., 2005 and 2007⁴). Consistent with that, soils underlain by creek banks and shoreline formations are acknowledged in the draft geotechnical report prepared by Treadwell and Rollo.

Thus, additional measures are recommended to further implement SCA CUL-1, Archaeological Resources, given that the Project is located near known archaeologically sensitive areas and documented, historical underground waterways. Given the sensitivity that exists at the Project Site for the existence of archaeological and buried sites that would not be visible due to the urban development, SCA CUL-1a

⁴ Archeo-tec Inc., *Final Archaeological Sensitivity Study and Testing Program for the Uptown Oakland Project*, 2005. Archeo-tec Inc., *Archaeological Final Report for the Uptown Oakland Project*, September 2007.

through SCA CUL-1d are added to decrease the potential for adverse damage of resources during construction. SCAs CUL-1a through CUL-1d supplement and further implement SCA CUL-1, Archaeological Resources; in addition to SCA CUL-2, Human Remains, and SCA CUL-3, Paleontological Resources, to minimize the potential risk of impact to archaeological resources and other potential unknown subsurface cultural resources to a less-than-significant level at the Project Site.

~~In the unlikely event that archaeological materials or human remains are inadvertently discovered during construction activity SCA CUL-1 Archaeological Resources should be applied.~~

~~Further, any archaeological property that meets the criteria listed at CEQA Section 21083.2 is considered a unique archaeological resource for the purposes of CEQA.~~

~~In the unlikely event that archaeological materials are unearthed during construction implementation of SCA CUL-1 Archaeological Resources also will reduce the Project's potential impact on unique archaeological resources to a less than significant level.~~

Mitigation: Less than Significant.

This revision is made in response to Comment LP-17.

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15. In Draft EIR Section IV.D, Cultural Resources, the discussion of Impact CUL-6 on page IV.D-32 is revised as follows (additions are shown in double-underline; deletions in ~~strikeout~~):

Impact CUL-6: The Proposed Project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. (Less than Significant)

~~As discussed above in the paleontological setting, the paleontological sensitivity of the units underlying the site is low. Deep excavations associated with the Project's building foundations and the 1.5 stories of underground parking are likely to disturb these geologic units of low paleontological sensitivity. However, it is nevertheless possible that fossils would be discovered during excavation associated with the Project. Because the significance of such fossils would be unknown, such an event represents a potentially significant impact to paleontological resources. SCA CUL-1a throughout SCA CUL-1d (identified for Impact CUL-5) will help reduce any potential impact to paleontological resources, and uniformly-applied SCA CUL-3 Paleontological Resources will reduce potential effects if~~ SCA CUL-1a throughout SCA CUL-1d (identified for Impact CUL-5) will help reduce any potential impact to paleontological resources, and uniformly-applied SCA CUL-3 Paleontological Resources will reduce potential effects if ~~any fossils are discovered within the rock units; implementation of the following uniformly applied SCA CUL-3 Paleontological Resources would reduce this impact~~ any fossils are discovered within the rock units; implementation of the following uniformly applied SCA CUL-3 Paleontological Resources will reduce this impact to a less than significant level.

This revision is made in response to Comment LP-17.

16. In Draft EIR Section IV.D, Cultural Resources, text starting with Impact CUL-7 on page IV.D-32 is revised as follows (additions are shown in double-underline; deletions in ~~strikeout~~):

Impact CUL-7: The Proposed Project may adversely affect unidentified human remains at the Project Site. (Less than Significant)

There is no indication that the Project Site has been used for burial purposes in the recent or distant past. ~~Therefore~~However, a reasonable possibility exists it is unlikely that human remains ~~could~~would be encountered. SCAs CUL-1a through CUL-1d (identified for Impact CUL-5) will help reduce any potential impact to human remains. ~~However, in~~ In the event of the discovery of any human remains during Project construction activities, work would be halted and SCA CUL-2 Human Remains implemented. ~~Damage to significant buried human remains would be a significant impact. Implementation of the following uniformly applied SCA CUL-2 would reduce~~ to ensure the potential impacts to a is less than significant level.

This revision is made in response to Comment LP-17.

17. In Draft EIR Section IV.E, Geology, Soils and Geohazards, of the Draft EIR, the first bullet on page IV.E-11 is deleted as follows (deletions in ~~strikeout~~):

~~• **SCA GEO-1 Erosion and Sedimentation Control Plan**~~

~~*Prior to any grading activities.* The project applicant shall obtain a grading permit if required by the Oakland Grading Regulations pursuant to Section 15.04.780 of the Oakland Municipal Code. The grading permit application shall include an erosion and sedimentation control plan for review and approval by the Building Services Division. The erosion and sedimentation control plan shall include all necessary measures to be taken to prevent excessive stormwater runoff or carrying by stormwater runoff of solid materials on to lands of adjacent property owners, public streets, or to creeks as a result of conditions created by grading operations. The plan shall include, but not be limited to, such measures as short-term erosion control planting, waterproof slope covering, check dams, interceptor ditches, benches, storm drains, dissipation structures, diversion dikes, retarding berms and barriers, devices to trap, store and filter out sediment, and stormwater retention basins. Off-site work by the project applicant may be necessary. The project applicant shall obtain permission or easements necessary for off-site work. There shall be a clear notation that the plan is subject to changes as changing conditions occur. Calculations of anticipated stormwater runoff and sediment volumes shall be included, if required by the Director of Development or designee. The plan shall specify that, after construction is complete, the project applicant shall ensure that the storm drain system shall be inspected and that the project applicant shall clear the system of any debris or sediment.~~

~~*Ongoing throughout grading and construction activities.* The project applicant shall implement the approved erosion and sedimentation plan. No grading shall occur during the wet weather season (October 15 through April 15) unless specifically authorized in writing by the Building Services Division.~~

This revision is initiated by City staff, as it is the same language found in SCA HYD-1.

18. In Draft EIR Section IV.E, Geology, Soils and Geohazards, of the Draft EIR, the following text is added to page IV.E-14, prior to the heading, Impacts and Mitigation Measures (additions are shown in double-underline):

In addition, the following SCAs located in other sections of this EIR would also serve to address construction-period water quality:

- HYD-1: Erosion and Sedimentation Control Plan (Section IV.G, *Hydrology and Water Quality*)

This revision is initiated by City staff.

19. In Draft EIR Section IV.E, Geology, Soils and Geohazards, text in the fourth paragraph of page IV.E-15 is revised as follows (additions are shown in double-underline; deletions in ~~strikeout~~):

In accordance with City of Oakland requirements, the Project sponsor would be required to prepare a geotechnical report for the Project that includes generally accepted and appropriate engineering techniques for determining the susceptibility of the Project Site to various geologic and seismic hazards. The geotechnical report would include an analysis of ground shaking effects, liquefaction potential, and provide recommendations to reduce these hazards. Because the Project Site is within a Seismic Hazard Zone for liquefaction, recommendations for the mitigation and reduction of liquefaction would be prepared in accordance with CGS Guidelines for Evaluating and Mitigating Seismic Hazards (CDMG [now CGS], ~~1997~~ 2008). Geotechnical and seismic design criteria would conform to engineering recommendations consistent with the seismic requirements set forth in the 2006 IBC and the 2007 California Building Code (Title 24) additions.

This revision is made in response to Comment C-1.

20. In Draft EIR Section IV.E, Geology, Soils and Geohazards, the second reference on page IV.E-19 is revised as follows (additions are shown in double-underline; deletions in ~~strikeout~~):

~~Parrish, John G., Ph.D.~~ CGS, *Special Publication 117A: Guidelines for Evaluating and Mitigating Seismic Hazards in California*, John G. Parrish, Ph.D., California Geological Survey, originally adopted March 13, 1997 by the State Mining and Geology Board

in accordance with the Seismic Hazards Mapping Act of 1990, revised and re-adopted September 11, 2008. Hart, E. W., Fault-Rupture Hazard Zones in California: Alquist-Priolo Special Studies Zones Act of 1972 with Index to Special Studies Zones Maps, California Division of Mines and Geology, Special Publication 42, 1990, revised and updated ~~1997~~ 2008.

This revision is made in response to Comment C-1.

21. In Draft EIR Section IV.F, Hazardous Materials, the third bullet on page IV.F-9 is deleted as follows (deletions in ~~strikeout~~):

~~SCA HAZ-4 Asbestos Removal in Structures~~

~~*Prior to issuance of a demolition permit. If asbestos-containing materials (ACM) are found to be present in building materials to be removed, demolition and disposal, the Project Applicant shall submit specifications signed by a certified asbestos consultant for the removal, encapsulation, or enclosure of the identified ACM in accordance with all applicable laws and regulations, including but not necessarily limited to: California Code of Regulations, Title 8; Business and Professions Code; Division 3; California Health & Safety Code 25915-25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, as may be amended.*~~

This revision is initiated by City staff.

22. In Draft EIR Section IV.F, Hazardous Materials, the following text is added immediately preceding “Impacts and Mitigation Measures” on page IV.F-11 as follows (deletions in ~~strikeout~~):

In addition, the following SCA located in other sections of this EIR would also serve to address hazardous materials:

- SCA AIR-3: Asbestos Removal in Structures

This revision is initiated by City staff.

23. In Draft EIR Section IV.F, Hazardous Materials, the fifth paragraph on page IV.F-14 is revised as follows (additions are shown in double-underline; deletions in ~~strikeout~~):

Compliance with these regulations and procedures, as well as SCA AIR-3~~HAZ-4~~, SCA HAZ-5 and SCA HAZ-7, shown above, would ensure that any potential impacts due to asbestos and lead-based paint are less-than-significant.

This revision is initiated by City staff.

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24. In Draft EIR Section IV.F, Hazardous Materials, the last paragraph on page IV.F-15 is revised as follows (additions are shown in double-underline; deletions in ~~strikeout~~):

Required compliance with applicable regulatory requirements and SCA HAZ-1 through HAZ-3~~HAZ-6~~, and SCA HAZ-~~58~~ through and HAZ-6, and SCA AIR-3, shown above, ~~HAZ-11~~ would minimize hazards to workers, visitors, the public, and the environment from waste products.

This revision is initiated by City staff.

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25. In Draft EIR Section IV.F, Hazardous Materials, the last paragraph on page IV.F-16 is revised as follows (additions are shown in double-underline; deletions in ~~strikeout~~):

Compliance with these regulations and procedures, as well as SCA HAZ-1 through HAZ-3, and SCA HAZ-5 through HAZ-10, shown above, would ensure that any potential impacts due to hazards from construction activities are less than significant.

This revision is initiated by City staff.

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26. In Draft EIR Section IV. I, Noise, the following text is added preceding “Impacts and Mitigation Measures” on page IV.I-16 as follows (additions are shown in double-underline):

SCA NOI-7 Operational Noise-General

Ongoing. Noise levels from the activity, property, or any mechanical equipment on site shall comply with the performance standards of Section 17.120 of the Oakland Planning Code and Section 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the Planning and Zoning Division and Building Services.

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27. In Draft EIR Section IV.I, Noise, the following text is added before the last sentence of the discussion of Impact NOI-2 on page IV.I-22 (additions are shown in double-underline):

The Project will also incorporate SCA NOI-4, which ensures the project includes project-specific sound-rated assemblies if required to comply with acceptable interior noise levels, pursuant to the City’s Noise Element, and SCA NOI-7, which will ensure noise levels from mechanical equipment complies with applicable

performance standards. Therefore, noise impacts from the Project related stationary sources would be less than significant.

This revision is initiated by City staff.

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28. Draft EIR Section IV.L, Transportation and Circulation, the fifth bullet of on page IV.L-43 is revised as follows (additions are shown in double-underline):

- **SCA TRANS-2 Construction Traffic and Parking**
 - Provision for accommodation of bicycle and pedestrian flow;

This revision is made in response to Comment I-3.

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29. In Draft EIR Section IV.L, Transportation and Circulation, following the fifth full paragraph discussing Mitigation Measure TRANS-1b on page IV.L-62, the following text has been added to the mitigation measure for clarity (additions are shown in double-underline; deletions in ~~strikeout~~):

However, the proposed mitigation measure would represent a less-than-ideal solution and could potentially still result in confusion for drivers who do not regularly use this intersection. This confusion could potentially result in drivers attempting to make abrupt lane changes out of the shared through-left lane or make prohibited traffic movements under the assumption that they have the “right of way.”

Excepting left-turn prohibition, all other options to mitigate the Project’s impacts at this intersection would have included the addition of a through-movement lane on each of the northbound and southbound Harrison Street approaches. As the area is already built-out and developed, the addition of traffic lanes would likely entail right-of-way acquisition, removal of parking, and removal of recently-installed pedestrian crossing bulbouts, and could conflict with future plans to designate Class III bicycle facilities on this section of Harrison Street. Given that these additional lanes could potentially result in safety issues for other users (namely, pedestrians and bicyclists), these options were deemed infeasible.

Other than the left-turn prohibition, no feasible mitigation measures were identified for the Project’s impacts at this intersection.

This revision is made in response to Comment D-1.

30. In Draft EIR Section IV.L, Transportation and Circulation, Impact TRANS-3a, at the middle of page IV.L-86 is revised for clarity based on a comment from City. The revisions noted below do not change or alter the significance findings in the DEIR (additions are shown in double-underline; deletions in ~~strikeout~~):

Impact TRANS-3a: Intersection #2 (Oakland Avenue / Perry Place / I-580 EB Ramps) (2015) would operate at an unacceptable LOS F during the PM peak hour under Near-Term (2015) without Project Conditions. Phase I of the proposed Project, when added to projected 2015 traffic levels, would increase the v/c ratio at this intersection by more than three percent during the PM peak hour ~~at Intersection #2 (Oakland Avenue / Perry Place / I-580 EB Ramps) (2015), which would operate at an unacceptable LOS F during the PM peak hour under Near-Term (2015) without Project Conditions.~~ (Significant)

This revision is initiated by City staff.

31. In Draft EIR Section IV.L, Transportation and Circulation, Impact TRANS-3b, at the bottom of page IV.L-86 is revised for clarity and based on a comment from City staff that the text appeared to be inconsistent with the related data shown in Table IV.L-12. The revisions noted below do not change or alter the significance findings in the DEIR (additions are shown in double-underline; deletions in ~~strikeout~~):

Impact TRANS-3b: Intersection #3 (Harrison Street/27th Street/24th Street) (2015) would operate at an unacceptable LOS E during the PM peak hour under Near-Term (2015) without Project Conditions. Phase I of the proposed Project, when added to projected 2015 traffic levels, would increase the average intersection vehicle delay at this intersection by more than four seconds during the PM peak hour ~~at Intersection #3 (Harrison Street / 27th Street / 24th Street) (2015), which would operate at an unacceptable LOS E during the PM peak hour under Near-Term (2015) without Project Conditions.~~ (Significant).

This revision is initiated by City staff.

32. In Draft EIR Section IV.L, Transportation and Circulation, Impact TRANS-3c, at the middle of page IV.L-87 is revised for clarity and based on a comment from City staff that the text appeared to be inconsistent with the related data shown in Table IV.L-12. The revisions noted below do not change or alter the significance findings in the DEIR (additions are shown in double-underline; deletions in ~~strikeout~~):

Impact TRANS-3c: Intersection #12 (Harrison Street / Grand Avenue) (2015) would operate at an unacceptable LOS F during the PM peak hour under Near-Term (2015) without Project Conditions. Phase I of the proposed Project, when added to projected 2015 traffic levels, would increase the average intersection vehicle delay at this intersection by more than two seconds during the PM peak

~~hour at Intersection #12 (Harrison Street / Grand Avenue) (2015), which would operate at an unacceptable LOS F during the PM peak hour under Near-Term (2015) without Project Conditions. (Significant)~~

This revision is initiated by City staff.

33. In Draft EIR Section IV.L, Transportation and Circulation, Impact TRANS-3e, the third full paragraphs on page IV.L-89 is revised for clarity and based on a comment from City staff that the text appeared to be inconsistent with the related data shown in Table IV.L-12. The revisions noted below do not change or alter the significance findings in the DEIR (additions are shown in double-underline; deletions in ~~strikeout~~):

Impact TRANS-3e: Intersection #49 (Oakland Avenue / MacArthur Boulevard [Westbound] / Santa Clara Avenue / I-580 Westbound Off-Ramp) (2015) would operate at an unacceptable LOS E during the AM peak hour under Near-Term (2015) without Project Conditions. Phase I of the proposed Project, when added to projected 2015 traffic levels, would increase the average intersection vehicle delay at this intersection by more than four seconds during the AM peak hour ~~at Intersection #49 (Oakland Avenue / MacArthur Boulevard (Westbound) / Santa Clara Avenue / I-580 Westbound Off-Ramp) (2015), which would operate at an unacceptable LOS E during the AM peak hour under Near-Term (2015) without Project Conditions. (Significant)~~

This revision is initiated by City staff.

34. In Draft EIR Section IV.L, Transportation and Circulation, Mitigation Measure TRANS-10 at the bottom of page IV.L-136 in Chapter IV.L, Transportation and Circulation of the Draft EIR is revised as follows. The revisions noted below do not change or alter the significance findings in the DEIR (additions are shown in double-underline; deletions in ~~strikeout~~):

Mitigation Measure TRANS-10: The Project Applicant shall submit for City review and approval a redesigned plan for the East Exit of the Kaiser Center Garage along 21st Street to allow for sufficient distance and visibility for drivers to see pedestrians and stop. Redesign options shall include sidewalk widening, wherever feasible. In the event that this is structurally infeasible, the Project Applicant shall install audible and visible warning devices such as bells and lights to alert pedestrians, and a speed hump to force drivers exiting the garage to slow down and be more alert. The Project Applicant shall implement the approved plan.

This revision is initiated by City staff.

35. In Draft EIR Section IV.L, Transportation and Circulation, Figure V-1, Conceptual Potential Pedestrian, Bicycle and Public Amenity Improvements (Conceptual), presented in Chapter V of this Final EIR, provides a conceptual depiction of pedestrian improvements on 20th Street between Broadway and Franklin to support the following text in the fourth paragraph on page IV.L-139:

Bulbouts could be provided at the northwest and northeast corners of this intersection in the east-west direction, shortening crossing distances and increasing queuing space on the major pedestrian route to and from BART.

This graphic is added in response to Comment E-8.

36. In Draft EIR Section IV.L, Transportation and Circulation, the following revision is made to the first paragraph on page IV.L-147 (additions are shown in double-underline):

Implementation of SCA TRANS-1 and TRANS-2 would ensure that construction period impacts are reduced to a less-than-significant level and require consultation with AC Transit about construction activity.

This revision is initiated by City staff.

37. In Draft EIR Section IV.L, Transportation and Circulation, the first full paragraph on page IV.L-152 is deleted as follows (deletions are shown in ~~strikeout~~):

~~Furthermore, the direction of faregates can also be modified to accommodate additional passenger demand. Given the lighter passenger demand entering 19th Street Station in the AM peak hour, an additional exit faregate at the array could be provided by simply switching one of the two entry faregates to the exit direction.~~

These revisions are made in response to Comment E-11.

38. In Draft EIR Section IV.M, Utilities, Footnote 1 on page IV.M-1 of the Draft EIR is revised as follows (additions are shown in double-underline):

¹ East Bay service area includes five terminal reservoirs: Briones, Chabot, Lafayette, San Pablo, and Upper San Leandro.

These revisions are made in response to Comment G-1.

39. In Draft EIR Section IV.M, Utilities, the fourth and fifth paragraphs on page IV.M-11 under Impact UTIL-2 include the following new text (additions are shown in double-underline; deletions in ~~strikeout~~):

~~The City of Oakland has indicated that sewer flows for the Proposed Project would not impact the capacity of the existing local sewer main (BKF, 2008) and would not exceed the capacity of Subbasin 52-05. However, the City will need to review the wastewater flows to assess mitigation fees because the proposed flows exceed the existing flows by more than 20 percent. This is based on the City's infiltration/inflow correction program which consists of a 25-year capital improvement program to rehabilitate the existing system in cost-effective areas and add capacity where needed. This program anticipates a 20-percent growth rate throughout Oakland. Mitigation fees are assessed to all new development or redevelopment in subbasins that have a growth rate greater than 20 percent. This fee represents the Project's pro-rata share of the improvements identified by the 25-year plan in anticipation of the Project's exceedance of existing flows by more than 20 percent.~~

~~The existing sanitary sewer lines located under existing streets would continue to serve the Project Site. The Project does not propose any major replacement or improvement of existing sanitary sewer lines. Implementation of SCA UTIL-2 would require that the Project sponsor construct the necessary sewer infrastructure improvements to accommodate the Proposed Project. This condition also includes the payment of sewer mitigation fees required by the City's Public Works Agency.~~

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 the project and the wastewater generated by the Project meet 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 the Environmental Protection Agency (EPA) and the State Water Resources Control Board (SWRCB) re-interpretation of applicable law, the Regional Water Quality Control Board (RWQCB) issued an order prohibiting further discharges from EBMUD's Wet Weather Facilities. Additionally, on July 22, 2009, a Stipulated Order for Preliminary Relief issued by EPA, the SWRCB, and RWQCB became effective. This order requires EBMUD to begin work that will identify problem infiltration/inflow 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 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. Implementation of SCA UTIL-2 would require that the Project sponsor construct the necessary sewer infrastructure improvements to accommodate the Proposed Project. Specifically, it will ensure that the proposed Project replace or rehabilitate any existing sanitary sewer collection systems, including sewer lateral lines, to reduce infiltration/inflow; ensure any new wastewater collection systems, including sewer lateral lines, for the Project are constructed to prevent infiltration/inflow to the maximum extent feasible; and pays sewer mitigation fees required by the City's Public Works Agency.

This revision is made in response to Comment G-2.

C. Revised Impacts, Standard Conditions and Mitigation Measures

Revisions to the Table II-1 Summary of Impacts, Stand Conditions of Approval, and Residual Impacts are shown in double-underline and ~~strikeout~~ format to reflect the final text as modified from the Draft EIR.

**TABLE II-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 |
|--|---|---|
| IV.A Aesthetics, Wind, and Shadow | | |
| Impact AES-1: The Proposed Project would not adversely affect a scenic vista or substantially damage scenic resources. (Less than Significant) | None Required | |
| Impact AES-2: The Proposed Project would alter the existing visual conditions on the Project Site, but would not substantially degrade the existing visual character or quality of the site and its surroundings. (Less than Significant) | None Required | |
| Impact AES-3: The Proposed Project would create a new source light or glare, but would not adversely affect day or nighttime views in the area. (Less than Significant) | Standard Condition of Approval AES-1, <i>Lighting Plan</i> Standard Condition of Approval BIO-5, <i>Bird Collision Reduction</i> | Less than Significant |
| Impact AES-4: The Proposed Project would result in additional shadow on adjacent areas. However, it would not cast shadow that would substantially impair the function of a building using passive solar heat collection, solar collectors for hot water heating, or photovoltaic solar collectors; would not cast shadow that would substantially impair the beneficial use of any public or quasi-public park, lawn, garden, or open space; and would not cast shadow on a historic resource. (Less than Significant) | None Required | |
| Impact AES-5: The Proposed Project would be consistent with the policies and regulations addressing the provision of adequate light related to appropriate uses. (Less than Significant) | None Required | |
| Impact AES-6: The Proposed Project would create winds exceeding the wind hazard criterion for more than 1 hour during daylight hours during the year at ground level and the roof garden. (Potentially Significant) | Mitigation Measure AES-1: At the time of submittal of the Final Development Plan, the Applicant shall develop and, at the time of construction pursuant to the Final Development Plan, the Applicant shall implement a wind reduction plan that reduces wind hazards at the street level and roof garden to the maximum feasible extent, subject to review and approval by the City. The wind reduction plan shall include the results of wind tunnel testing for hazardous wind speeds of the Project conducted on the Project consistent with the Final Development Plan. The wind reduction plan shall include, but not be limited to, structural and landscape design features that could be included in the tower design and/or installed on the roof garden that would either re-direct winds away from the roof garden or reduce wind speeds there. Examples of these measures include tree plantings, dense bamboo planting, arbors, canopies and lattice fencing. The Applicant shall develop the wind reduction plan in coordination with the required landscape plan for the roof garden and be submitted to the City's Landmarks Preservation Advisory Board (LPAB) for review and recommendation to the Planning Commission, consistent with Mitigation Measure CUL -2.1 Historically-Sensitive Roof Garden Design. The LPAB will make advisory recommendations to the Planning | Conservatively Deemed Significant and Unavoidable |

TABLE II-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 |
|--|--|--|
| IV.A Aesthetics, Wind, and Shadow (cont.) | | |
| Impact AES-6 (cont.) | Commission for its approval as part of its approval of the Final Development Plan, and the Applicant shall implement the approved wind reduction plan. However, implementation of the measures cannot determine if these design features will be effective in reducing this impact to a less than significant impact until they are in place. | |
| Impact AES-7: Project construction activity and operations, in conjunction with other past, present, pending and reasonably foreseeable development in downtown Oakland and the Lake Merritt shoreline, would result in cumulative impacts related to wind hazards at the roof garden (Potentially Significant) | Aesthetics, Light and Shadow: None Required Wind Mitigation Measure AES-2: Implement Mitigation Measure AES-1. | Aesthetics, Light, and Shadow: Less than Significant Wind: Conservatively Deemed Significant and Unavoidable |
| IV.B Air Quality | | |
| Impact AIR-1: Construction and demolition activities associated with new development under the Proposed Project would generate short-term emissions of fugitive dust. (Less than Significant) | Standard Condition of Approval AIR-1 <u>Construction-Related Air Pollution Controls</u> Dust Control Plan | Less than Significant |
| Impact AIR-2: Activities associated with demolition, site preparation, and construction throughout development of the Proposed Project would generate emissions of criteria pollutants, including equipment exhaust emissions, <u>DPM and TACs</u> . (Potentially Less than Significant Phase 2 ROG emissions) | Standard Condition of Approval AIR-1 <u>Construction-Related Air Pollution Controls</u> 2-Construction Emissions Standard Condition of Approval HAZ-4 AIR-3 <u>Asbestos Removal in Structures</u> Mitigation Measure AIR-1: To reduce the significant Phase 2 ROG emissions, the Project applicant shall use low VOC architectural coatings. Use of low VOC coatings will reduce ROG emissions to below significance thresholds (37.8 pounds per day). | Less than Significant |
| Impact AIR-3: The Proposed Project would result in increased emissions, <u>DPM and TACs</u> . (Potentially Less than Significant Phase 2 ROG emissions) | Standard Condition of Approval TRANS-1 <u>Transportation Demand Management Plan</u> Standard Condition of Approval AIR-1 <u>Construction-Related Air Pollution Controls</u> Mitigation: Not feasible because none available. PM ₁₀ emissions are most effectively reduced by reductions in motor vehicle trips generated by the Project, as targeted by a TDM required as SCA TRANS-1. Compliance with new state Clean Car Standards (i.e., amended Pavley Standards pursuant to AB 1493) would reduced vehicle GHG emissions, including PM ₁₀ , but compliance is not within the control of the Project Applicant. No other feasible mitigations within the Project's Applicant's control are known to reduce vehicle trips and related emissions. | Significant and Unavoidable PM ₁₀ emissions. |

TABLE II-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 |
|---|--|---|
| IV.B Air Quality (cont.) | | |
| Impact AIR-4: The Proposed Project would not result in increased emissions of criteria pollutants due to poor ventilation in the Parking Garage. (Less than Significant) | None Required | |
| Impact AIR-5: The Proposed Project would not contribute to CO concentrations exceeding the State AAQS of 9 ppm averaged over 8 hours and 20 ppm for 1 hour. (Less than Significant) | None Required | |
| Impact AIR-6: The Proposed Project would not frequently and, for a substantial duration, create or expose sensitive receptors to substantial objectionable odors affecting a substantial number of people, specifically in residential uses, schools, daycare centers, nursing homes, or medical centers. (Less than Significant). | None Required | |
| Impact AIR-7: The Proposed Project would not generate or expose persons to substantial levels of toxic air contaminants (TACs) or PM _{2.5} concentrations. (Less than Significant) | None Required | |
| Impact AIR-8: Implementation of the Proposed Project would contribute to a cumulative air quality impact in the Project area. (Significant Operational PM ₁₀ Emissions) | Mitigation Measure AIR-2: Construction: None required. Operations: Not feasible because none available. PM ₁₀ emissions are most effectively reduced by reductions in motor vehicle trips generated by the Project, as targeted by a TDM required as SCA TRANS-1. Compliance with new state Clean Car Standards (i.e., amended Pavley Standards pursuant to AB 1493) would reduce vehicle GHG emissions, including PM ₁₀ , but compliance is not within the control of the Project Applicant. No other feasible mitigations within the Project's Applicant's control are known to reduce vehicle trips and related emissions. | Construction: Less than Significant. Operations: Significant and Unavoidable PM ₁₀ emissions. |
| Impact AIR-9: Construction and operation of the Proposed Project would result in a cumulatively considerable increase in GHG emissions. (Potentially Significant) | Standard Condition of Approval TRANS-1 <i>Parking and Transportation Demand Management</i> Standard Condition of Approval UTIL-1 <i>Waste Reduction and Recycling</i> Standard Conditions of Approval <i>Landscape Requirements and Tree Replacement</i> Standard Condition of Approval GHG-1 <i>GHG Reduction Plan</i> Mitigation Measure AIR-3: GHG Reduction Plan: The project applicant shall retain a qualified air quality consultant to develop a GHG Reduction Plan for City review and approval. The applicant shall implement the approved GHG Reduction Plan. The goal of the GHG Reduction Plan shall be to increase energy efficiency and reduce GHG emissions to the greatest extent feasible | Less than Significant |

TABLE II-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 |
|---|--|---|
| IV.B Air Quality (cont.) Impact AIR-9 (cont.) | <p>below the Bay Area Quality Management District's (BAAQMD's) CEQA Thresholds of Significance (1,100 metric tons of CO₂e per year and 4.6 metric tons of CO₂e per year per service population) to help achieve the City's goal of reducing GHG emissions. The GHG Reduction Plan shall include, at a minimum, (a) a detailed GHG emissions inventory for the project under a "business-as-usual" scenario with no consideration of project design features, or other energy efficiencies; (b) an adjusted" baseline GHG emissions inventory for the project, taking into consideration energy efficiencies included as part of the project (including the City's Standard Conditions of Approval, proposed mitigation measures, project design features, and other City requirements); and (c) a comprehensive set of quantified additional GHG reduction measures available to further reduce GHG emissions beyond the adjusted GHG emissions. If the project is to be constructed in phases, the GHG Reduction Plan shall provide GHG emission scenarios by phase.</p> <p>Potential additional GHG reduction measures to be considered include, but are not be limited to, measures recommended in BAAQMD's latest CEQA Air Quality Guidelines, the California Air Resources Board Scoping Plan (December 2008, as may be revised), the California Air Pollution Control Officers Association (CAPCOA) CEQA and Climate Change Guidance Document (January 2008, as may be revised), the California Attorney General's website, and Reference Guides on Leadership in Energy and Environmental Design (LEED) published by the U.S. Green Building Council.</p> <p>The proposed additional GHG reduction measures must be reviewed and approved by the City. The types of allowable GHG reduction measures include the following (listed in order of City preference): (1) physical design features; (2) operational features; and (3) the payment of fees to fund GHG-reducing programs (i.e., the purchase of "carbon credits"). For proposed reduction measures involving the purchase of carbon credits, the City will give preference to proposed payments to the City to offset the costs associated with implementation of GHG reduction strategies identified in the draft City's Energy and Climate Action Plan (ECAP).</p> <p>The allowable locations of the GHG reduction measures include the following (listed in order of City preference): (1) the project site; (2) off-site within the City of Oakland; (3) off-site within the San Francisco Bay Area Air Basin; and (3) off-site within the State of California.</p> <p>For physical GHG reduction measures to be incorporated into the design of the project, the measures shall be included on the drawings submitted for construction-related permits. For operational GHG reduction measures</p> | |

TABLE II-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 |
|--|--|---|
| IV.B Air Quality (cont.) | | |
| Impact AIR-9 (cont.) | <p>to be incorporated into the project, the measures shall be implemented on an indefinite and ongoing basis beginning at the time of project completion (or at the completion of the project phase for phased projects).</p> <p>For physical GHG reduction measures to be incorporated into off-site projects, the measures shall be included on drawings and submitted to the City for review and approval and then installed prior to completion of the subject project (or prior to completion of the project phase for phased projects). For operational GHG reduction measures to be incorporated into off-site projects, the measures shall be implemented on an indefinite and ongoing basis beginning at the time of completion of the subject project (or at the completion of the project phase for phased projects).</p> <p>For GHG reduction measures involving the purchase of carbon credits (either to fund GHG-reducing activities identified in the draft ECAP or to fund non-ECAP GHG-reducing activities), evidence of the payment/purchase shall be submitted to the City for review and approval prior to completion of the subject project (or prior to completion of the project phase for phased projects).</p> | |
| Impact AIR-10: The Proposed Project would conflict with an applicable plan, policy or regulation of an appropriate regulatory agency adopted for the purpose of reducing greenhouse gas emissions (Potentially Significant) | <p>Standard Condition of Approval AIR-1 <u>Construction-Related Air Pollution Controls</u></p> <p>Standard Condition of Approval AIR-2 <u>Construction Emissions</u></p> <p>Standard Condition of Approval GHG-1 <u>GHG Reduction Plan</u></p> | Less than Significant |
| IV.C Biological Resources | | |
| Impact BIO-1: The Proposed Project would not adversely affect special-status species. (Less than Significant) | None Required | |
| Impact BIO-2: The Proposed Project would not adversely affect sensitive natural communities. (Less than Significant) | None Required | |
| Impact BIO-3: The Proposed Project would not adversely affect wetlands. (Less than Significant) | None Required | |
| Impact BIO-4: Project construction and operations have the potential to affect migratory and breeding birds, and wildlife, corridors, and nursery sites, through building collisions, increases in night lighting, increases in noise pollution due to Project construction, shading of existing habitat, and vegetation removal. (Less than Significant) | <p>Standard Condition of Approval BIO-3 <u>Tree Replacement Plantings</u></p> <p>Standard Condition of Approval BIO-5 <u>Bird Collision Reduction</u></p> | Less than Significant |
| Impact BIO-5: The Proposed Project would not adversely affect adopted Habitat Conservation Plans. (Less than Significant) | None Required | |

TABLE II-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 |
|--|---|--|
| IV.C Biological Resources (cont.) | | |
| Impact BIO-6: The Proposed Project would not adversely affect the City's Tree Preservation or Removal Ordinance. (Less than Significant) | Standard Condition of Approval BIO-1 <i>Tree Removal During Breeding Season</i> Standard Condition of Approval BIO-2 <i>Tree Removal Permit</i> Standard Condition of Approval BIO-3 <i>Tree Replacement Plantings</i> Standard Condition of Approval BIO-4 <i>Tree Protection During Construction</i> | Less than Significant |
| Impact BIO-7: The Proposed Project would not adversely affect the City's Creek Protection Ordinance. (Less than Significant) | Standard Condition of Approval GEO-1 <i>Erosion and Sedimentation Control Plan</i> Standard Condition of Approval HAZ-1 <i>Hazards Best Management Practices</i> Standard Condition of Approval HYD-1 <i>Erosion and Sedimentation Control Plan and Standard</i> Standard Condition of Approval HYD-2 <i>Stormwater Pollution Prevention Plan</i> Standard Condition of Approval HYD-3 <i>Post-Construction Stormwater Pollution Management Plan</i> | Less than Significant |
| Impact BIO-8: Project construction activity and operations, in conjunction with other past, present, pending and reasonably foreseeable development in downtown Oakland and the Lake Merritt shoreline, would not result in impacts on special-status species, wetlands, and other waters of the U.S. (Less than Significant) | Standard Condition of Approval BIO-1 <i>Tree Removal During Breeding Season</i> <u>Standard Condition of Approval BIO-2 <i>Tree Removal Permit</i></u> <u>Standard Condition of Approval BIO-3 <i>Tree Replacement Plantings</i></u> <u>Standard Condition of Approval BIO-4 <i>Tree Protection During Construction</i></u> <u>Standard Condition of Approval BIO-5 <i>Bird Collision Reduction</i></u> | Less than Significant |
| IV.D Cultural Resources | | |
| Impact CUL-1: The Proposed Project would demolish the Mall Buildings, which are components of a qualified historical resource on the Project Site. (Potentially Significant) | Standard Condition of Approval CUL-4 <i>Compliance with Policy 3.7 of the Historic Preservation Element (Property Relocation Rather than Demolition)</i> Mitigation Measure CUL-1.1. The Project applicant shall modify the design of the base of the new structures to <u>ensure, to the extent feasible, a historically and architecturally appropriate retain the existing street level design and character that shall be differentiated from the old mall buildings and shall meet the appropriate design findings under Policy 3.5 of the existing Historic Preservation Element of the City's General Plan,</u> and shall prepare a salvage program. | Conservatively Deemed Significant and Unavoidable |

TABLE II-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 |
|---|--|---|
| IV.D Cultural Resources (cont.) | | |
| Impact CUL-1 (cont.) | <p>Mitigation Measure CUL-1.2. HABS /HALS Level Recordation: The Project applicant shall complete a recordation of the Kaiser Center which meets the requirements of the National Park Service's Historic American Buildings Survey (HABS) and the Historic American Landscape Survey (HALS).</p> <p>Mitigation Measure CUL-1.3. Financial Contributions to a historic resource related program such as the Façade Improvement Program or the Property Relocation Assistance Program: If Mitigation Measure CUL-1.1 is not satisfied, the Project applicants shall make a financial contribution to the City of Oakland, which can be used to fund other historic preservation projects at the Project Site or in the immediate vicinity.</p> | |
| Impact CUL-2: The proposed new construction would adversely affect remaining portion of the qualified historic resource on the Project Site. (Potentially Significant) | <p>Standard Condition of Approval CUL-5 <i>Vibration Adjacent to Historic Structures</i></p> <p>Mitigation Measure CUL-2.1. Historically-Sensitive Roof Garden Design: The Project applicant shall ensure that a qualified Historic Landscape Architect under the Historic Preservation Professional Qualifications Standards familiar with landscape history and historic resources designs a roof garden addition that is differentiated from the old and compatible with the historic design to protect the integrity of the historic roof garden.</p> <p>Mitigation Measure CUL-2.2. Historically Sensitive Tower Design: The Proposed Project shall be compatible with, yet clearly differentiated from, the existing Kaiser Center Office Tower.</p> <p>Mitigation Measure CUL-2.3. Protection During Demolition and Construction: The Project applicant shall prepare a historic resources protection plan which describes how the resource (both building and landscape) will be protected from vibration, equipment, storage of materials, and dust resulting from demolition and construction activities.</p> | Conservatively Deemed Significant and Unavoidable |
| Impact CUL-3: The Proposed Project Would Have Indirect Shadow Effects on the Historic roof garden (Less than Significant). | None Required | |
| Impact CUL-4: The Proposed Project Could Affect the Eligibility of the Lake Merritt Historic District (Less than Significant). | None Required | |

TABLE II-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 |
|--|--|---|
| IV.D Cultural Resources (cont.) | | |
| Impact CUL-5: Construction of the Proposed Project could cause substantial adverse changes to the significance of archaeological resources at the Project Site. Archaeological resources are potentially historical resources as defined in CEQA Section 15064.5(a) or unique archaeological resources as defined in CEQA Section 21083.2(g). (Less than <u>Potentially Significant</u>) | Standard Condition of Approval CUL-1 <i>Archaeological Resources</i> <u>Standard Condition of Approval CUL-1a: Intensive Pre-Construction Study</u> <u>Standard Condition of Approval CUL-1b: Construction-Period Monitoring</u> <u>Standard Condition of Approval CUL-1c: Avoidance and/or Find Recovery</u> <u>Standard Condition of Approval CUL-1d: Construction ALERT Sheet</u> | Less than Significant |
| Impact CUL-6: The Proposed Project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. (Less than Significant) | Standard Condition of Approval CUL-3 <i>Paleontological Resources</i> | Less than Significant |
| Impact CUL-7: The Proposed Project may adversely affect unidentified human remains at the Project Site. (Less than Significant) | Standard Condition of Approval CUL-2 <i>Human Remains</i> | Less than Significant |
| Impact CUL-8: The Proposed Project Could Have a Cumulative Impact to Historic Architectural Resources (Less than Significant). | None Required | |
| IV.E Geology, Soils, and Seismicity | | |
| Impact GEO-1: Redevelopment in the Project area could expose people or structures to seismic hazards such as groundshaking or liquefaction. (Less than Significant). | Standard Condition of Approval GEO-4 <i>Geotechnical Report</i> | Less than Significant |
| Impact GEO-2: Redevelopment in the Project area could be subjected to geologic hazards, including expansive soils and differential settlement. (Less than Significant). | Standard Condition of Approval GEO-4 <i>Geotechnical Report</i> | Less than Significant |
| Impact GEO-3: The development proposed as part of the Proposed Project, when combined with other past, present, pending and reasonably foreseeable development in the vicinity, would not result in significant cumulative impacts with respect to geology, soils or seismicity. (Less than Significant) | Standard Condition of Approval HYD-1 <u>GEO-4</u> <i>Erosion and Sedimentation Control Plan</i> | Less than Significant |
| | Standard Condition of Approval GEO-2 <i>Vibrations Adjacent to Historic Structures</i> | |
| | Standard Condition of Approval GEO-3 <i>Soils Report</i> | |
| | Standard Condition of Approval GEO-4 <i>Geotechnical Report</i> | |
| | Project-specific Conditions of Approval to further implement SCA GEO-4: <ul style="list-style-type: none"> • Structural foundation support may have to be obtained from the competent soil of the Temescal or San Antonio formation located approximately 10 to 20 feet below ground surface. | |

TABLE II-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 |
|--|---|---|
| IV.E Geology, Soils, and Seismicity (cont.) | | |
| Impact GEO-3 (cont.) | <ul style="list-style-type: none"> • Use a rigid mat foundation designed for both short-term elastic settlement during construction and long-term consolidation settlement of the deep clay underlying the site, and/or the use of deep foundations, such as drilled piers, driven piles, or an equivalent proprietary design-build deep foundation system. • Use tiedown anchors to prevent buoyancy of the building if the proposed structures are not heavy enough to overcome the hydrostatic uplift pressure of the groundwater (Treadwell and Rollo, 2008). | |
| IV.F Hazardous Materials | | |
| Impact HAZ-1: Demolition of existing structures that contain hazardous building materials, such as lead-based paint, asbestos, and PCBs could expose workers, the public, or the environment to these hazardous materials and would generate hazardous waste. (Less than Significant) | <p>Standard Condition of Approval HAZ-4 <u>AIR-3</u> <i>Asbestos Removal in Structures</i></p> <p>Standard Condition of Approval HAZ-5 <i>Lead-Based Paint/ Coatings, Asbestos, or PCB Occurrence Assessment</i></p> <p>Standard Condition of Approval HAZ-7 <i>Lead-based Paint Remediation</i></p> | Less than significant |
| Impact HAZ-2: The Proposed Project would involve the transportation, use, and storage of hazardous chemicals, which could present public health and/or safety risks to facility workers, patients and visitors, and the surrounding area. (Less than Significant) | <p>Standard Condition of Approval HAZ-1 <i>Hazards Best Management Practices</i></p> <p>Standard Condition of Approval HAZ-2 <i>Site Review By Fire Services Division</i></p> <p>Standard Condition of Approval HAZ-3 <i>Phase I and/or Phase II Reports</i></p> <p>Standard Condition of Approval HAZ-4 <u>AIR-3</u> <i>Asbestos Removal in Structures</i></p> <p>Standard Condition of Approval HAZ-5 <i>Lead-Based Paint/ Coatings, Asbestos, or PCB Occurrence Assessment</i></p> <p>Standard Condition of Approval HAZ-6 <i>Environmental Site Assessment Remediation</i></p> <p>Standard Condition of Approval HAZ-8 <i>Other Materials Classified as Hazardous Materials</i></p> <p>Standard Condition of Approval HAZ-9 <i>Health and Safety Plan per Assessment</i></p> <p>Standard Condition of Approval HAZ-10 <i>Best Management Practices for Soil and Groundwater Hazards</i></p> <p>Standard Condition of Approval HAZ-11 <i>Hazardous Materials Business Plan</i></p> | Less than significant |

TABLE II-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 |
|--|--|---|
| IV.F Hazardous Materials (cont.) | | |
| Impact HAZ-3: Hazardous materials used onsite during construction activities (i.e. solvents) could be spilled through improper handling or storage, potentially increasing public health and/or safety risks to Kaiser Center workers, patients and visitors, and the surrounding area. (Less than Significant) | Standard Condition of Approval HAZ-1 <i>Hazards Best Management Practices</i> | Less than Significant |
| | Standard Condition of Approval HAZ-2 <i>Site Review By Fire Services Division</i> | |
| | Standard Condition of Approval HAZ-3 <i>Phase I and/or Phase II Reports</i> | |
| | Standard Condition of Approval <u>AIIR-3</u> <i>Asbestos Removal in Structures</i> | |
| | Standard Condition of Approval HAZ-5 <i>Lead-Based Paint/ Coatings, Asbestos, or PCB Occurrence Assessment</i> | |
| | Standard Condition of Approval HAZ-6 <i>Environmental Site Assessment Remediation</i> | |
| | Standard Condition of Approval HAZ-7 <i>Lead Based Paint Remediation</i> | |
| | Standard Condition of Approval HAZ-8 <i>Other Materials Classified as Hazardous Materials</i> | |
| | Standard Condition of Approval HAZ-9 <i>Health and Safety Plan</i> | |
| | Standard Condition of Approval HAZ-10 <i>Best Management Practices for Soil and Groundwater Hazards</i> | |
| Impact HAZ-4: Hazards at the Project Site could contribute to cumulative hazards in the vicinity of the Project Site. (Less than Significant) | None Required. | |
| IV.G Hydrology and Water Quality | | |
| Impact HYD-1: Project construction would involve activities (excavation, soil stockpiling, and grading) that could generate loose, erodible soils that could violate water quality standards or waste discharge requirements, result in substantial erosion or siltation, create or constitute substantial polluted runoff, or otherwise substantially degrade water quality. (Less than Significant) | Standard Condition of Approval HYD-1 <i>Erosion and Sedimentation Control Plan and Standard</i> | Less than Significant |
| | Standard Condition of Approval HYD-2 <i>Stormwater Pollution Prevention Plan</i> | |
| Impact HYD-2: Project excavation activities would not deplete groundwater supplies nor substantially interfere with groundwater recharge or cause contaminated groundwater discharge to surface water. (Less than Significant) | None Required | |
| Impact HYD-3: The Proposed Project would result in new development that could substantially alter existing drainage pattern of the Project Site or the surrounding area (Less than Significant) | None Required | |

TABLE II-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 |
|--|---|---|
| IV.G Hydrology and Water Quality | | |
| Impact HYD-4: The Proposed Project would not result in a net increase in impervious surfaces and would not cause an increase in the volume of stormwater runoff. The Project would not violate any waste discharge requirements that would create substantial runoff and result in substantial flooding onsite or offsite. The Project would not exceed the capacity of the stormwater drainage system. (Less than Significant) | Standard Condition of Approval HYD-3 <i>Post-Construction Stormwater Pollution Management Plan</i> | Less than Significant |
| | Standard Condition of Approval HYD-4 <i>Maintenance Agreement for Stormwater Treatment Measures</i> | |
| Impact HYD-5: The Proposed Project would not result in flooding due to its proximity to a 100-year flood hazard area, or expose people or structures to other substantial risk related to flooding, seiche, tsunami, or mudflow. (Less than Significant) | None Required | |
| Impact HYD-6: The increased construction activity and new development resulting from the Proposed Project, in conjunction with past, present, pending and reasonably foreseeable projects in the city, would not result in cumulatively considerable impacts on hydrology and water quality conditions (Less than Significant) | None Required | |
| IV.H Land Use, Plans and Policies | | |
| Impact LU-1: The Proposed Project would redevelop buildings at the Kaiser Center property on the northwest corner of Webster and 20th Streets in Downtown Oakland, but would not result in the physical division of an existing community. (Less than Significant) | None Required | |
| Impact LU-2: The Proposed Project would not conflict with applicable land use plans and policies adopted for the purpose of avoiding or mitigating an environmental effects. (Less than Significant) | None Required | |
| Impact LU-3: The Proposed Project would not result in a fundamental conflict between adjacent and nearby land uses, particularly with respect to any applicable habitat conservation plan or natural community conservation plan. (Less than Significant) | None Required | |
| Impact LU-4: The Proposed Project would not result in a significant cumulative land use impact by potentially physically dividing an established community; or conflicting with adjacent or nearby land uses; or conflicting with applicable land use plans, policies or regulations adopted for the purpose of avoiding or mitigating an environmental effect from past, present, pending or reasonably foreseeable development. (Less than Significant) | None Required | |

TABLE II-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 |
|--|---|---|
| IV.I Noise | | |
| Impact NOI-1: Construction activities associated with the Proposed Project would temporarily generate noise levels that could conflict with standards established in the City noise ordinance. (Less than Significant) | Standard Condition of Approval NOI-1 <i>Days/Hours of Construction Operation</i> | Less than Significant |
| | Standard Condition of Approval NOI-2 <i>Noise Control</i> | |
| | Standard Condition of Approval NOI-3 <i>Noise Complaint Procedures</i> | |
| | Standard Condition of Approval NOI-5 <i>Pile Driving and Other Extreme Noise Generators</i> | |
| | Standard Condition of Approval NOI-6 <i>Vibration Adjacent to Historic Structures</i> | |
| Impact NOI-2: Project operations would increase noise levels in the Project vicinity that could result in the generation of noise levels in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies. (Less than Significant) | <u>Standard Condition of Approval NOI-4 <i>Interior Noise</i></u> | <u>Less than Significant</u> |
| | <u>Standard Condition of Approval NOI-7 <i>Operational Noise</i></u> | |
| Impact NOI-3: Project traffic could substantially increase traffic noise levels in the Project area. (Less than Significant) | Standard Condition of Approval TRANS-1 <i>Transportation Demand Management</i> | Less than Significant |
| Impact NOI-4: Project traffic, in combination with cumulative traffic, could substantially increase traffic noise levels in the Project area. (Potentially Significant) | Standard Condition of Approval TRANS-1 <i>Transportation Demand Management</i> | Significant and Unavoidable |
| | Mitigation Measures: Not feasible because none available. | |
| IV.J Population, Employment, and Housing | | |
| Impact POP-1: The Project would displace existing businesses and jobs, but not in substantial numbers necessitating construction of replacement facilities elsewhere, in excess of that anticipated in the City's General Plan. (Less than Significant) | None Required. | |
| | | |
| Impact POP-2: The Project would not induce substantial population growth in a manner not anticipated by the General Plan, either directly by proposing new housing or businesses, or indirectly through infrastructure improvements. (Less than Significant) | None Required. | |
| | | |
| Impact POP-3: The Project in combination with other past, present, pending and reasonably foreseeable projects, would not cumulatively induce substantial population growth in a manner not anticipated by the General Plan, either directly by proposing new housing or businesses, or indirectly through infrastructure improvements. (Less than Significant) | None Required. | |
| | | |

TABLE II-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 |
|--|---|--|
| IV.K Public Services and Recreation Facilities | | |
| Impact PUB-1: The Project could result in an increase in calls for police protection services, but would not require new or physically altered police facilities in order to maintain acceptable performance objectives. (Less than Significant) | None Required. | |
| Impact PUB-2: The increased population and density resulting from the Project would not involve or require new or physically altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection and emergency medical services and facilities. (Less than Significant) | Standard Condition of Approval PUB-1 <i>Conformance with other Requirements</i> Standard Condition of Approval PUB-2 <i>Fire Safety Phasing Plan</i> Project-specific Conditions of Approval: To further implement SCA PUB-2, the Project will incorporate building design elements to enhance fire-fighting and rescue capabilities beyond basic code requirements. Elements would include, but are not limited to, one elevator designed for fire-fighter use and rescue air stations at every fifth floor. | Less than Significant |
| Impact PUB-3: The Project could result in new students for local schools, but would not require new or physically altered school facilities to maintain acceptable performance objectives. (Less than Significant) | None Required | |
| Impact PUB-4: The Project could increase the demand for parks, recreational facilities, and library facilities, but would not result in substantial physical deterioration of such facilities or require new or physically altered facilities in order to maintain acceptable performance objectives. (Less than Significant) | None Required | |
| Impact PUB-5: The Project, when combined with other past, present, pending and reasonably foreseeable development in the vicinity, could result in cumulative impacts to the provision of public services. (Less than Significant) | None Required. | |
| IV.L Transportation and Circulation | | |
| Impact TRANS-1a: Buildout of the proposed Project (Phase I and II), when added to existing traffic levels, would increase the v/c ratio by more than three percent during the PM peak hour at Intersection #2 (Oakland Avenue / Perry Place / I-580 Eastbound Ramps) (Existing), which currently operates at an unacceptable LOS F during the PM peak hour under Existing Conditions (Significant). | Mitigation Measure TRANS-1a: Implement the following measures at the Oakland Avenue / Perry Place / I-580 Eastbound Ramps intersection: <ul style="list-style-type: none"> Optimize the traffic signal (to include determination of allocation of green time for each intersection approach) for the PM peak hour in tune with the relative traffic volumes on those approaches. Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group. | Significant and Unavoidable If only Phase I of the Project were built, this intersection would still be a significant and unavoidable impact under Existing plus Project (Phase I) Conditions. |

TABLE II-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 |
|--|--|---|
| <p>IV.L Transportation and Circulation (cont.)</p> <p>Impact TRANS-1a (cont.)</p> | <p>To implement this measure, the Project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval:</p> <ul style="list-style-type: none"> • <u>Plans, Specifications, and Estimates (PS&E) to confirm the improvements identified above to modify the intersection, and effective operations of the identified improvements.</u> Plans, Specifications, and Estimates (PS&E) to modify the intersection. All elements shall be designed to City standards in effect at the time of construction, and all new or upgraded signals should include these enhancements. All other facilities supporting vehicle travel and alternative modes through the intersection should be brought up to both City standards and • ADA standards (according to Federal and State Access Board guidelines) at the time of construction. Current City Standards call for the elements listed below: <ul style="list-style-type: none"> – 2070L Type Controller – GPS communication (clock) – Accessible pedestrian crosswalks according to Federal and State Access Board guidelines – City Standard ADA wheelchair ramps – Full actuation (video detection, pedestrian push buttons, bicycle detection) – Accessible Pedestrian Signals, audible and tactile according to Federal Access Board guidelines – Countdown Pedestrian Signals – Fiber signal interconnect and communication to City Traffic Management Center 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. <p>The Project sponsor shall fund, prepare, and install the approved plans and improvements.</p> | |

TABLE II-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 |
|---|--|---|
| <p>IV.L Transportation and Circulation (cont.)</p> <p>Impact TRANS-1b: Buildout of the proposed Project (Phase I and II), when added to existing traffic levels, would degrade the vehicle level of service from an acceptable LOS D to an unacceptable LOS F during the PM peak hour at Intersection #3 (Harrison Street / 27th Street / 24th Street) (Existing). (Significant)</p> | <p>Mitigation Measure TRANS-1b: Implement the following measures at the Harrison Street / 27th Street / 24th Street intersection:</p> <ul style="list-style-type: none"> • Prohibit westbound left turns from Bay Place (to Harrison Street and 24th Street) during the PM peak hour. • Optimize the traffic signal (to include determination of allocation of green time for each intersection approach) for the PM peak hour in tune with the relative traffic volumes on those approaches. • Coordinate the signal timing at this intersection with the adjacent intersections that are in the same signal coordination group. <p>To implement this measure, the Project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval:</p> <ul style="list-style-type: none"> • <u>Plans, Specifications, and Estimates (PS&E) to confirm the improvements identified above to modify the intersection, and effective operations of the identified improvements. Plans, Specifications, and Estimates (PS&E) to modify the intersection.</u> All elements shall be designed to City standards in effect at the time of construction, and all new or upgraded signals should include these enhancements. All other facilities supporting vehicle travel and alternative modes through the intersection should be brought up to both City standards and ADA standards (according to Federal and State Access Board guidelines) at the time of construction. Current City Standards call for the elements listed below: <ul style="list-style-type: none"> – 2070L Type Controller – GPS communication (clock) – Accessible pedestrian crosswalks according to Federal and State Access Board guidelines – Full actuation (video detection, pedestrian push buttons, bicycle detection) – Accessible Pedestrian Signals, audible and tactile according to Federal Access Board guidelines – Countdown Pedestrian Signals | <p>Conservatively Deemed Significant and Unavoidable</p> <p><u>Excepting left-turn prohibition, all other options to mitigate the Project's impacts at this intersection would have included the addition of a through-movement lane on each of the northbound and southbound Harrison Street approaches. As the area is already built-out and developed, the addition of traffic lanes would likely entail right-of-way acquisition, removal of parking, and removal of recently-installed pedestrian crossing bulbouts, and could conflict with future plans to designate Class III bicycle facilities on this section of Harrison Street. Given that these additional lanes could potentially result in safety issues for other users (namely, pedestrians and bicyclists), these options were deemed infeasible.</u></p> <p><u>Other than the left-turn prohibition, no feasible mitigation measures were identified for the Project's impacts at this intersection.</u></p> <p>If the specific implementation approach described for Mitigation Measure TRANS-1b is determined feasible by the City (or if there are other feasible options), then the impact at this location would be Less than Significant. Otherwise, impacts at this location would be significant and unavoidable.</p> <p>If only Phase I of the Project were built, this intersection would still remain a conservatively deemed significant and unavoidable impact under Existing plus Project (Phase I) Conditions.</p> |

TABLE II-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 |
|---|--|---|
| IV.L Transportation and Circulation (cont.) | | |
| <p>Impact TRANS-1b (cont.)</p> | <ul style="list-style-type: none"> - Fiber signal interconnect and communication to City Traffic Management Center 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. <p>The Project sponsor shall fund, prepare, and install the approved plans and improvements.</p> | |
| <p>Impact TRANS-1c: Buildout of the proposed Project (Phase I and II), when added to existing traffic levels, would degrade the vehicle level of service from an acceptable LOS C to an unacceptable LOS F during the PM peak hour at Intersection #24 (Harrison Street / 20th Street / Kaiser Center Access Road) (Existing). (Significant)</p> | <p>Mitigation Measure TRANS-1c: Implement the following measures at the Harrison Street / 20th Street / Kaiser Center Access Road intersection:</p> <ul style="list-style-type: none"> • <u>Eastbound 20th Street approach to Harrison Street: Remove the left-turn pocket currently on 20th Street. The 20th Street median shall be reconfigured for one left-through lane to Kaiser Center. Provide a staged pedestrian crosswalk across 20th Street.</u> • <u>Southbound right-turn lane from the Kaiser Center access at the 20th Street/Harrison Street intersection shall be modified to provide a channelized island for pedestrian refuge and stop sign control for southbound right-turning movement.</u> • <u>Kaiser Center access shall be reconfigured to accommodate addition of southbound left-turning movement at the 20th Street/Harrison Street intersection.</u> • <u>The traffic signal at the 20th Street/Harrison Street intersection shall be upgraded to accommodate the Kaiser Center entry/exit reconfiguration, including new mast arms and heads.</u> • <u>Adjust and upgrade the timing/phasing of the signal at the reconfigured 20th Street /Harrison Street intersection, as well as at the 21st Street/Harrison Street intersection.</u> <ul style="list-style-type: none"> - <u>Generally, Optimize</u> the traffic signal (to include determination of allocation of green time for each intersection approach) for the PM peak hour in tune with the relative traffic volumes on those approaches. - Coordinate the signal timing at this intersection with the adjacent intersections in the same signal coordination group. | <p>Less than Significant</p> <p>If only Phase I of the Project were built, this intersection would not be an impact under Existing plus Project (Phase I) Conditions.</p> |

TABLE II-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 |
|--|---|---|
| <p>IV.L Transportation and Circulation (cont.)</p> <p>Impact TRANS-1c (cont.)</p> | <ul style="list-style-type: none"> • <u>Increase travel lanes on Harrison Street approach to 20th Street from three lanes to five lanes, then transition to four lanes with street parking approximately 250 to 300 linear feet from the 20th Street/Harrison Street intersection. The reconfiguration shall have two dedicated right-turn lanes and one through lane/left-turn lane in the northbound direction, and two southbound lanes. Parking along Harrison Street shall be removed from both sides to accommodate lanes within an existing 52-foot right-of-way, curb-to-curb. Encroachment into the existing sidewalks and park may be required to accommodate minimum lane widths, to be determined through the implementing measures described below.</u> <p>To implement this measure, the Project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval:</p> <ul style="list-style-type: none"> • <u>Plans, Specifications, and Estimates (PS&E) to confirm the improvements identified above to modify the intersection, and effective operations of the identified improvements, Plans, Specifications, and Estimates (PS&E) to modify the intersection.</u> All elements shall be designed to City standards in effect at the time of construction, and all new or upgraded signals should include these enhancements. All other facilities supporting vehicle travel and alternative modes through the intersection should be brought up to both City standards and ADA standards (according to Federal and State Access Board guidelines) at the time of construction. Current City Standards call for the elements listed below: <ul style="list-style-type: none"> – 2070L Type Controller – GPS communication (clock) – Accessible pedestrian crosswalks according to Federal and State Access Board guidelines – Countdown Pedestrian Signals – Full actuation (video detection, pedestrian push buttons, bicycle detection) – Accessible Pedestrian Signals, audible and tactile according to Federal Access | |

TABLE II-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 |
|---|---|---|
| IV.L Transportation and Circulation (cont.) | | |
| Impact TRANS-1d (cont.) | <ul style="list-style-type: none"> - Full actuation (video detection, pedestrian push buttons, bicycle detection) - Accessible Pedestrian Signals, audible and tactile according to Federal Access Board guidelines - Countdown Pedestrian Signals - Fiber signal interconnect and communication to City Traffic Management Center 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. <p>The Project sponsor shall fund, prepare, and install the approved plans and improvements.</p> | |
| Impact TRANS-1e: Buildout of the proposed Project (Phase I and II), when added to existing traffic levels, would increase the average intersection vehicle delay by more than two seconds during the PM peak hour at Intersection #45 (Grand Avenue / El Embarcadero) (Existing), which currently operates at an unacceptable LOS F during the PM peak hour under Existing Conditions. (Significant) | <p>Mitigation Measure TRANS-1e: Implement the following measures at the Grand Avenue / El Embarcadero intersection:</p> <ul style="list-style-type: none"> • Optimize the traffic signal (to include determination of allocation of green time for each intersection approach) for the PM peak hour in tune with the relative traffic volumes on those approaches. • Coordinate the signal timing at this intersection with the adjacent intersections in the same coordination group. <p>To implement this measure, the Project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval:</p> <p><u>Plans, Specifications, and Estimates (PS&E) to confirm the improvements identified above to modify the intersection, and effective operations of the identified improvements. Plans, Specifications, and Estimates (PS&E) to modify the intersection.</u> All elements shall be designed to City standards in effect at the time of construction, and all new or upgraded signals should include these enhancements. All other facilities supporting vehicle travel and alternative modes through the intersection should be brought up to both City standards and ADA standards (according to Federal and State Access Board guidelines) at the time of construction. Current City Standards call for the elements listed below:</p> <ul style="list-style-type: none"> - 2070L Type Controller - GPS communication (clock) | <p>Less than Significant</p> <p>If only Phase I of the Project were built, this intersection would be a less than significant after mitigation impact under Existing plus Project (Phase I) Conditions.</p> |

**TABLE II-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 |
|---|--|--|
| <p>IV.L Transportation and Circulation (cont.)</p> | | |
| <p>Impact TRANS-1e (cont.)</p> | <ul style="list-style-type: none"> - Accessible pedestrian crosswalks according to Federal and State Access Board guidelines - City Standard ADA wheelchair ramps - Full actuation (video detection, pedestrian push buttons, bicycle detection) - Accessible Pedestrian Signals, audible and tactile according to Federal Access Board guidelines - Countdown Pedestrian Signals - Fiber signal interconnect and communication to City Traffic Management Center 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. <p>The Project sponsor shall fund, prepare, and install the approved plans and improvements.</p> | |
| <p>Impact TRANS-1f: Buildout of the proposed Project (Phase I and II), when added to existing traffic levels, would degrade the vehicle level of service from an unacceptable LOS E to an unacceptable LOS F during the PM peak hour at Intersection #47 (Grand Avenue / MacArthur Boulevard (Eastbound) / I-580 Eastbound Off-Ramp) (Existing). (Significant)</p> | <p>Mitigation Measure TRANS-1f: Mitigation Measure TRANS-1f: Implement the following measures at the Grand Avenue / MacArthur Boulevard (Eastbound) / I-580 Eastbound Off-Ramp intersection:</p> <ul style="list-style-type: none"> • Optimize the traffic signal (to include determination of allocation of green time for each intersection approach) for the PM peak hour in tune with the relative traffic volumes on those approaches. • Coordinate the signal timing at this intersection with the adjacent intersections in the same signal coordination group. <p>To implement this measure, the Project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval:</p> <ul style="list-style-type: none"> • <u>Plans, Specifications, and Estimates (PS&E) to confirm the improvements identified above to modify the intersection, and effective operations of the identified improvements. Plans, Specifications, and Estimates (PS&E) to modify the intersection.</u> All elements shall be designed to City standards in effect at the time of construction, and all new or upgraded signals should include these enhancements. All other facilities supporting vehicle travel and alternative modes through the intersection should be brought up to both City standards and ADA | <p>Significant and Unavoidable</p> <p>If only Phase I of the Project were built, this intersection would be a less than significant after mitigation impact under Existing plus Project (Phase I) Conditions.</p> |

TABLE II-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 |
|--|---|---|
| <p>IV.L Transportation and Circulation (cont.)</p> <p>Impact TRANS-1f (cont.)</p> <p>Impact TRANS-2a: Buildout of the proposed Project (Phase I and II), when added to existing traffic levels, would degrade the roadway segment level of service from an acceptable LOS E to an unacceptable LOS F during the PM peak hour on Segment #9 (eastbound Grand Avenue from Harrison Street to El Embarcadero) (Existing). (Significant)</p> | <p>standards (according to Federal and State Access Board guidelines) at the time of construction. Current City Standards call for the elements listed below:</p> <ul style="list-style-type: none"> - 2070L Type Controller - GPS communication (clock) - Accessible pedestrian crosswalks according to Federal and State Access Board guidelines - City Standard ADA wheelchair ramps - Full actuation (video detection, pedestrian push buttons, bicycle detection) - Accessible Pedestrian Signals, audible and tactile according to Federal Access Board guidelines. - Countdown Pedestrian Signals - Fiber signal interconnect and communication to City Traffic Management Center 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. <p>• The Project sponsor shall fund, prepare, and install the approved plans and improvements.</p> <p>Mitigation Measure TRANS-2a: Implement the following measures on Grand Avenue between Harrison Street and El Embarcadero:</p> <ul style="list-style-type: none"> • Optimize traffic signals (to include determination of allocation of green time for each intersection approach) at intersections along Grand Avenue (i.e., Harrison Street, Bay Place, Park View Terrace / Bellevue Avenue, Perkins Street, Staten Avenue, Euclid Avenue, and El Embarcadero) for the AM and PM peak hours in tune with the relative traffic volumes on those approaches. • Coordinate the signal timing at the intersections in the road segment. <p>To implement this measure, the Project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval:</p> | <p>Significant and Unavoidable</p> <p>If only Phase I of the Project were built, this roadway segment would not be an impact under Existing plus Project (Phase I) Conditions.</p> |

TABLE II-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 |
|--|---|---|
| <p>IV.L Transportation and Circulation (cont.)</p> <p>Impact TRANS-2a (cont.)</p> | <ul style="list-style-type: none"> • <u>Plans, Specifications, and Estimates (PS&E) to confirm the improvements identified above to modify the intersection, and effective operations of the identified improvements. Plans, Specifications, and Estimates (PS&E) to modify the intersection.</u> All elements shall be designed to City standards in effect at the time of construction, and all new or upgraded signals should include these enhancements. All other facilities supporting vehicle travel and alternative modes through the intersections 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 the elements listed below: <ul style="list-style-type: none"> – 2070L Type Controller – GPS communication (clock) Accessible pedestrian crosswalks according to Federal and State Access Board guidelines – City Standard ADA wheelchair ramps – Full actuation (video detection, pedestrian push buttons, bicycle detection) – Accessible Pedestrian Signals, audible and tactile according to Federal Access Board guidelines – Countdown Pedestrian Signals – Fiber signal interconnect and communication to City Traffic Management Center 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. <p>The Project sponsor shall fund, prepare, and install the approved plans and improvements.</p> | |
| <p>Impact TRANS-2b: Buildout of the proposed Project (Phase I and II), when added to existing traffic levels, would degrade the roadway segment level of service from an acceptable LOS E to an unacceptable LOS F during the PM peak hour on Segment #10 (northbound Harrison Street / Oakland Avenue from 27th Street to I-580) (Existing). (Significant)</p> | <p>Mitigation Measure TRANS-2b: Implement Mitigation Measures TRANS-1a and TRANS-1b.</p> | <p>Significant and Unavoidable</p> <p>If only Phase I of the Project were built, this roadway segment would not be an impact under Existing plus Project (Phase I) Conditions.</p> |

TABLE II-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 |
|---|--|--|
| IV.L Transportation and Circulation (cont.) | | |
| <p>Impact TRANS-3a: <u>Intersection #2 (Oakland Avenue / Perry Place / I-580 EB Ramps) (2015) would operate at an unacceptable LOS F during the PM peak hour under Near-Term (2015) without Project Conditions.</u> Phase I of the proposed Project, when added to projected 2015 traffic levels, would increase the v/c ratio <u>at this intersection</u> by more than three percent during the PM peak hour <u>at Intersection #2 (Oakland Avenue / Perry Place / I-580 EB Ramps) (2015), which would operate at an unacceptable LOS F during the PM peak hour under Near-Term (2015) without Project Conditions.</u> (Significant)</p> | <p>Mitigation Measure TRANS-3a: Implement Mitigation Measure TRANS-1a.</p> | <p>Significant and Unavoidable</p> <p>If both Phase I and Phase II of the Project were built, this intersection would also be a significant and unavoidable impact under Near-Term (2015) plus Project (Phase I and Phase II) Conditions.</p> |
| <p>Impact TRANS-3b: <u>Intersection #3 (Harrison Street/27th Street/24th Street) (2015) would operate at an unacceptable LOS E during the PM peak hour under Near-Term (2015) without Project Conditions.</u> Phase I of the proposed Project, when added to projected 2015 traffic levels, would increase the average intersection vehicle delay <u>at this intersection</u> by more than four seconds during the PM peak hour <u>at Intersection #3 (Harrison Street / 27th Street / 24th Street) (2015), which would operate at an unacceptable LOS E during the PM peak hour under Near-Term (2015) without Project Conditions.</u> (Significant).</p> | <p>Mitigation Measure TRANS-3b: Implement Mitigation Measure TRANS-1b.</p> | <p>Conservatively Deemed Significant and Unavoidable</p> <p>If the specific implementation approach described for Mitigation Measure TRANS-1b is determined feasible by the City (or if there are other feasible options), then the impact at this location would be Less than Significant. Otherwise, impacts at this location would be Significant and Unavoidable.</p> <p>If both Phase I and Phase II of the Project were built, this intersection would also be a conservatively deemed significant and unavoidable impact under Near-Term (2015) plus Project (Phase I and Phase II) Conditions.</p> |
| <p>Impact TRANS-3c: <u>Intersection #12 (Harrison Street / Grand Avenue) (2015) would operate at an unacceptable LOS F during the PM peak hour under Near-Term (2015) without Project Conditions.</u> Phase I of the proposed Project, when added to projected 2015 traffic levels, would increase the average intersection vehicle delay <u>at this intersection</u> by more than two seconds during the PM peak hour <u>at Intersection #12 (Harrison Street / Grand Avenue) (2015), which would operate at an unacceptable LOS F during the PM peak hour under Near-Term (2015) without Project Conditions.</u> (Significant)</p> | <p>Mitigation Measure TRANS-3c: Implement the following measures at the Harrison Street / Grand Avenue intersection:</p> <ul style="list-style-type: none"> • Optimize the traffic signal (to include determination of allocation of green time for each intersection approach) for the PM peak hour in tune with the relative traffic volumes on those approaches. • Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group. <p>To implement this measure, the Project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval:</p> | <p>Significant and Unavoidable</p> <p>If both Phase I and Phase II of the Project were built, this intersection would also be a significant and unavoidable impact under Near-Term (2015) plus Project (Phase I and Phase II) Conditions.</p> |

TABLE II-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 |
|---|--|---|
| <p>IV.L Transportation and Circulation (cont.)</p> <p>Impact TRANS-3c (cont.)</p> | <ul style="list-style-type: none"> • <u>Plans, Specifications, and Estimates (PS&E) to confirm the improvements identified above to modify the intersection, and effective operations of the identified improvements. Plans, Specifications, and Estimates (PS&E) to modify the intersection.</u> All elements shall be designed to City standards in effect at the time of construction, and all new or upgraded signals should include these enhancements. All other facilities supporting vehicle travel and alternative modes through the intersection should be brought up to both City standards and ADA standards (according to Federal and State Access Board guidelines) at the time of construction. Current City Standards call for the elements listed below: <ul style="list-style-type: none"> - 2070L Type Controller - GPS communication (clock) - Accessible pedestrian crosswalks according to Federal and State Access Board guidelines - City Standard ADA wheelchair ramps - Full actuation (video detection, pedestrian push buttons, bicycle detection) - Accessible Pedestrian Signals, audible and tactile according to Federal Access Board guidelines Countdown Pedestrian Signals - Fiber signal interconnect and communication to City Traffic Management Center 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. <p>The Project sponsor shall fund, prepare, and install the approved plans and improvements.</p> | <p style="text-align: right;">Less than Significant</p> |
| <p>Impact TRANS-3d: Phase I of the proposed Project, when added to projected 2015 traffic levels, would degrade the vehicle level of service from an acceptable LOS C to an unacceptable LOS F during the PM peak hour at Intersection #24 (Harrison Street / 20th Street / Kaiser Center Access Road) (2015). (Significant)</p> | <p>Mitigation Measure TRANS-3d: Implement Mitigation Measure TRANS-1c.</p> | <p style="text-align: right;">If the Preferred Measure DD Configuration (Preferred Configuration) were instead implemented (as described in Dowling memo to the City dated December 23, 2010), the Preferred Configuration would not result in new or worsened impacts at Intersection #24.</p> |

TABLE II-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 |
|---|--|--|
| IV.L Transportation and Circulation (cont.) | | |
| Impact TRANS-3d (cont.) | | |
| <p>Impact TRANS-3e: <u>Intersection #49 (Oakland Avenue / MacArthur Boulevard [Westbound] / Santa Clara Avenue / I-580 Westbound Off-Ramp) (2015) would operate at an unacceptable LOS E during the AM peak hour under Near-Term (2015) without Project Conditions.</u> Phase I of the proposed Project, when added to projected 2015 traffic levels, would increase the average intersection vehicle delay at this intersection by more than four seconds during the AM peak hour at <u>Intersection #49 (Oakland Avenue / MacArthur Boulevard (Westbound) / Santa Clara Avenue / I-580 Westbound Off-Ramp) (2015), which would operate at an unacceptable LOS E during the AM peak hour under Near-Term (2015) without Project Conditions.</u> (Significant)</p> | <p>Mitigation Measure TRANS-3e: Mitigation Measure TRANS-3e: Implement the following measures at the Oakland Avenue / MacArthur Boulevard (Westbound) / Santa Clara Avenue / I-580 Westbound Off-Ramp intersection:</p> <ul style="list-style-type: none"> • Restripe the northeast Oakland Avenue approach from the current configuration of one shared through-left lane and two through lanes to one exclusive left-turn lane, one shared through-left lane, and one through lane. • Optimize the traffic signal (to include determination of allocation of green time for each intersection approach) for the AM peak hour in tune with the relative traffic volumes on those approaches. • Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group. <p>To implement this measure, the Project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval:</p> <ul style="list-style-type: none"> • <u>Plans, Specifications, and Estimates (PS&E) to confirm the improvements identified above to modify the intersection, and effective operations of the identified improvements. Plans, Specifications, and Estimates (PS&E) to modify the intersection.</u> All elements shall be designed to City standards in effect at the time of construction, and all new or upgraded signals should include these enhancements. All other facilities supporting vehicle travel and alternative modes through the intersection should be brought up to both City standards and ADA standards (according to Federal and State Access Board guidelines) | <p>If only Phase 1 of the Project were built, this intersection would still remain less than significant after mitigation under Near-Term (2015) plus Project (Phase I) Conditions.</p> <p>If both Phase I and Phase II of the Project were built, this intersection would also be a less than significant after mitigation impact under Near-Term (2015) plus Project (Phase I and Phase II) Conditions.</p> <p>Less than Significant</p> <p>If both Phase I and Phase II of the Project were built, this intersection would also be a less than significant after mitigation impact under Near-Term (2015) plus Project (Phase I and Phase II) Conditions.</p> |

**TABLE II-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 |
|---|--|---|
| IV.L Transportation and Circulation (cont.) | | |
| <p>Impact TRANS-3e (cont.)</p> | <p>at the time of construction. Current City Standards call for the elements listed below:</p> <ul style="list-style-type: none"> - 2070L Type Controller - GPS communication (clock) - Accessible pedestrian crosswalks according to Federal and State Access Board guidelines - City Standard ADA wheelchair ramps - Full actuation (video detection, pedestrian push buttons, bicycle detection) - Accessible Pedestrian Signals, audible and tactile according to Federal Access Board guidelines - Countdown Pedestrian Signals - Fiber signal interconnect and communication to City Traffic Management Center 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. <p>The Project sponsor shall fund, prepare, and install the approved plans and improvements.</p> | |
| <p>Impact TRANS-4a: Phase I of the proposed Project, when added to projected 2015 traffic levels, would increase the v/c ratio by more than three percent during the PM peak hour on Segment #10 (northbound Harrison Street / Oakland Avenue from 27th Street to I-580) (2015), which would operate at an unacceptable LOS F during the PM peak hour under Near-Term (2015) without Project Conditions. (Significant)</p> | <p>Mitigation Measure TRANS-4a: Implement Mitigation Measure TRANS-2b.</p> | <p>Significant and Unavoidable</p> <p>If both Phase I and Phase II of the Project were built, this roadway segment would also be a significant and unavoidable impact under Near-Term (2015) plus Project (Phase I and Phase II) Conditions.</p> |
| <p>Impact TRANS-5a: Buildout of the proposed Project (Phase I and Phase II), when added to projected 2015 traffic levels, would increase the v/c ratio by more than three percent during the PM peak hour at Intersection #2 (Oakland Avenue / Perry Place / I-580 EB Ramps) (2015), which would operate at an unacceptable LOS F during the PM peak hour under Near-Term (2015) without Project Conditions. (Significant)</p> | <p>Mitigation Measure TRANS-5a: Implement Mitigation Measure TRANS-1a.</p> | <p>Significant and Unavoidable</p> <p>If only Phase I of the Project were built, this intersection would still remain a significant and unavoidable impact under Near-Term (2015) plus Project (Phase I) Conditions.</p> |

TABLE II-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 |
|--|--|--|
| IV.L Transportation and Circulation (cont.) | | |
| <p>Impact TRANS-5b: Buildout of the proposed Project (Phase I and Phase II), when added to projected 2015 traffic levels, would degrade the vehicle level of service from an unacceptable LOS E to an unacceptable LOS F during the PM peak hour at Intersection #3 (Harrison Street / 27th Street / 24th Street) (2015). (Significant)</p> | <p>Mitigation Measure TRANS-5b: Implement Mitigation Measure TRANS-1b.</p> | <p>Conservatively Deemed Significant and Unavoidable</p> <p>If the specific implementation approach described for Mitigation Measure TRANS-1b is determined feasible by the City (or if there are other feasible options), then the impact at this location would be Less than Significant. Otherwise, impacts at this location would be Significant and Unavoidable.</p> <p>If only Phase I of the Project were built, this intersection would still remain a conservatively deemed significant and unavoidable impact under Near-Term (2015) plus Project (Phase I) Conditions.</p> |
| <p>Impact TRANS-5c: Buildout of the proposed Project (Phase I and Phase II), when added to projected 2015 traffic levels, would degrade the vehicle level of service from an acceptable LOS D to an unacceptable LOS E during the PM peak hour at Intersection #5 (Telegraph Avenue / 27th Street) (2015). (Significant)</p> | <p>Mitigation Measure TRANS-5c: Mitigation Measure TRANS-5c: Implement the following measures at the Telegraph Avenue / 27th Street intersection:</p> <ul style="list-style-type: none"> • Optimize the traffic signal (to include determination of allocation of green time for each intersection approach) for the AM peak hour in tune with the relative traffic volumes on those approaches. • Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group. • Redesign the signal plan to give the northbound left-turn movement protected-permitted phasing. <p>To implement this measure, the Project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval:</p> <ul style="list-style-type: none"> • <u>Plans, Specifications, and Estimates (PS&E) to confirm the improvements identified above to modify the intersection, and effective operations of the identified improvements.</u> Plans, Specifications, and Estimates (PS&E) to modify the intersection. All elements shall be designed to City standards in effect at the time of construction, and all new or upgraded signals should include these enhancements. All other facilities supporting vehicle travel and alternative modes through the intersection should be brought up to both City standards and ADA standards (according to Federal and State Access Board guidelines) | <p>Less than Significant</p> <p>If only Phase I of the Project were built, this intersection would not be an impact under Near-Term (2015) plus Project (Phase I) Conditions.</p> |

**TABLE II-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 |
|---|--|--|
| IV.L Transportation and Circulation (cont.) | | |
| <p>Impact TRANS-5c (cont.)</p> | <p>at the time of construction. Current City Standards call for the elements listed below:</p> <ul style="list-style-type: none"> - 2070L Type Controller - GPS communication (clock) - Accessible pedestrian crosswalks according to Federal and State Access Board guidelines - City Standard ADA wheelchair ramps - Full actuation (video detection, pedestrian push buttons, bicycle detection) - Accessible Pedestrian Signals, audible and tactile according to Federal Access Board guidelines - Countdown Pedestrian Signals - Fiber signal interconnect and communication to City Traffic Management Center 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. <p>The Project sponsor shall fund, prepare, and install the approved plans and improvements.</p> | |
| <p>Impact TRANS-5d: Buildout of the proposed Project (Phase I and Phase II), when added to projected 2015 traffic levels, would increase the average intersection vehicle delay by more than two seconds during the PM peak hour at Intersection #12 (Harrison Street / Grand Avenue) (2015), which would operate at an unacceptable LOS F during the PM peak hour under Near-Term (2015) without Project Conditions. (Significant)</p> | <p>Mitigation Measure TRANS-5d: Implement Mitigation Measure TRANS-3c.</p> | <p>Significant and Unavoidable</p> <p>If only Phase I of the Project were built, this intersection would still remain a significant and unavoidable impact under Near-Term (2015) plus Project (Phase I) Conditions.</p> |
| <p>Impact TRANS-5e: The addition of Project-generated traffic (Phase I and II) would cause the PM peak-hour LOS to degrade from an acceptable LOS C under Near-Term (2015) without Project Conditions to an unacceptable LOS F at Intersection #24 (Harrison Street / 20th Street / Kaiser Center Access Road). Buildout of the proposed Project (Phase I and Phase II), when added to projected 2015 traffic levels, would degrade the vehicle level of service from an acceptable LOS C to an unacceptable LOS F during the PM peak hour at Intersection #24 (Harrison Street / 20th Street / Kaiser Center Access Road) (2015). (Significant)</p> | <p>Mitigation Measure TRANS-5e: Implement Mitigation Measure TRANS-1c.</p> | <p>Less than Significant</p> <p>If the Preferred Measure DD Configuration (Preferred Configuration) were instead implemented (as described in Dowling memo to the City dated December 23, 2010), the Preferred Configuration would not result in new or worsened impacts at Intersection #24.</p> |

TABLE II-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 |
|--|--|--|
| IV.L Transportation and Circulation (cont.) | | |
| Impact TRANS-5e (cont.) | | |
| | | If only Phase I of the Project were built, this intersection would still remain a less than significant after mitigation impact under Near-Term (2015) plus Project (Phase I) Conditions. |
| <p>Impact TRANS-5f: Buildout of the proposed Project (Phase I and Phase II), when added to projected 2015 traffic levels, would increase the average intersection vehicle delay by more than four seconds during the AM peak hour and increase the v/c ratio by more than three percent during the PM peak hour at Intersection #44 (Oak Street / 5th Street / I-880 Southbound On-Ramp) (2015), which would operate at an unacceptable LOS F during both peak hours under Near-Term (2015) without Project Conditions. (Significant)</p> | <p>Mitigation Measure TRANS-5f: Implement Mitigation Measure TRANS-1d.</p> | <p>Significant and Unavoidable</p> <p>If only Phase I of the Project were built, this intersection would not be an impact under Near-Term (2015) plus Project (Phase I) Conditions.</p> |
| <p>Impact TRANS-5g: Buildout of the proposed Project (Phase I and Phase II), when added to projected 2015 traffic levels, would increase the v/c ratio by more than three percent during the PM peak hour at Intersection #45 (Grand Avenue / El Embarcadero) (2015), which would operate at LOS F during the PM peak hour under Near-Term (2015) without Project Conditions. (Significant)</p> | <p>Mitigation Measure TRANS-5g: Implement Mitigation Measure TRANS-1e.</p> | <p>Less than Significant</p> <p>If only Phase I of the Project were built, this intersection would not be an impact under Near-Term (2015) plus Project (Phase I) Conditions.</p> |
| <p>Impact TRANS-5h: Buildout of the proposed Project (Phase I and Phase II), when added to projected 2015 traffic levels, would increase the v/c ratio by more than three percent during the PM peak hour at Intersection #47 (Grand Avenue / MacArthur Boulevard (EB) / I-580 Eastbound Off-Ramp) (2015), which would operate at LOS F during the PM peak hour under Near-Term (2015) without Project Conditions. (Significant)</p> | <p>Mitigation Measure TRANS-5h: Implement Mitigation Measure TRANS-1f.</p> | <p>Significant and Unavoidable</p> <p>If only Phase I of the Project were built, this intersection would not be an impact under Near-Term (2015) plus Project (Phase I) Conditions.</p> |
| <p>Impact TRANS-5i: Buildout of the proposed Project (Phase I and Phase II), when added to projected 2015 traffic levels, would increase the v/c ratio by more than three percent during the PM peak hour at Intersection #48 (Lakeshore Avenue / MacArthur Boulevard (EB) / I-580 Eastbound On-Ramp) (2015), which would operate at LOS F during the PM peak hour under Near-Term (2015) without Project Conditions. (Significant)</p> | <p>Mitigation Measure TRANS-5i: Implement the following measures at the Lakeshore Avenue / MacArthur Boulevard (EB) / I-580 Eastbound On-Ramp:</p> <ul style="list-style-type: none"> • Optimize the traffic signal (to include determination of allocation of green time for each intersection approach) for the AM peak hour in tune with the relative traffic volumes on those approaches. • Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group. <p>To implement this measure, the Project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval:</p> | <p>Significant and Unavoidable</p> <p>If only Phase I of the Project were built, this intersection would not be an impact under Near-Term (2015) plus Project (Phase I) Conditions.</p> |

**TABLE II-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 |
|---|---|---|
| <p>IV.L Transportation and Circulation (cont.)</p> <p>Impact TRANS-5i (cont.)</p> <p>Impact TRANS-5j: Buildout of the proposed Project (Phase I and Phase II), when added to projected 2015 traffic levels, would degrade the vehicle level of service from an unacceptable LOS E to an unacceptable LOS F during the PM peak hour at Intersection #49 (Oakland Avenue / MacArthur Boulevard (Westbound) / Santa Clara Avenue / I-580 Westbound Off-Ramp) (2015). (Significant)</p> | <ul style="list-style-type: none"> • <u>Plans, Specifications, and Estimates (PS&E) to confirm the improvements identified above to modify the intersection, and effective operations of the identified improvements. Plans, Specifications, and Estimates (PS&E) to modify the intersection.</u> All elements shall be designed to City standards in effect at the time of construction, and all new or upgraded signals should include these enhancements. All other facilities supporting vehicle travel and alternative modes through the intersection should be brought up to both City standards and ADA standards (according to Federal and State Access Board guidelines) at the time of construction. Current City Standards call for the elements listed below: <ul style="list-style-type: none"> – 2070L Type Controller – GPS communication (clock) – Accessible pedestrian crosswalks according to Federal and State Access Board guidelines – City Standard ADA wheelchair ramps – Full actuation (video detection, pedestrian push buttons, bicycle detection) – Accessible Pedestrian Signals, audible and tactile according to Federal Access Board guidelines – Countdown Pedestrian Signals – Fiber signal interconnect and communication to City Traffic Management Center 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. <p>The Project sponsor shall fund, prepare, and install the approved plans and improvements.</p> <p>Mitigation Measure TRANS-5j: Implement Mitigation Measure TRANS-3e.</p> | <p>Less than Significant</p> <p>If only Phase I of the Project were built, this intersection would still remain a less than significant after mitigation impact under Near-Term (2015) plus Project (Phase I) Conditions.</p> |

TABLE II-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 |
|--|---|--|
| IV.L Transportation and Circulation (cont.) | | |
| <p>Impact TRANS-6a: Buildout of the proposed Project (Phase I and Phase II), when added to projected 2015 traffic levels, would increase the v/c ratio by more than three percent during the PM peak hour on Segment #9 (Grand Avenue from Harrison Street to El Embarcadero) (2015), which would operate at LOS F under Near-Term (2015) without Project Conditions. (Significant)</p> | <p>Mitigation Measure TRANS-6a: Implement Mitigation Measure TRANS-2a.</p> | <p>Significant and Unavoidable</p> <p>If only Phase I of the Project were built, this roadway segment would not be an impact under Near-Term (2015) plus Project (Phase I) Conditions.</p> |
| <p>Impact TRANS-6b: Buildout of the proposed Project (Phase I and Phase II), when added to projected 2015 traffic levels, would increase the v/c ratio by more than three percent during the PM peak hour on Segment #10 (northbound Harrison Street / Oakland Avenue from 27th Street to I-580) (2015), which would operate at LOS F under Near-Term (2015) without Project Conditions. (Significant)</p> | <p>Mitigation Measure TRANS-6b: Implement Mitigation Measure TRANS-2b.</p> | <p>Significant and Unavoidable</p> <p>If only Phase I of the Project were built, this roadway segment would still remain a significant and unavoidable impact under Near-Term (2015) plus Project (Phase I) Conditions.</p> |
| <p>Impact TRANS-7a: Under 2030 cumulative conditions, buildout of the proposed Project (Phase I and Phase II) would degrade the vehicle level of service from an unacceptable LOS E to an unacceptable LOS F during the AM peak hour and increase the v/c ratio by more than three percent during the PM peak hour at Intersection #2 (Oakland Avenue / Perry Place / I-580 Eastbound Ramps) (2030), which would operate at an unacceptable LOS F during the PM peak hour under Cumulative (2030) without Project Conditions. (Significant)</p> | <p>Mitigation Measure TRANS-7a: Implement Mitigation Measure TRANS-1a.</p> | <p>Significant and Unavoidable</p> <p>If only Phase I of the Project were built, this intersection would still remain a less than significant after mitigation impact under Cumulative (2030) plus Project (Phase I) Conditions.</p> |
| <p>Impact TRANS-7b: Under 2030 cumulative conditions, buildout of the proposed Project (Phase I and Phase II) would increase the average intersection vehicle delay by more than two seconds during the AM peak hour and degrade the vehicle level of service from an unacceptable LOS E to an unacceptable LOS F during the PM peak hour at Intersection #3 (Harrison Street / 27th Street / 24th Street) (2030), which would operate at LOS F during the AM peak hour under Cumulative (2030) without Project Conditions. (Significant)</p> | <p>Mitigation Measure TRANS-7b: Implement Mitigation Measure TRANS-1b, and also prohibit westbound left turns during the AM peak hour (in addition to the PM peak hour).</p> | <p>Conservatively Deemed Significant and Unavoidable</p> <p>If the specific implementation approach described for Mitigation Measure TRANS-1b is determined feasible by the City (or if there are other feasible options), then the impact at this location would be Less than Significant. Otherwise, impacts at this location would be Significant and Unavoidable.</p> <p>If only Phase I of the Project were built, this intersection would still remain a conservatively deemed significant and unavoidable impact under Cumulative (2030) plus Project (Phase I) Conditions.</p> |

**TABLE II-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 |
|--|--|--|
| <p>IV.L Transportation and Circulation (cont.)</p> | | |
| <p>Impact TRANS-7c: Under 2030 cumulative conditions, buildout of the proposed Project (Phase I and Phase II) would degrade the vehicle level of service from an unacceptable LOS E to an unacceptable LOS F during the PM peak hour at Intersection #5 (Telegraph Avenue / 27th Street) (2030). (Significant)</p> | <p>Mitigation Measure TRANS-7c: Implement Mitigation Measure TRANS-5c.</p> | <p>Less than Significant</p> <p>If only Phase I of the Project were built, this intersection would still remain a less than significant after mitigation impact under Cumulative (2030) plus Project (Phase I) Conditions.</p> |
| <p>Impact TRANS-7d: Under 2030 cumulative conditions, buildout of the proposed Project (Phase I and Phase II) would increase the average intersection delay by more than two seconds during the AM peak hour and degrade the vehicle level of service from an acceptable LOS E to an unacceptable LOS F during the PM peak hour at Intersection #12 (Harrison Street / Grand Avenue) (2030), which would operate at an unacceptable LOS F during the AM peak hour under Cumulative (2030) without Project Conditions. (Significant)</p> | <p>Mitigation Measure TRANS-7d: Implement Mitigation Measure TRANS-3c, and also prohibit southbound left turns in the AM peak period (this movement is already prohibited in the PM peak period). To help enforce the prohibition, extinguishable message signs should be installed on the northbound and southbound approaches.</p> | <p>Significant and Unavoidable</p> <p>If only Phase I of the Project were built, this intersection would still remain a significant and unavoidable impact under Cumulative (2030) plus Project (Phase I) Conditions.</p> |
| <p>Impact TRANS-7e: Under 2030 cumulative conditions, buildout of the proposed Project (Phase I and Phase II) would degrade the vehicle level of service from LOS B to an unacceptable LOS F during the PM peak hour at Intersection #13 (Harrison Street / 21st Street) (2030). (Significant)</p> | <p>Mitigation Measure TRANS-7e: Implement <u>Mitigation Measure TRANS-1c</u>, the following measures at the Harrison Street / 21st Street intersection:</p> <ul style="list-style-type: none"> ● Prohibit eastbound right turns from 21st Street to Harrison Street during the PM peak period, which will increase capacity on the critical eastbound left turn movement ● Optimize the traffic signal (to include determination of allocation of green time for each intersection approach) for the PM peak hour in tune with the relative traffic volumes on those approaches. ● Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group. <p>To implement this measure, the Project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval:</p> <ul style="list-style-type: none"> ● Plans, Specifications, and Estimates (PS&E) to modify the intersection. All elements shall be designed to City standards in effect at the time of construction, and all new or upgraded signals should include these enhancements. All other facilities supporting vehicle travel and alternative modes through the intersection should be brought up to both City standards and ADA standards (according to Federal and State Access Board guidelines) at the time of construction. Current City Standards call for the elements listed below: | <p>Significant and Unavoidable</p> <p>If only Phase I of the Project were built, this intersection would not be an impact under Cumulative (2030) plus Project (Phase I) Conditions.</p> <p>With implementation of the Preferred Measure DD Configuration (Dowling memo, December 23, 2010), it would not be necessary to "Prohibit</p> |

**TABLE II-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 |
|---|--|--|
| IV.L Transportation and Circulation (cont.) | | |
| Impact TRANS-7e (cont.) | <ul style="list-style-type: none"> —2070L Type Controller —GPS communication (clock) —Accessible pedestrian crosswalks according to Federal and State Access Board guidelines —City Standard ADA wheelchair ramps —Full actuation (video detection, pedestrian push buttons, bicycle detection) —Accessible Pedestrian Signals, audible and tactile according to Federal Access Board guidelines —Countdown Pedestrian Signals —Fiber signal interconnect and communication to City Traffic Management Center 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. <p>The Project sponsor shall fund, prepare, and install the approved plans and improvements.</p> | <p>eastbound right turns from 21st Street to Harrison Street during the PM peak period . . .” It would be necessary to provide all other elements of this mitigation measure.</p> |
| <p>Impact TRANS-7f: Under 2030 cumulative conditions, buildout of the proposed Project (Phase I and Phase II) would degrade the vehicle level of service from an acceptable LOS D to an unacceptable LOS F during the PM peak hour at Intersection #24 (Harrison Street / 20th Street / Kaiser Center Access Road) (2030). (Significant)</p> | <p>Mitigation Measure TRANS-7f: Implement Mitigation Measure TRANS-1c.</p> | <p>Less than Significant</p> <p>If the Preferred Measure DD Configuration (Preferred Configuration) were instead implemented (as described in Dowling memo to the City dated December 23, 2010), the Preferred Configuration would not result in new or worsened impacts at Intersection #24.</p> <p>If only Phase I of the Project were built, this intersection would still be a less than significant after mitigation impact under Cumulative (2030) plus Project (Phase I) Conditions.</p> |

TABLE II-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 |
|--|---|--|
| IV.L Transportation and Circulation (cont.) | | |
| <p>Impact TRANS-7g: Under 2030 cumulative conditions, buildout of the proposed Project (Phase I and Phase II) would increase the v/c ratio by more than three percent during the PM peak hour at Intersection #44 (Oak Street / 5th Street / I-880 SB On-Ramp) (2030), which would operate at an unacceptable LOS F during the PM peak hour under Cumulative (2030) without Project Conditions. (Significant)</p> | <p>Mitigation Measure TRANS-7g: Implement Mitigation Measure TRANS-1d.</p> | <p>Significant and Unavoidable</p> <p>If only Phase I of the Project were built, this intersection would not be an impact under Cumulative (2030) plus Project (Phase I) Conditions.</p> |
| <p>Impact TRANS-7h: Under 2030 cumulative conditions, buildout of the proposed Project (Phase I and Phase II) would increase the v/c ratio by more than three percent during the PM peak hour at Intersection #45 (Grand Avenue / El Embarcadero) (2030), which would operate at an unacceptable LOS F during the PM peak hour under Cumulative (2030) without Project Conditions. (Significant)</p> | <p>Mitigation Measure TRANS-7h: Implement Mitigation Measure TRANS-1e.</p> | <p>Significant and Unavoidable</p> <p>If only Phase I of the Project were built, this intersection would not be an impact under Cumulative (2030) plus Project (Phase I) Conditions.</p> |
| <p>Impact TRANS-7i: Under 2030 cumulative conditions, buildout of the proposed Project (Phase I and Phase II) would increase the v/c ratio by more than three percent during the PM peak hour at Intersection #47 (Grand Avenue / MacArthur Boulevard (EB) / I-580 Eastbound Off-Ramp) (2030), which would operate at an unacceptable LOS F during the PM peak hour under Cumulative (2030) without Project Conditions. (Significant)</p> | <p>Mitigation Measure TRANS-7i: Implement Mitigation Measure TRANS-1f.</p> | <p>Significant and Unavoidable</p> <p>If only Phase I of the Project were built, this intersection would not be an impact under Cumulative (2030) plus Project (Phase I) Conditions.</p> |
| <p>Impact TRANS-7j: Under 2030 cumulative conditions, buildout of the proposed Project (Phase I and Phase II) would increase the v/c ratio by more than three percent during the PM peak hour at Intersection #48 (Lakeshore Avenue / MacArthur Boulevard (EB) / I-580 Eastbound On-Ramp) (2030), which would operate at an unacceptable LOS F during the PM peak hour under Cumulative (2030) without Project Conditions. (Significant)</p> | <p>Mitigation Measure TRANS-7j: Implement Mitigation Measure TRANS-5i.</p> | <p>Significant and Unavoidable</p> <p>If only Phase I of the Project were built, this intersection would not be an impact under Cumulative (2030) plus Project (Phase I) Conditions.</p> |
| <p>Impact TRANS-7k: Under 2030 cumulative conditions, buildout of the proposed Project (Phase I and Phase II) would increase the v/c ratio by more than three percent during the AM peak hour at Intersection #49 (Oakland Avenue / MacArthur Boulevard (Westbound) / Santa Clara Avenue / I-580 Westbound Off-Ramp) (2030), which would operate at an unacceptable LOS F during the AM peak hour under Cumulative (2030) without Project Conditions. (Significant)</p> | <p>Mitigation Measure TRANS-7k: Implement Mitigation Measure TRANS-3e.</p> | <p>Less than Significant</p> <p>If only Phase I of the Project were built, this intersection would not be an impact under Cumulative (2030) plus Project (Phase I) Conditions.</p> |
| <p>Impact TRANS-7l: Under 2030 cumulative conditions, buildout of the proposed Project (Phase I and Phase II) would increase the average intersection vehicle delay by more than two seconds during the AM peak hour at Intersection #50 (Harrison Street / MacArthur Boulevard (Westbound) / Santa Clara Avenue) (2030), which would operate at an unacceptable LOS F during the AM peak hour under Cumulative (2030) without Project Conditions. (Significant)</p> | <p>Mitigation Measure TRANS-7l: Implement the following measures at the Harrison Street / MacArthur Boulevard (Westbound) / Santa Clara Avenue intersection:</p> <ul style="list-style-type: none"> Optimize the traffic signal (to include determination of allocation of green time for each intersection approach) for the PM peak hour in tune with the relative traffic volumes on those approaches. | <p>Significant and Unavoidable</p> <p>If only Phase I of the Project were built, this intersection would still remain a significant and unavoidable impact under Cumulative (2030) plus Project (Phase I) Conditions.</p> |

TABLE II-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 |
|--|---|---|
| <p>IV.L Transportation and Circulation (cont.)</p> <p>Impact TRANS-7I (cont.)</p> | <ul style="list-style-type: none"> • Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group. <p>To implement this measure, the Project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval:</p> <ul style="list-style-type: none"> • <u>Plans, Specifications, and Estimates (PS&E) to confirm the improvements identified above to modify the intersection, and effective operations of the identified improvements. Plans, Specifications, and Estimates (PS&E) to modify the intersection.</u> All elements shall be designed to City standards in effect at the time of construction, and all new or upgraded signals should include these enhancements. All other facilities supporting vehicle travel and alternative modes through the intersection should be brought up to both City standards and ADA standards (according to Federal and State Access Board guidelines) at the time of construction. Current City Standards call for the elements listed below: <ul style="list-style-type: none"> – 2070L Type Controller – GPS communication (clock) – Accessible pedestrian crosswalks according to Federal and State Access Board guidelines – City Standard ADA wheelchair ramps – Full actuation (video detection, pedestrian push buttons, bicycle detection) – Accessible Pedestrian Signals, audible and tactile according to Federal Access Board guidelines – Countdown Pedestrian Signals – Fiber signal interconnect and communication to City Traffic Management Center 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. <p>The Project sponsor shall fund, prepare, and install the approved plans and improvements.</p> | |

TABLE II-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 |
|--|--|---|
| IV.L Transportation and Circulation (cont.) | | |
| <p>Impact TRANS-8a: Under 2030 cumulative traffic conditions, buildout of the proposed Project (Phase I and Phase II) would degrade the roadway segment level of service from an acceptable LOS E to an unacceptable LOS F during both peak hours on Segment #3 (I-880 from Oak Street to 5th Avenue) (2030). (Significant)</p> | <p>Mitigation Measure TRANS-8a: There are no feasible measures to mitigate the Project's impact, given the existing alignment and constraints due to lack of right-of-way for both the roadway on the west end of the channel and possibly for support columns above the Union Pacific right-of-way. The segment of I-880 from Oak Street to 5th Avenue consists of two four-lane aerial structures, with the segment immediately west of Lake Merritt Channel bordered on the north by the Laney College parking lot and on the south by industrial uses. The aerial structure continues east of the channel, crossing over the existing Union Pacific railroad right-of-way. Increasing capacity on the freeway would likely require increasing the number of travel lanes. Also, any proposed mitigation measure would also require Caltrans project approval. Therefore, the Project impacts on this roadway segment are significant and unavoidable.</p> | <p>Significant and Unavoidable</p> <p>If only Phase I of the Project were built, this roadway segment would still remain a significant and unavoidable impact under Cumulative (2030) plus Project (Phase I) Conditions.</p> |
| <p>Impact TRANS-8b: Under 2030 cumulative traffic conditions, buildout of the proposed Project (Phase I and Phase II) would degrade the roadway segment level of service from an acceptable LOS E to an unacceptable LOS F during the AM peak hour and increase the v/c ratio by more than three percent during the PM peak hour on Segment #9 (Grand Avenue from Harrison Street to El Embarcadero) (2030), which would operate at an unacceptable LOS F during the PM peak hour under Cumulative (2030) without Project Conditions. (Significant)</p> | <p>Mitigation Measure TRANS-8b: Implement Mitigation Measure TRANS-2a.</p> | <p>Significant and Unavoidable</p> <p>If only Phase I of the Project were built, this roadway segment would still remain a significant and unavoidable impact under Cumulative (2030) plus Project (Phase I) Conditions.</p> |
| <p>Impact TRANS-8c: Under 2030 cumulative traffic conditions, buildout of the proposed Project (Phase I and Phase II) would degrade the level of service from an acceptable LOS E to an unacceptable LOS F during the AM peak hour and increase the v/c ratio by more than three percent during the PM peak hour on Segment #10 (Harrison Street / Oakland Avenue from I-580 to 27th Street) (2030), which would operate at an unacceptable LOS F during the PM peak hour under Cumulative (2030) without Project Conditions. (Significant)</p> | <p>Mitigation Measure TRANS-8c: Implement Mitigation Measure TRANS-2b.</p> | <p>Significant and Unavoidable</p> <p>If only Phase I of the Project were built, this roadway segment would still remain a significant and unavoidable impact under Cumulative (2030) plus Project (Phase I) Conditions.</p> |
| <p>Impact TRANS-9: The Project would create potential conflict between loading dock operations and vehicular access to and from the Kaiser Center Garage and would present a potential safety hazard for pedestrians, bicyclists, and other drivers. (Significant)</p> | <p>Mitigation Measure TRANS-9: Prohibit delivery and service vehicles from accessing the loading docks during the AM and PM peak periods in order to minimize the impact of loading operations on access for the Kaiser Center Garage. The section of the Access Road from Harrison Street / 20th Street to the garage entrance should be restricted to delivery and service vehicles during off-peak hours. During off-peak periods, the Access Road approach onto Harrison Street / 20th Street should be separated off by bollards or other removable barriers to prevent passenger vehicles from crossing the site and expand pedestrian space in this immediate area. Adequate additional site management staff should be</p> | <p>Less than Significant</p> |

TABLE II-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 |
|--|--|---|
| IV.L Transportation and Circulation (cont.) | | |
| Impact TRANS-9 (cont.) | made available to direct loading maneuvers to improve the safety of pedestrians, bicyclists, and drivers during deliveries into and out of this dock. Concurrent with the submittal of a Final Development Plan, the Project Applicant shall prepare and submit a loading dock plan and operational analysis which demonstrates there are no conflicts with vehicular, pedestrian, and bicycle access to or adjacent to the site for City review and approval. The Project Applicant shall implement the approved plan. | |
| Impact TRANS-10: The Project proposes vehicular site access out of an existing garage exit located along 21st Street (just east of Kaiser Plaza) which is currently designed in such a way that could be hazardous to pedestrians on the sidewalk. (Significant) | Mitigation Measure TRANS-10: The Project Applicant shall <u>submit for City review and approval a redesigned plan for</u> the East Exit of the Kaiser Center Garage along 21st Street to allow for sufficient distance and visibility for drivers to see pedestrians and stop. Redesign options shall include sidewalk widening, wherever feasible. In the event that this is structurally infeasible, the Project Applicant shall install audible and visible warning devices such as bells and lights to alert pedestrians, and a speed hump to force drivers exiting the garage to slow down and be more alert. <u>The Project Applicant shall implement the approved plan.</u> | Less than Significant |
| Impact TRANS-11: Potential short-term construction impacts generated by the Proposed Project would include the impacts associated with the delivery of construction materials and equipment, removal of construction debris, and parking for construction workers. (Less than Significant) | Standard Condition of Approval TRANS-1 <i>Parking and Transportation Demand Management.</i> <u>Standard Condition of Approval TRANS-2 <i>Construction Traffic and Parking</i></u> | None |
| ALTERNATIVE MEASURE DD IMPACTS | | |
| If the City elects to implement the Alternative Measure DD project, then the following impacts would occur, necessitating different mitigation measures than those identified for the Project assuming the original Measure DD project. | | |
| Impact ALT DD TRANS-1 – Project with Alternative Measure DD – Near-Term (2015) plus Project (Phase I), Intersection #24: Harrison Street / 20th Street / Kaiser Center Access Road (PM). The intersection of Harrison Street / 20th Street / Kaiser Center Access Road would operate at LOS F in the PM peak hour under Near-Term (2015) plus Project (Phase I) Conditions (Alternative Measure DD). The intersection would operate at LOS E in the PM peak hour under Near-Term (2015) without Project Conditions (Alternative Measure DD). Because the Project would cause the intersection to degrade from LOS E to LOS F, the Project would potentially contribute to a significant near-term impact at this intersection (Significant) | Mitigation Measure ALT DD TRANS-1: The Project applicant shall add an additional lane and reconfigure the northbound Harrison Street approach as a shared left-through lane (to westbound 20th Street and Kaiser Center Access Road) and two exclusive right turn lanes (one lane to northbound Harrison Street, the other to northbound Harrison Street and eastbound 20th Street / Lakeside Drive). This would require curb setback of about 10 feet and a corresponding reduction in park space and removal of up to five on-street parking spaces along the west side of Snow Park. In addition, the left turns from the Kaiser Center Access Road to eastbound 20th Street / Lakeside Drive would need to be prohibited in order to allow the northbound movement along Harrison Street to run concurrently with the Access Road phase. | Conservatively Deemed Significant and Unavoidable. If additional mitigation measures for the Project are determined feasible by the City, then the impact at this location would be Less than Significant. Otherwise, as described above, the Project impacts at this location would be Significant and Unavoidable. After implementation of the proposed mitigation measure, the intersection would still operate at LOS D in the PM peak hour under Near-Term (2015) plus |

**TABLE II-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 |
|---|---|---|
| <p>Impact ALT-DD-TRANS-2 – Project with Alternative Measure DD – Near-Term (2015) plus Project (Phase I and Phase II), Intersection #24: Harrison Street / 20th Street / Kaiser Center Access Road (PM). The intersection of Harrison Street / 20th Street / Kaiser Center Access Road would operate at LOS F in the PM peak hour under Near-Term (2015) plus Project (Phase I and Phase II) Conditions (Alternative Measure DD). The intersection would operate at LOS E in the PM peak hour under Near-Term (2015) without Project Conditions (Alternative Measure DD). The intersection is located within the Downtown area.</p> <p>Because the Project would cause the intersection to degrade from LOS E to LOS F, the Project would potentially contribute to a significant near-term impact at this intersection. (Significant)</p> | <p>To implement these measures, the Project Applicant shall submit to City of Oakland's Transportation Services Division for review and approval a PS&E to modify the intersection. All elements shall be designed to City standards in effect at the time of construction, and all new or upgraded signals should include these enhancements. All other facilities supporting vehicle travel and alternative modes through the intersection should be brought up to both City standards and ADA standards (according to Federal and State Access Board guidelines) at the time of construction.</p> <p>The Project Applicant shall fund, prepare, and install the approved plans and improvements.</p> <p>Also, implement Mitigation Measure TRANS-1c.</p> <p>Mitigation Measure ALT-DD-TRANS-2: Implement Mitigation Measure ALT-DD-TRANS-1 and Mitigation Measure TRANS-1c.</p> | <p>Project (Phase I) Conditions (Alternative Measure DD), which is a Less than Significant impact. However, measures that reduce the land area of Snow Park or eliminate parking spaces in this block may not be acceptable to the City, as they also result in secondary impacts on pedestrians. Therefore, signal optimization may be the only other feasible mitigation measure; however, this does not completely mitigate the Project's impacts.</p> <p>If only Phase I of the Project were built, this intersection would still remain a less than significant after mitigation if the City determines additional mitigation measures feasible, and a significant and unavoidable impact under Near-Term (2015) plus Project (Phase I) Conditions.</p> <p>Conservatively Deemed Significant and Unavoidable. If additional mitigation measures for the Project are determined feasible by the City, then the impact at this location would be Less than Significant. Otherwise, as described above, the Project impacts at this location would be Significant and Unavoidable.</p> <p>After implementation of the proposed mitigation measure, the intersection would still operate at LOS D in the PM peak hour under Near-Term (2015) plus Project (Phase I) Conditions (Alternative Measure DD), which is a Less than Significant impact. However, measures that reduce the land area of Snow Park or eliminate parking spaces in this block may not be acceptable to the City, as they also result in secondary impacts on pedestrians. Therefore, signal optimization may be the only other feasible mitigation measure; however,</p> |

TABLE II-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 |
|--|--|--|
| <p>Impact ALT DD TRANS-3 – Project with Alternative Measure DD– Cumulative (2030) plus Project (Phase I and Phase II) Intersection #24: Harrison Street / 20th Street / Kaiser Center Access Road (PM). The intersection of Harrison Street / 20th Street / Kaiser Center Access Road would operate at LOS F in the PM peak hour under both Cumulative (2030) without Project Conditions (Alternative Measure DD) and Cumulative (2030) plus Project (Phase I and Phase II) Conditions (Alternative Measure DD). The intersection is located within the Downtown area.</p> <p>Because the Project would cause an increase in average intersection delay greater than the two-second threshold of significance, the Project would result in a significant impact at this intersection. (Significant)</p> | <p>Mitigation Measure ALT DD TRANS-3: Implement Mitigation Measure ALT DD TRANS-1 and Mitigation Measure TRANS-1c.</p> | <p>this does not completely mitigate the Project's impacts.</p> <p>If only Phase I of the Project were built, this intersection would still remain a less than significant impact after mitigation if the City determines additional mitigation measures feasible, and a significant and unavoidable impact under Near Term (2015) plus Project (Phase I and Phase II) Conditions.</p> <p>Conservatively Deemed Significant and Unavoidable. If additional mitigation measures for the Project are determined feasible by the City, then the impact at this location would be Less than Significant. Otherwise, as described above, the Project impacts at this location would be Significant and Unavoidable.</p> <p>After implementation of the proposed mitigation measure, the intersection would still operate at LOS D in the PM peak hour under Near Term (2015) plus Project (Phase I) Conditions (Alternative Measure DD), which is a Less than Significant impact. However, measures that reduce the land area of Snow Park or eliminate parking spaces in this block may not be acceptable to the City, as they also result in secondary impacts on pedestrians. Therefore, signal optimization may be the only other feasible mitigation measure; however, this does not completely mitigate the Project's impacts.</p> <p>If only Phase I of the Project were built, this intersection would still remain a less than significant impact after mitigation if the City determines additional mitigation measures feasible, and a significant and unavoidable impact under Cumulative (2030) plus Project (Phase I and Phase II) Conditions.</p> |

TABLE II-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 |
|---|--|---|
| IV. M Utilities and Service Systems | | |
| Impact UTIL-1: The Proposed Project would not exceed water supplies available to serve the project from existing entitlements and resources, nor require or result in construction of water facilities or expansion of existing facilities, construction of which could cause significant environmental effects. (Less than Significant) | None Required | |
| Impact UTIL-2: The Proposed Project's projected wastewater generation would not result in the City of Oakland exceeding its citywide projected base flow allocation or its base flow allocation for Subbasin 52-05. (Less than Significant) | Standard Condition of Approval UTIL-2: <i>Stormwater and Sewer</i> | Less than Significant |
| Impact UTIL-3: The Proposed Project would not require or result in construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. (Less than Significant) | Standard Condition of Approval UTIL-2: <i>Stormwater and Sewer</i> | Less than Significant |
| | Standard Condition of Approval HYD-2 <i>Stormwater Pollution Prevention Plan</i> | |
| | Standard Condition of Approval HYD-3 <i>Post-Construction Stormwater Pollution Management Plan</i> | |
| Impact UTIL-4: The Proposed Project would be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs, and would not require or result in construction of landfill facilities or expansion of existing facilities, construction of which could cause significant environmental effects. (Less than Significant) | Standard Condition of Approval UTIL-1 <i>Waste Reduction and Recycling</i> | Less than Significant |
| Impact UTIL-5: The Proposed Project would not violate applicable federal, state and local statutes and regulations relating to energy standards; nor would result in a determination by the energy provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the providers' existing commitments and require or result in construction of new energy facilities or expansion of existing facilities. (Less than Significant) | None Required | |
| Impact UTIL-6: The increased development resulting from the Proposed Project, in conjunction with population and density of other past, present, pending and reasonably foreseeable development in the City, would not result in cumulative impacts on utilities and service systems. (Less than Significant) | None Required | |

TABLE II-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 |
|--|---|---|
| NON-CEQA RECOMMENDED PROJECT-SPECIFIC CONDITIONS | | |
| Recommendation TRANS-1: Increase sidewalk capacity on the north side of 20th Street between Broadway and Harrison Street. | Recommendation TRANS-1 includes: <ul style="list-style-type: none"> Between Broadway and Franklin Street, remove parking and widen the sidewalk. Between Franklin Street and Webster Street, widen the sidewalk. Between Webster Street and Harrison Street, redesign the Project frontage to be pedestrian-friendly. | Not Applicable. No CEQA Impact Identified. |
| Recommendation TRANS-2: Reduce cycle times of signals at the intersections of Franklin Street / 20th Street and Webster Street / 20th Street. | Recommendation TRANS-2 includes: Reducing the cycle length of these signals from 80-second to 60- or 70-seconds. | Not Applicable. No CEQA Impact Identified. |
| Recommendation TRANS-3: Construct the 20th Street bikeway between Broadway and Harrison Street. | Recommendation TRANS-3 includes: Complete the Class 2 bicycle facilities (bicycle lanes) network between on 20th Street between Harrison Street and Franklin Street | Not Applicable. No CEQA Impact Identified. |
| Recommendation TRANS-4: Improve bus waiting areas on 20th Street directly adjacent to the Project Site. | Recommendation TRANS-4 includes: <ul style="list-style-type: none"> A large, visible system map (currently only a small area map is provided for the immediate vicinity surrounding the stop) and comprehensive area map showing bus stop locations for other lines in the area; Bus schedules; and, Real-time arrival information. Wayfinding signage to transit facilities should also be provided on major pedestrian routes, such as 20th Street to and from the 19th Street BART Station. | Not Applicable. No CEQA Impact Identified. |
| Recommendation TRANS-5: Close the Stanley Place approach at Intersection #1 (Harrison Street / Stanley Place / I-580 EB Off-Ramp). | Recommendation TRANS-5 includes: Closure of the Stanley Place minor approach at Intersection #1 (Harrison Street / Stanley Place / I-580 EB Off-Ramp). | Not Applicable. No CEQA Impact Identified. |
| Recommendation TRANS-6: Installation of a signalized mid-block crossing across Harrison Street between 20th Street and 21st Street. | Recommendation TRANS-6 includes: Installation of a signalized mid-block pedestrian crossing across Harrison Street between 20th Street and 21st Street under the Alternative Measure DD Configuration would require signal coordination with adjacent traffic signals at Harrison Street / 21st Street, Harrison Street / 20th Street / Kaiser Center Access Road, and other signals in the same signal coordination group. Due to the coordination, the pedestrian phase could be | Not Applicable. No CEQA Impact Identified. |

TABLE II-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 |
|----------------------|--|---|
| | <p>timed to coincide with periods of low arriving traffic flow from upstream intersections such that no additional intersection delay would be created. Instead, the signalized mid-block crossing would potentially improve operations along this corridor by "metering" traffic entering the ultimate bottleneck intersections at Harrison Street / Grand Avenue and Harrison Street / 20th Street / Kaiser Center Access Road. As a result, the crossing itself would not result in secondary impacts to other modes.</p> | |

CHAPTER V

Responses to Written Comments Received on the Draft EIR

This chapter includes copies of the written comments received by mail and electronic mail during the public review period on the Draft EIR. Specific responses to the individual comments in each correspondence follow each correspondence. Consistent with the list of commenters presented in Chapter III (Commenters on the Draft EIR), correspondence received from public agencies is presented first, followed by correspondence from organizations, followed by correspondence from an individual.

Each correspondence is identified by an alpha designator (e.g., “Letter A”). Specific comments within each correspondence are identified by an alphanumeric 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 specifically focus on comments that pertain to the adequacy of the analysis in the Draft EIR or other aspects pertinent to the environmental analysis of the Proposed Project pursuant to CEQA. Comments that address topics beyond the purview of the Draft EIR or CEQA are noted for the public record; although no response is required in these cases, an acknowledging or substantive response is provided. Where comments and/or responses have warranted revisions to the text of the Draft EIR, these changes appear as part of the specific response to comment and are repeated in Chapter IV (Revisions and Updates to the Draft EIR).



STATE OF CALIFORNIA

Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Arnold Schwarzenegger
Governor

Cathleen Cox
Acting Director

October 11, 2010

Heather Klein
City of Oakland CEDA
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612

Subject: Kaiser Center Office Project
SCH#: 2008052103

Dear Heather Klein:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on October 7, 2010, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

A-1

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

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

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

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

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

Document Details Report
State Clearinghouse Data Base Comment Letter A

SCH# 2008052103
Project Title Kaiser Center Office Project
Lead Agency Oakland, City of

Type EIR Draft EIR
Description The Proposed Project includes a Vesting Tentative Parcel Map, Planned Unit Development Permit, and a Preliminary Development Plan that would add two new office towers to a 2.2 acre portion of the existing 7.2 Kaiser Center site. The project includes 1) demolition of 280,000sf of existing retail/commercial development along 20th and Webster streets; 2) construction of a new 24-story office tower (469 ft height); 3) construction of a 42-story (573 ft high) office tower; 4) construction of 46,200sf of ground floor and mid-level retail; 5) addition of 697 parking spaces; and 5) expansion of the rooftop garden by approximately 4,500sf.

Lead Agency Contact

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

Project Location

County Alameda
City Oakland
Region
Lat / Long 37° 48' 33.7" N / 122° 5' 55.6" W
Cross Streets Webster Ave between 20th and 21st Street
Parcel No. 008-0652-001-05
Township 1S **Range** 4W **Section** 25 **Base** MDB&M

Proximity to:

Highways Hwy 24; Interstate 580
Airports
Railways Union Pacific, Amtrak
Waterways Lake Merritt; San Francisco Bay; Oakland Inner Harbor
Schools St. Paul's Episcopal
Land Use CSS Central Core Commercial Zone, combined w/ S-17 Downtown Residential Open Space Combining Zone & S-4 Design Review.

Project Issues Traffic/Circulation; Recreation/Parks; Air Quality; Archaeologic-Historic; Biological Resources; Geologic/Seismic; Soil Erosion/Compaction/Grading; Toxic/Hazardous; Water Quality; Landuse; Noise; Population/Housing Balance; Public Services; Cumulative Effects; Growth Inducing; Aesthetic/Visual; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Other Issues; Schools/Universities; Sewer Capacity; Solid Waste; Vegetation; Water Supply

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

Date Received 08/23/2010 **Start of Review** 08/23/2010 **End of Review** 10/07/2010

Response to Letter A – Governor’s Office of Planning and Research, State Clearinghouse

A-1: The comment letter acknowledges that the City has complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to CEQA. The comment letter provides correspondence on the Draft EIR from the California Department of Transportation, a state agency, which is included and responded to as Letter B in this Final EIR.

DEPARTMENT OF TRANSPORTATION

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



Flex your power!
Be energy efficient!

October 5, 2010

ALA980033
ALA-980-1.4
SCH#2008052103

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

Dear Ms. Klein:

Kaiser Center Office Project – Draft Environmental Impact Report

Thank you for continuing to include the California Department of Transportation (Department) in the environmental review process for the Kaiser Center Office Project. The following comments are based on the Draft Environmental Impact Report (DEIR).

San Pablo Avenue (State Route (SR) 123) is in the vicinity of the project but was not included in the Traffic Impact Analysis (TIA). Please revise the TIA to include SR-123.

B-1

The project will significantly impact Intersection #2 (Oakland Avenue/Perry Place/Interstate 580 (I-580) Eastbound Ramps) and Intersection #49 (Oakland Avenue/MacArthur Boulevard Westbound/Santa Clara Avenue/I-580 Westbound Off-Ramp). On page IV.L-152, it states that the queues resulting from project trips would exceed storage capacity at both off-ramps. In addition, in Table IV.L-24 on page IV.L-156, project trips would likely increase the existing high incident rate at Intersection #49. Please include operational mitigations measures or fair-share fees towards improvements to mitigate these impacts.

B-2

The Department recommends implementing TRAN-5 as stated on page IV.L154 since it will reduce delays on I-580, reduce potential for collisions and improve pedestrian access.

B-3

On page IV.L131, the DEIR states that Segment #4 (Interstate 980 from 27th Street to 29th Street) will have no significant impact (less than three percent); however, in Table IV.L-17, on page IV.L132, the same segment shows a four percent impact. Please include mitigation measures for this segment.

B-4

Comment Letter B

Ms. Heather Klein/City of Oakland
October 5, 2010
Page 2

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

Sincerely,



LISA CARBONI
District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse

Response to Letter B– California Department of Transportation

B-1: San Pablo Avenue (SR 123) was not included in the traffic analysis because the selected link analysis of Project trips using the Alameda County Congestion Management Agency (ACCMA) travel demand model indicated that the trips going to / from San Pablo Avenue were less than the City of Oakland’s threshold for traffic impact analysis.

A preliminary trip distribution analysis was conducted and subsequently concluded that the net number of Project vehicle-trips added in either the weekday AM or PM peak hour would be less than the City of Oakland’s threshold of 10 total trips.

B-2: Queuing and collision history are analyzed as planning related non-CEQA impacts in the Draft EIR, and are thus informational issues that have been evaluated to inform decision makers and the public. As has been the case with other EIRs for projects in the City, these issues are not considered CEQA impacts and no mitigation is required.

However, in certain scenarios the Project would already result in a traffic-related Level of Service (LOS) or delay impact at both of these intersections—Intersection #2 (Oakland Avenue / Perry Place / I-580 EB Ramps and Intersection #49 (Oakland Avenue / MacArthur Boulevard (WB) / Santa Clara Avenue / I-580 Westbound Off-Ramp)—and mitigation measures have already been proposed. In the case of Intersection #2, the proposed mitigation measure would not completely mitigate the Project’s impacts at the intersection, and no feasible mitigation measures to completely mitigate the Project’s impacts were found. In the case of Intersection #49, the proposed mitigation measure would completely mitigate the Project’s impacts at the intersection.

B-3: The comment does not address the adequacy of the Draft EIR and is therefore noted. No response is warranted pursuant to CEQA, however, the City will consider this input on the proposed project merits prior to taking action on the EIR and the Proposed Project. As stated on page IV.L-137 of the Draft EIR, “Recommended Conditions” are identified by City Staff to be considered by decision makers during the course of project review and may be imposed as Project specific conditions of approval. They are not necessary to address or mitigate any environmental impacts of the Project.

B-4: As shown in Table IV.L-17 on page IV.L-132 of the Draft EIR, the volume-to-capacity (v/c) ratio for Segment #4 (I-980 from 27th Street to 29th Street) would increase from 0.80 to 0.84 in the northbound direction during the weekday PM peak hour. However, this segment would operate at LOS D under both Cumulative (2030) without Project Conditions and Cumulative (2030) plus Project (Phase I and Phase II) Conditions. The threshold is a three percent (0.03) or greater increase in the v/c ratio, but applies only to segments already operating at LOS F. As such, this is not a significant impact and no mitigation measure is required. For clarity, the following text is also revised at the bottom of page IV.L-131 of the Draft EIR as follows (additions are shown in double-underline):

The Project would not result in a significant impact on the following segments because the addition of Project-generated traffic would not cause an increase in v/c ratio greater than the three percent threshold of significance:

- #1: SR 260 (Posey / Webster Tubes) from Alameda city limits to I-880
- #4: I-980 from 27th Street to 29th Street (northbound)

Klein, Heather

From: Real, Chuck [Chuck.Real@conservation.ca.gov]
Sent: Wednesday, September 01, 2010 3:47 PM
To: Klein, Heather
Subject: Case No. ER 08-003
Attachments: Real Charles R .vcf

Ms Klein,

I have reviewed the Geology and Soils section of the DEIR for the Kaiser Office Project, and noticed that on page IV.E-15 reference is made to CGS Guidelines for Evaluating and Mitigating Seismic Hazards, 1997. That publication has been updated and the 2008 version should be referenced. It is available free on our website:

C-1
ESA

<http://www.conservation.ca.gov/cgs/shzp/webdocs/Documents/sp117.pdf>. The liquefaction-related work to be done on the project should be in conformance with this new edition. All else in this section of the DEIR looks fine. Thanks, -chuck

Charles R. Real, GP 968
Supervising Engineering Geologist
California Geological Survey
801 K Street MS 12-31
Sacramento CA 94814-3531
(916) 323-8550
<mailto:creal@conservation.ca.gov>
<http://www.conservation.ca.gov/cgs>

<<Real Charles R .vcf>>

Response to Letter C – California Geological Survey

C-1: The comment does not address the adequacy of the Draft EIR and therefore no response is warranted pursuant to CEQA. However, the date of the reference for the CGS Guidelines for Evaluating and Mitigating Seismic Hazards on Draft EIR page IV.E-15 has been revised from 1997 to the 2008 publication, as shown in Chapter IV (Revisions and Updates to the Draft EIR). This revision does not change the analysis presented in the Draft EIR.

Comment Letter D

October 7, 2010

Ms. Heather Klein and Mr. Darin Ranellitti
Community and Economic Development Agency
Major Projects, Planning Division
City of Oakland
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612-2032
hklein@oaklandnet.com and dranelletti@oaklandnet.com

SUBJECT: Comments on the Draft Environmental Impact Report (DEIR) for Kaiser Center Project, ER 08-003

Dear Ms Klein and Mr. Ranellitti:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Kaiser Center Project on 300 Lakeside Drive, at the northeast corner of Webster and 20th Streets in the City of Oakland. The 2.2-acre project site is a portion of the 7.2-acre Kaiser Center. The two-phased project would involve redeveloping the site to include approximately 1.47 million square feet of office, 22,933 square feet of ground-floor retail, 697 new parking spaces, and a relocation and 4,564 square foot expansion of the rooftop garden open space. It would result in two office towers of approximately 34 stories (469 feet) tall in place of the "20th Street Mall" and 42 stories (573 feet) tall in place of the "Webster Street Mall." The project requires approvals for a subdivision and a Planned United Development.

The Alameda CTC respectfully submits the following comments:

- **Mitigation Measure TRANS-1b** (LOS reduced from LOS D to LOS F during the PM peak hour at Harrison Street/27th Street/24th Street) states, "if the specific implementation approach described for Mitigation Measure TRANS-1b is determined feasible by the City (or if there are other feasible options), then the impact at this location would be less than significant. Otherwise, impacts at this location would be significant and unavoidable"
 - When will the city determine if the mitigation is feasible or if other feasible options could be used? Will this occur during the response to comments for the Draft EIR and be included in the environmental review?
 - Please provide the list of other feasible options that might be considered to mitigate this impact.

D-1

Comment Letter D

Heather Klein and Darin Ranelletti

October 10, 2010

Page 2

- Mitigation Measures TRANS-1b, Trans-1f, TRANS-2a, TRANS-2b, TRANS-5b, TRANS-8a, ALT DD TRANS-1 and ALT DD TRANS-2: Significant and unavoidable impacts with mitigation measures.
 - Since mitigation measures are not feasible for the significant impacts, please consider adding mitigation measures that include implementing Transportation Demand Measures (TDMs) in coordination with the City of Oakland and existing transit operators in the project vicinity to reduce the number of vehicle trips generated from the project. The TDMs could include measures that encourage use of the BART and AC Transit routes that are in close proximity to the project site. These would make the most efficient use of existing transit facilities and could also include encouraging ridesharing, flextime, safe bicycling in the site vicinity, telecommuting and other means of reducing peak hour traffic trips. Recommendations TRANS-3, construct the 20th Street bikeway between Broadway and Harrison Street. This could be a TDM measure. How would this be funded? Would the developer contribute a fair share towards the construction?

D-2

D-3

Thank you for the opportunity to comment on this Draft EIR. 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, Planning Manager
File: CMP - Environmental Review Opinions - Responses - 2010

Responses to Letter D – Alameda County Transportation Commission

D-1: An analysis of the average delays on each of the turning movements at Intersection #3 (Harrison Street / 27th Street / 24th Street) indicated that prohibition of left turns at this intersection was the most feasible option to mitigate the Project's impacts at this intersection. In particular, the westbound left-turn movement was selected because it was the least-utilized of all the left-turn movements at the intersection, and given the low volumes, prohibition of this movement would not result in secondary impacts at other intersections.

Excepting left-turn prohibition, all other options to mitigate the Project's impacts at this intersection would have included the addition of a through-movement lane on each of the northbound and southbound Harrison Street approaches. As the area is already built-out and developed, the addition of traffic lanes would likely entail right-of-way acquisition, removal of parking, and removal of recently-installed pedestrian crossing bulbouts, and could conflict with future plans to designate Class III bicycle facilities on this section of Harrison Street. Given that these additional lanes could potentially result in safety issues for other users (namely, pedestrians and bicyclists), these options were deemed infeasible.

Other than the left-turn prohibition, no feasible mitigation measures were identified for the Project's impacts at this intersection. The text of Mitigation Measure TRANS-1b is clarified in Chapter IV (Revisions and Updates to the Draft EIR).

In general, the City has determined that such mitigation measure is not an ideal solution, as it has the potential for driver confusion. A final decision on the mitigation measure will be made during consideration of the Phase 1 Final Development Plan. As a result, although the measure would mitigate the Project's impacts at this intersection, the impacts were conservatively deemed significant and unavoidable.

D-2: A Transportation Demand Management Plan (TDM Plan) has been prepared pursuant to Standard Condition of Approval (SCA) TRANS-1, is included as part of this Final EIR (Appendix A), and is aimed at discouraging single occupancy vehicles and automobile use in general, and encouraging alternative modes such as transit, walking, and biking. (See Draft EIR pages IV.L-36 through IV.L-42 and IV.L-135 through IV.L-145.) The TDM Plan considers measures to achieve an estimated 15 percent trip reduction at Phase I of the Project and a 20 percent trip reduction at Phase II/Buildout (see Appendix A for greater detail); this is an increase from the 10 percent trip reduction preliminarily and conservatively assumed in the DEIR.

D-3: The comment does not address the adequacy of the Draft EIR and is therefore noted. No response is warranted pursuant to CEQA. However, the City will consider this input on the proposed project merits prior to taking action on the EIR and the Proposed Project. As stated on page II-3 of the Draft EIR, "Recommended Conditions" are identified by City Staff to be considered by decision makers during the course of project review and may be imposed as Project specific conditions of approval. They are not necessary to address or mitigate any environmental impacts of the Project.



SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
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Comment Letter E

2010

October 7, 2010

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Heather Klein and Darin Ranelletti
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Lynette Sweet
7TH DISTRICT

James Fang
8TH DISTRICT

Tom Radulovich
9TH DISTRICT

**Re: Kaiser Center Office Project-City of Oakland Case No. ER 08-003
Comments on Draft Environmental Impact Report
State Clearinghouse No. 2008052103**

Dear Ms. Klein and Mr. Ranelletti:

This letter provides the comments of the San Francisco Bay Area Rapid Transit District ("BART") on the draft Environmental Report ("DEIR") being prepared for the Kaiser Center Office Project ("the Project") by the City of Oakland ("the City") as lead agency under the California Environmental Quality Act ("CEQA").¹ This letter is in addition to comments submitted by BART on June 23, 2008 on the Notice of Preparation ("NOP") for the DEIR, which is attached hereto and incorporated herein by this reference. BART appreciates the opportunity to continue to participate in this process and provides the below comments on the DEIR.

Initially, BART notes that, as described, the Project would provide 1.47 million square feet of net new office development in Oakland's Central Business District, approximately two blocks from the 19th Street BART Station. BART is very supportive of new infill development projects in downtown Oakland near BART stations. As provided in BART's 2005 Transit-Oriented Development (TOD) Policy, BART believes that by "promoting high quality, more intensive development on and near BART-owned property, [BART] can increase ridership, support long-term system capacity and generate new revenues for transit." To this end, BART looks forward to collaborating with the City to develop a successful Project with substantial benefits for the public.

We believe that many of the potential impacts discussed in our comments below may be addressed and avoided or mitigated through ongoing consultation between the City and BART. Further analysis and discussions between the agencies may well demonstrate that some of the potential impacts raised in these comments would, in fact, be less than significant. Nevertheless, where available information indicates

¹ Public Resources Code § 21,000 et seq. CEQA is implemented through the State CEQA Guidelines ("Guidelines"), 14 Cal. Code Regs. § 15,000 et seq.

potentially significant impacts might occur, these issues should be acknowledged and appropriately addressed in the final EIR for the Project.

E-1
cont.

Transportation and Circulation

Comment 1. On page IV.L-48, the DEIR identifies the following potential impacts on “Transit Ridership” as “Planning-Related Non-CEQA Issues”:

- Increase in the peak hour average ridership on BART by three (3) percent where the passenger volume would exceed the standing capacity of BART trains;
- Increase the peak hour average ridership at a BART station by three (3) percent where the average waiting time at fare gates would exceed one minute.

However, it is not clear why the DEIR chooses to treat impacts on transit as “Non-CEQA” issues.² Under the list of identified CEQA “thresholds of significance” for Transportation and Circulation, the DEIR recognizes that a significant impact can occur where a project might “[f]undamentally conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.” DEIR, p. IV.L-48. The inclusion of this threshold of significance is consistent with recent amendments to Appendix G of the CEQA Guidelines, which became effective July 16, 2010. Despite this acknowledgment of transit impacts as CEQA impacts, the DEIR treats increases in both BART train and station capacity as non-CEQA issues even though the identified potential impacts in train and station capacity might “decrease the performance or safety of such facilities.” An increase in peak hour ridership or lines for stations could well result in a decrease in the performance or safety of BART facilities. Thus, it is inappropriate to treat impacts to transit ridership as non-CEQA impacts.

E-2

Comment 2. Because the DEIR treats impacts to transit service as non-CEQA impacts, the analysis of impacts to BART service fails to identify or, where necessary, mitigate potentially significant impacts to BART. This omission should be rectified and impacts to transit service should be analyzed as CEQA impacts.

E-3

Further, when the analysis is revised, the DEIR’s assumptions regarding the acceptable load capacity for BART vehicles must be modified. On page IV.L-148, the DEIR states that “the maximum capacity of a BART car was assumed to be 150 passengers, with an average of 68 to 72 seats in each car.” While it is true the maximum capacity of an individual BART car is approximately 150 people, this is not the level at which BART service efficiently operates. This number far exceeds BART’s line haul capacity threshold of 107 passengers per car, which includes standees. While loads higher than 107 passengers per car do occur, sustained loads above this level have been observed to result in serious delays in passenger boarding and alighting, thereby decreasing the performance of BART facilities under the CEQA threshold identified on DEIR p. IV.L-48. Thus, it is inappropriate for the DEIR to assume that any

E-4

² BART notes that this approach to analysis not only effects BART, but AC Transit as well.

Comment Letter E

addition below maximum standing room only capacity of 150 passengers is insignificant. Instead, the DEIR must analyze the Project's impacts on BART transit service using a more realistic, performance-based threshold with a maximum operation capacity of 107 passengers per car.

E-4
cont.

Comment 3. CEQA requires that the environmental effect of mitigation measures be analyzed in an EIR. Here, the DEIR includes adoption of a Parking and Transportation Demand Management Plan as Standard Condition of Approval (SCA) TRANS-1. (The City's SCAs are in essence pre-project mitigation measures imposed on, and incorporated into all projects, within the City). The idea behind SCA TRANS-1 is to increase mode shift to transit and other lower-carbon forms of transportation. Moreover, while the DEIR assumes a 30% transit mode share (including 23% BART), and indicates that the Oakland City Center area (12th St. BART) has a documented 55% transit mode share (p. IV.L-49, and Appendix G), it does not appear to take into account additional mode shift that would likely result from implementation of SCA TRANS-1. Thus, DEIR should re-evaluate the impacts of increased ridership on transit, including BART, to take into account implementation of SCA TRANS-1 since the expected mode share would most likely be higher than the 30% to transit assumed in the DEIR.

E-5

Comment 4. BART faregate queuing is analyzed on pp. IV.L-150 to IV.L-152. The discussion on pages IV.L-150-151 indicates that the timed transfer is scheduled to occur at the 12th Street Station. Please note that in September 2010, BART's schedule changed and moved the time transfer location to the 19th Street Station in order to reduce scheduled delays for patrons using this downtown station. Due to the schedule change, some of the statements on p. IV.L-151 are no longer accurate, and the analysis needs to be revised accordingly.

E-6

Comment 5. As BART ridership grows, BART seeks to expand the station access mode share for pedestrian and bicyclists. In general, the recommended pedestrian and bicycle improvements (pp. IV.L-137 – 141) would make significant strides to accommodate growing demand for access to the BART system, and BART appreciates the Project's commitment to these improvements.

E-7

Comment 6. Pursuant to Recommendation TRANS-1 (pp. IV.L-137-138), the DEIR discusses sidewalk capacity improvements for the north side of 20th Street between Broadway and Harrison Street. While Recommendation TRANS-1 mentions feeder bus access and shuttles, it is unclear what impact the proposed removal of parking spaces and widening of the sidewalk would have on AC Transit and shuttle access to that station portal, as well as for passenger drop-off. While the sidewalk widening is necessary to accommodate increased pedestrian flows, the proposal indicates that "the existing bus stop serving AC Transit ... would then be moved out to the new curb line ..." It is not clear what impacts the recommendation might have on shuttle service and passenger drop-off. While a conceptual illustration is referenced in p. IV.L-138, no schematic is provided. BART requests that such a conceptual illustration be provided so that the recommended improvements can be better evaluated.

E-8

Comment 7. The City is concurrently developing a Broadway / Valdez Specific Plan (an area near the Project) for a major mixed-use development that is also expected to rely on enhanced access to the 19th Street BART Station. BART requests that the station access improvements identified by the Project and the Broadway Valdez / Specific Plan be coordinated, especially

E-9

during construction of the Project. BART is concerned that the construction period will lead to interruptions in access to the 19th Street Station. Such access interruption during construction is a potentially significant impact that must be analyzed. The DEIR does not analyze any impacts, including potential entrance closures, resulting from necessary modifications to access pathways to the 19th Street Station.

E-9
cont.

Cumulative Impacts

Comment 8. In addition to failing to analyze impacts to transit service on a project-specific basis, as discussed above, the DEIR also fails to analyze the Project cumulative impacts on BART service. For example, the proposed 1938 Broadway Mixed-Use project and the City’s Broadway/Valdez Specific Plan process indicate that there will be substantial growth near the north end of the 19th Street BART Station, thereby increasing ridership. The DEIR must analyze the impacts of these projects, in conjunction with the proposed Project, on BART service, station access and station capacity.

E-10

Comment 9. BART does not agree with the statement on p. IV.L-152 which suggests that modification of faregate direction could be changed during the AM peak hour to accommodate Project-generated demand. The faregate directions are already optimized for existing demand, and any analysis of future demand must take into account all reasonably foreseeable past, present and future projects.

E-11

Public Safety

Comment 10. Pursuant to Section VII(g) of Appendix G of the CEQA Guidelines, a potentially significant impact may occur if a project would “impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.” BART has adopted an Emergency Plan for the 19th Street Station. In its June 23, 2008 comment letter on the NOP for DEIR, BART requested that this issue be analyzed, in particular the Project’s impacts on the performance of station vertical circulation (elevators, stairways and escalators) and platforms capacity.

BART has undertaken a preliminary analysis of station capacity needs for the system, including for the 19th Street Station, and will make this information available to the City. While this analysis evaluates cumulative forecasted ridership growth for 2030 on the BART system and was not intended to provide a project-specific, micro-level analysis for the 19th Street Station, the analysis does indicate that, to ensure public safety and to meet BART’s performance standards, the 19th Street Station needs wider train platforms (for both the lower and upper platforms), more vertical circulation (stairways, escalators and elevators), additional fare gates, and potentially additional platform screen doors.

E-12

Based on this analysis, the addition of 454 AM peak hour and 440 PM peak hour passengers to the 19th Street station platforms and vertical circulation systems could well impact the ability of the 19th Street station to manage evacuated passengers in the event of an emergency, and therefore decrease the performance of the safety of BART’s facilities under the CEQA threshold on page IV.L-48 of the DEIR. As indicated earlier, the peak hour ridership will be higher if SCA TRANS-1 succeeds in achieving transit mode share comparable to Oakland City Center.

The impact on safety from increasing the number of passengers within the station complex, particularly during peak periods, must be analyzed in order to determine whether any significant impacts will result from the Project and whether mitigation measures such as improvements to the 19th Street Station's vertical circulation, platform widths, lighting, ventilation systems, fire suppression systems and wayfinding might be necessary to ensure safety during emergency situations. Typically, it would be appropriate for a project contributing to such conditions to pay a "fair-share" of the projected \$37 million cost of the mitigation improvements to the 19th Street Station.

E-12,
cont.

Public Services

Comment 11. While the DEIR analyzes the Project's potential impacts on the City's Police, Fire and Emergency Services, as well as the Kaiser Center's private security team (§ IV.K), it fails to take into account the Project's potential impacts on BART's independent police force. BART's security officers are responsible for responding to incidents in the BART system. To the extent that the Project results in increased passenger traffic as discussed above, the impact from such increase on the ability of the BART police force to provide service must be analyzed to see whether there will be any impacts which decreases the performance of the safety of BART's facilities under the CEQA threshold on page IV.L-48 of the DEIR.

E-13

We look forward to working with the City of Oakland on this important project. If you have any questions, please contact me at 510.287.4794 or at VMenott@bart.gov.

Thank you again for the opportunity to provide input on this project

Sincerely,



Val Joseph Menotti
Planning Department Manager

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Comment Letter E

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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June 23, 2008

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Tom Radulovich
9TH DISTRICT

Re: Comments on the Notice of Preparation for a Draft Environmental Impact Report for the Kaiser Center Project

Dear Ms. Stanzione,

Thank you for the opportunity to comment on the Notice of Preparation (NOP) for the Draft Environmental Report (DEIR) for the Kaiser Center Project, case number ER 08-003, PUD 08-103. We have reviewed the NOP and BART respectfully submits the following comments:

Comment 1:

This project would provide 1.47 million square feet of office space and 22,500 square feet of retail space two blocks from the 19th Street BART Station. BART is very supportive of new urban infill development projects in downtown Oakland near BART stations. The Transit Oriented Development Policy adopted by the BART Board of Directors on July 14, 2005 identifies "promoting high quality, more intensive development on and near BART-owned property...(to) increase ridership" as a vision for BART. Additionally, one of the goals identified in the policy framework for sustainability under BART's Strategic Plan is to "Promote sustainable transit-oriented development in the communities BART services to maximize the use of BART as the primary mode of transportation." This project will assist in achieving the vision and goal identified above.

Comment 2:

The DEIR should identify and analyze the impact that this project will have on the capacity of the 19th Street Oakland BART Station, including the following impacts:

- Additional transit trips generated by the project, including peak hour trips;
- Faregate queues during the weekday peak travel hour at the 20th Street exit and whether the project will create queues at a faregate requiring a passenger to wait more than 60 seconds to process their ticket;
- Passenger flow during weekday AM & PM peak hour through station access portals. This is especially critical for the 19th Street Station portal located at the northeast corner of 20th Street. This analysis should also indicate the impact that a portal expansion, if necessary would have on the sidewalk footprint.



www.bart.gov

- Vertical Circulation within the BART Station
- Station Platform Capacity

Comment 3:

The DEIR should identify ways to minimize the proposed 52% increase in parking provided for the Kaiser Center Project. Given the City's Transit First policy and the location of this project in a transit-rich environment, we would encourage City staff to consider requiring the developer to prepare a Transportation Demand Management (TDM) plan for the project. A TDM plan should consider a range of options to reduce vehicle trips, including discounted transit pass programs and the provision of dedicated carpool and carsharing spaces to reduce parking ratios for the project. As parking availability and pricing is an important determine of transit mode share, the TDM plan should also identify parking pricing strategies to encourage shifting trips to non-automobile modes of travel.

Comment 4:

Increased bicycle in Oakland has resulted in rapid growth in bicycle parking usage in downtown Oakland, including racks at the 19th Street BART Station. The project should meet the requirements for bicycle parking facilities, shower and locker facilities identified in the Oakland Bicycle Parking Ordinance proposed for adoption by the City Council in July 2008. The City should explore establishing a high-capacity bicycle parking facility or bikestation in the vicinity of the proposed project that could accommodate the long-term bicycle parking needs of this project and other proposed projects in the area.

Comment 5

The DEIR should also identify improvements to address pedestrian capacity issues along 20th Street and Broadway with the proposed project. These streets serve as primary pathways for BART patrons wishing to enter the 19th Street BART station. Pedestrian traffic along 20th Street during the weekday peak hour and in the mid-day (12 p.m. to 1 p.m.) period currently exceeds the available sidewalk width. Future growth and the proposed project will exacerbate this condition. It would be beneficial for the City, BART and the project applicant to work together to provide additional pedestrian capacity between Broadway and the Kaiser Center Project as part of the proposed project.

Comment 6

The increasing amount of infill development in downtown Oakland will result in more pedestrian traffic on city streets surrounding the proposed project. Many of these streets have roadway rights-of-way with significantly more capacity for automobile travel than needed. As part of the site design process, BART encourages the City to work with the project applicant to ensure that the full street right-of-way is allocated efficiently and adequately sized sidewalks are provided to accommodate future demand from this development and other projects in the surrounding area.

Comment 7

BART would like to work with the City and the project applicant to ensure that consideration is given to adding pedestrian and/or transit wayfinding elements to the project as part of any developer-funded enhancements. Such elements should incorporate BART's wayfinding standards for guidance to BART stations.

Comment 8

The proposed project site is located in an area well served by public transit and is located in close proximity to significant numbers of new residential units and other urban services. These factors should result in a lower level of Greenhouse Gas emissions per person than development in other parts of Alameda County or the Bay Area. The Air Quality/Climate Change impact should quantify these benefits of constructing more intense development in downtown Oakland.

Comment 9

The DEIR should address pedestrian access along 20th and Webster Streets during the construction period. As noted in Comment #4, the existing pedestrian demand both during the weekday peak hour and mid-day period currently exceeds the available sidewalk width along 20th Street. The City, BART and the project applicant should work together to ensure that an accessible pedestrian path is provided along these streets during the project's construction phase.

We look forward to working with the City of Oakland on this important project. If you have any questions, please contact F. Kenya Wheeler, Senior Planner at (510) 287-4782 or by e-mail at fwheelee@bart.gov.

Thank you again for the opportunity to provide input on this project

Sincerely,



Val Joseph Menotti
Deputy Planning Manager, Stations

Response to Letter E – Bay Area Rapid Transit (BART)

- E-1: The comment does not address the adequacy of the Draft EIR and is therefore noted. However, the City will consider this input on the proposed project merits prior to taking action on the EIR and the Proposed Project. The City of Oakland is committed to continuing to work with BART on these concerns. Specific responses to the issues raised have been included in the respective responses.
- E-2: Transit load is not part of the permanent physical environment; transit service changes over time as people change their travel patterns. Therefore, the effect of the proposed project on transit ridership need not be considered a significant environmental impact under CEQA unless it would cause significant secondary effects, such as causing the construction of new permanent transit facilities which in turn causes physical effects on the environment. Furthermore, an increase in transit ridership is an environmental benefit, not an impact. The City of Oakland, however, in its review of the proposed project, wants to understand the project's potential effect on transit ridership. As such, although not required by CEQA, transit ridership is evaluated in this EIR as a non-CEQA topic for informational purposes.

For example, the Court of Appeal has held that parking is not part of the permanent physical environment, that parking conditions change over time as people change their travel patterns, and that unmet parking demand created by a project need not be considered a significant environmental impact under CEQA unless it would cause significant secondary effects.¹ Similarly, the December 2009 amendments to the State CEQA Guidelines (which become effective March 18, 2010) removed parking from the State's Environmental Checklist (Appendix G of the State CEQA Guidelines) as an environmental factor to be considered under CEQA. Parking supply/demand varies by time of day, day of week, and seasonally. As parking demand increases faster than the supply, parking prices rise to reach equilibrium between supply and demand. Decreased availability and increased costs result in changes to people's mode and pattern of travel. However, the City of Oakland, in its review of the proposed project, wants to ensure that the project's provision of parking spaces along with measures to lessen parking demand (by encouraging the use of non-auto travel modes) would result in minimal adverse effects to project occupants and visitors, and that any secondary effects (such as on air quality due to drivers searching for parking spaces) would be minimized. The absence of a ready supply of parking spaces, combined with available alternatives to auto travel (e.g., transit service, shuttles, taxis, bicycles or travel by foot), may induce drivers to shift to other modes of travel, or change their overall travel habits. As such, although not required by CEQA, parking conditions are evaluated in this document as a non-CEQA topic for informational purposes.

Any resulting shifts to alternative modes of travel would be in keeping with the City's Public Transit and Alternative Modes Policy (sometimes referred to as the "Transit First" policy).

¹ *San Franciscans Upholding the Downtown Plan v. the City and County of San Francisco* (2002) 102 Cal.App.4th 656.

The analysis of the Project’s parking effects recognizes that both the supply and demand for vehicular parking can change over time. Supply can influence demand, and vice versa, and both can be influenced by other external factors.

Similar to parking, transit service is not a part of the permanent physical environment, and can change over time in response to external factors. The supply (transit service) and demand (transit ridership) can change over time, and the level of supply (transit service) can influence demand (transit ridership), and vice versa. BART, for example, has changed its service multiple times in the past few years in response to issues relating to operating budget. Likewise, transit ridership can be affected by external factors such as rising gas prices and a limited parking supply (which generally increase ridership) or increased unemployment levels (which generally decrease ridership). In fact, BART ridership has fluctuated widely in recent years as a result of these factors. In particular, BART systemwide average weekday ridership declined after the dot-com bust in 2000, and while some increases were observed up until FY08, more recently, ridership has declined from approximately 356,700 in FY09 to 335,000 in FY10. Weekday average exits systemwide and at 19th Street / Oakland Station for the past eight years are summarized in **Table V-1**.

**TABLE V-1
BART WEEKDAY AVERAGE EXITS**

| Year | Weekday Average Exits | |
|------|-----------------------|-------------------------------|
| | Systemwide | 19th Street / Oakland Station |
| FY03 | 295,158 | 7,663 |
| FY04 | 306,570 | 7,623 |
| FY05 | 310,717 | 7,889 |
| FY06 | 322,965 | 8,416 |
| FY07 | 339,359 | 8,454 |
| FY08 | 357,775 | 8,891 |
| FY09 | 356,712 | 9,305 |
| FY10 | 334,984 | 9,161 |

SOURCE: BART, 2010.

In addition to recent decreases in ridership systemwide and at 19th Street / Oakland Station, BART has made multiple efforts in recent years to make its service more attractive and increase ridership, including customer rewards programs, real-time train arrivals, and the EZ Rider Card. In this respect, an increase in ridership is a benefit to BART that increases its revenue stream and decreases its dependence on funding sources outside of farebox revenue.

As a result, both parking and transit have been analyzed as non-CEQA topics. As such, no impacts are identified and no mitigation measures are required. This treatment is consistent with how the City of Oakland has conducted EIRs for other major development projects, including the Alta Bates Summit Medical Center (ABSMC) Summit Campus Seismic Upgrade and Master Plan Project and the MacArthur Transit Village Project. As discussed in the

Response to Comment E-3, the analysis presented in the EIR is consistent with the technical analysis that would be required to accurately adequately analyze the Project's potential impacts to BART loading.

Furthermore, while the City recognizes that the Project will increase BART ridership, increased ridership attributable to an individual development project—even of the size of the Proposed Project—would not constitute a decrease in the “performance or safety” of public transit facilities such that major infrastructure such as stations and tracks would require improvements in order to operate effectively or safely. Just as drivers adapt their travel behavior depending on the nature of the parking supply, transit riders will adapt their travel behavior depending on the nature of the transit service.

The City also welcomes a joint effort with BART (and other transit service providers, local jurisdictions, or government agencies, as necessary) in the development of a regional approach to transit impact fee assessment or other mechanisms to ensure that development projects make contributions to transit improvements commensurate with their effects on transit service. However, any such approach should be a comprehensive, logical, and fair process that assesses contributions reasonably accurately and across all development projects. An “ad hoc” approach that targets specific development projects such as the Proposed Project without a set of well-defined criteria or methodologies is neither logical nor fair.

- E-3: As discussed in Response to Comment E-2, the Project's effects to BART service are not considered CEQA impacts due to the transitory nature of both transit ridership and service in general and because they are not impacts to the physical environment. Like parking, which is also discussed in the Draft EIR as a non-CEQA topic, users will adjust their travel behavior depending on the available transit service. The identification of impacts to BART service, as well as the mitigation of any such impacts, is not required. However, it should be noted that the analysis, which includes an evaluation of existing passenger loads on BART trains, is consistent with the technical analysis that would be required to adequately analyze the Project's potential operational impacts to BART loading.
- E-4: The assumed capacity of 150 passengers per car is based on both technical data published by BART and field observations of passenger loading during the commute periods. General technical specifications published by BART on its website state that all cars in BART's fleet (A2, B2, C1, and C2 cars) are capable of carrying over 200 passengers in “crush load” conditions.² Field observations of passenger loading during commute periods, when passenger volumes are highest, were conducted by AECOM in 2008 at major load points in the BART network (Embarcadero, Civic Center, and 12th Street / Oakland City Center Stations) and indicated that peak loads during these periods are approximately 150 passengers per car. Although this is less than the stated design specification of over 200 passengers per car, the analysis assumed 150 passengers per car and could thus be considered slightly conservative. The Draft EIR is not revised.

² *San Franciscans Upholding the Downtown Plan v. the City and County of San Francisco* (2002) 102 Cal.App.4th 656.

However, for informational purposes, the analysis of BART train loading assuming a maximum capacity of 107 passengers per car, and a quantitative analysis of potential Project impacts (Existing plus Project Conditions) on train loading has been conducted. The results of this analysis are summarized in **Table V-2**, BART Train Capacity Utilization, and **Table V-3**, BART Peak Hour Passenger Volume, which are comparable to Draft EIR Table IV.L-23 within the discussion of *Bart Loading* and *BART Faregate Queuing* starting on page IV.L-148 of the Draft EIR.

**TABLE V-2
BART TRAIN CAPACITY UTILIZATION (EXISTING PLUS PROJECT CONDITIONS)**

| Line | Train Length (cars) | As Train Enters | Half-Hour Capacity Utilization | | | | | | | |
|-----------------------------------|---------------------|-----------------|--------------------------------|-------------|--------------|-------------|----------------------------------|-------------|--------------|-------------|
| | | | Existing Conditions | | | | Existing plus Project Conditions | | | |
| | | | AM Peak Hour | | PM Peak Hour | | AM Peak Hour | | PM Peak Hour | |
| | | | 8:00-8:30 | 8:30-9:00 | 5:00-5:30 | 5:30-6:00 | 8:00-8:30 | 8:30-9:00 | 5:00-5:30 | 5:30-6:00 |
| Fremont – Richmond | 6 | Lake Merritt | 114% | 99% | 28% | 33% | 120% | 105% | 29% | 34% |
| | | 12th Street | 103% | 91% | 30% | 36% | 108% | 96% | 31% | 37% |
| | | 19th Street | 76% | 73% | 68% | 89% | 82% | 79% | 69% | 90% |
| | | MacArthur | 50% | 52% | 75% | 95% | 50% | 52% | 76% | 96% |
| Richmond – Fremont | 6 | MacArthur | 82% | 88% | 47% | 64% | 83% | 89% | 48% | 64% |
| | | 19th Street | 48% | 46% | 41% | 53% | 49% | 47% | 41% | 53% |
| | | 12th Street | 41% | 38% | 61% | 79% | 41% | 39% | 67% | 85% |
| | | Lake Merritt | 30% | 28% | 82% | 108% | 31% | 29% | 88% | 113% |
| Richmond – Colma | 8-9 | Fruitvale | 27% | 23% | 90% | 113% | 27% | 24% | 96% | 118% |
| | | MacArthur | 70% | 81% | 19% | 26% | 70% | 82% | 19% | 26% |
| | | 19th Street | 75% | 87% | 21% | 27% | 75% | 88% | 21% | 27% |
| | | 12th Street | 72% | 86% | 26% | 31% | 72% | 86% | 28% | 32% |
| Colma – Richmond | 8-9 | West Oakland | 68% | 82% | 34% | 36% | 68% | 83% | 36% | 38% |
| | | 12th Street | 30% | 33% | 58% | 81% | 32% | 35% | 58% | 81% |
| | | 19th Street | 21% | 23% | 60% | 83% | 23% | 25% | 61% | 83% |
| | | MacArthur | 16% | 17% | 63% | 84% | 16% | 17% | 63% | 85% |
| Pittsburg / Bay Point – Daly City | 9-10 | Ashby | 16% | 13% | 54% | 76% | 16% | 13% | 55% | 77% |
| | | 19th Street | 85% | 106% | 19% | 27% | 86% | 107% | 19% | 27% |
| | | 12th Street | 82% | 104% | 23% | 33% | 83% | 104% | 24% | 35% |
| | | West Oakland | 79% | 101% | 28% | 42% | 79% | 101% | 29% | 44% |
| Daly City – Pittsburg / Bay Point | 9-10 | 12th Street | 15% | 21% | 59% | 108% | 16% | 22% | 60% | 108% |
| | | 19th Street | 11% | 14% | 57% | 102% | 12% | 15% | 57% | 102% |
| | | MacArthur | 9% | 11% | 60% | 107% | 9% | 11% | 61% | 107% |
| | | Rockridge | 9% | 10% | 57% | 103% | 9% | 10% | 58% | 104% |

Bold indicates exceedance of 100% capacity utilization.

SOURCE: BART, 2007, 2010; AECOM, 2010.

**TABLE V-3
BART PEAK HOUR PASSENGER VOLUME (EXISTING PLUS PROJECT CONDITIONS)**

| Line | Entering | Passenger Volume | | | | Percent Increase | |
|-----------------------------------|--------------|---------------------|--------------|----------------------------------|--------------|------------------|--------------|
| | | Existing Conditions | | Existing plus Project Conditions | | AM Peak Hour | PM Peak Hour |
| | | AM Peak Hour | PM Peak Hour | AM Peak Hour | PM Peak Hour | | |
| Fremont – Richmond | Lake Merritt | 2,736 | -- | 2,887 | -- | 5.5% | -- |
| | 12th Street | 2,479 | -- | 2,630 | -- | 6.1% | -- |
| Richmond – Fremont | Lake Merritt | -- | 2,439 | -- | 2,577 | -- | 5.7% |
| | Fruitvale | -- | 2,608 | -- | 2,746 | -- | 5.3% |
| Pittsburg / Bay Point – Daly City | 19th Street | 8,430 | -- | 8,482 | -- | 0.6% | -- |
| | 12th Street | 8,201 | -- | 8,214 | -- | 0.2% | -- |
| | West Oakland | 7,899 | -- | 7,912 | -- | 0.2% | -- |
| Daly City – Pittsburg / Bay Point | 12th Street | -- | 7,003 | -- | 7,017 | -- | 0.2% |
| | 19th Street | -- | 6,667 | -- | 6,681 | -- | 0.2% |
| | MacArthur | -- | 7,003 | -- | 7,050 | -- | 0.7% |
| | Rockridge | -- | 6,740 | -- | 6,788 | -- | 0.7% |

Bold indicates an increase of three percent or greater in passenger volume.

SOURCE: BART, 2007, 2010; AECOM, 2010.

As shown in **Table V-2**, the following lines would exhibit a capacity utilization over 100 percent under Existing plus Project Conditions on at least some trains during the AM or PM peak hour, using a capacity of 107 passengers per car:

- Fremont – Richmond (AM peak hour);
- Richmond – Fremont (PM peak hour);
- Pittsburg / Bay Point – Daily City (AM peak hour); and,
- Daly City – Pittsburg / Bay Point (PM peak hour).

None of these lines exhibit a capacity utilization over 100 percent under Existing plus Project Conditions using the observed 150-passenger baseline used in the Draft EIR.

Table V-3 summarizes peak hour passenger volumes on these lines and the percent increase in passenger volumes over Existing Conditions. As shown in Table V-3, Project generated BART ridership would represent an increase in passengers of three percent or greater on the following lines:

- Fremont – Richmond (AM peak hour); and,
- Richmond – Fremont (PM peak hour).

These lines operate at over 100 percent capacity utilization because they use much shorter trains during the peak hour (six cars) than other lines. The Draft EIR identified a three percent increase in capacity utilization for these lines using the observed 150-passenger baseline used in the Draft EIR, however, as stated above, these lines would not exceed the standing capacity of trains.

E-5: Additional analysis of the non-CEQA consideration of BART train passenger loading is provided below and assumes an increased transit mode share as a result of implementing the TDM Plan (see Appendix A to this Final EIR). The analysis presented in the Draft EIR assumes a mode split of 70 percent auto and 30 percent transit (23 percent BART and 7 percent AC Transit). With the TDM Plan, however, a portion of trips that would have been made by auto are assumed to switch over to transit, in the same ratios as above between BART and AC Transit. No trips were assumed to shift to walk / bike, as auto trips are typically longer-distance trips which are not suited for walking or biking. In addition, for purposes of a conservative analysis, no trips were assumed to shift to carpool.

This analysis considers the two scenarios presented in the TDM Plan:

- Scenario 1 (15% reduction for Phase 1 and 20% reduction for Phase 2); and,
- Scenario 2 (20% reduction for Phase 1, with a 15% short-term reduction).

The results are summarized in **Tables V-4** and **V-5**, respectively, BART Train Capacity Utilization and BART Peak Hour Passenger Volume, assuming Scenario 1; and in **Tables V-6** and **V-7**, respectively, BART Train Capacity Utilization and BART Peak Hour Passenger Volume, assuming Scenario 2.

As shown in **Table V-4** and **Table V-6**, the implementation of a TDM Plan that would potentially reduce vehicle-trips by 15 or 20 percent would not result in any additional exceedance of train capacity beyond what was identified for Existing plus Project Conditions (see Response to Comment E-4).

As shown in **Table V-5** and **Table V-7**, implementation of the TDM Plan that would potentially reduce vehicle-trips by 15 or 20 percent would not result in a three-percent increase in ridership on any additional lines beyond those identified in **Table V-3** in the Response to Comment E-4.

**TABLE V-4
BART TRAIN CAPACITY UTILIZATION
(EXISTING PLUS PROJECT – TDM SCENARIO 1)**

| Line | Train Length (cars) | As Train Enters | Half-Hour Capacity Utilization | | | | | | | |
|-----------------------------------|---------------------|-----------------|----------------------------------|-------------|--------------|-------------|---|-------------|--------------|-------------|
| | | | Existing plus Project Conditions | | | | Existing plus Project Conditions – TDM Scenario 1 | | | |
| | | | AM Peak Hour | | PM Peak Hour | | AM Peak Hour | | PM Peak Hour | |
| | | | 8:00-8:30 | 8:30-9:00 | 5:00-5:30 | 5:30-6:00 | 8:00-8:30 | 8:30-9:00 | 5:00-5:30 | 5:30-6:00 |
| Fremont – Richmond | 6 | Lake Merritt | 120% | 105% | 29% | 34% | 122% | 107% | 29% | 35% |
| | | 12th Street | 108% | 96% | 31% | 37% | 110% | 99% | 31% | 38% |
| | | 19th Street | 82% | 79% | 69% | 90% | 84% | 81% | 70% | 90% |
| | | MacArthur | 50% | 52% | 76% | 96% | 50% | 52% | 77% | 97% |
| Richmond – Fremont | 6 | MacArthur | 83% | 89% | 48% | 64% | 83% | 89% | 48% | 64% |
| | | 19th Street | 49% | 47% | 41% | 53% | 49% | 47% | 41% | 53% |
| | | 12th Street | 41% | 39% | 67% | 85% | 42% | 39% | 69% | 87% |
| | | Lake Merritt | 31% | 29% | 88% | 113% | 32% | 29% | 90% | 115% |
| | | Fruitvale | 27% | 24% | 96% | 118% | 28% | 24% | 98% | 120% |
| Richmond – Colma | 8-9 | MacArthur | 70% | 82% | 19% | 26% | 71% | 82% | 19% | 26% |
| | | 19th Street | 75% | 88% | 21% | 27% | 76% | 88% | 21% | 27% |
| | | 12th Street | 72% | 86% | 28% | 32% | 72% | 86% | 28% | 32% |
| | | West Oakland | 68% | 83% | 36% | 38% | 68% | 83% | 36% | 38% |
| Colma – Richmond | 8-9 | 12th Street | 32% | 35% | 58% | 81% | 32% | 36% | 58% | 82% |
| | | 19th Street | 23% | 25% | 61% | 83% | 24% | 25% | 61% | 83% |
| | | MacArthur | 16% | 17% | 63% | 85% | 16% | 17% | 64% | 85% |
| | | Ashby | 16% | 13% | 55% | 77% | 16% | 13% | 55% | 77% |
| Pittsburg / Bay Point – Daly City | 9-10 | 19th Street | 86% | 107% | 19% | 27% | 86% | 107% | 19% | 27% |
| | | 12th Street | 83% | 104% | 24% | 35% | 83% | 104% | 24% | 35% |
| | | West Oakland | 79% | 101% | 29% | 44% | 79% | 101% | 29% | 44% |
| Daly City – Pittsburg / Bay Point | 9-10 | 12th Street | 16% | 22% | 60% | 108% | 16% | 22% | 60% | 108% |
| | | 19th Street | 12% | 15% | 57% | 102% | 12% | 16% | 57% | 102% |
| | | MacArthur | 9% | 11% | 61% | 107% | 9% | 11% | 61% | 108% |
| | | Rockridge | 9% | 10% | 58% | 104% | 9% | 10% | 58% | 104% |

Bold indicates exceedance of 100% capacity utilization.

SOURCE: BART, 2007, 2010; AECOM, 2010.

**TABLE V-5
BART PEAK HOUR PASSENGER VOLUME
(EXISTING PLUS PROJECT CONDITIONS – TDM SCENARIO 1)**

| Line | Entering | Passenger Volume | | | | Percent Increase | |
|-----------------------------------|--------------|---------------------|--------------|---|--------------|------------------|--------------|
| | | Existing Conditions | | Existing plus Project Conditions – TDM Scenario 1 | | AM Peak Hour | PM Peak Hour |
| | | AM Peak Hour | PM Peak Hour | AM Peak Hour | PM Peak Hour | | |
| Fremont – Richmond | Lake Merritt | 2,736 | -- | 2,941 | -- | 7.5% | -- |
| | 12th Street | 2,479 | -- | 2,684 | -- | 8.3% | -- |
| Richmond – Fremont | Lake Merritt | -- | 2,439 | -- | 2,626 | -- | 7.7% |
| | Fruitvale | -- | 2,608 | -- | 2,795 | -- | 7.2% |
| Pittsburg / Bay Point – Daly City | 19th Street | 8,430 | -- | 8,501 | -- | 0.8% | -- |
| | 12th Street | 8,201 | -- | 8,219 | -- | 0.2% | -- |
| | West Oakland | 7,899 | -- | 7,917 | -- | 0.2% | -- |
| Daly City – Pittsburg / Bay Point | 12th Street | -- | 7,003 | -- | 7,021 | -- | 0.3 |
| | 19th Street | -- | 6,667 | -- | 6,685 | -- | 0.3% |
| | MacArthur | -- | 7,003 | -- | 7,067 | -- | 0.9% |
| | Rockridge | -- | 6,740 | -- | 6,805 | -- | 1.0% |

Bold indicates an increase of three percent or greater in passenger volume.

SOURCE: BART, 2007, 2010; AECOM, 2010.

**TABLE V-6
BART TRAIN CAPACITY UTILIZATION (EXISTING PLUS PROJECT CONDITIONS PLUS 20% TDM)**

| Line | Train Length (cars) | As Train Enters | Half-Hour Capacity Utilization | | | | | | | |
|--------------------|---------------------|-----------------|----------------------------------|-------------|--------------|-------------|---|-------------|--------------|-------------|
| | | | Existing plus Project Conditions | | | | Existing plus Project Conditions plus 20% TDM– TDM Scenario 2 | | | |
| | | | AM Peak Hour | | PM Peak Hour | | AM Peak Hour | | PM Peak Hour | |
| | | | 8:00-8:30 | 8:30-9:00 | 5:00-5:30 | 5:30-6:00 | 8:00-8:30 | 8:30-9:00 | 5:00-5:30 | 5:30-6:00 |
| Fremont – Richmond | 6 | Lake Merritt | 120% | 105% | 29% | 34% | 121% | 106% | 29% | 34% |
| | | 12th Street | 108% | 96% | 31% | 37% | 109% | 97% | 31% | 37% |
| | | 19th Street | 82% | 79% | 69% | 90% | 83% | 80% | 70% | 90% |
| | | MacArthur | 50% | 52% | 76% | 96% | 50% | 52% | 77% | 96% |
| Richmond – Fremont | 6 | MacArthur | 83% | 89% | 48% | 64% | 83% | 89% | 48% | 64% |
| | | 19th Street | 49% | 47% | 41% | 53% | 49% | 47% | 41% | 53% |
| | | 12th Street | 41% | 39% | 67% | 85% | 42% | 39% | 68% | 86% |
| | | Lake Merritt | 31% | 29% | 88% | 113% | 31% | 29% | 89% | 114% |
| | | Fruitvale | 27% | 24% | 96% | 118% | 28% | 24% | 98% | 119% |
| Richmond – Colma | 8-9 | MacArthur | 70% | 82% | 19% | 26% | 71% | 82% | 19% | 26% |
| | | 19th Street | 75% | 88% | 21% | 27% | 75% | 88% | 21% | 27% |
| | | 12th Street | 72% | 86% | 28% | 32% | 72% | 86% | 28% | 32% |
| | | West Oakland | 68% | 83% | 36% | 38% | 68% | 83% | 36% | 38% |

TABLE V-6 (Continued)
BART TRAIN CAPACITY UTILIZATION (EXISTING PLUS PROJECT CONDITIONS PLUS 20% TDM)

| Line | Train Length (cars) | As Train Enters | Half-Hour Capacity Utilization | | | | | | | |
|-----------------------------------|---------------------|-----------------|----------------------------------|-------------|--------------|-------------|--|-------------|--------------|-------------|
| | | | Existing plus Project Conditions | | | | Existing plus Project Conditions plus 20% TDM–TDM Scenario 2 | | | |
| | | | AM Peak Hour | | PM Peak Hour | | AM Peak Hour | | PM Peak Hour | |
| | | | 8:00-8:30 | 8:30-9:00 | 5:00-5:30 | 5:30-6:00 | 8:00-8:30 | 8:30-9:00 | 5:00-5:30 | 5:30-6:00 |
| Colma – Richmond | 8-9 | 12th Street | 32% | 35% | 58% | 81% | 32% | 36% | 58% | 81% |
| | | 19th Street | 23% | 25% | 61% | 83% | 23% | 25% | 61% | 83% |
| | | MacArthur | 16% | 17% | 63% | 85% | 16% | 17% | 64% | 85% |
| | | Ashby | 16% | 13% | 55% | 77% | 16% | 13% | 55% | 77% |
| Pittsburg / Bay Point – Daly City | 9-10 | 19th Street | 86% | 107% | 19% | 27% | 86% | 107% | 19% | 27% |
| | | 12th Street | 83% | 104% | 24% | 35% | 83% | 104% | 24% | 35% |
| | | West Oakland | 79% | 101% | 29% | 44% | 79% | 101% | 29% | 44% |
| Daly City – Pittsburg / Bay Point | 9-10 | 12th Street | 16% | 22% | 60% | 108% | 16% | 22% | 60% | 108% |
| | | 19th Street | 12% | 15% | 57% | 102% | 12% | 15% | 57% | 102% |
| | | MacArthur | 9% | 11% | 61% | 107% | 9% | 11% | 61% | 107% |
| | | Rockridge | 9% | 10% | 58% | 104% | 9% | 10% | 58% | 104% |

Bold indicates exceedance of 100% capacity utilization.

SOURCE: BART, 2007, 2010; AECOM, 2010.

TABLE V-7
BART PEAK HOUR PASSENGER VOLUME
(EXISTING PLUS PROJECT CONDITIONS – TDM SCENARIO 2)

| Line | Entering | Passenger Volume | | | | Percent Increase | |
|-----------------------------------|--------------|---------------------|--------------|--|--------------|------------------|--------------|
| | | Existing Conditions | | Existing plus Project Conditions plus 20% TDM–TDM Scenario 2 | | | |
| | | AM Peak Hour | PM Peak Hour | AM Peak Hour | PM Peak Hour | AM Peak Hour | PM Peak Hour |
| Fremont – Richmond | Lake Merritt | 2,736 | -- | 2,931 | -- | 6.5% | -- |
| | 12th Street | 2,479 | -- | 2,656 | -- | 7.1% | -- |
| Richmond – Fremont | Lake Merritt | -- | 2,439 | -- | 2,600 | -- | 6.6% |
| | Fruitvale | -- | 2,608 | -- | 2,769 | -- | 6.2% |
| Pittsburg / Bay Point – Daly City | 19th Street | 8,430 | -- | 8,491 | -- | 0.7% | -- |
| | 12th Street | 8,201 | -- | 8,217 | -- | 0.2% | -- |
| | West Oakland | 7,899 | -- | 7,915 | -- | 0.2% | -- |
| Daly City – Pittsburg / Bay Point | 12th Street | -- | 7,003 | -- | 7,019 | -- | 0.2% |
| | 19th Street | -- | 6,667 | -- | 6,683 | -- | 0.2% |
| | MacArthur | -- | 7,003 | -- | 7,059 | -- | 0.8% |
| | Rockridge | -- | 6,740 | -- | 6,796 | -- | 0.8% |

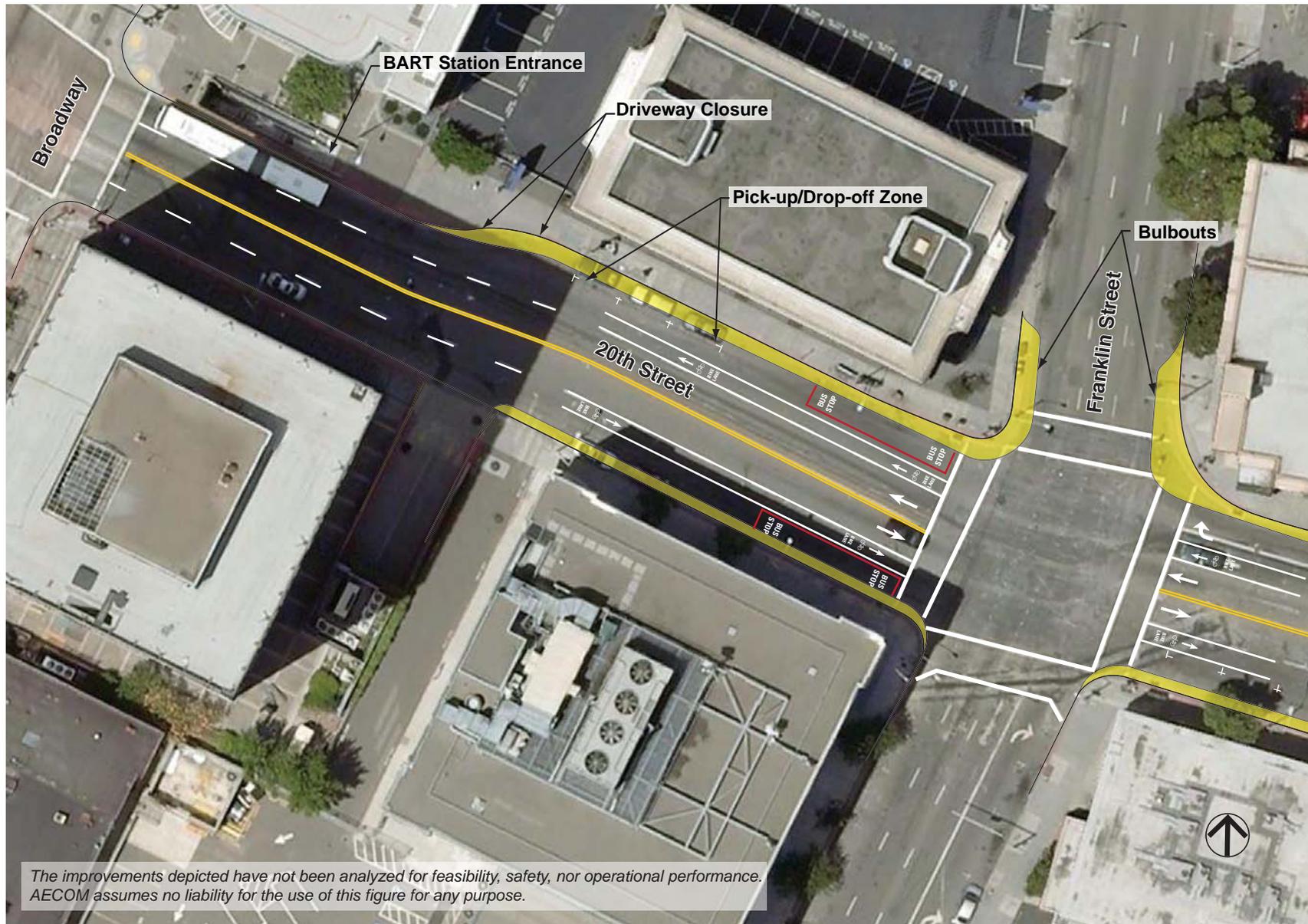
Bold indicates an increase of three percent or greater in passenger volume.

SOURCE: BART, 2007, 2010; AECOM, 2010.

- E-6: The timed transfer at 12th Street / Oakland City Center Station was in effect at the time of the issuance of the Notice of Preparation (NOP) for the EIR. The revised schedules that relocated the transfer point to 19th Street / Oakland Station took effect on September 13, 2010, which is well beyond the date of the NOP, and would, therefore, not be considered part of Existing Conditions. While field observations after the relocation of the transfer point indicate that peak passenger flow rates out of the station during the weekday AM peak period have generally increased as a result of trains arriving simultaneously at the station (to conduct a cross-platform transfer), updating the BART analysis for these recent service changes would produce inconsistencies with other analysis of “baseline” conditions. Given the volatility of transit service and the high frequency of service changes, as well as other modes of transportation to varying degrees, a “baseline” must be selected for analysis purposes, and this is usually chosen as the date of the issuance of the NOP (14 C.C.R. §15125(a)), as there is no way to predict future service changes such as the relocated transfer point between Pittsburg / Bay Point- and Richmond-bound trains. As such, no revision to the analysis in this EIR is necessary.
- E-7: The comment does not address the adequacy of the Draft EIR and is therefore noted. No response is warranted pursuant to CEQA. However, the City will consider this input on the proposed project merits prior to taking action on the EIR and the Proposed Project. As stated on page IV.L-137 of the Draft EIR, “Recommended Conditions” are identified by City Staff to be considered by decision makers during the course of project review and may be imposed as Project specific conditions of approval. They are not necessary to address or mitigate any environmental impacts of the Project.
- E-8: A conceptual design of the sidewalk widening and street redesign of 20th Street between Broadway and Harrison Street was prepared, but was unintentionally omitted from the Draft EIR. As shown in **Figure V-1**, below, the graphic focuses on 20th Street between Broadway to just east of Franklin Street, but the design of the other sections of 20th Street would be similar, with widened sidewalks and bike lanes.

It should be noted that these are not design or construction-level graphics, and are only intended to conceptually present a possible solution for the redesign of this section of roadway to accommodate all users. The bike lane, widened sidewalk, and shifted AC Transit stop would not result in secondary impacts to general traffic operations along 20th Street, as the traffic levels can be sufficiently handled by a single through lane, even in the cumulative timeframe and with the addition of Project-generated vehicular traffic. In addition, no secondary impacts to shuttle service or passenger pick-up / drop-off activities would result, as the total length of curb available for each use would remain unchanged. In fact, the closure of the driveway just east of the BART station exit would likely reduce potential conflicts between shuttles and vehicles exiting the parking lot.

- E-9: SCA TRANS-2 requires that provisions be made during Project-related construction activities for the accommodation of pedestrian flow, which would include access to / from the 19th Street Station.



The improvements depicted have not been analyzed for feasibility, safety, nor operational performance. AECOM assumes no liability for the use of this figure for any purpose.

Figure V-1
Potential Pedestrian, Bicycle and Public Amenity Improvements (Conceptual)
20th Street from Broadway to Franklin Street

At the time of the issuance of the NOP of the Draft EIR for this Project, the Broadway / Valdez District Specific Plan was not a foreseeable project, but a small discussion has been included on Page IV.L-37 and in Appendix G.10 of the Draft EIR for informational purposes (as the “Broadway Retail Corridor Specific Plan”). At this time, no specific details are available concerning how the Broadway / Valdez District Specific Plan may affect 19th Street Station or any of the improvements along 20th Street recommended in the Draft EIR. However, when and if development or improvement projects under the Broadway / Valdez District Specific Plan enter the environmental design and review phase, they will also be required as part of a Standard Condition of Approval to ensure provisions for the accommodation of pedestrian flow, which would include access to / from 19th Street Station.

E-10: Project effects to transit service are typically not analyzed in the cumulative timeframe. As stated in Response E-2, transit service is transitory and can change due to any number of factors. Transit ridership can also fluctuate due to external factors, and transit service can influence ridership and vice versa. As a result, it is difficult to predict the state of transit service (frequency, capacity, ridership, coverage, routes, service hours, etc.) in the cumulative timeframe (usually 20 to 30 years in the future). Given the transitory nature of transit service, it is in fact highly likely that transit service in the cumulative timeframe will operate much differently than under Existing Conditions.

As discussed in Response to Comment E-2, transit service is assessed much like parking, which is considered a non-CEQA topic presented only for informational purposes, according to City of Oakland guidelines. Transit service, like parking, is not part of the physical environment. Just as drivers adapt their travel behavior depending on the nature of the parking supply, transit riders will adapt their travel behavior depending on the nature of the transit service. Increased ridership attributable to an individual development project of this size would not constitute a decrease in the “performance or safety” of public transit facilities such that major infrastructure such as stations and tracks would require improvements in order to operate effectively or safely.

As a result of these considerations, the Project’s effects on BART ridership are not analyzed for the cumulative timeframe and are not considered CEQA impacts. Therefore, no mitigation measures are required. Furthermore, as discussed in Response E-9, the Broadway / Valdez District Specific Plan was not a foreseeable project at the time of the issuance of the NOP of the Draft EIR. Assuming that an impact-level technical analysis (including a quantitative transit load analysis for existing and future scenarios) were to be conducted for the Project, the analysis would not need to consider the Broadway / Valdez District Specific Plan, as it was not a foreseeable project at the time of the issuance of the NOP. The application for 1938 Broadway has been withdrawn; the project is no longer being pursued.

E-11: This statement has been removed from the Environmental Impact Report (EIR). Given that average waiting time at faregates is well below one minute under Existing Conditions, removal of this statement would not affect or change the analysis or findings in the EIR.

E-12: First, the City appreciates and acknowledges any information provided by BART regarding station capacity needs for the 19th Street Station. However, increased transit ridership from an individual project of this size would not alone require major improvements to station facilities such as new elevators, stairways, or escalators, wider platforms, additional fare gates, or platform screen doors. In fact, increased transit ridership is a desirable outcome for development projects, as it reduces greenhouse gas (GHG) emissions and is, overall, a more environmentally sustainable alternative to automobile traffic. Encouraging further mode shifts to transit is also one of the goals of the TDM Plan being proposed by the Project (see Appendix A to this document).

Second, BART ridership generated by the Kaiser Center Project would not represent new ridership above BART's cumulative ridership projections. According to BART, forecasts prepared for the 19th Street Station were developed by the Santa Clara Valley Transportation Authority (VTA) for the Silicon Valley Rapid Transit (SVRT) DEIS (i.e., BART to San Jose) for a horizon year of 2030, using data from ABAG's Projections 2007. The City of Oakland provides modifications to the inputs used in the Alameda County Congestion Management Agency (ACCMA) model, and the Kaiser Center Project is already included in the ABAG projections (Menotti, 2011).

Conservatively assuming that the Project would generate BART ridership not fully accounted for already in BART's cumulative projections, this increased ridership alone would not "impair implementation of or physically interfere" with the emergency plan adopted by BART for 19th Street Station. Ridership is volatile and can be affected by any number of external factors, as described in the Response E-2. In addition, platform queuing and the demand on vertical circulation within the station is, at least partially, subject to BART's service plans at any given moment. The recent relocation of the transfer point between Richmond- and Pittsburg / Bay Point-bound trains from 12th Street / Oakland City Center Station to 19th Street Station, for example, has already affected passenger flow and volume within and into / out of the station, but it would appear that no changes to the emergency plans have been made.

The need to move passengers out of the station in an emergency does not constitute an "impairment" to the implementation of the emergency plan for 19th Street Station, but is instead the ultimate goal of the emergency plan. Likewise, the need to move additional passengers (generated by the Project) out of the station in an emergency does not constitute an "impairment" to the implementation of the station emergency plan. The Project is not physically altering the layout of the station, the station entry / exit points, or its vertical circulation systems. As a result, the Project cannot be considered to result in a hazard impact under Section VIII(g) due solely to generating additional ridership at the station.

To present the effects of additional Project-generated ridership in perspective, the additional Project-generated BART ridership is approximately 450 trips during each of the weekday AM and PM peak hours. During the weekday AM peak hour, this translates to approximately 400 passengers disembarking at the station and heading for the Project. When distributed across lines, the resulting increase in passengers is as follows:

- An average of 20 additional riders on each train coming from the San Francisco direction;
- An average of 40 additional riders on each train coming from the Fremont direction;
- An average of 6 additional riders on each train coming from the Pittsburg / Bay Point direction; and,
- An average of 14 additional riders on each train coming from the Richmond direction.

Increases in ridership levels at this scale would not be sufficient to require all new infrastructure. As discussed in the Response to Comment E-4, technical data published by BART indicates the maximum passenger capacity of each car is 200 passengers, and field observations at major load points indicated that peak loads already approach 150 passengers per car³.

E-13: While the additional Project-generated BART ridership is expected to result in an increase in calls for BART police services, there is not expected to be a need to expand existing BART police facilities or construct new BART police facilities which, in turn, would have physical environmental impacts.

The additional Project-generated ridership (as discussed in Response E-12) would use existing stations and trains, and accepting that a minimum level of provision of BART police facilities is required regardless of the ridership, this increase alone would likely not be sufficient to require construction of new or physically-altered BART police facilities in order to maintain acceptable performance objectives.

It should also be noted that the analysis of public services and recreational facilities in Section IV.K of the Draft EIR concludes that the Project's impacts to regular police services or fire protection and emergency medical services impacts would be less than significant.

The pages following Comment E-13 are the commenter's response to the NOP for the Project. Those comments are therefore addressed in the Draft EIR and not responded to here.

³ Bay Area Rapid Transit (BART), 2011. Email communication from Mr. Val Joseph Menotti, Planning Department Manager. January 4.



October 6, 2010

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

RE: Draft Environmental Impact Report – Kaiser Center Office Project

Dear Ms. Klein and Mr. Ranelletti:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Kaiser Center Office Project located at 300 Lakeside Drive. This project includes the demolition of existing structures along with the addition of approximately 1.47 Million square feet of new development and parking within Kaiser Center property generally located near the intersection of 20th and Webster Streets in Downtown Oakland.

As discussed in the DEIR, AC Transit provides direct service to the Kaiser Center via local route 11 as well as the Transbay route NL. Additionally, the facility is within a 5 minute walk of an extensive bus transit service network given its proximity to downtown Oakland, Broadway and AC Transit’s 20th Street Transit Center. Given the central project placement, when combined with the existing service network, any changes that affect level of service of the intersections along the Broadway or Grand Avenue corridors has the potential to impact many more routes. As such, AC Transit would like to provide the following comments with regard to the impacts identified in the DEIR.

F-1

AC Transit appreciates that “Impacts to Transit” has been included as a Significance Criteria in the DEIR, as stated: “The project would have a significant impact on the environment if it would...result in substantially increased travel times for AC Transit buses.” However, there is no quantitative definition of what qualifies as “substantially increased travel times.” For bus transit, the addition of incremental delay leads directly into the need for greater resources, which translates to more buses to provide the same route frequency due to the increases in travel time. These costs become systemic and are cumulative when considered against operations along an entire routes corridor.

As indicated on Table IV.L-19 and Table IV.L-20, the project would result in increases in peak hour travel time on corridors that would have direct impact on AC Transit’s operation. While

F-2

increases on Grand Avenue are manageable (20 seconds), those anticipated on Harrison (up to 257 minutes of delay or over 4 minutes) are not. While concerns related to reliability of the operated service can be managed, the addition of that amount of time, per trip, times the number of hours per day, times the number of days per year represents a finding of significance for AC Transit operations that requires some additional attention. While 4 additional minutes may not seem to rise to a level of significance, please know that AC Transit schedules its service down to the minute and 4.5 minutes of delay translates to 8% of the time available within one hour. 8% of anything represents a meaningful impact.

F-2
cont.

It is unclear why the delays to AC Transit services were not required for mitigation. Respectfully, the explanation of why no mitigations to bus transit are required also is inappropriate: "Given that these are major corridors with significant vehicle traffic traveling to and from freeway ramps, transit vehicles on these routes already experience some delay during the peak period and would continue to do so in the Near Term (2015) without Project conditions and Cumulative (2030) without Project Conditions."

Given the fact that the only Transit-related mitigation requirement called out related to sidewalk widths, it appears that the delay discussed above is not being considered a significant finding and, as such, disregard the delay to transit because the District is already managing its current delay. As previously noted, any instance that AC Transit must add buses to a route related to planned and anticipated impacts from a projects development will result in undesirable use of precious public funds that could be better used elsewhere to provide much needed bus service.

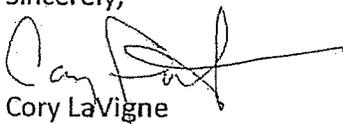
As the result of the project's impacts, the District recommends that the City of Oakland require mitigation for anticipated delays caused by the Kaiser Center project above what is suggested as "improvements to the transit conditions in the immediate vicinity." We are eager to have a robust discussion with all affected parties to help flesh-out a set of proposals that will be beneficial to the project, and the general riding public.

Additionally, design guidelines are also now needed for bus-served roadways and bus stops along them. Particular attention should be paid to how buses and bicycles will interact safely and efficiently along these roads and at these stops. For guidance, please consult AC Transit's design manual—**Designing With Transit**—as an excellent resource on including the needs of bus passengers into the design of your development.

F-3

Thank you for your consideration of these comments. Should you have any further questions, please contact Nathan Landau. He can be reached at 510.891.4792.

Sincerely,



Cory LaVigne
Director of Service Development and Planning

Response to Letter F – AC Transit

F-1: The City recognizes AC Transit’s commitment to providing quality transit service, and has included AC Transit travel times as a CEQA threshold not just for the Draft EIR but also for all projects.

Currently, the City has no basis to establish a numerical threshold for “substantially increased travel times” due to several factors:

- First, bus service, in general, is extremely transitory, and can change quite frequently, as is the case with AC Transit’s bus network. By the time the Project is completed, existing routes may no longer exist or new routes may be in service. Similar to parking, transit service is not part of the physical environment, and can change over time in response to external factors. In fact, AC Transit has generally reduced its bus service over the past few years in response to budget issues.
- Second, any numerical threshold to determine the significance of increased travel times needs to consider additional characteristics of the bus service, including its headway (the amount of time between scheduled trips) and total travel time. Given the transitory nature of bus service, establishing such thresholds is not reasonable, as service can be rerouted, eliminated, or created at any time. Consideration would also have to be given to different types of transit service (e.g., trunk service, Transbay service, local service, and community service), as they generally operate with different characteristics.
- Third, unlike the situation for intersections or roadway facilities, there are no well-established methodologies for characterizing the operations of transit service in relation to travel times. For intersections, clear distinctions are made between intersections that operate at acceptable conditions (e.g., LOS D or better) and those that operate at unacceptable conditions (e.g., LOS E or LOS F), and separate impact thresholds are provided. For bus service, however, there is no well-established LOS equivalent for characterizing transit service in relation to travel times.

These three factors would make establishing numerical thresholds or estimating AC Transit travel times with reasonable certainty throughout the life of the project difficult and impractical, as the City would have little background or experience on which to base such thresholds. Further, while there is the potential for the projects to generate traffic that may result in increased bus travel times along corridors served by AC Transit, is not determined that such delays would be substantial or adverse. In fact, the additional population and density in the downtown resulting from the project could have *beneficial* effects. For example, transit ridership would increase, thus, contributing to the City’s stated goals to reduce GHG emissions and roadway congestion from single occupancy vehicles. Moreover, while additional buses may be necessary on specific bus routes to meet the increased demand for service, the additional buses would also serve to maintain current headways and consequently reduce the potential effect of increased delays due to additional vehicle congestion on local roadways. The analysis in the Draft EIR has identified and, where appropriate, identified feasible mitigation for any impacts to overall traffic delay resulting from the project. No others are warranted.

F-2: The calculation of AC Transit bus travel times is based primarily on outputs provided from the intersection delay analysis (namely, average delays on specific movements carrying bus traffic). In addition, the general approach to improving bus travel times would involve intersection improvements to reduce delay, as major changes such as bus rerouting to less-congested side streets would generally not be desirable from a passenger perspective. However, intersection improvements and mitigation measures have already been covered in the traffic impact discussion of the Draft EIR. Any mitigation measures proposed for intersections along AC Transit routes would generally also improve travel times for those buses. Furthermore, implementation of the TDM Plan would reduce travel times for passengers by reducing roadway traffic (which competes with buses for road space) and corresponding delays when running and when stopped at intersections. Although there is not necessarily a direct one-to-one correlation between the amount of vehicle-trips and the travel time increases to AC Transit buses (the Project generally adds vehicles to multiple movements at an intersection, including those which don't carry buses), the TDM reductions of 15 or 20 percent would generally be expected to produce a corresponding overall reduction in AC Transit travel times of 5 to 10 percent, with some specific intersections exhibiting higher reductions due to the nature of Project-generated traffic passing through the intersection.

As discussed in the Response to Comment F-1, even assuming that there was an applicable threshold for the evaluation of AC Transit travel times, a single threshold (e.g., an increase of eight percent in travel times) is not appropriate for application across all bus lines, as the nature of the service (trunk (major corridor), transbay, local, and community), headways, and one-way travel time will be different from one line to another. A threshold that applies to a trunk line such as the 51A that operates as frequently as every 10 minutes during the peak hour is not necessarily appropriate for a community-service line such as the 11 that operates every 30 minutes all day, nor a Rapid service such as the 1R which operates every 12 minutes but covers over 15 miles each way. Similar to the thresholds for intersections, which consider the environment (inside Downtown vs. outside Downtown), any thresholds for travel times would need to be designed to account for inherent differences in different types of bus service. Since service frequencies are highly changeable, however, and can be modified at any time, analysis of travel times at this level of detail would not be appropriate.

As also mentioned in the Response to Comment F-1, distinctions need to be made in application of a threshold (e.g., eight percent) to consider current operating conditions. This paradigm is similar to the application of different thresholds for intersections operating at acceptable conditions and those operating at unacceptable conditions. Satisfaction of the numerical threshold at acceptable conditions (e.g., increasing the average signal delay experienced by buses at one intersection by eight percent, such as from 20 seconds to 22 seconds) should not be considered a significant impact.

Mitigations were not included because transit service, like parking, is not part of the physical environment, as discussed in the Responses to Comment E-2 and Comment F-1. Transit service can be rerouted, eliminated, or created at any time and changes in response to external factors, including ridership and general economic conditions. As a result, a more detailed analysis

of the Project's effects to AC Transit travel time and the development of mitigation measures is not necessary. The Draft EIR is not revised.

- F-3: The comment does not address the adequacy of the Draft EIR and is therefore noted. No response is warranted pursuant to CEQA. However, the City will consider this input on the proposed project merits prior to taking action on the EIR and the Proposed Project. Specifically, if and when detailed design for the proposed improvements to 20th Street is conducted, attention will be paid to the interaction between buses and bicycles and to AC Transit's design guidelines for bus stops.

The proposed bus stop location would meet guidelines regarding far-side stop length (80 feet) and other general design requirements as detailed in *Designing with Transit*. In addition, the proposed bus stop improvements would meet additional design objectives from *Designing with Transit* which are currently not met with the current bus stop design—namely, a partial bulb that reduces the pullout distance, a wider sidewalk and increased landing area, and a bus shelter with passenger amenities.



October 5, 2010

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

Re: Draft Environmental Impact Report for the Kaiser Center Office Project, Oakland

Dear Ms. Klein / Ms. Ranelletti:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Draft Environmental Impact Report (EIR) for the Kaiser Center Office Project located in the City of Oakland. EBMUD's comments regarding Water Service and Water Conservation in EBMUD's letter response to the Notice of Preparation, dated June 18, 2008 (see attached), still apply to the project. The comment regarding Wastewater Planning has been updated as noted below.

GENERAL

On page IV.M-1, under Water Supply System, the second sentence and Footnote 1 should add terminal before the word reservoirs. EBMUD's five terminal reservoirs are: Briones, Chabot, Lafayette, San Pablo, and Upper San Leandro.

G-1

WASTEWATER PLANNING

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

G-2

Comment Letter G

Heather Klein, Senior Planner
October 5, 2010
Page 2

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 subbasins contributing to the EBMUD wastewater system, including the subbasin in which the proposed project is located. As required by the Stipulated Order, EBMUD is conducting extensive flow monitoring and hydraulic modeling to determine the level of flow reductions that will be needed in order to comply with the new zero-discharge requirement at the Wet Weather Facilities. It is reasonable to assume that a new regional wet weather flow allocation process may occur in the East Bay, but the schedule for implementation of any new flow allocations has not yet been determined. In the meantime, it would be prudent for the lead agency to require the project applicant to incorporate the following measures into the proposed project: (1) replace or rehabilitate any existing sanitary sewer collection systems, including sewer lateral lines, to reduce 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. Please include such provisions in the environmental documentation and other appropriate approvals for this project.

G-2
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,



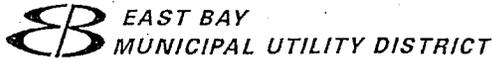
William R. Kirkpatrick
Manager of Water Distribution Planning

WRK:AMW:djr
sb10_197.doc

Attachment

cc: The Swig Company, LLC
c/o SIC-Lakeside Drive, LLC
220 Montgomery Street, 20th Floor
San Francisco, CA 94104

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



June 18, 2008

Margaret Stanzione, Planner IV
City of Oakland
Community and Economic Development Agency
250 Frank Ogawa Plaza, Suite 3315
Oakland, CA 94612

Re: Notice of Preparation of a Draft Environmental Impact Report –
Kaiser Center Project, Oakland

Dear Ms. Stanzione:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Notice of Preparation of a Draft Environmental Impact Report (EIR) for the Kaiser Center Project located in the City of Oakland. EBMUD has the following comments.

WATER SERVICE

EBMUD's Central Pressure Zone, with a service elevation between 0 and 100 feet, will serve the proposed development. When the development plans are finalized, the project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine costs and conditions for providing water service to the proposed development. Engineering and installation of water services requires substantial lead-time, which should be provided for in the project sponsor's development schedule.

The project sponsor should be aware that EBMUD will not install piping or services in contaminated soil or groundwater (if groundwater is present at any time during the year at the depth piping is to be installed) that must be handled as a hazardous waste, or that may be hazardous to the health and safety of construction and maintenance personnel wearing Level D personal protective equipment. EBMUD will not install piping or services in areas where groundwater contaminant concentrations exceed specified limits for discharge to the sanitary sewer system and sewage treatment plants.

Applicants for EBMUD services requiring excavation in contaminated areas must submit copies of existing information regarding soil and groundwater quality within or adjacent to the project boundary. In addition, the applicant must provide a legally sufficient, complete and specific written remedial plan establishing the methodology, planning and design of all necessary systems for the removal, treatment, and disposal of

Margaret Stanzione, Planner IV
June 18, 2008
Page 2

all identified contaminated soil and/or groundwater. EBMUD will not design the installation of pipelines until such time as soil and groundwater quality data and remediation plans are received and reviewed and will not install pipelines until remediation has been carried out and documentation of the effectiveness of the remediation has been received and reviewed. If no soil or groundwater quality data exists or the information supplied by the applicant is insufficient EBMUD may require the applicant to perform sampling and analysis to characterize the soil being excavated and groundwater that may be encountered during excavation or perform such sampling and analysis itself at the applicant's expense.

WASTEWATER PLANNING

EBMUD's Main Wastewater Treatment Plant is anticipated to have adequate dry weather capacity to treat the proposed wastewater flow from this project, provided this wastewater meets the standards of EBMUD's Environmental Services Division. However, the City of Oakland's Infiltration/Inflow (I/I) Correction Program set a maximum allowable peak wastewater flow from each subbasin within the City and EBMUD agreed to design and construct wet weather conveyance and treatment facilities to accommodate these flows. EBMUD prohibits discharge of wastewater flows above the allocated peak flow for a subbasin because conveyance and treatment capacity for wet weather flows may be adversely impacted by flows above this agreed limit. The developer for this project needs to confirm with the City of Oakland Public Works Department that there is available capacity within the subbasin flow allocation and that it has not been allocated to other developments. The projected peak wet weather wastewater flows from this project need to be determined to assess the available capacity within the subbasin and confirmation included in the EIR. Suggested language to include in the EIR is as follows: "The City of Oakland Public Works Department has confirmed that there is available wastewater capacity within Subbasin (*insert subbasin number here*) that is reserved for this project."

In general, the project should address the replacement or rehabilitation of the existing sanitary sewer collection system to prevent an increase in I/I. Please include a provision to control or reduce the amount of I/I in the environmental documentation for this project. The main concern is the increase in total wet weather flows, which could have an adverse impact if the flows are greater than the maximum allowable flows from this subbasin.

WATER CONSERVATION

The proposed project presents an opportunity to incorporate water conservation measures. EBMUD would request that the City include in its conditions of approval a requirement that the project sponsor comply with Assembly Bill 325, "Model Water

Response to Letter G – East Bay Municipal Utility District

- G-1: The word “terminal” has been inserted before the word “reservoirs in the Water Supply System section and in Footnote 1 on page IV.M-1 of the Draft EIR, as indicated in Chapter IV (Revisions and Updates to the Draft EIR).
- G-2: New text is added to Section IV.M Utilities and Service Systems - Sanitary Sewer Service, Inflow/Infiltration Correction Program, and replaces the fourth and fifth paragraphs on page IV.M-11 as follows (additions are shown in double-underline; deletions in ~~strikeout~~):

~~The City of Oakland has indicated that sewer flows for the Proposed Project would not impact the capacity of the existing local sewer main (BKF, 2008) and would not exceed the capacity of Subbasin 52-05. However, the City will need to review the wastewater flows to assess mitigation fees because the proposed flows exceed the existing flows by more than 20 percent. This is based on the City’s infiltration/inflow correction program which consists of a 25-year capital improvement program to rehabilitate the existing system in cost-effective areas and add capacity where needed. This program anticipates a 20 percent growth rate throughout Oakland. Mitigation fees are assessed to all new development or redevelopment in subbasins that have a growth rate greater than 20 percent. This fee represents the Project’s pro-rata share of the improvements identified by the 25-year plan in anticipation of the Project’s exceedance of existing flows by more than 20 percent.~~

~~The existing sanitary sewer lines located under existing streets would continue to serve the Project Site. The Project does not propose any major replacement or improvement of existing sanitary sewer lines. Implementation of SCA UTIL-2 would require that the Project sponsor construct the necessary sewer infrastructure improvements to accommodate the Proposed Project. This condition also includes the payment of sewer mitigation fees required by the City’s Public Works Agency.~~

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 the project and the wastewater generated by the Project meet 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 the Environmental Protection Agency (EPA) and the State Water Resources Control Board (SWRCB) re-interpretation of applicable law, the Regional Water Quality Control Board (RWQCB) issued an order prohibiting further discharges from EBMUD’s Wet Weather Facilities. Additionally, on July 22, 2009, a Stipulated Order for Preliminary Relief issued by EPA, the SWRCB, and RWQCB became effective. This order requires EBMUD to begin work that will identify problem infiltration/inflow 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 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.

Implementation of SCA UTIL-2 would require that the Project sponsor construct the necessary sewer infrastructure improvements to accommodate the Proposed Project. Specifically, it will ensure that the proposed Project replace or rehabilitate any existing sanitary sewer collection systems, including sewer lateral lines, to reduce infiltration/inflow; ensure any new wastewater collection systems, including sewer lateral lines, for the Project are constructed to prevent infiltration/inflow to the maximum extent feasible; and pays sewer mitigation fees required by the City's Public Works Agency.



October 7, 2010
Heather Klein
City of Oakland
250 Frank Ogawa Plaza, Second floor
Subject: Kaiser Center EIR

Dear Ms. Klein,

We appreciated the Swig Company's meeting with us about the roof garden, months ago. Here are our comments:

LANDMARK OR NATIONAL REGISTER STATUS

We recommend that the developer submit the original Kaiser Center tower and the Roof Garden for status as Oakland Landmarks, and submit for National Register of Historic Places and State Landmark programs as well. Our reasoning is that the present owners intend to preserve these structures anyway, that this would help them gain recognition, might make them eligible for certain tax benefits if restoration work is undertaken, and would protect acknowledged architectural and cultural importance for the future. We do not see these resources as endangered under current ownership, but firmly designating them would be wise in case someone less sagacious comes to own these properties in the future. It would also support eligibility for such things as federal historic tax credits. Because the complex is closely tied with Henry J. Kaiser and his role in California and national history, its importance extends beyond the architecture itself.

H-1

NEW STAIRWAY

Improved access to the Roof Garden is a good idea, but the planning must incorporate a thorough review and redesign of pedestrian crossings in the area. Currently, automobile circulation takes precedence and makes walking around there difficult, sometimes indirect, and dangerous. Additional secure bicycle parking accommodations should also be considered. Visitors may want to ride to the facility, park their bicycles, and go up to the park.

H-2

MALL FRONTAGES

We recommend that the developer be required to take into consideration the original design and appearance of any facade areas to be reworked. Renovations and changes in the intervening years since construction may have altered some features such that they reflect periods other than the most significant period of the buildings' mid-century architecture. The buildings are well-documented and the information is available.

H-3

ROOF GARDEN

When the project was explained to us, OHA reached a general consensus that the removal of part of the garden and its replacement with the new portion would be acceptable, if the design were in keeping with that of the existing garden. The developer should be required to complete HALS documentation of the entire garden before work begins. Again, we believe this garden should become a designated local and state landmark.

H-4

RELATIONSHIP TO LAKE MERRITT

This facility's location requires close coordination with the City of Oakland and the Measure DD improvements now being planned and executed. The developer and the Measure DD staff should be required to work together to make coordinated plans for improvements at the intersection of Harrison, 20th, and Lakeside, to improve pedestrian access, comprehensible traffic flow, and if possible to retrieve additional open space from under the excessive cumulative construction of wider roads, slip lanes and miscellaneous traffic islands. We are eager to take part in this planning process. Lake Merritt is a National Historic Landmark, and we take it as within our organization's purview to watch over it and the park surrounding it. The park's edge along Harrison is extremely narrow, making it difficult to maintain landscaping and sufficient barrier from the traffic lanes.

H-5

Because Lake Merritt is a bird sanctuary, every effort must be made to minimize effects on the migrant species along the Pacific Flyway as well as on locally native birds. The developer should be required to coordinate with the Audubon Society and other wildlife groups to mitigate any dangers from reflective glass or other cladding materials, dangerous obstacles, wind patterns, habitat disturbance, or traffic effects upon this valuable natural resource. Wind studies should include effects upon rowers on the lake. Mitigations for any effect upon the flyway should include improving the bird habitat at the lake.

H-6

It will be critical to avoid allowing runoff into the lake during construction. Previous projects have dumped particulates into the lake. Because it is so close, and there are underground streams, extra precautions should be required. We urge that the developer be required to set up close coordination with the Lake Merritt Institute in addition to city departments, in the planning phase and during project construction phases. Signage should be placed at the outlet culverts near the project, so that visitors to the lake will have a 24-hour phone number to call if they see mud or debris flowing into the lake.

H-7

ARCHAEOLOGICAL RESOURCES

With respect to comments at the LPAB about archaeological resources, we would observe that artifacts and information from some other projects have sometimes not received proper handling; found artifacts have disappeared or not been properly documented and archived; and finds have not been properly reported to the clearing house. As it is likely that this site with its history may be the location of remains from both Native American and nineteenth century settler occupation, we do agree that there is a need for a more robust archaeological monitoring, training, and artifact retrieval and documentation program.

H-8

We look forward to working with the Swig Company and the city toward a successful project.

Thank you for your consideration,

Sincerely,

Dea Bacchetti
President

Response to Letter H – Oakland Heritage Alliance

- H-1: The comment does not address the adequacy of the Draft EIR and is therefore noted. No response is warranted pursuant to CEQA. However, the City will consider this input on the proposed project merits prior to taking action on the EIR and the Proposed Project.
- H-2: Improvements to pedestrian circulation around the Project Site are discussed in Section IV.L Traffic/Circulation of the EIR. These improvements include the Oakland Bicycle Ordinance and implementation of the Preferred Configuration of Measure DD Improvements during the final development permit process.

In October 2008, Oakland City Council adopted a priority list of projects for the Fiscal Years 2009-10 through 2012-13. The list allocates 65 percent of Bicycle & Pedestrian Facilities Program funds to pedestrian safety projects and 35 percent to bicycle projects (Resolution 81646 C.M.S). The Harrison Street-Oakland Avenue Bikeway Project is one of the proposed projects scheduled for Spring 2011 and would install bicycle striping and markings and wayfinding signs that provide destination and distance information. The project is recommended in the City's Bicycle Master Plan (BMP) and in the Harrison St/Oakland Ave Community Transportation Plan that was completed in 2010.

Measure DD funds would be used to improve the pedestrian circulation in and around the Project Site. The Draft EIR describes and illustrates the planned improvements that would occur with the "Measure DD Implementation Project Configuration" (Measure DD Configuration) on page IV.L-71 and IV.L-72 (Figure IV.L-14), respectively. These improvements are considered in the traffic and circulation analysis for the Kaiser Center Project. Since publication of the Draft EIR, the City has studied and refined the Measure DD Configuration studied in the Draft EIR, and put forth a "Preferred Measure DD Configuration" (Preferred Configuration) for consideration. The City has analyzed the potential effects of the Preferred Configuration on the impact findings in the Draft EIR, as shown in Appendix C.3 to this Final EIR, prepared by Dowling Associates, Inc., (December 23, 2010). Appendix C.3 describes how the Preferred Configuration varies from that considered in the Draft EIR. Traffic operations were considered for Existing Plus Project, Near-Term 2015, and Cumulative 2030 Plus Project Conditions for Phase I and II of the Project, and discusses a 2015 Phase I Only scenario.

The analysis in Appendix C.3 considers the four intersections that would be impacted by the Kaiser Center Project and that could be affected by changes in traffic operations at the Harrison Street / 20th Street / Lakeside Drive intersecting. To summarize from pages 5-7 of Appendix C.3, the Preferred Configuration would not result in new or worsened impacts than those identified in the Draft EIR. However, at Intersection #13 (Harrison Street / 21st Street) under 2030 Cumulative Plus Project Conditions, while the intersection level of service (LOS) would still degrade the vehicle level of service from LOS B to an unacceptable LOS F during the PM peak hours, part of Mitigation Measure TRANS-7e would not be required. As shown in the first bullet on Draft EIR page IV.L-124, the

measure to “Prohibit eastbound right turns from 21st Street to Harrison Street during the PM peak period, which will increase capacity on the critical eastbound left-turn movement” would no longer be required given the Preferred Configuration that would be implemented with Measure DD. However, all other elements of this mitigation measure would be required.

In addition, starting on page IV.L-161, the Draft EIR describes and analyses a possible alternative configuration (“Alternative Measure DD”) for the Harrison Street / Lakeside Drive / 20th Street “triangle” (Figure IV.L-20) directly adjacent to the Kaiser Center (*Alternative Measure DD Intersection Configuration Analysis*). Relevant impacts and mitigation measures in the Draft EIR explicitly consider the applicability and implications of the Alternative Measure DD configuration. The Alternative Measure DD is no longer considered relevant and is superseded by the Preferred Alternative DD Configuration.

- H-3: The project will adhere to Mitigation Measures CUL-1.1, regarding modifying the design of the base of the new structures to ensure a historically and architecturally appropriate street level design and character that shall be differentiated from the old mall buildings and shall meet the appropriate design findings under Policy 3.5 of the existing Historic Preservation Element of the City’s General Plan, to address potential impacts to Impact CUL-1, and will adhere to Mitigation Measure CUL-2.1 and 2.2 to ensure the historically-sensitive designs of the roof garden and towers, respectively. Further, overall, the City will work with the Project Applicant on final design of the buildings as part of the Final Development Permit process, and ensure the new buildings will adhere to current design guidelines.
- H-4: Mitigation Measure CUL-2.3 on page IV.D-27 of the Draft EIR requires the Project applicant to implement Mitigation Measure CUL-1.2 HABS/HALS Level Recordation of for the roof garden. Furthermore, the applicant shall also implement Mitigation Measures CUL-2.1 which requires a history landscape architect to design the garden addition to protect the historic integrity of the garden.
- H-5: Page IV.L-71 of the Draft EIR states that the remaining improvements proposed as part of Measure DD Implementation Project include the removal of the 20th Street leg of the Harrison Street / Lakeside Drive / 20th Street triangle, which would convert the former street right-of-way to open space as part of an expanded Snow Park. As described in Response to Comment H-2, above, planned improvements would occur with implementation of the Preferred Measure DD Configuration. The reconfiguration would improve pedestrian access to Lake Merritt from the Downtown area by simplifying routes for pedestrians and reducing the number of crossings. The City will work closely with the Project sponsor to ensure that all required SCAs and mitigation measures are implemented.

Also regarding pedestrian safety in the to the area of 20th and Harrison Streets, the Draft EIR identifies “Recommended Conditions” (see pages IV.L-137 through IV.L-139 of the Draft EIR) that are recommended by City staff and to be considered by decision makers

during the course of project review and may be imposed as Project conditions of approval. Also see Responses to Comments LP-2 and LP-8 (in Chapter VI).

H-6: Pages IV.C-27 through IV.C-31 in the Draft EIR analyze the effects of the Project on birds and habitat including noise, lighting, shade, and vegetation removal. Impacts are shown to be reduced by implementation of SCA BIO-5 Bird Collision Reduction, SCA AES-1 Lighting Plan, SCA NOI-1 Days/Hours of Construction, SCA NOI-2, Noise Control, and SCA NOI-5 Pile Driving and Other Extreme Noise Generators.

H-7: As required by SCA HYD- 1 on page IV.G-9 of the Draft EIR, the Project applicant must prepare and implement an erosion and sedimentation control plan as part of its grading permit, pursuant to Oakland Grading Regulations Section 15.04.780 of the Oakland Municipal Code. The Project sponsor is also required to avoid runoff under the National Pollutant Discharge Elimination Permit. In addition, no grading would be allowed during the wet weather season (October 15 through April 15) unless authorized by the City's Building Services Division.

SCA TRANS-2 also requires that the Project applicant establish a process for responding to and tracking complaints pertaining to construction activity, including identification of an onsite complaint manager.

H-8: See Responses to Comments LP-16 and LP-17 in Chapter VI (Responses to Comments Received at the City of Oakland Landmarks Preservation Advisory Board Public Hearing on the Draft EIR).

Comment Letter I

Klein, Heather

From: Ruth Miller [ruth.mil@gmail.com] on behalf of Ruth Miller [ruth@wobo.org]
Sent: Monday, August 30, 2010 1:16 PM
To: Klein, Heather
Cc: Kassie Rohrbach
Subject: Comments on Kaiser DEIS

Hi Heather,

I reviewed the DEIS for the new Kaiser project, and have a few questions.

I didn't see any mention of bike showers or lockers in the development. Given the size of the buildings and the project's proximity to major roads with bike lanes, it seems that this project fits the requirement for this infrastructure. Will the Kaiser development include bike showers and lockers?

I-1

The report documents the existing bike and pedestrian infrastructure in the project site area, and identifying areas for improvement. I don't think it mentions that the project site is also surrounded by proposed bike lanes on three sides. Will the developers be contributing any of those transportation improvements?

I-2

Finally, the plan resolves to not obstruct pedestrian flow during construction, but given the high bicyclist traffic in that area, I would like to see the next EIS offer to protect and maintain bicycle traffic, as well.

I-3

Thank you for the opportunity to comment.

Ruth Miller,
Policy Fellow, Walk Oakland Bike Oakland

Response to Letter I – Walk Oakland Bike Oakland

- I-1: As detailed in Table IV.L-18 of the Draft EIR, per the City of Oakland Planning Code, the Project is required to provide a total of 136 long-term bicycle parking spaces, 75 short-term bicycle parking spaces, 20 bicycle parking showers (10 per gender), and 80 bicycle lockers. No specific supply of these bicycle facilities has been included in the Draft EIR, as the Project is not yet in the detailed design phase, but provision of these facilities in the minimum amount detailed in the Planning Code is already required of the Project per compliance with Section 17.117 of the Oakland Planning Code. In addition the provision of adequate bicycle facilities (showers, lockers, etc.) on-site has been specifically included as part of the Project's TDM Plan (see Appendix A to this Final EIR).
- I-2: As stated on pages IV.L-139 and IV.L-140 of the Draft EIR, the Project would result in a minor increase in bicycle traffic on the roadway networks which could be handled on existing roadways and bikeway facilities. The Project would not introduce features which would be unsafe to bicycle travel. As a result, the Project would not result in a significant impact on bicycle conditions.

Given the proposed bicycle facilities in the vicinity of the Project (illustrated in Figure IV.L-8 of the Draft EIR), however, the Draft EIR includes City staff's recommendation (Recommendation TRANS-3, Draft EIR p. IV.L-141) to construct the 20th Street bikeway between Broadway and Harrison Street as a means of encouraging bicycling and improving general safety for bicyclists. As stated on page IV.L-137 of the Draft EIR, this measure and other recommendation measures are recommended by City staff, to be considered by decision makers during the course of project review, and may be imposed as Project-specific conditions of approval.

- I-3: The protection and maintenance of adequate pedestrian and roadway (including bicycle and bus) circulation during construction of the Project is required by SCA TRANS-2, as modified below (additions are shown in double-underline):

SCA TRANS-2 Construction Traffic and Parking

Prior to issuance of a grading, demolition 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 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;

- Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures will occur;
- Location of construction staging areas for materials, equipment, and vehicles at an approved location;
- 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;
- Provision for accommodation of bicycle and pedestrian flow;
- Provision for parking management and spaces for all construction workers to ensure that construction workers do not park in onstreet spaces;
- 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;
- Any heavy equipment brought to the construction site shall be transported by truck, where feasible;
- No materials or equipment shall be stored on the traveled roadway at any time, including bicycle lanes.
- Prior to construction, a portable toilet facility and a debris box shall be installed on the site, and properly maintained through project completion;
- All equipment shall be equipped with mufflers; and,
- 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.

Comment Letter J

Klein, Heather

From: Naomi Schiff [Naomi@17th.com]
Sent: Thursday, October 07, 2010 5:23 PM
To: Klein, Heather
Subject: COMMENT note about Kaiser EIR

I am sorry to submit this late, but hope you will accept the below comments from a local resident:

Dear Ms. Klein,

Please consider my comments, below. I apologize for the late submission, but it has been a busy time. J-1

I would like to express concern on behalf of the "Harrioak" neighborhood and Adams Point, that the traffic mitigations should spare our residential neighborhoods from yet greater traffic flows than we already endure. J-2

We are interested in ensuring that truck traffic is required to use the flatter route along 27th Street to 580, 980, and 880 via the Northgate freeway interchange, rather than grinding through many gears in front of our houses on Harrison and Oakland Avenue.

While noise is an issue, there are other pressing reasons to mitigate the traffic impacts:

-Difficult and very dangerous pedestrian crossings at the unsignalized Hamilton Place, Fairmount, 29th Street, Perkins Alley, Stanley, and Pearl Streets.

-Unpredictable foot traffic and jaywalking generated by innocent but incautious middle-school students from Westlake Middle School. J-3

-Interaction with truck traffic and patrons at Whole Foods.

-Presence of large numbers of seniors and disabled people in the neighborhood.

-Parallel parking and blind garage entrances all along these streets.

-Steep grades on Vernon, Oakland Avenue, 29th Street, and other streets in the area.

-More-than-100-year-old fragile subsurface pipes and utilities below rarely-paved but heavily-used streets.

-Increasing bicycle and pedestrian use on Harrison, Oakland, and Vernon Streets as well as Bay Place. J-4

Since 1984, the neighborhood has been advocating for strong signal timing and other traffic management techniques to send commuters and business traffic along Grand Avenue and 27th Street, rather than through our residential areas. J-5

Our past experience has been that transportation demand systems have been feeble, toothless, and only marginally effective. Should these highrise buildings be constructed, we hope that the TSM approach would be required to be far more robust, including subsidy of transit tickets, incentives to carpooling such as free parking, and cooperative efforts with AC Transit and BART so that people will be motivated to use them instead of driving. We want firm regulations for truck traffic serving the project, and some kind of educational effort aimed at keeping the lake neighborhoods liveable. J-6

-Parking is a hot issue in these neighborhoods. Address on-site parking expense so that the already parking-starved neighborhoods are not overwhelmed with freeloading parkers. Instituting residential permit parking program may be necessary. The development should contribute to mitigating the cost of any studies or programs. People are already parking in our neighborhood in order to avoid the expensive parking at Kaiser Center. Structured parking is exorbitantly expensive, but driving still cheap enough that we end up with a solidly parked neighborhood of commuters. Help us escape this problem.

Comment Letter J

Again, I apologize for my late submission and hope you will accept it anyway.

Thank you,

Naomi Schiff
238 Oakland Avenue
Oakland, CA 94611

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Naomi Schiff
Seventeenth Street Studios
410 12th Street, Suite 300
Oakland, CA 94607

510-835-1717
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<http://www.17th.com>

Response to Letter J – Naomi Schiff

- J-1: The City has accepted the comment letter and provides Responses below.
- J-2: On page IV.I-20 of the Draft EIR is the discussion of potential noise effects of the temporary and intermittent construction truck traffic that would likely occur along Harrison and 27th Streets, the proposed access routes between Interstates 580, 880 and 980 to and from the Project Site. The assessment determines that the temporary and intermittent noise effects would not be substantial or noticeably increase in roadway noise levels along these roadways.
- J-3: The comment raises several aspects regarding pedestrian and bicycle safety. Section IV.L Transportation and Circulation in the Draft EIR analyzes pedestrian and bike safety in regards to the Proposed Project. Also see Responses to Comment I-2 and I-3 regarding bicycle facilities and safety. In addition, the Harrison Street / Oakland Avenue Transportation Plan and Measure DD both include features to improve pedestrian and bicycle circulation. Although the Harrison Street / Oakland Avenue Transportation Plan has not yet undergone any environmental review and is not assumed by this EIR to be a planned transportation network change, the Draft EIR incorporates separate supplementary traffic analysis of the conceptual improvements. SCA TRANS-2 Construction Traffic and Parking, includes measures relevant to safety considerations with driveway and parking design, and Oakland Public Works Agency's review of the Final Development Permit will ensure that the safe configuration of all new parking and transportation ways relative to pedestrians, other modes of transportation as well as effects to utilities during construction directly related to the Project. The aforementioned measures that the Project will incorporate to address pedestrian, bicycle and overall circulation safety, in addition to mitigation measures that would be implemented to reduce motor vehicle traffic and congestion, will adequately address the Project's effects on the immediate and broader area. The extent to which these mitigation help reduce some of the specific conditions in the Harrioak area mentioned by the commenter, even though they encompass existing conditions, may have beneficial effects to that nearby area.
- J-4: The comment alludes to the need for traffic management techniques, specifically improved signal timing, on Grand Avenue and 27th Street to reduce through traffic in the "Harrioak" neighborhood. The Draft EIR identifies optimization of traffic signals (to include determination of allocation of green time for each intersection approach) and the coordination of signal timings with the adjacent intersections as part of a comprehensive mitigation measures to address LOS impacts at several study intersections (Intersections # 3, #5, #9, #10, #12, #24, #45 and # 47).
- Page IV.L-154 further discussed that numerous impacted intersections include optimization of signal timing and phasing and upgrading of traffic signal hardware as mitigation to improve 95th percentile queues in the area.
- J-5: See Response to Comment D-2.
- J-6: See Response to Comment E-2 regarding the assessment of parking effects within the context of CEQA.

CHAPTER VI

Responses to Comments Received at the City of Oakland Landmarks Preservation Advisory Board Public Hearing on the Draft EIR

A Public Hearing on the Draft EIR was held before the Landmarks Preservation Advisory Board on October 4, 2010. This chapter provides a summary of the comments received during the public hearing, followed by responses to the comments that are relevant to the EIR.

As in Chapter V, responses presented in this chapter specifically focus on comments that pertain to the adequacy of the analysis in the Draft EIR or other aspects pertinent to the environmental analysis pursuant to CEQA. Comments that address topics beyond the purview of the Draft EIR or CEQA are noted for public record; although no response is required in these cases, an acknowledging or substantive response is provided.

A. Public Comment

Naomi Schiff, Oakland Heritage Alliance

LP-1: Oakland Heritage Alliance met with the Project proponent on the subject of the garden and states that, in general, there was a good feeling about public access to the garden from the street.

Response: The comment does not address the adequacy of the Draft EIR and is therefore noted. No response is warranted pursuant to CEQA. However, the City will consider this input on the proposed project merits prior to taking action on the EIR and the Proposed Project.

LP-2: The current sidewalk configuration at the foot of where the stairway is planned on 20th Street is not amenable or safe for pedestrians, due to garage traffic. Kaiser Center was originally built in an auto-friendly era; building design, such as awning over the Bank of America, facilitates car traffic over pedestrian uses. I understand that with Measure DD improvements, pedestrian crossing at Harrison and 20th will be reconfigured, which will impact pedestrian and vehicle circulation.

Response: Improvements to pedestrian circulation around the Project Site, in addition to consideration of potential improvements that may occur with Measure DD, are discussed in Section IV.L Traffic/Circulation of the Draft EIR

and summarized from Appendix D in Chapter 4, Revisions to the Draft EIR. However, pedestrian circulation will conform, as appropriate, to the guidelines in the Oakland Pedestrian Master Plan. The pedestrian crossing at Harrison and 20th Streets are part of Measure DD improvements, and are within the public right of way and is entirely within the purview of the Oakland Public Works Agency. Also regarding pedestrian safety specific to the area of 20th and Harrison Streets, the Draft EIR identifies “Recommended Conditions” (see pages IV.L-137 through IV.L-139 of the Draft EIR) that are recommended by City staff and to be considered by decision makers during the course of project review and may be imposed as Project conditions of approval.

LP-3: I recommend that the Project proponent place the historic building and historic garden on the National Register. This is the right stage in project planning to do so, since it has to be documented under these mitigations. Placing the building and garden on the National Register will protect both historic resources if, in the future, the parcel with the historic building and the parcel with the garden are sold separately. Landmarks Board should recommend a National Register application. There is a movement to recognize historic landscapes and the rooftop garden is one.

Regarding eligibility for the National Historic Register, on the grounds of the building itself, the use of unusual materials, and the gloriousness of Henry J. Kaiser, there’s no question (it should be deemed eligible). We should do it. I’m not aware that it ever has been submitted. I don’t believe that it has. But it ought to be because it is an icon of Oakland, and a very important building for California and the county.

Being on the National Register is more glory than protection. But it has some implications for tax credits, which might be of interest to the Project proponents. It might do you more good than harm. There is a certain amount of paperwork and we have very knowledgeable people on staff who can direct you to the right resources for preparing such documentation. Because the Oakland Museum did a major show on the topic, and because there is a lot of documentation, I don’t think it would be an overwhelming task.

Response: The comment does not address the adequacy of the Draft EIR and is therefore noted. No response is warranted pursuant to CEQA. However, the City will consider this input on the proposed project merits prior to taking action on the EIR and the Proposed Project. Also, see Responses to Comments LP-6.

LP-4: In considering restoring the mall frontage where the 20th Street and Webster Street mall buildings are now, please review historic photographs which may reveal that the large columns now present are not part of the original buildings.

Response: See Response to Comment LP-14.

B. LPAB Comments

Board Member Kirk Peterson, Chair

LP-5: Most of the proposed mitigation measures (pertaining to the roof garden) are going to be above street-level (at the roof garden level) and available to members of the public who get there (I don't imagine the stairs will be open all the time). There are other projects in Oakland where there have been mitigations offsite for losses onsite, and there are many areas in downtown Oakland that could use help. So I don't know if there's been any discussion of mitigation (offsite), for storefront improvements or something like that.

Response: Staff indicated that Mitigation Measure CUL-1.3 provides the mechanism for financial contributions by the developer to programs such as the Façade Improvement Program or the Property Relocation Assistance Program.

LP-6: Has the site been deemed eligible for the National Historic Register, meaning that a lot of the research that would be necessary for the National Register application has been done already? Is the owner interested in such a thing?

Regarding the National Register, there are two steps. Once is being declared eligible for the National Register, which is most of the paperwork, and that can be done with or without the owner's consent. But being placed on the Register, that has to be done with the owner's consent. Is the owner would be interested in submitting an application for site to be on the National Register?

Response: The comment does not address the adequacy of the Draft EIR and therefore is noted. However, the City will consider this input on the proposed project merits prior to taking action on the EIR and the Proposed Project. Further, the Project Site has not been officially deemed eligible for the National Historic Register, nor has the research been conducted. This is not required for the CEQA analysis. However, as stated on page IV.D-18 of the DEIR, Kaiser Center appears to be potentially eligible to the National Register both individually and as a potential contributor to the Lake Merritt Historic District. The Project applicant has indicated willingness to consider the National Historic Register process after development of the Project and after it has a thorough understanding of the Historic Register process and the program.

LP-7: Seems like a high-quality project.

Response: The comment does not address the adequacy of the Draft EIR and therefore is noted. No response is warranted pursuant to CEQA. However, the City will consider this input on the proposed project merits prior to taking action on the EIR and the Proposed Project.

Board Member Daniel Schulman

LP-8: The commenter asks questions regarding placement of the stairs for public access. Staircase and opening up the rooftop garden to the public is wonderful. Likes that new staircase is adjacent to the new portion of the rooftop garden and doesn't disrupt the historic part of the rooftop garden. The area where the staircase is proposed is a pedestrian wasteland. Because of the traffic configuration, the only pedestrians who traverse that block are people going to and from the existing Kaiser Center tower. Could applicant consider locating the stairs closer to the new tower? Or is there any way to provide access from the other streets without disrupting the historic garden? Will members of the general public who are not involved in building activities (existing or new towers) be able to find the entrance to the garden? Crossing 20th Street there is really difficult.

Response: Comments addressing locating the new stairs in a high pedestrian traffic area does not address the adequacy of the Draft EIR as it addresses design and operational considerations of the Project. However, the City will consider this input on the proposed project merits prior to taking action on the EIR and the Proposed Project. The project design is conceptual at this stage. The project applicant will prepare and submit detailed drawings for the project with the Final Development permit application.

Regarding comments about pedestrian safety and crossings at 20th Street, see Responses to Comments H-5 (in Chapter V) and LP-2, above.

Board Member Valerie Garry

LP-9: I think that public access to the roof garden is one of the most important aspects of this project. Because the garden is a landmark, we are increasing public access to the landmark, and it enhances the landmark. Most people in Oakland don't know they can go up there or don't know the garden is up there. There is considerable streetscape design that is part of the Project. It looks like you are going to ring the perimeter from 20th to Webster to 21st with trees. I think making the connection between the roof garden and the street level is one of the most exciting opportunities that this project presents, as it will make people more aware of the garden. Is there some plan to put brick pavers there (in the sidewalk design).

Response: The comment does not address the adequacy of the EIR and therefore is noted. No response is warranted pursuant to CEQA since the comment addresses design considerations of the Project. However, the City will consider this input on the proposed project merits prior to taking action on the EIR and the Proposed Project. Detailed design drawings and a landscape plan will be submitted by the Project Applicant with the Final Development permit application.

LP-10: Regarding National Register eligibility, as an A-rated building, the Kaiser Center building would appear to be eligible for the National Register. And the roof garden alone is probably one of the first in the United States. The building is not a City landmark as of yet.

Response: See Response to Comment LP-6.

Board Member Delphine Prévost, Vice-Chair

LP-11: I think it's great that there's going to be an easier way to get up to garden. Commenter related a story of traveling overseas and visiting a roof garden in a train station, for which there was limited signage, and which consequently had less visitors – becoming a “hidden gem” and a quiet sanctuary. I have mixed feelings about over-marketing public access to gems like this, because overuse can lead to its form of deterioration. I'm not advocating that you remove the public access.

Response: See Response to Comment LP-9.

LP-12: The commenter asked for clarification of the environmentally superior alternative relative to historic resources.

Response: As discussed starting on page V-28 of the Draft EIR, the environmentally superior alternative (Offsite Maximum Reduced Impacts) would *avoid* the significant cultural resources because it would not be developed on the existing Kaiser Center site. Each of the other build alternatives would be developed onsite and would not entirely avoid the cultural resources. However, regarding the offsite location considered in the Offsite Maximum Reduced Impacts Alternative, as stated in the footnote on page V-29 of the DEIR, development of the project on the offsite location may not be feasible as it is not known if the site, which is owned by a separate private entity, is available for acquisition or development, or if the Project Sponsor is interested in such.

The next environmentally superior alternative, after the Offsite Maximum Reduced Impacts Alternative, is the Onsite Maximum Reduced Impacts Alternative, which would develop a substantially smaller South Tower and no North Tower. This alternative would still alter the existing roof garden and its context (as described on page V-15 of the DEIR) and result in a significant cultural resources impact.

Board Member Rosemary Muller, FAIA

LP-13: I work in the neighborhood of the building, and I have walked from my office to the building by going down Harrison. The importance of the automobile to that building is probably important historically, but it's my least favorite aspect. Pedestrian crossing of 20th Street should relate to the new stairway, and consider changing location of access to parking garage to improve pedestrian and vehicle circulation. Probably existing vehicular access may need to remain unchanged due to its historic nature. Despite historic nature of vehicular design, I would support changes.

Response: Improvements to pedestrian circulation around the Project Site are discussed in Section IV.L Traffic/Circulation of the EIR. Also see Response to Comment H-5 (in Chapter V) and Response to Comment LP-8, above.

LP-14: Statements such as “the lower floors should incorporate the façade or something that looks like the façade of the existing mall buildings” are of concern because I’m not sure that I’d like to see that façade under another 30 stories of building and I’m not sure that restoring the mall buildings would be architecturally or historically appropriate. One comment that we might make on the EIR is that the new design needs to be historically and architecturally appropriate. Copying and incorporating the existing design (of the mall buildings) may not be a good idea.

Response: The following modification is made to the first paragraph of Mitigation Measure CUL-1.1 on page IV.D-23 in the Draft EIR:

Mitigation Measure CUL-1.1. The Project applicant shall modify the design of the base of the new structures to ensure a historically and architecturally appropriate ~~retain the existing~~ street level design and character that shall be differentiated from the old mall buildings and shall meet the appropriate design findings under Policy 3.5 of the existing Historic Preservation Element of the City’s General Plan, and shall prepare a salvage program.

The Project applicant shall modify the design of the base of the new tower structures to ensure a historically and architecturally appropriate ~~retain the existing~~ street level design and character that shall be differentiated from the old mall buildings and shall meet the appropriate design findings under Policy 3.5 of the existing Historic Preservation Element of the City’s General Plan. ~~As appropriate, characteristics may consider elements~~ of the Mall Buildings, which include its height, massing, flat roofs, dolomite panels, the strong, solid horizontally-oriented band at the base of the tower “floating” above the first floor, the relationship between the Office Tower’s side exterior dolomite panels with the Mall Building’s side exterior dolomite panels, and the terrazzo floors. Other than the terrazzo floors, the majority of the remaining historic fabric is expressed on the exterior of these buildings. This mitigation would satisfy Policy 3.8.1 (1) of the Historic Preservation Element of the City of Oakland General Plan (Modification of the Project design to avoid adversely affecting the character defining elements of the property).

LP-15: Additional seriousness should be placed on the probability of finding historical resources in the excavation for the new building.

Response: See Response to Comment LP-17.

Board Member Anna Naruta, Ph.D.

LP-16: I find it to be a failing of the Draft EIR to not put things in the context of evaluating for National Register eligibility. If we want to do the recommendation to the owner, I’m fine with that. I don’t see (in the EIR) some very important information regarding the historic river—Lake Merritt as it comes down 20th Street and Harrison. Now it’s been filled in, and your Project Site—on DEIR, page IV.D-20 discusses some of these characteristics.

The Phase I part of the Project Site has a one-story basement, extending down 10 feet. The river that extended from Lake Merritt continued out to 20th and Telegraph. The Uptown project had to alter its building plans due to the nature of the soils left over from this historic river and lake, that is now buried underneath the pavement. Before this project moves forward, I would like to see some serious soils testing to see if the geology there can support the proposed project. I would want to see that before any demolition occurs.

Response: Treadwell and Rollo Environmental and Geotechnical Consultants prepared a draft geotechnical evaluation that identifies and assesses the geotechnical conditions for the project site and development of the project; the report, *Draft Geotechnical Evaluation, Kaiser Center Development Entitlements Project, 300 Lakeside Drive, Oakland, California*, October 20, 2008, is cited in the DEIR throughout Section IV.E, Geology, Soils and Geohazards, and available for review at the City of Oakland Planning Department. The project will incorporate all the preliminarily geotechnical recommendations in the draft report, including any appropriate soils testing that may be warranted. The draft report already satisfies several of the measures in the City's related Standard Conditions of Approvals (SCA), which, as stated in the Draft EIR on page IV.E-11 through IV.E-12, are SCA GEO-3 and SCA GEO-4 that require preparation of a preliminary soils report and a design-level geotechnical report that would be submitted by the Project applicant or developer to the City. All measures in the draft geotechnical evaluation address the structural limitations due to subsurface historic hydrologic conditions of soils on the Project Site and will be implemented during construction of the Project. These measures will be confirmed as part of the Final Development Permit process.

The commenter states that historic maps show a tributary associated with San Antonio Bay (later referred to as Lake Merritt) generally along 20th Street (Archeo-Tec Inc., 2005 and 2007¹). Consistent with that, soils underlain by creek banks and shoreline formations are acknowledged in the draft geotechnical report prepared by the Treadwell and Rollo.

LP-17: I am disappointed in the quality of the Cultural Resources section of the DEIR. The Draft EIR does identify that the Project Site was the site of the Convent of Our Lady of the Sacred Heart, and that there is some likelihood of intact archaeological resources in the area. It is listed as a low possibility, which, given the context of the rest of the report, means that it's probably pretty good.

There's a statement that the basement will extend 10 feet below ground surface. In comments submitted to this previous EIR preparer and filed with the City, there are documented reports from the City Administration building next door, intact significant archaeological remains found underneath historic basements. Since there's only been disturbance down 10 feet,

¹ Archeo-tec Inc., *Final Archaeological Sensitivity Study and Testing Program for the Uptown Oakland Project*, 2005. Archeo-tec Inc., *Archaeological Final Report for the Uptown Oakland Project*, September 2007.

you're probably pretty likely to find intact, legally significant archaeological remains on the project site. On this page and the page prior, there is required reporting of what archaeological resources have been documented in the project vicinity, including within a half-mile, human remains from shellmounds, within a half-mile historic-period archaeological sites, there's actually quite a few listed. There's a glaring gap, there's nothing here reported from the Uptown project which had archaeological work done by two different firms in that area, on either side of 20th Street. So either the research conducted at the Northwest Information Center was grossly incomplete, or those projects have not been reported on. So either way, I'd like to see that information addressed.

On page IV.D-20, the proposed way of dealing with it if significant impacts to cultural resources occur... So again we've had Native Californian human remains, burials, located in the project area, and water and shellmounds go together, so it's not a surprise; there is potential for historic artifacts. But all that is proposed is to say that, "Should an archaeological artifact or feature be discovered onsite during project construction, all activities within a 50 foot radius would be halted until the findings can be investigated." With this kind of mitigation, who is going to train everyone about what an archaeological artifact or feature looks like? And who is going to have the authority to stop the work? So if this EIR had said there is absolutely no probability and that was able to be verified by the documents at the mandated reporting center, the Northwest Information Center, you might be able to say a professional archaeological monitor might be adequate. That's what was used over here, with mixed results, but they certainly found a lot. But to say that you have there is a likelihood of legally significant archaeological remains, and then to say that if a construction worker sees something he's going to stop the project. This is not acceptable.

Response: The following additional SCAs (SCA CUL-1a through SCA CUL-1d) are added to supplement and further implement SCA CUL-1, Archaeological Resources, to decrease the potential for adverse damage of archaeological resources, paleontological resources and human remains during construction. These revisions are also presented in Chapter 4, Revisions to the Draft EIR (additions are shown in double-underline; deletions in ~~strikeout~~).

To implement the additional SCAs, a project applicant may choose to either implement SCA CUL-1a (Intensive Pre-Construction Study) or SCA CUL-1d (Construction ALERT Sheet). If in either case a high potential presence of historic-period archaeological resources on the project site is indicated, or a potential resource is discovered, the project applicant shall also implement

- SCA CUL-1b (Construction-Period Monitoring),
- SCA CUL-1c (Avoidance and/or Find Recovery), and
- SCA CUL-1d (to establish a Construction ALERT Sheet if the Intensive Pre-Construction Study was originally implemented per SCA CUL-1a, or to update and provide more specificity to the initial

Construction ALERT Sheet if a Construction Alert Sheet was originally implemented per SCA CUL-1d).

If in either case a high potential presence of historic-period archaeological resources is not indicated, or a potential resource is not discovered, SCA CUL-1 shall apply and be adequate to decrease the potential for adverse damage of archaeological resources, paleontological resources and human remains during construction.

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

SCA CUL-1a: Intensive Pre-Construction Study. *Prior to demolition, grading and/or construction.* The project applicant, upon approval from the City Planning Department, may choose to complete a site-specific, intensive archaeological resources study prior to soil-disturbing activities occurring on the project site. The purpose of the site-specific, intensive archaeological resources study is to identify early the potential presence of history-period archaeological resources on the project site. If that approach is selected, the study shall be conducted by a qualified archaeologist approved by the City Planning Department.

If prepared, at a minimum, the study shall include:

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

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

SCA CUL-1b: Construction-Period Monitoring. *Ongoing throughout demolition, grading and/or construction.* Archaeological monitoring would include briefing construction personnel about the type of artifacts that may be present (as referenced in the ALERT Sheet, require per SCA CUL-1d,

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

SCA CUL-1c: Avoidance and/or Find Recovery. Ongoing and throughout demolition, grading and/or construction.

If a significant archaeological resource is present that could be adversely impacted by the proposed project, the project applicant of the specific project site shall either:

- Stop work and redesign the proposed project to avoid any adverse impacts on significant archaeological resource(s); or,
- If avoidance is determined infeasible by the City, design and implement an Archaeological Research Design and Treatment Plan (ARDTP). The project applicant shall hire a qualified archaeologist who shall prepare a draft ARDTP that shall be submitted to the City Planning Department for review and approval. The ARDTP is required to identify how the proposed data recovery program would preserve the significant information the archaeological resource is expected to contain. The ARDTP shall identify the scientific/historic research questions applicable to the expected resource, the data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. The ARDTP shall include the analysis and specify the curation and storage methods. Data recovery, in general, shall be limited to the portions of the archaeological resource that could be impacted by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practical. The project applicant shall implement the ARDTP. Because the intent of the ARDTP is to save as much of the archaeological resource as possible, including moving the resource, if feasible, preparation and implementation of the ARDTP would reduce the potential adverse impact to less than significant.

SCA CUL-1d: Construction ALERT Sheet. Prior to and during all subsurface construction activities for the Project.

The project applicant, upon approval from the City Planning Department, may choose to prepare a construction ALERT sheet prior to soil-disturbing activities occurring on the project site, instead of conducting site-specific, intensive archaeological resources pursuant to SCA CUL-1a, above. The project applicant shall submit for review and approval by the City prior to subsurface construction activity an "ALERT" sheet prepared by a qualified

archaeologist with visuals that depict each type of artifact that could be encountered on the project site. Training by the qualified archaeologist shall be provided to the project's prime contractor; any project subcontractor firms (including demolition, excavation, grading, foundation, and pile driving); and/or utilities firm involved in soil-disturbing activities within the project site.

The ALERT sheet shall state, in addition to the basic measures of SCA CUL-1, that in the event of discovery of the following cultural materials, all work must be stopped in the area and the City's Environmental Review Officer contacted to evaluate the find: concentrations of shellfish remains; evidence of fire (ashes, charcoal, burnt earth, fire-cracked rocks); concentrations of bones; recognizable Native American artifacts (arrowheads, shell beads, stone mortars [bowls], humanly shaped rock); building foundation remains; trash pits, privies (outhouse holes); floor remains; wells; concentrations of bottles, broken dishes, shoes, buttons, cut animal bones, hardware, household items, barrels, etc.; thick layers of burned building debris (charcoal, nails, fused glass, burned plaster, burned dishes); wood structural remains (building, ship, wharf); clay roof/floor tiles; stone walls or footings; or gravestones.

Prior to any soil-disturbing activities, each contractor shall be responsible for ensuring that the ALERT sheet is circulated to all field personnel, including machine operators, field crew, pile drivers, and supervisory personnel.

If the project applicant chooses to implement SCA CUL-1d, Construction ALERT Sheet, and a potential resource is discovered on the project site during ground disturbing activities during construction, the project applicant shall hire a qualified archaeologist to monitor any ground disturbing activities on the project site during construction (see SCA CUL-1b, Construction-Period Monitoring, above), implement avoidance and/or find recovery measures (see SCA CUL-1c, Avoidance and/or Find Recovery, above), and prepare an updated ALERT Sheet that addresses the potential resource(s) and other possible resources based on the discovered find found on the project site. If no potential resource(s) are discovered during ground disturbing activities during construction pursuant to the construction ALERT sheet, SCA CUL-1, Archaeological Resources, shall apply and be adequate to reduce any potentially significant impact to less than significant.

In addition, the discussion of Impact CUL-5 on page IV.D-31 of the Draft EIR is revised as follows (additions are shown in double-underline; deletions in ~~strikeout~~):

Impact CUL-5: Construction of the Proposed Project could cause substantial adverse changes to the significance of archaeological resources at the Project Site. Archaeological resources are potentially historical resources as defined in CEQA Section 15064.5(a) or unique archaeological resources as defined in CEQA Section 21083.2(g). (~~Less than~~Potentially Significant)

During the historic-period the Project Site was the location of the Convent of Our Lady of the Sacred Heart. The school was established in 1868 and

remained at the location until 1957. The existing building at the Project Site has a one-story basement that extends approximately 10 feet below ground surface. While it is possible, therefore it is likely that this ground disturbance and construction has destroyed archaeological features and deposits created during the historic period. Additional furthermore, ground disturbance required for the Project may have the potential to ~~has also likely~~ destroyed and/or disturbed ~~any~~ prehistoric archaeological features and materials.

Implementation of the City of Oakland's SCA CUL-1, Archaeological Resources, would likely ensure that inadvertent discoveries of any subsurface archaeological materials are dealt with according to regulatory guidance, the information provided by the commenter and subsequently documented makes it reasonably possible for materials at Kaiser Center that qualify as unique archaeological resources under CEQA to exist at the Project Site. This supports additional proactive measures recommended given information available in published archaeological reports and surveys prepared for the Uptown Oakland Project Area (which is located within one-half mile of the Project Site) and documentation of subsurface conditions that support possibility that significant archaeological resources may be discovered during construction (excavation) of the Project. Even though no documents regarding the findings at the Uptown Oakland Project site resulted from the 2008 Northwest Information Center (NWIC) search conducted at the of the California Historical Resources Information System for the Project Site (File No. 07-1502), historic maps show a tributary associated with San Antonio Bay (later referred to as Lake Merritt) generally along 20th Street (Archeo-Tec Inc., 2005 and 20072). Consistent with that, soils underlain by creek banks and shoreline formations are acknowledged in the draft geotechnical report prepared by Treadwell and Rollo.

Thus, additional measures are recommended to further implement SCA CUL-1, Archaeological Resources, given that the Project is located near known archaeologically sensitive areas and documented, historical underground waterways. Given the sensitivity that exists at the Project Site for the existence of archaeological and buried sites that would not be visible due to the urban development, SCA CUL-1a through SCA CUL-1d are added to decrease the potential for adverse damage of resources during construction. SCAs CUL-1a through CUL-1d supplement and further implement SCA CUL-1, Archaeological Resources; in addition to SCA CUL-2, Human Remains, and SCA CUL-3, Paleontological Resources, to minimize the potential risk of impact to archaeological

² Archeo-tec Inc., *Final Archaeological Sensitivity Study and Testing Program for the Uptown Oakland Project*, 2005. Archeo-tec Inc., *Archaeological Final Report for the Uptown Oakland Project*, September 2007.

resources and other potential unknown subsurface cultural resources to a less-than-significant level at the Project Site.

~~In the unlikely event that archaeological materials or human remains are inadvertently discovered during construction activity SCA-CUL-1 Archaeological Resources should be applied.~~

~~Further, any archaeological property that meets the criteria listed at CEQA Section 21083.2 is considered a unique archaeological resource for the purposes of CEQA.~~

~~In the unlikely event that archaeological materials are unearthed during construction implementation of SCA-CUL-1 Archaeological Resources also will reduce the Project's potential impact on unique archaeological resources to a less than significant level.~~

Significance after Implementation of Mitigation Measure: Less than Significant.

These revisions are also shown in this document in Chapter 4, Revisions to the Draft EIR.

LP-18: Again, page IV.D-20, there is mention of “according to National Park Service guidelines.” This is not a National Park Service site so National Park Service guidelines have nothing to do with this. This project is under the California Environmental Quality Act.

Response: The National Park Service, which is part of the U.S. Department of the Interior, provides a wide range of guidance to historical resources, not solely to National Park Service sites. In particular, National Park Service guidelines address archaeological sites in urban areas, as discussed on page IV.D-20. As initially indicated on page IV.D-7 of the Draft EIR, the National Park Service administers the National Register as well as establishes requirements for the Services Historic American Buildings Survey (HABS) and the Historic American Landscape Survey (HALS). The Draft EIR references are appropriate.

Member Rosemary Muller, FAIA

LP-19: Member Muller stated a motion that addressed the following four issues regarding comments on the Draft EIR:

1. Look at integrating the 20th Street pedestrian crossing with the new stairs.

Response: See Responses to Comments LP-2, LP-5, LP-8, LP-9 and LP-13.

2. The EIR should be amended to evaluate the eligibility of the property for the National Register.

Response: See Responses to Comments LP-6.

3. The mitigation suggestion that the design of the new buildings should incorporate recreating the façade of the mall buildings should be modified to say that that should be considered as well as other options of establishing a new building that will blend with the historic property.

Response: See Responses to Comments LP-14.

4. Additional seriousness should be placed on the probability of finding historical resources in the excavation for the new building.

Response: See Response to Comment LP-17.

Member Anna Naruta, Ph.D.

LP-20: I'm worried about the water. I'm worried about the project applicant getting into a situation where the soils aren't supportive for the current plan. It is part of the cultural resources; it is the historic lake area. The EIR should revisit that. Offered as a friendly amendment.

Response: See Response to Comment LP-16.

Member Rosemary Muller, FAIA

LP-21: You could add that, although my comment is that the existing Kaiser Building was built successfully; I don't think it's sinking into Lake Merritt.

Response: See Response to Comment LP-16.

Member Anna Naruta, Ph.D.

LP-22: I was carefully watching the project map for that. It's the portion of the project that only had the one-story basement, so this is going to go further. So it seems that it's at least worth studying to make sure they don't get into the situation that Forest City (the developer of Uptown) got into.

Response: See Response to Comment LP-17.

Chair Kirk Peterson

So we have a motion. Do we have a second?

Vice-Chair Delphine Prévost

I'll second.

Motion passed unanimously.

CHAPTER VII

Responses to Comments Received at the City of Oakland Planning Commission Public Hearing on the Draft EIR

A Public Hearing on the Draft EIR was held before the Planning Commission on October 6, 2010. This chapter provides a summary of the comments received during the public hearing followed by responses to the comments that are relevant to the EIR.

As in Chapter V, responses presented in this chapter specifically focus on comments that pertain to the adequacy of the analysis in the Draft EIR or other aspects pertinent to the environmental analysis pursuant to CEQA. Comments that address topics beyond the purview of the Draft EIR or CEQA are noted for public record; although no response is required in these cases, an acknowledging or substantive response is provided.

A. Public Comment

Sanjiv Handa, East Bay News Service

PC-1: Kaiser Center building has become historical, is nearly 50 years old

Response: Kaiser Center was completed in 1960. Although not 50 years old as of the historic evaluations prepared in support of this Draft EIR (Page & Turnbull, 2009), it was evaluated as an historic resources for purposes of CEQA evaluation. Also, an assessment of whether a resource is historical considers several criteria in addition to age (50 years).

PC-2: Traffic and circulation in the vicinity of the project, including other development over the last 40 years, is very bad. Traffic lane capacity is about half, with double-parked trucks and cars, with banks and with the City of Oakland's inability to manage the traffic situation. Parking control officers focus on expired meters rather than performing traffic enforcement.

Response: The Draft EIR describes existing traffic and circulation conditions in the Project area starting on page IV.L-4 under *Existing Traffic Conditions*. The remainder of the comment does not address the adequacy of the Draft EIR and is therefore noted. No response is warranted pursuant to CEQA.

PC-3: If the project goes through as proposed, it will get rid of all of the underutilized shops, in the area called the mall, and instead there will be two new office towers. This is an area where there are already a lot of office towers, so the proximity to BART is a plus.

Response: The comment does not address the adequacy of the Draft EIR and is therefore noted. No response is warranted pursuant to CEQA. The comment is consistent with the Project Description in Chapter III of the Draft EIR and the Project Overview in Chapter II of this Final EIR. The proposed Project will include retail uses at the street level along 20th Street.

PC-4: I want to point out that AC Transit is about to engage in its sixth major rounds of service cuts, to take effect in December, and it's also eliminating about 7 percent of its weekend service. Weekday commuters from the Temescal, College Avenue and Fruitvale neighborhoods face a 30 to 40 minute wait for buses at rush hour, because bus lines start in Richmond and Hayward, and by the time they get to Oakland, there is significant delay. Due to these gaps in service, many Oakland residents drive to work rather than taking AC Transit. The display boards for the 1R at Shattuck and 51st shows 40 to 50 minute waits at around 7, 7:30am.

Response: The comment does not address the adequacy of the Draft EIR and is therefore noted. No response is warranted pursuant to CEQA. See Response to Comment E-2 (in Chapter V) regarding the effects of the Project on transit. Further, the Project will implement the Transportation Demand Management (TDM) Plan (included as Appendix A to this document) which is intended to increase transit ridership and reduce single occupancy vehicle trips.

PC-5: As you're looking at the EIR, I'm going to be very interested in what comes back as the traffic analysis, because I've got two experts that say they're going to be able to take that analysis and turn it on its ear, in that the City of Oakland is rubber-stamping EIRs where the traffic analysis is so poorly done, it does not reflect the realities on the streets on a daily basis.

Response: The traffic analysis in Chapter IV.L of the Draft EIR describes existing traffic and circulation conditions in the Project area starting on page IV.L-4 under *Existing Traffic Conditions*, and the analysis is conducted upon these established baselines and reasonable projections about changes in traffic, circulation that may occur with the Project, as well as other development under cumulative conditions. The comment does not directly address the adequacy of the Draft EIR and is therefore noted. No response is warranted pursuant to CEQA, however, the City will consider this input on the proposed project merits prior to taking action on the EIR and the Proposed Project.

Commissioner Vince Gibbs

PC-6: Thanks for coming forward with a development project and not a liquor store. It is a joy to see that someone wants to build in Oakland. Greenhouse gas issues are a concern.

Response: The comment does not address the adequacy of the Draft EIR and is therefore noted. No response is warranted pursuant to CEQA Greenhouse gases are discussed and analyzed in the Section IV.B, Air Quality and Greenhouse Gases, of the Draft EIR, the Preliminary Greenhouse Gas (GHG) Emissions Reduction Plan (GHG Plan) in Appendix I of the Draft EIR, and the Final GHG Plan in Appendix B of this document.

PC-7: This is one of the first buildings—and a large project—to go forward since the Green Building Ordinance was put in place. I will be paying attention to how this is going to be done versus how it's been done in the past. I definitely want to see those things (greenhouse gas reductions) highlighted when you come back with the final.

Response: As discussed on page III-8 of the Draft EIR and throughout the Final GHG Plan in Appendix B to this Final EIR, the Proposed Project will construct the new buildings to mandatory Calgreen performance standards. Calgreen is a newly enacted State building code requirement, which is effective January 2011. Also see Response to Comment PC-8. Also, although the Proposed Project meets the criteria required for mandatory compliance (non-residential new construction greater than 25,000 square feet of total floor area), the City deemed the Kaiser Center Project application complete prior to adoption of the Green Building Ordinance, therefore the Project is not subject to the Ordinance.

The Final GHG Plan prepared for the Project is included as Appendix B to this Final EIR. The GHG Plan includes a comprehensive set of GHG reduction measures that may be implemented by the Project to reduce GHG emission beyond the baseline Project elements and GHG reduction considerations (e.g., policies, plans and regulations) factored in the Preliminary GHG Plan in the Draft EIR. The GHG reduction measures in the Final GHG Plan include several identified in the California Air Pollution Control Officers Association's (CAPCOA) CEQA and Climate Change guidance document and the Bay Area Air Quality Management District's CEQA Air Quality Guidelines (see Tables 6, 8 and 9 in Appendix B to this Final EIR).

Chair Douglas Boxer

PC-8: Ms. Meyerson or Mr. Schoenberg, do you have any comment on your intent with regard to Green Building standards or LEED for this project?

Response: The Project sponsor indicates that, for the existing buildings, it will be seeking EnergyStar certification, and then seek existing building green building standards. It would be impossible to build today and not take that into consideration. The Project sponsor is not yet at the point of designing the Project buildings, but may incorporate LEED and green building standards. Also see Response to Comment PC-7.

Commissioner Madeleine Zayas-Mart

PC-9: I am very happy to see this project too. Oakland is a great city so people who invest in it are going to be rewarded long-term.

Response: The comment does not address the adequacy of the Draft EIR and is therefore noted. No response is warranted pursuant to CEQA.

PC-10: I have an issue with EIRs in general that insufficient information is provided in the Traffic and Circulation analysis about pedestrian circulation. I would like to make sure that this is a well-covered subject in this EIR.

Response: Pedestrian circulation is discussed in great detail in the Draft EIR. Existing pedestrian network conditions, including the conditions and configuration of sidewalks, crosswalk and other pedestrian facilities, are described starting on page IV.L-25 of the Draft EIR. Planned improvements are described starting on page IV.L-36. Impacts TRANS-9 and TRANS-10 assesses potential safety hazard for pedestrians. Also, the Draft EIR recognizes starting on page IV.L-137 that existing pedestrian facilities generally are insufficient and offers Recommendations for the City to consider as Project-specific COAs.

Further, numerous mitigation measures incorporate requirements for pedestrian facilities, including accessible pedestrian crosswalks according to Federal and State Access Board guidelines, City Standard ADA wheelchair ramps, full actuation crosswalks (e.g., video detection, pedestrian push buttons), accessible pedestrian signals with audible and tactile elements according to Federal Access Board guidelines, countdown pedestrian signals, etc. Pedestrian safety at the intersection of 20th and Harrison Street is assessed in particular, see Comments H-5 (in Chapter V) and LP-13 (in Chapter VI). The Draft EIR identifies Recommended Measures regarding pedestrian facilities and safety that will be considered by decision-makers during the course of project review and may be imposed as project specific conditions of approval.

PC-11: In terms of greenhouse gases, there is nothing more important than encouraging people to walk rather than to drive. And the best way to do that is to ensure that sidewalks and public right-of-ways are safe, comfortable, attractive, and healthy. And that is an important issue that is missing (in this DEIR) – and that includes development on all sides of the project.

Response: See Responses to Comments PC-10 regarding the assessment of pedestrian facilities in the Draft EIR. As summarized initially in Response to Comment PC-7, the Final GHG Plan prepared for the Project is included as Appendix B to this Final EIR. The GHG Plan includes a comprehensive set of GHG reduction measures and factor in vehicle trip reductions resulting from implementation of the TDM Plan which was prepared pursuant to SCA TRANS-1 to encourage use of alternative modes such as transit, walking, and biking. Additionally, the facilities described

in the comment are not yet designed at this point in the process but will be considered with the Final Development Permit.

PC-12: I think any wind impacts related to the shape of the towers will be really important, and I'm happy to see that most of the wind impacts have been reduced. I would be interested in seeing whether wind being used as an alternative energy source might be useful (that's just a personal comment).

Response: See the analysis of potential hazardous wind effects starting on page IV.A-33 of the Draft EIR. The Project does not propose using wind energy on the Project.

PC-13: We don't have the design yet, but since it does affect the environment, keep in mind that whatever glass or transparency is used in the exterior shouldn't cause glare or discomfort.

Response: The Project would adhere to SCA AES-1, as discussed on page IV.A-29 of the Draft EIR, compliance to which would minimize lighting and glare effects associated with the Project. Moreover, the Applicant would be required to implement mandatory measures and best management practices (BMPs) identified in SCA BIO-5, Bird Collision Reduction, that work to minimize mirrored and reflective glass effects on exterior building facades, as well as operational and design strategies to minimize internal and external lighting associated with the Project. Further, the Project will be required to submit detailed design plans for review and approval by the City.

PC-14: I would like to ask staff whether we have ever reviewed the block pattern of the city (for example street right-of-ways) as part of a historic resources analysis? So, not a building but a neighborhood pattern.

Response: No assessment of the block pattern of the city or of the Kaiser Center area was conducted for the analysis presented in the Draft EIR, nor was such an assessment warranted. The Project will be developed within an existing series of urban blocks and would not alter any potential intact historic pattern. Furthermore, most of the 7-acre site will remain intact.

PC-15: I would like to see an alternative where there are no parking garages facing sidewalks. It is a land use issue, so I would like to see an alternative that looks at all sides of the building and ensures that there are active land uses facing the sidewalks and streets. (Commissioner Zayas-Mart indicated that she would be willing to consider this issue during design review rather than through the environmental process.)

Response: As the commenter acknowledges, the comment does not address the adequacy of the Draft EIR and is therefore noted. No response is warranted pursuant to CEQA. The parking garage at the 21st Street is existing, and the Proposed Project is not intending to alter that façade. The facilities described in this

comment are not yet designed but will be considered with submittal of the Final Development Plan.

Commissioner Sandra Galvez

PC-16: I think that the Draft EIR for the most part is fine. I would like you to take into consideration the comments that were made by the Landmarks Board.

Response: Comments made by the Landmarks Board are presented and responded to in Chapter VI in this Final EIR.

PC-17: I too am anxious to see what mitigation measures we can put in place to reduce the greenhouse gases, especially during Phase I, because it might be a while until we get to full buildout.

Response: The Final GHG Plan prepared for the Project is included as Appendix B to this Final EIR. The Final GHG Plan includes the TDM Plan, which presents a trip reduction scenario that assumes a Buildout scenario of Phase I and Phase II (Scenario 1) that incorporates a gradual increase in trip reduction after Phase I, and Phase I Only scenario (Scenario 2). GHG impacts at Phase I under both scenarios is less than significant with incorporation of proposed vehicle trip reductions from the TDM Plan, as well as other baseline measures (e.g., existing regulations, policies and project features) discussed in the GHG Plan. Without TDM incorporated, Phase I in both scenarios result in significant impacts due to exceeding both of BAAQMD significance thresholds See Tables 3 and 4 in Appendix B to this Final EIR. Also see discussion in Chapter 4, Revisions to the Draft EIR, Part A, *Updates to the DEIR Resulting from New and Updated Information Since Publication of the DEIR*, for a summary of the TDM Plan and GHG Plan.

Commissioner C. Blake Huntsman

PC-18: I'm looking forward to seeing the TDM. Concerns around traffic are real and it's something I'd like you to look closely at.

Response: The TDM Plan prepared for the Project is included as Appendix A to this Final EIR.

PC-19: Air quality is also a big issue, so I'd like you to look closely at every possible mitigation measure. I'm concerned about Snow Park across the street from the Project as there are four or five schools that utilize that facility, so managing the air quality and the dust are going to be paramount. There are also senior facilities in the area.

Response: The Draft EIR includes a thorough analysis of potential air quality impacts, including construction period effects, in Section IV.B of the Draft EIR. SCAs are

identified to reduce most impacts to less than significant, and where necessary, mitigation measures are identified to reduce all potentially significant effects to less than significant, except in cases where additional measures would not be within the control of the Project sponsor. The TDM Plan and Final GHG Plan also work to address air quality impacts by reducing motor vehicle trips associated with the Project. Specifically regarding potential air quality effects to sensitive receptors areas, such as Snow Park (Impacts AIR-1 and AIR-2), SCA AIR-1, Construction-Related Air Pollution Controls (Dust and Equipment Emissions), and SCA AIR-2, Construction Emissions, are incorporated into the Project to address adverse construction emissions to nearby sensitive areas.

PC-20: I'd really like to see this move forward and it would be great if it could be a flagship green development – as green as we can get it, under these new regulations.

Response: See Response to Comment PC-7.

PC-21: This is a well-written EIR.

Response: The comment does not address the adequacy of the Draft EIR and is therefore noted. No response is warranted pursuant to CEQA.

Vice-Chair Vien Truong

PC-22: I want to thank you for being part of the community and participating with the groups and getting their input.

Response: The comment does not address the adequacy of the Draft EIR and is therefore noted. No response is warranted pursuant to CEQA..

PC-23: I picked up on what Sanjiv was saying about the AC Transit cuts. I'd like to see the TDM take those cuts into account.

Response: See Response to Comment PC-3 and Response to Comment E-2 (in Chapter V).

PC-24: How might you be able to incentivize employees to take public transit. I know there's some shuttle service happening with the existing locations and you might be able to look into shuttles. I hear you're already doing bikes, so that's great. So looking into how you might be able to take into account things that will happen in the future around transportation.

Response: The TDM Plan has been prepared pursuant to SCA TRANS-1 and aims to encourage use of alternative modes such as transit, walking, and biking, particularly by employees. Although the TDM Plan does not specify future new transit services (such as non-Project shuttles, etc), it does identify cooperation with the City to determine how the Project may best support existing non-Project shuttles (such as the Broadway/Valdez Shuttle), and measures to provide transit

subsidies to employees as one measure to employ toward reaching the target trip reductions for the Project. The TDM explores a shift of percentages (reduced by up to 20 percent) of persons who currently drive to use transit in the future. See Appendix B of this Final EIR.

Chair Douglas Boxer

PC-25: Also looking forward to discussion of green building standards and/or LEED process. Two office towers most recently approved were to be green buildings; not built due to market conditions.

Response: See Response to Comment PC-7.

PC-26: TDM plan will be very important. Current GHG analysis standards do not take into account the reduction of GHGs resulting from a large volume of employees who formerly commuted from Oakland to San Francisco commuting the shorter distance to downtown Oakland. Current regulations only look at the impact of the building and the cars that are coming to it.

Response: The TDM Plan in Appendix A to this Final EIR has been prepared pursuant to SCA TRANS-1 and aims to encourage use of alternative modes such as transit, walking, and biking, particularly by employees. The comment is correct that the GHG analysis considers potential emissions generated by the construction and operation of the building and vehicle trips generated by the Project; “credits” for reductions that may be attributed to shorter transit (or vehicular) commutes as a result of the TDM Plan or development of the Project and resulting new or related jobs in Downtown Oakland are not quantified as it would be difficult to do so with reasonable accuracy.

See Chapter 4, Revisions to the Draft EIR, Part A, *Updates to the DEIR Resulting from New and Updated Information Since Publication of the DEIR*, for a summary of the TDM Plan and GHG Plan.

PC-27: We need to do something about our parking requirements. To say that there is a deficit of parking when we are building close to 2,000 parking spots, which only encourages further vehicular traffic to our downtown, to a building located two blocks from BART seems from a public policy perspective to be incorrect. Notwithstanding that this company has to finance the building, and some lenders may require a certain amount of parking.

Response: See Response to Comment E-2 (in Chapter V) regarding the consideration of parking in the CEQA context. For clarification, the Project will result in a net increase of 697 parking spaces, which is well below the estimated demand for the Project (see page IV.L-44 of the Draft EIR). The commenter raises a public policy consideration that the City will consider prior to acting on the Project. Further, the TDM Plan provided in Appendix A to this Final EIR addresses the reduction in on-site parking demand as a result of reduced vehicle trips to the Project Site.

PC-28: Comments regarding increased vehicular travel, air quality and the safety of pedestrians and bicyclists.

Response: See Response to Comment PC-10 regarding pedestrian safety. See Response to Comment PC-19 regarding air quality. See TDM Plan (Appendix A) and Final GHG Plan (Appendix B) which are aimed at measures to reduce single-occupancy vehicular travel trips associated with the Project.

APPENDIX A

Kaiser Center Office Project Transportation Demand Management (TDM) Plan

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Kaiser Center Office Project Transportation Demand Management (TDM) Plan

To: Crescentia Brown, ESA
From: Jessica ter Schure and Francesca Napolitan
Date: April 5, 2011

Summary

The City of Oakland requires the Project Applicant to prepare, submit for approval and implement a project-specific Transportation Demand Management Plan (TDM Plan), pursuant to City of Oakland Standard Condition of Approval (SCA) TRANS-1 (Parking and Transportation Demand Management). Adherence to SCA TRANS-1 is identified to help reduce and/or avoid identified environmental impacts related to traffic and transportation, air quality, roadway noise and greenhouse gas (GHG) emissions associated with the project, as well as address non-CEQA parking demand. Specifically, this TDM Plan (1) evaluates targeted project trip reductions on vehicle trips and parking demand (construction and operations); (2) recommends “Mandatory TDM measures” to meet targeted project trip reductions and outlines a timeline and responsible parties for implementation; (3) recommends “Additional TDM measures” to meet target trip reductions, if needed; and (4) recommends a TDM Plan monitoring, evaluation and enforcement program.¹

Generally, for **Scenario 1** (essentially the proposed project), the effect of a “15% Phase I and 20% Phase II” trip reduction scenario at Phase II/Buildout would result in approximately 213 fewer vehicles (tenant-based) coming to the project site each day, which would thereby reduce parking demand and reduce the Phase II/Buildout parking demand shortfall identified in the Draft EIR from 238 spaces to 25 spaces (shortfall reduced by 213 spaces). The Phase I parking surplus identified in the Draft EIR would increase by approximately 72 spaces.

Generally, for **Scenario 2** (Alternative 1 analyzed in the Draft EIR), the effect of a “20% Phase I Only, with a 15% trip reduction in the short-term” trip reduction scenario would result in approximately 93 fewer vehicles (tenant-based) coming to the project site each day, which would

¹ The TDM Plan does not apply to the existing Kaiser Center facilities; as such, there will be no credit against the required single occupancy vehicle (SOV) trip reductions if any TDM measures are implemented for the existing Kaiser Center office tower, although such measures may be made part of a refined GHG Reduction Plan program pursuant to the Final Greenhouse Gas Emissions Reduction Plan (FEIR Appendix B).

thereby reduce parking demand and increase the Phase I/Buildout parking surplus identified in the Draft EIR from 607 spaces to 700 spaces (surplus increased by 93 spaces).

(See separate “Final Greenhouse Gas Reduction Plan” [Appendix B to the Final EIR] and the “Other Potential Impact Reductions with Implementation of the TDM Plan and Final GHG Plan” memo [Appendix C to the Final EIR], summarizing how the TDM trip reductions [vehicle trip-based, applied proportionally] contribute to reducing the project’s cumulative GHG emissions, as well as significant and unavoidable traffic, air quality [PM10] and cumulative traffic noise impacts.)

Introduction

The City of Oakland has prepared an Environmental Impact Report (EIR) for the proposed Kaiser Center Office project at the northeast corner of Webster and 20th Streets in the vicinity of downtown Oakland. The project includes two new office towers with retail and parking. A South Tower would be constructed at the corner of Webster and 20th Streets and a North Tower would be constructed at the corner of Webster and 21st Streets.

The project will be constructed over two phases. Tentative construction phasing of the project calls for construction of the South Tower first (“Phase I”), with the North Tower being constructed afterwards (“Phase II”). The removal of existing retail space would be executed across the two phases.

Phase I: The “South Tower” consists of a 34-story office tower in conjunction with the street level retail complex along 20th Street, comprising about 552,000 square feet of office space and about 27,000 square feet of retail space located at street level and on the sixth floor.

Phase II: The “North Tower” consists of a 42-story office tower in conjunction with the street level retail complex along Webster Street, comprising about 768,000 square feet of office space and about 19,000 square feet of retail space located at street level and on the sixth floor.

The project also proposes new subterranean and above-grade parking consisting of an additional 697 parking spaces. The new parking structures would be incorporated into the existing Kaiser Center Office Garage. Pedestrian entrances to the office towers would be located on Harrison Street, Webster Street, and 20th Street, while vehicular entrances to the project would be via driveways on Harrison Street, 20th Street, and 21st Street. Vehicular access to the garage structure would be provided via the existing entrances and exits located on 21st Street and via the Access Road on the eastern portion of the block. The new development will result in a net increase of 1,423 employees in Phase I and an additional net increase of 1,810 employees in Phase II, for a total net increase of 3,233 net new employees at Buildout.²

The Draft EIR for this project identifies a standard City of Oakland condition of approval that requires preparation of a TDM Plan. Nelson\Nygaard Consulting Associates has been retained by The Swig Company (Project Applicant) to work with the City of Oakland to develop a TDM Plan that addresses projected parking demand shortfalls at project buildout and serves to reduce identified environmental impacts related to traffic and transportation, and air quality and greenhouse gas emissions resulting from the project.

The recommendations contained in this TDM Plan are based on communication with City officials, ESA, as well as a review of the *Kaiser Center Office Project, Draft Environmental Impact Report* and the *Final Greenhouse Gas Emissions Reduction Plan*.

² Preliminary GHG Emissions Reduction Plan, Appendix I, Page 15. August 2010

Goals & Targets

The TDM Plan sets the following goals:

Scenario 1 – 15% Phase I / 20% Phase II / Buildout Trip Reduction

In the short-term, by the one-year anniversary of the date upon which at least 85% of the rentable office space situated within Phase I is occupied by tenants, or 3 years from the certificate of occupancy issuance for the Phase I Building, whichever comes first:

- Reduce (single occupancy vehicle) SOV trips by 15% from the current baseline mode split³
- Reduce impacts on air quality and traffic congestion to the maximum feasible extent
- Promote the City of Oakland's Transit First policies
- Reduce construction-period vehicle trips and parking impacts

In the long-term, by the one-year anniversary of the date upon which at least 85% of the rentable office space situated within Phase II is occupied by tenants, or 3 years from the certificate of occupancy issuance for the Phase II Building, whichever comes first:

- Reduce SOV trips by 20% from the current baseline mode split
- Reduce the parking demand generated by future phases to help relieve the projected parking demand deficit
- Reduce impacts on air quality and traffic congestion to the maximum feasible extent
- Promote the City of Oakland's Transit First policies
- Reduce construction-period vehicle trips and parking impacts

Scenario 2 – 20% Phase I Only Trip Reduction, with 15% Reduction in the Short Term

In the short-term, by the one-year anniversary of the date upon which at least 85% of the rentable office space situated within Phase I is occupied by tenants, or 3 years from the certificate of occupancy issuance for the Phase I Building, whichever comes first:

- Reduce SOV trips by 15% from the current baseline mode split
- Promote the City of Oakland's Transit First policies
- Reduce construction-period vehicle trips and parking impacts

Considering the time it will require to implement the TDM programs from an administrative, logistical and financing perspective, the building owner should be given a longer duration of time to achieve the 20% SOV trip reduction target. Therefore:

In the long-term, by the five-year anniversary of the date upon which at least 85% of the rentable office space situated within Phase I is occupied by tenants, or 7 years from the certificate of occupancy issuance for the Phase I Building, whichever comes first:

- Reduce SOV trips by 20% from the current baseline mode split

³ Mode split" is the percentage of travelers considered for the project using a particular type of transportation, generally automobile, transit, and walk/bike/other. "Baseline mode split" is the starting condition against which target reductions in SOV trips associated with the project, after implementation of the TDM Plan.

The proposed TDM Plan is designed to reduce SOV trips and air quality and greenhouse gas emission impacts to the extent reasonable and feasible, even those effects that do not exceed CEQA significance thresholds.

Current Baseline Mode Split

The baseline mode split for the project utilized for analysis purposes in the EIR transportation is based on the evaluation of various technical documents and sources including 2000 U.S. Census data, Alameda County Congestion Management Agency (ACCMA) Transportation Survey for the Oakland City Center Complex (1993), Downtown Transportation and Parking Plan (2003), and discussions with City staff.

Typically, the City of Oakland Community and Economic Development Agency's (CEDA) Transportation Services Division (TSD) has specific mode splits, which are deemed appropriate for projects in Downtown Oakland and account for the extensive transit facilities available in the Downtown area. The City of Oakland's TSD assumed a mode split of 83% auto commute and 17% transit commute. However, after reviewing the other sources listed above, as part of the EIR planning process, it was found that that the actual observed transit mode share in Downtown area projects was substantially higher than the 17% typically assumed for the evaluation of transportation impacts of Downtown projects. The mode split and average vehicle occupancy (AVO) results from the Downtown Transportation and Parking Plan showed a mode split of 66% automobile, 30% transit, and 4% walk/bike/other. The ACCMA recorded a mode split of 65% automobile, 30% transit, and 5% walk/bike/other for the City Center Complex in Downtown.

To achieve a more conservative analysis, the EIR assumed a mode split of 70 percent automobile and 30 percent transit/walk/bike/other for all trip generation calculations and an Average Vehicle Occupancy (AVO) rate of 1.16; thus, this analysis assumes the same mode split and AVO. In order to determine the baseline SOV mode split, the AVO rate of 1.16 was used to calculate what percentage of people commuting by automobile are driving alone.

Applying the 70% automobile mode share and an AVO rate of 1.16 for the project, the current Baseline SOV rate is 51%⁴.

Reduce SOV Rate & Parking Demand

Phase I Impacts

The projected peak mid-day parking demand for Phase I of the project is estimated to be 773 spaces.⁵ The total current parking supply, including all off-street and on-street spaces is 913 spaces. An additional 467 spaces will be constructed in Phase I, resulting in a total parking supply of 1,380 spaces and a parking surplus of 607 spaces.⁶

Thus, even if the current mode split remains the same, there will be ample parking to meet the projected parking demand.

While it is not predicted that there will be a parking demand shortfall in Phase I, in order to begin to prepare for the expected parking shortage in Phase II and to reduce traffic, air quality and greenhouse gas emission impacts to the extent feasible, the current employee SOV rate of 51% should be reduced to 43% (a 15% reduction) by the one-year anniversary of the date upon which

⁴ With a 70% automobile mode share, 51% of those tenants-employees commuting to Kaiser Office Center are SOV drivers, and 19% are assumed to be either carpool drivers or carpool passengers, totaling an AVO of 1.16.

⁵ Kaiser Center Office Project Draft EIR, August 2010, Volume 4, Chapter L Transportation and Circulation, pg 159.

⁶ Kaiser Center Office Project Draft EIR, August 2010, Volume 4, Chapter L Transportation and Circulation, pg 159-160.

at least 85% of the rentable office space situated within Phase I is occupied by tenants, or 3 years from certificate of occupancy, whichever comes first, of Phase I under Scenario 1.

For Scenario 2, the current employee SOV rate of 51% should be reduced to 43% (a 15% reduction) by the one-year anniversary of the date upon which at least 85% of the rentable office space situated within Phase I is occupied by tenants, or 5 years from certificate of occupancy, whichever comes first; and should be reduced to 41% (a 20% reduction) from the current baseline mode split within 5 years from the date upon which at least 85% of the rentable office space situated within Phase I is occupied by tenants, or 7 years from certificate of occupancy, whichever comes first.

Phase II/Buildout Impacts

At full build-out, the project will have a parking demand deficit of 238 spaces based upon the mode split used herein.

In order to fully address the projected parking shortage in the future, as well as to reduce to the extent reasonable and feasible the traffic, air quality and greenhouse gas emission impacts associated with Phase II, the current employee SOV rate of 51% should be reduced to 41% (a 20% reduction from the current baseline) by the one-year anniversary of the date upon which at least 85% of the rentable office space situated within Phase I is occupied by tenants, or 3 years from the certificate of occupancy of Phase II under Scenario 1. This reduction in the employee SOV rate is considered to be the maximum feasible trip reduction for the project.

Under Scenario 2, no SOV rate reductions are assumed in Phase II/Buildout, as only Phase I would be developed.

Existing TDM Plan

The existing Kaiser Center Office development does not currently have a formal TDM Plan.

Existing and Planned Parking Facilities

The project would remove 155 spaces in the existing Kaiser Center Office Garage and construct 852 spaces for a net increase of 697 spaces in the Kaiser Center Office Garage for a total capacity of 2,037 parking spaces after the completion of the project.

According to the City of Oakland Municipal Code, the project is not required to construct any off-street parking due to its location in a C-55/S-17 zoning district as there are no off-street parking requirements in the CBD-C zoning district. However, as part of the EIR analysis, a study of the projected parking demand resulting from this development was conducted. Projected demand was calculated using the Institute of Transportation Engineers' (ITE), *Parking Generation* (3rd Edition) and using the *Downtown Transportation and Parking Plan*, compiled by Dowling Associates for the City of Oakland Redevelopment Agency and the Community and Economic Development Agency (CEDA) in October 2003.

Utilizing the ITE estimated parking demand rate of 2.4 vehicles per 1,000 square feet, the addition of 1,320,000 square feet of office uses would result in a parking demand of 3,168 parking spaces. However, this rate is representative of suburban contexts and therefore not appropriate for Downtown which has a lower rate of auto commuters and higher transit usage. The *Downtown Transportation and Parking Plan* recommended off-street parking ratios of 1.4 vehicles per 1,000 square feet for locations in Downtown outside of the City Center area, within two blocks of BART. Using this rate, the projected parking demand would be 1,848 parking spaces. With an existing supply of 735 spaces plus an additional 697 spaces proposed there will still be a parking deficit of

238 spaces given a projected parking demand of 1,848 parking spaces (Table 1). Since the proposed retail space is assumed to be a one-to-one replacement of existing retail space on the site, the proposed retail space is omitted from the code requirement and parking demand calculations.

Table 1 Projected Parking Supply and Demand

| Phase | Office Square Footage (KSF) | Existing Parking Spaces ¹ | Proposed Parking Spaces | Total Parking Demand | Total Parking Supply | Parking Surplus/ Deficit |
|-------|-----------------------------|--------------------------------------|-------------------------|----------------------|----------------------|--------------------------|
| 1 | 552 | 913 | 467 | 773 | 1,380 | 607 |
| 2 | 768 | 913 | 230 | 1,075 | 1,610 | -238 |
| Total | 1,320 | 913 | 697 | 1,848 | 1,610 | -238 |

¹ This includes 419 spaces in average existing capacity available at the Kaiser Center Office Garage, based on occupancy data as of July 2010 and 494 spaces in average existing capacity available at off-street parking facilities in the vicinity of the project, based on occupancy surveys as of October 2008. Refer to Figure IV.L-10 and Table IV.L-7 in the Transportation and Circulation Chapter of the Draft EIR.

Based on the phasing of the construction of parking, there will be no parking deficit until Phase II of the project. In Phase I, based on the *Downtown Transportation and Parking Plan* off-street parking ratio of 1.4, there will be a demand for 773 parking spaces. During Phase I, 467 new parking spaces will be constructed for a total supply of 1,380 parking spaces, resulting in a surplus of 607 parking spaces. In Phase II, an additional 230 parking spaces will be constructed; however, the demand for parking will increase by an additional 1,075 parking spaces, resulting in a parking deficit of 238 parking spaces.

Components to Reduce SOV Rate in Phase I

Scenario 1

In Scenario 1, Phase I, the recommended 15% reduction in the current SOV rate would result in the drive alone mode share being reduced from 51% to 43%. Using future tenant-employee projections, Table 2 shows the number of employees that will be commuting by each mode if there is no mode shift compared to a 15% reduction in the SOV rate.

Table 2 Number of Commuters by Mode - Phase I, 15% SOV Reduction

| Phase I | Total Number of Commuters | Tenant-Employees Commuting by Auto | Drivers (Vehicles) | Passengers | SOV Drivers | Carpool Drivers | Transit/ Bicycle/ Walk |
|-------------------|---------------------------|------------------------------------|--------------------|------------|-------------|-----------------|------------------------|
| No Mode Shift | 1,423 | 996 | 858 ¹ | 137 | 721 | 137 | 427 |
| 15% SOV Reduction | 1,423 | 964 | 788 | 175 | 613 | 175 | 459 |

If the existing mode split (70% automobile, 30% transit/bicycle/walk) were maintained, 996 employees would commute via car. Of those arriving by car, 721 employees would be driving alone. If the SOV rate were reduced by 15%, the number of employees driving alone to work would decrease to 613. It is assumed that of the 108 employees (721-613) who are no longer driving alone, 30% will shift to transit, biking, or walking and that the remainder will shift to carpooling.

A 15% reduction in the SOV rate will also reduce the number of vehicles coming to the Phase I building each day from 859 to 788. Generally, it can be assumed that for each reduction in total vehicles coming to the Phase I building, there would be a commensurate reduction in parking demand. Therefore, a reduction in 70 vehicles at Kaiser Center Office building during the day would result in a reduction in parking demand of 70 parking spaces. Given that there is a parking surplus in Phase I, this reduction will increase the parking surplus from 607 spaces to 677spaces.

Table 3 lists the TDM measures that are required for Phase 1 of Scenario 1 and Scenario 2 as well as TDM measures that are recommended but not required.

Table 3 Phase I TDM Measures

| Measure | New Employers | Building Owner |
|--|---------------|----------------|
| <i>Mandatory Measures</i> | | |
| Designated TDM Coordinator in Building Management | | X |
| Shower/Changing Facility | | X |
| Preferential Parking for Carpools/Vanpools | | X |
| Bicycle parking | | X |
| Broadway/Valdez Shuttle Service | | X |
| <i>Recommended Measures</i> | | |
| Designated Employer Contact/Transportation Coordinator | X | |
| \$50 Monthly Transit Subsidy | X | |
| Commuter Tax Incentives | X | |
| Transit Pass Sales Onsite | X | |
| Carpool and Vanpool Ridematching Program | X | X |
| Guaranteed Ride Home | X | |
| Transportation Information Board/Kiosk | X | X |
| Marketing (to be distributed through the coordinator) <ul style="list-style-type: none"> o New Employee Packet o Flyers o Monthly Newsletters o Marketing Campaign o Etc. | X | |

As indicated in Table 3, depending on the administration needed for the various measures it may make sense for building owner or tenant-employers to oversee certain programs while for others it would be beneficial if both the tenant-employers as well as building owner oversee certain programs.

Each of the measures shown in Table 3 is described in further depth below.

- *TDM Coordinator* – Each employer shall designate a staff person as their TDM coordinator to coordinate, monitor and publicize TDM activities. Building owner shall also designate a “Kaiser Center Office TDM coordinator.”
- *Transit Subsidy* – All employers shall provide employees who participate in the *Commuter Tax Incentive* program with a monthly transit subsidy of \$50 added to each employee’s Clipper card (since BART, AC Transit, and Muni are participating in the Clipper program).

- *Commuter Tax Incentive* – Employees shall have the option to deduct a predetermined amount up to \$230 from their paychecks to be used for transit-related expenses.
- *Transit Pass Sales Onsite* – The Employer TDM coordinator shall offer employees the option to purchase transit passes onsite.
- *Shower/Changing Facilities* – Showers and changing facilities shall be included in the new buildings for employees who bike or walk to work, as defined in the City of Oakland Municipal Code.
- *Preferential Carpool and Vanpool Parking* - The number and location of preferential carpool parking shall be monitored annually and increased as necessary. Preferential carpool parking shall be provided at the new garage once it has been constructed. Carpools are vehicles that are shared by two or more persons.
- *Carpool and Vanpool Ridematching Program* – Employer TDM coordinators shall provide their employees with information on 511’s free online ridematching program <http://rideshare.511.org/> and shall promote this program to their employees. Building TDM coordinators shall post information regarding the 511 rideshare program on the transit information board/kiosk.
- *Bicycle Parking* – The number and location of bicycle racks and lockers shall be monitored annually and increased as demand warrants it. The number of bicycle racks and lockers provided shall meet the standards established in the City of Oakland’s Bicycle Parking Ordinance.
- *Guaranteed Ride Home Program (GRH)* – Both new and existing employers shall implement a GRH program for employees who take alternative forms of transportation to work. Alameda County has a GRH program that is free to all employers in the county.
- *Transit Information Board/Kiosk* – A transit information board or kiosk with up to date information on alternative transportation options and services shall be placed in a central and visible location to be maintained by building owner. In addition, both new and existing employees shall post alternative transportation information within their offices in a central and visible location.
- *TDM Outreach and Marketing Program* – New and existing employers shall implement an outreach and marketing program that is comprised of some or all of the measures listed below, (although not limited to these measures):
 - *New Employee Packet (mandatory for new employers)* – Every new employee shall receive a packet that provides information on the transportation programs and benefits available to them.
 - *Monthly Newsletter* – Provide information on and aggressive marketing of TDM programs in the monthly paper or electronic newsletter.
 - *Marketing Campaign* – An outreach program should be designed emphasizing the time savings, reduction in greenhouse gas emissions, health benefits, and other positive outcomes of adopting alternative transportation modes.
- *Broadway/Valdez Shuttle Service* – The building owner shall work with the City of Oakland to determine the building owner’s appropriate financial contribution share and/or other efforts to support the Broadway/Valdez shuttle service which provides service along Broadway and connects Kaiser Center to Jack London Square. The building owner shall include in its Annual Report documentation of financial contribution and/or other efforts to support the shuttle.

Scenario 2

For Scenario 2, to further reduce the SOV rate attributable to Phase I (in the Phase I Only scenario) to 20% less than the current baseline, it is recommended that the TDM program for Phase I be supplemented by the same TDM measures as in Scenario 1, Phase II, which are detailed in Table 6 and described thereafter.

Table 4 shows the number of employees that will be commuting by each mode if there is no mode shift compared to a 20% reduction in the SOV rate in Phase I.

Table 4 Number of Commuters by Mode - Phase I, 20% SOV Reduction

| Phase I | Total Number of Employees | Auto | Drivers (Vehicles) | Passengers | SOV Drivers | Carpool Drivers | Transit/ Bicycle/ Walk |
|-------------------|---------------------------|------|--------------------|------------|-------------|-----------------|------------------------|
| No Mode Shift | 1,423 | 996 | 858 | 137 | 721 | 137 | 427 |
| 20% SOV Reduction | 1,423 | 953 | 765 | 188 | 577 | 188 | 470 |

With an SOV rate reduction of 20%, the number of employees driving alone to work decreases from 721 to 577, resulting in 144 fewer employees driving alone to work. It is assumed that 30% of those employees who are no longer driving alone will shift to transit, biking, or walking and that the remainder will shift to carpooling.

A 20% reduction in the SOV rate will also reduce the number of vehicles coming to the Kaiser Center Office each day from 858 to 765. Generally, it can be assumed that for each reduction in total vehicles coming to the Phase I building, there would be a commensurate reduction in parking demand. Therefore, a reduction in 93 vehicles at the Phase I building during the day would result in a reduction in parking demand of 93 parking spaces. Given that there is a parking surplus in Phase I, this reduction will increase the parking surplus from 607 spaces to 700 spaces.

Components to Reduce SOV Rate in Phase II

Scenario 1

For Phase II, under Scenario 1, a 20% reduction in the current SOV rate would result in the drive alone mode share being reduced from 51% to 41%. Using future employee projections, Table 5 shows the number of employees that will be commuting by each mode if there is no mode shift compared to a 20% reduction in the SOV rate.

Table 5 Number of Commuters by Mode – Full Buildout

| Full Buildout | Number of | Auto | Drivers (Vehicles) | Passengers | SOV | Carpool | Transit/ Bicycle/ Walk |
|-------------------|-----------|-------|--------------------|------------|-------|---------|------------------------|
| No Mode Shift | 3,233 | 2,263 | 1,951 | 312 | 1,639 | 312 | 970 |
| 20% SOV Reduction | 3,233 | 2,165 | 1,738 | 427 | 1,311 | 427 | 1,068 |

At full buildout, an SOV reduction of 20% for all employees (Phase I and II) would result in a reduction of 328 SOV commuters. Given that these 328 commuters will shift to transit, biking, walking or carpooling there will be a reduction of 213 vehicles coming to Kaiser Center Office building as compared to no change in mode. This in turn results in a parking demand reduction of 213 spaces, reducing the parking deficit at buildout from 238 spaces to 25 spaces, thus not fully but almost mitigating the projected parking deficit.

A 20% SOV trip reduction would serve to reduce, but not fully mitigate to less than significant levels, the project buildout impacts on traffic and circulation, parking, air quality and greenhouse gas emissions. A reduction in the employee SOV rate of 20% is considered to be the maximum feasible trip reduction for the project.

In order to reduce the SOV rate attributable to Phase II/Buildout by 20% less than the current baseline mode split under Scenario 1 and Phase I under Scenario 2, the following additional TDM strategies are recommended.

Table 6 Recommended Phase II TDM Measures

| Measure | New Employers | Building Owner |
|--|---------------|----------------|
| Higher Parking Pricing | | X |
| Parking Cash-out(if employees get free parking) | X | |
| AC Transit Easy Pass for all FTE | X | |

- *Higher Parking Fees* - Parking fees have perhaps the largest impact on SOV rate compared to any other TDM program. The building owner and manager shall evaluate and then increase employee parking prices as needed to achieve the trip reduction goals. The current \$15 daily parking fee⁷ will likely have to be increased significantly in order to have an impact on the SOV rate. The evaluation of parking fees shall be performed by a qualified independent professional and submitted to the City for review and approval as part of the Annual Report. If the City determines it is necessary to increase parking fees, the building owner and manager shall submit a plan for City review and approval and the building owner and manager shall implement the approved plan.
- *Parking Cash-Out* – The majority of North American employers⁸ provide free or reduced price parking for their employees as a fringe benefit. Under a parking cash-out requirement, employers are allowed to continue this practice on the condition that they offer the cash value of the parking subsidy to any employee who does not drive to work. Offering employees the option of “cashing out” their subsidized parking space can incentivize employees to ride transit, bike, walk, or carpool to work, thereby reducing vehicle commute trips and emissions. The cash value of the parking subsidy can be offered in one of two forms:
 - A transit/vanpool subsidy equal to the value of the parking subsidy (of which up to \$230 is tax-free for both employer and employee).
 - A taxable carpool/walk/bike subsidy equal to the value of the parking subsidy.

⁷ Kaiser Center Office Project Draft EIR, August 2010, Volume 4, Chapter L Transportation and Circulation, pg 35.

⁸ Donald Shoup, “The High Cost of Free Parking”.

Parking cash-out is a state law in California, but the state law only applies to employers with 50 employees or more who lease their parking and whose parking costs can be separated out as a line item on their lease. Employers at Kaiser Center Office who meet these requirements shall implement parking cash out for those employees who do not drive to work.

- *AC Transit Easy Pass Program* – New Kaiser Center Office employers will be required to provide transit subsidies as part of the Phase I TDM program. However, only those employees utilizing transit through the *Commuter Tax Incentive Program* would be eligible for this transit subsidy. In Phase II, all full time employees who use public transit in the Phase I and Phase II buildings shall be given an AC Transit Easy Pass. This pass program would cover the full cost of rides on AC Transit to employees and allow for unlimited rides on AC Transit. The program allows employers to invest in an Easy Pass program, where the employer bulk purchases transit passes for all employees at a significantly reduced cost per rider. Currently the per employee cost per year would be \$82.⁹ The City of Berkeley is currently an Easy Pass member, providing free transit passes to all city employees. According to the City of Berkeley, if the Easy Pass were not available, 59% of respondents would reduce their use of AC Transit service and 25% would stop using AC Transit entirely. It is assumed that this program will be funded by the building owner and administered through the building owner's TDM coordinator in collaboration with all employer TDM coordinators.

Additional Strategies that Can Be Used to Reduce SOV Rate

Nelson\Nygaard believes that if Kaiser Center implements both the above presented required and recommended TDM Plan components, the SOV rate will be reduced by 15% in Phase I, Scenario 1 and Scenario 2, and by 20% in Phase II, Scenario 1 and Phase I, Scenario 2. If the project cannot achieve the 15% decrease in SOV rate attributable to Phase I, and/or the 20% decrease in SOV rate attributable to Phase II in Scenario 1 and Phase I in Scenario 2, the building owner shall, in addition to the monitoring/evaluation/enforcement recommendations that follow later in this report, prepare a report for City review and approval, which proposes additional TDM measures to achieve the TDM goals. This report shall include without limitation a discussion of the feasibility and effectiveness of the following programs and the building owner and manager shall implement the approved plan.

Additional strategies which may be utilized by both new and existing employers include the following:

- *Higher Transit Subsidies* – Increase the Clipper card transit subsidies to further encourage the use of transit to help achieve the SOV target(s).
- *Higher Parking Fees* – Again, parking pricing is the most effective means to reduce SOV rates.
- *Carsharing* – Carsharing operators such as City CarShare and ZipCar, using telephone and Internet-based reservation systems, allow their members a hassle-free way to rent cars by the hour, with members receiving a single bill at the end of the month for all their usage. This strategy has proven successful in reducing both

⁹ The yearly cost of \$82 per employee for the Easy Pass is based on a transit level of service 1 with a range of program participants between 1,001 and 5,000. Visit www.actransit.org/easypass for more information.

household vehicle ownership and the percentage of employees who drive alone because of the need to have a car for errands during the workday. As a result, carsharing can be an important tool to reduce parking demand. A carsharing program will thus enable Kaiser Center Office commuters to carpool, take transit, bike, or walk to work by ensuring that a shared car will be available for work and/or personal trips when needed. The building owner and manager can help facilitate the placement of these carshare vehicles in the Kaiser Center Office garage by providing parking for carshare vehicles free of charge.

Construction Period TDM Program

Subject to City review and approval, prior to start of construction, a construction period TDM program shall be implemented to encourage construction workers to carpool or use alternative transportation modes in order to reduce the overall number of vehicle trips associated with construction workers, and to address any construction-period parking availability issues. The EIR does not call for any specific mitigation given that there will be a parking surplus at the end of Phase I. Nevertheless, construction workers shall receive a transportation package prior to commencing work on the project with information about how to access the project by alternative transportation and the benefits of doing so.

TDM Implementation Timeline

The following Table 7 lists all the TDM measures described above and locates them on a timeline.

The mandatory TDM measures shall be implemented for Phase I by the one-year anniversary of the date upon which at least 85% of the rentable office space situated within Phase I is occupied by tenants, or 3 years from the certificate of occupancy issuance for the Phase I building, whichever comes first; and for Phase II, by the one-year anniversary of the date upon which at least 85% of the rentable office space situated within Phase II is occupied by tenants, or 3 years from the certificate of occupancy issuance for the Phase II Building, whichever comes first. However, the City would not begin monitoring, evaluation and enforcement until the occupancy or years specified for each scenario and project phase, discussed above. The symbol “→” in the table below represents that the specific TDM measure shall be maintained into the future.

Subject to City review and approval, any strategy can be discontinued if it can be proven that it is not effective; however, the strategy shall be replaced by either a new strategy or improvements of an already existing and more effective measure.

Table 7 TDM Implementation Timeline

| Program Components ² | Phase I (Scenario 1) | Phase I/Buildout (Scenario 2) | Phase II/ Buildout Scenario | |
|--|-------------------------|----------------------------------|--------------------------------|--|
| Mandatory Measures to Reduce SOV | | | | |
| Shower/changing facility | Yes | Yes | → | |
| Preferential parking for carpools/vanpools | Yes | Yes | → | |
| Broadway/Valdez Shuttle Coordination | Yes | Yes | → | |
| Bicycle parking | Yes | Yes | → | |
| Building owner-designated TDM coordinator | Yes | Yes | → | |
| Recommended Measures to Reduce SOV Rate | | | | |
| Designated employer contact/transportation coordinator | Yes | Yes | → | |
| Carpool and vanpool ridematching program | Yes | Yes | → | |
| Marketing (to be distributed through the coordinator) <ul style="list-style-type: none"> o New employee packet o Flyers o Monthly newsletters o Marketing campaign o Etc. | Yes | Yes | → | |
| Guaranteed Ride Home | Yes | Yes | → | |
| Transportation information board/kiosk | Yes | Yes | → | |
| \$50 Monthly Transit Subsidy | Yes | Yes | → | |
| Commuter Tax Incentives | Yes | Yes | → | |
| Transit pass sales onsite | Yes | Yes | → | |
| Higher Parking Pricing | | Yes | Yes | |
| Parking Cash-out, if employees get free parking | | Yes | Yes | |
| AC Transit Easy Pass for all FTE | | Yes | Yes | |
| Additional Strategies to Reduce SOV Rate | | | | |
| Higher Transit Subsidies | TBD | TBD | TBD | |
| Higher Parking Pricing | TBD | TBD | TBD | |
| Carsharing | TBD | TBD | TBD | |

² Each measure shall be continued through the life of the project (estimated to be approximately 40-50 years) and monitored in accordance with the TDM monitoring and evaluation program and subject to City review and approval.

Funding, Monitoring, Evaluation, and Enforcement

This TDM Plan requires regular periodic evaluation over the life of the project (estimated to be at least approximately 40-50 years) to determine how the Plan is achieving required SOV reductions over time, as well as the efficacy of the specific TDM measures.

Implementation of the mandatory TDM measures and related requirements shall be ensured through the Project Applicant and building owner's compliance with the Mitigation Monitoring and Reporting Program, as will be implemented through Conditions of Approval adopted for the project. The following is recommended to ensure compliance with the approved Kaiser Center Office TDM Plan:

1. After the certificate of occupancy is issued for each building, the building owner shall provide the City of Oakland with quarterly reports documenting building occupancy for Phase I up until the point at which 85% of the rentable office space situated within the Phase I "South Tower" is occupied by tenants, and until the point at which 85% of the rentable office space situated within the Phase II "North Tower," is occupied by tenants.
2. The TDM coordinator for each building shall prepare each year for the useful life of the buildings following issuance of the certificate of occupancy, subject to City review and approval, an Annual TDM Report that summarizes the building's transportation program over the preceding year, intended upcoming changes, and compliance with the conditions of this program. The Report shall be submitted to an independent reviewer of the City's choosing, to be paid for by the building owner, 2 months after each anniversary of the certificate of occupancy, based upon surveys done at each anniversary of the certificate of occupancy, as detailed below.
3. The Annual TDM Report shall include a comparison to historical findings. If participation rate in a program has changed significantly, a detailed description as to why the rate has changed is required. Each Annual TDM Report shall consist of the following:
 - a) Employee Transportation Survey – After a certificate of occupancy for each building is issued, surveys shall be conducted annually, unless a survey shows that the SOV rate has dropped by more than 15% during Phase I operations as compared to the baseline survey, or by 20% during Phase II operations or Phase I under Scenario 2 operations as compared to the baseline survey, the building owner shall not be required to conduct the following two annual Transportation Surveys. Upon the anniversary of the third year of the previous Transportation Survey a new Survey shall be conducted. During years without an Employee Transportation Survey, the Annual Report will include a brief summary of the last survey results.
 - b) The surveys shall be distributed to approximately half the employee population, in coordination with each employer TDM coordinator. Preferably the same survey template and method shall be used every year to avoid incomparable survey results, which shall be subject to review and approval by the City. The response rate shall be a minimum of 30%. If a 30% response rate cannot be obtained, a non-response survey shall be conducted. A survey response database shall be created with audit trail (each entry has a separate ID number, but without link to each individual).
 - c) Annual Parking Utilization Study – Shall be conducted every three years by reporting the monthly average of Kaiser Center Office garage occupancy during

peak conditions (12 data points per year). If there is no employee survey, pursuant to “3.a” above, then the parking utilization survey will be postponed until the first year of a new employee survey. The Annual Report will during these years include a brief summary of the last survey results.

- d) Annual Process Evaluations – The building owner shall on an annual basis report major accomplishments achieved for and changes made to each of the measures in operation as well as participation in each measure (e.g. number of participants in Commuter Tax Incentive, carpool program) and actual number of Full Time Equivalent staff (both am/pm peak and non-peak). The Kaiser Center Office TDM coordinator is expected to coordinate with each employer TDM coordinator to receive and compile accurate participation information in advance of submitting each Annual TDM Report.
4. The building owner shall, upon adoption of the EIR, fund an escrow-type account to be used exclusively for preparation of future Annual TDM Reports and review and evaluation by the City, or its selected peer reviewers. The escrow-type account shall be initially funded by the Project Applicant in an amount determined by the City and shall be replenished by the building owner so that the amount does not fall below an amount determined by the City. The mechanism of this account shall be mutually agreed upon by the Project Applicant and the City, including the ability of the City to access the funds if the building owner is not complying with the TDM requirements, and/or to reimburse the City for its monitoring and enforcement costs.
 5. If the third Annual TDM Report, or any report thereafter, indicates that, in spite of the changes in the final TDM Plan, Kaiser Center Office building is not achieving the TDM goals, the building owner shall prepare a report for City review and approval, which proposes additional TDM measures to achieve the TDM goals, including without limitation a discussion on the feasibility and effectiveness of the menu of other strategies (Corrective Action Plan). The building owner shall then implement the approved Corrective Action Plan.
 6. If, one year after the Corrective Action Plan is implemented, the required SOV reduction target is still not being achieved, or if the building owner fails to submit a report at the times described above, or if the reports do not meet City requirements outlined above, the City may, in addition to its other remedies, (a) assess the building owner a financial penalty based upon actual percentage reduction in SOV use as compared to the percent reduction in SOV use established in this TDM Plan; or (b) refer the matter to the City Planning Commission for scheduling of a compliance hearing to determine whether the project’s approvals should be revoked, altered or additional conditions of approval imposed. The penalty as described in (a) above shall be determined by translating the percentage SOV reduction not achieved up to 15% in Phase I and 20% in Phase II under Scenario 1 and up to 15% and 20% in Phase I under Scenario 2, into number of employees by multiplying the difference in SOV reduction with the most recent employee FTE count. Assuming the cost per new alternative commuter is \$20/day¹⁰ and that there are 261 workdays per year, the annual cost per new alternative commuter is \$5,220. The building owner shall therefore pay a penalty of up to \$5,220 per year for each employee that should have been using an alternative mode if the 15% reduction in SOV rate had been achieved

¹⁰ MTC’s *Transportation Blueprint for the 21st Century* (2000) and Alameda Contra Costa Transit District’s *AC Transit Berkeley/Oakland/San Leandro Corridor MIS, Final Report Volume 3: Evaluation of Alternatives* (2002) are two studies that indicate that the cost per new transit rider varies from \$6 per boarding to \$100 per boarding (in 1999-2001 dollars). For each commuter, this equals a daily cost of between \$12 and \$200 (in 1999-2001 dollars). It is therefore assumed that each new alternative commuter would cost Kaiser Center Office \$20 per day in 2010 dollars at the low end of the range, or \$5,220 per year, based on 261 workdays per year.

by the end of Phase I or if a 20% reduction in SOV rate had been achieved in Phase II under Scenario 1, or in Phase I under Scenario 2.

7. In determining whether a financial penalty or other remedy is appropriate, the City shall not impose a penalty if the building owner has made a good faith effort to comply with the TDM program. The City would only have the ability to impose a monetary penalty after a reasonable cure period and in accordance with the enforcement process outlined in Planning Code Chapter 17.152. If a financial penalty is imposed, such penalty sums shall be used by the City solely toward the implementation of the TDM Plan.

APPENDIX B

Final Greenhouse Gas Emissions Reduction Plan

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Final Greenhouse Gas Emissions Reduction Plan

date April 12, 2011

to Eric Angstadt, Deputy Director, Oakland Community and Economic Development Agency

from Joan Douglas, AICP, Project Manager
Crescentia Brown, AICP, Project Director

subject Kaiser Center Office Project – Final GHG Emissions Reduction Plan

Introduction

This Final Greenhouse Gas (GHG) Emissions Reduction Plan (“GHG Plan”) presents additional GHG emissions inventory estimates for the Kaiser Center Office Project (“Project” or “Proposed Project”) and identifies available GHG emissions reduction measures that the Project may implement to reduce GHG Emissions associated with the Proposed Project. The Preliminary GHG Plan presented as Appendix I to the Draft EIR was considered “preliminary.” This Final GHG Plan includes updated information required pursuant to City of Oakland Standard Conditions of Approval (SCA) identified in the Draft EIR, and, although this is the Final GHG Plan, the Project Applicant will continue to refine the list of additional GHG reduction measures identified herein and implement the Final GHG Plan throughout the Project to fully satisfy SCA GHG-1, Greenhouse Gas Reduction Plan, that was identified in the Draft EIR to reduce GHG emissions of the Project.

The primary update in this Final GHG Plan is the incorporation of assumptions and transportation demand management (TDM) vehicle trip reduction measures from the Kaiser Center Office TDM Plan (TDM Plan) prepared by Nelson\Nygaard Consulting Associates (February 2011) and included in Appendix A to the Kaiser Center Office Responses to Comments / Final EIR. TDM trip reductions identified in the TDM Plan, which are considered part of the Proposed Project (as are baseline GHG emissions reductions identified in this Final GHG Plan), can substantially reduce mobile source emissions generated at each phase of the Project. As presented in this Final GHG Plan, GHG emissions from the Proposed Project at Phase I and Phase II/Buildout with incorporation of the TDM Plan result in a less than significant impact compared to the City’s significance thresholds for GHG emissions, which incorporate the Bay Area Air Quality Management District’s (BAAQMD) adopted CEQA Thresholds.

This Final GHG Plan presents a specific, quantified GHG Reduction Plan Program that includes a menu of *additional* applicable GHG emissions reduction measures identified to *further* reduce the Project’s GHG emissions to the greatest extent practical and feasible, but in no event less than the amount required

to be less the BAAQMD CEQA Thresholds. The GHG Plan will be implemented throughout the life of the Project in accordance with periodic compliance reporting, monitoring and funding requirements specified herein.

Emission inventories for two Project Alternatives are also presented in this GHG Plan.

Summary of Impact Findings

Total GHG emissions resulting from the Proposed Project Buildout (Phase I and Phase II) were estimated factoring in all emissions reduction components, including Project design features, applicable City SCAs (including TDM trip reduction measures), as well as applicable regulatory requirements. Assumptions from the TDM Plan and baseline GHG Plan are considered part of the Proposed Project, since preparation and implementation of each Plan is required pursuant to the City SCAs. Therefore, this analysis assesses CEQA impact significance based on the Project's GHG emissions with TDM trip reduction measures and baseline GHG emissions reduction measures incorporated. GHG emissions resulting *without* TDM trip reduction measures assumed are reported for comparison only.

Project Buildout

While total Project GHG emissions of 12,030 MT of CO₂e per year would exceed the BAAQMD CEQA threshold of 1,100 MT of CO₂e annually, the results of the 3.7 MT of CO₂e per year per capital of service population would not exceed the BAAQMD efficiency-based CEQA threshold of 4.6 MT of CO₂e per year per capital of service population. A significant impact occurs only if *both* thresholds are met or exceeded, therefore, the Project would result in a **less than significant** cumulative GHG emissions impact at Buildout since only one threshold is exceeded. For Buildout, GHG emissions reduction measures are identified (to address SCA GHG-1) to reduced the 10,931 MT of CO₂e per year exceedance of the annual 1,100 MT of CO₂e threshold to the extent practical and feasible, but in no case less than the 10,931 MT of CO₂e per year necessary to get below the threshold.

Phase I

At Phase I of the Project, emissions of 6,485 MT of CO₂e per year would also exceed the annual 1,100 MT of CO₂e threshold, but the efficiency-based threshold of 4.6 MT CO₂e per year per service population threshold would not exceed the 4.6 MT CO₂e per year per service population threshold. Therefore, this would result in a **less than significant** cumulative GHG emissions impact at Phase I of the Project since only one threshold is exceeded. As with Project Buildout discussed above, GHG emissions reduction measures are identified (to address SCA GHG-1) that could reduce the 5,386 MT of CO₂e per year exceedance of the annual 1,100 MT of CO₂e threshold to the extent practical and feasible, but in no case less than the 5,386 MT of CO₂e per year necessary to get below the threshold.

Comparison to Draft EIR Findings

The Draft EIR reported GHG emissions from Buildout of the Project that did not result in a significant impact; only one of the two applicable thresholds was exceeded. However, the Draft EIR reported GHG emissions from Phase I of the Project that exceeded significance thresholds without TDM and resulted in a **significant impact, reduced to less than significant** with adherence to SCA GHG-1 (referred to in the Draft EIR as Mitigation Measure AIR-3 to address the significant CEQA impact), to reduce the Phase I GHG emissions to a less than significant level. With incorporation of the Kaiser Center Office TDM Plan

that has been developed since publication of the Draft EIR, the Project's GHG emissions do not result in a significant CEQA impact in Phase I. However, preparation and implementation of a GHG Plan pursuant to SCA GHG-1 still required. (SCA GHG-1 is discussed in greater detail below in Section 3.2.)

Organization of the Plan

This GHG Plan is organized as follows:

Part A: GHG Emissions Inventory and Impacts (p. 6)

- 1.0 Discussion of GHG emissions background and CEQA Context (p. 6)
- 2.0 Identifies and discusses the emission sources that are included in the inventory, as well as other sources that are not included. (p. 7)
- 3.0 Identifies and discusses Project design features, applicable City Standard Conditions of Approval (including TDM measures), regulatory requirements, and General Plan policies and programs that would reduce GHG emissions from the Project. (p. 9)
- 4.0 Estimates the Project's "unadjusted" ("business as usual") GHG emissions inventory (considering construction and operations) in carbon dioxide equivalents (CO₂e), generally *excluding* the emissions reductions resulting from the considerations in Section 3.0, above. Estimates the Project's "adjusted" baseline GHG emissions, which *include* the emissions reductions resulting from the considerations in Section 2.0 against the CEQA thresholds of significance for GHG impacts. (p. 13)
- 5.0 Presents GHG emissions inventories (considering construction and operations) in carbon dioxide equivalents (CO₂e) for two on-site build Project alternatives (as analyzed in Chapter V of the Draft EIR), and compares those emissions to the those of the Project. (p. 23)

Part B: Available GHG Reduction Measures and Reduction Plan Program (p. 27)

- 6.0-8.0 Presents a comprehensive descriptive list of potential emission reduction measures from various agencies and organizations providing policy and methodology guidance on emission inventories and reductions (e.g., California Air Pollution Control Officer Association [CAPCOA] and BAAQMD). (p. 27)
- 9.0 Describes a comprehensive set of additional GHG reduction measures (including additional TDM measures) that may be implemented by the Project to further reduce GHG emission beyond "adjusted" baseline emissions described in Section 4.0 above. (p. 41)
- 10.0 Presents the GHG Reduction Plan Program.(p. 50)

The information and analysis presented herein has been prepared by Chris Sanchez, ESA Senior Technical Associate, Air Quality/GHG; and Jeff Caton, P.E., LEED AP, Director, ESA Renewable Resources.

Part A: GHG Emissions Inventory and Impacts

1.0 Background and CEQA Context

The analysis presented herein is prepared consistent with both statewide and local guidance on the estimation and evaluation of GHG emissions relative to CEQA. These specifically include amendments adopted on March 18, 2010 to the *CEQA Guidelines* regarding GHG emissions. 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 analysis in this GHG Plan is consistent with this guidance.

Local guidance includes the Air Quality CEQA Thresholds of Significance from the Bay Area Air Quality Management District (BAAQMD), adopted June, 2, 2010. These thresholds represent the only quantitative thresholds formally proposed by a regulatory agency with jurisdiction over the Project. In its June 2010 *CEQA Air Quality Guidelines*, BAAQMD is specific as to what sources of emissions should be considered relative to proposed CEQA GHG thresholds¹ (Table 4-2: Guidance for estimating a Project's Operations GHG Emissions, page 4-6) and also provides the BAAQMD Bay Area Greenhouse Gas Emissions Model (BGM) to estimate GHG emissions from land development of projects. As such, the Project's baseline GHG emissions inventory presented in this GHG Plan provides emissions data for the sources identified by BAAQMD in its updated Guidelines and applies the adopted significance thresholds.

2.0 GHG Emission Sources

2.1 GHG Emission Sources Included in the Inventory

Emissions included in the updated BAAQMD Guidelines and therefore included in the baseline GHG emissions inventory for the Project, if applicable, are:

- 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.
- Transportation Emissions. These are direct emissions from mobile sources including automobiles, trucks, motorcycles, and busses.

¹ 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 Electricity Consumption. These are indirect emissions emitted off-site via non-renewable, non-nuclear electricity generators as a result of increased electrical demand.
- Solid Waste Disposal Emissions. These are indirect emissions associated with waste generation. The non-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.
- Operational Fugitive (Direct) Emissions. These direct emissions are most commonly associated with inadvertent emissions to the atmosphere due to leakage or inherent imperfections in a gas transport or collection system. Direct fugitive GHG emissions that may reasonably be expected to be generated by a commercial building like the Project would consist of GHG refrigerants emitted from leaks or other imperfections in refrigeration or air cooling equipment.
- 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 updated Guidelines define indirect emissions from wastewater treatment as including the GHG emissions associated with the electricity use in wastewater treatment and not the biogenic CO₂ process emissions².

2.2 GHG Emission Sources Not Included in the Inventory

Emissions not included in the BAAQMD Guidelines, and therefore not included in the baseline GHG emissions inventory for the Project, are discussed below. These emissions may be considered in addition to those incorporated into the Project's baseline GHG emissions inventory discussed below in Sections 6.0 through 9.0.

- Permitted Stationary Source Equipment. Per BAAQMD, GHG emissions from permitted stationary source equipment are not to be assessed as part of the operational emissions of a land development project, but are instead to be directly compared to BAAQMD's 10,000 metric ton per year threshold for such equipment for the purposes of impact assessment relative to CEQA. GHG emissions from permitted stationary source equipment are not to be included in the project inventory that is used for comparison to either the BAAQMD's proposed threshold of 1,100 MT of CO₂e per year or the efficiency-based threshold of 4.6 MT of CO₂e per year per service population (Tholen, 2010b). The GHG analysis for the Project does not include any permitted stationary source equipment.

² 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

- Vegetation Sequestration Change. This is the net change in CO₂ emissions resulting from vegetation change and its associated carbon sequestration. Given the urban location of the Proposed Project, a significant change in sequestration of CO₂ from vegetative sources is not expected.
- 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, data necessary to estimate emissions (the pounds of charge of refrigerant for all air handling units) is not readily available.
- 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 lifecycle analyses are not required under CEQA,³ and in December 2009 CNRA issued new energy conservation guidelines for EIRs that make no reference to lifecycle emissions.⁴ 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.⁵
- Agricultural Emissions. These are emissions from livestock, from fuel combustion associated with agricultural equipment operation, electricity use and fertilizer application. These sources were assumed not to be generated by the Proposed Project.
- Off Road Equipment Emissions. These are emissions from off-road equipment typically associated with equipment typically associated with industrial or large commercial land uses such as fork lifts, yard dogs and generators. These sources were assumed not to be generated by the proposed office tower project.

³ 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).

⁴ State CEQA Guidelines, Appendix F. These new guidelines were part of amendments issued pursuant to SB97.

⁵ 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).

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

There are many ways for a project to reduce its GHG emissions through its design, construction and operations. Local conditions of approval, policies, programs and regulatory requirements that apply to a project also combine to reduce project GHG emissions. Each of these components is considered part of the Proposed Project and is included in the estimate of the Project's baseline GHG emissions inventory as follows:

3.1 Project Design Features

- **CALGreen – Energy Performance Standard.** One of the objectives of the Project (presented in Chapter 3, Project Description) is to meet contemporary energy and design objectives by ensuring that the new towers meet mandatory green building performance standard per CALGreen and provide the opportunity for the Project, as part of this GHG Plan, to exceed such standards where feasible. CALGreen is a newly enacted building code requirement pursuant to Title 24 of the CCR, which is effective January 2011 and will apply to construction of the Proposed Project. 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. It also requires separate water meters for nonresidential buildings' indoor and outdoor water use, with a requirement for moisture-sensing irrigation systems for larger landscape projects and mandatory inspections of energy systems (e.g., heat furnace, air conditioner and mechanical equipment) for nonresidential buildings over 10,000 square feet to ensure that all are working at their maximum capacity and according to their design efficiencies. The effects of these energy and water saving features are incorporated into the baseline emission inventory for the Proposed Project.

3.2 City Standard Conditions of Approval

City SCAs 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.

The following SCAs are required as part of a Proposed Project and adopted as conditions of approval to help reduce GHG emissions of the Project:

- **SCA TRANS-1 – Parking and Transportation Demand Management Plan.** SCA TRANS-1 requires the Project applicant to submit for review and approval by the City of Oakland Planning and Zoning Division a Transportation Demand Management (TDM) Plan containing strategies to reduce on-site parking demand and single occupancy vehicle (SOV) travel. Generally, TDM could reduce SOV trips for a large office project near located near transit by about 10 to 20 percent. In the preliminary GHG Plan presented in the Draft EIR, calculations of GHG reductions attributable to a TDM Plan preliminarily (and conservatively) assumed a 10 percent reduction in Project trip generation; and emissions estimates reflected with and without the preliminary 10 percent projected TDM trip reduction.

A TDM Plan has been completed that considers a “15 percent Phase I / 20 percent Phase II/Buildout” TDM trip reductions to the Project trip generation reported in the Draft EIR. Section 4.0 calculates the resulting GHG emissions for the City to consider in its approval of the TDM Plan by the City prior to certification of the EIR.

- **SCA UTIL-1 – Waste Reduction and Recycling.** SCA UTIL-1 requires the Project applicant to submit a Construction & Demolition Waste Reduction and Recycling Plan (WRRP) and an Operational Diversion Plan (ODP) for review and approval by the Oakland Public Works Agency. Chapter 15.34 of the Oakland Municipal Code outlines requirements for reducing waste and optimizing construction and demolition (C&D) recycling. Affected projects include all new construction and all demolition. This SCA essentially addresses reduction in construction-related emissions, which the City combines with the Project’s operational emissions to assess against the significance thresholds for operational emissions, even though construction emissions are not a component of BAAQMD’s Guidelines. Therefore, this SCA will contribute to reducing total emissions of the Project.
- **Landscape Requirements and Tree Replacement.** SCAs address landscape requirements for frontages of commercial buildings and replacement of trees removed as part of a project. Projects are required to install one tree for every 25 feet of street frontage in cases sidewalks have adequate width. Additionally SCAs generally require the replacement of native trees removed as part of a project. Together, these SCAs that maintain and increase landscaping and trees effect cooler climate, reduce excessive solar gain, and absorb CO₂e emissions over the minimum 3.5 years to construct Phase II of the Project, but have no impact on the emissions inventory of the Proposed Project.
- **SCA GHG-1- GHG Reduction Plan.** SCA GHG-1 applies to certain projects that produce total GHG emissions that exceed the BAAQMD CEQA Thresholds. SCA GHG-1 requires the Project applicant to prepare the GHG Reduction Plan, presented herein, to increase energy efficiency and reduce GHG emissions to the greatest extent practical and feasible, but in no event less than the amount required to be below the BAAQMD CEQA Thresholds. As summarized above, consistent with SCA GHG-1 this GHG Reduction Plan includes a comprehensive set of quantified GHG emissions reduction measures in addition to energy efficiencies included as part of the project (including the City’s SCAs, proposed mitigation measures, project design features, and other City requirements. SCA GHG-1 is presented in the detailed Project GHG emissions impact analysis further below and will reduce the GHG emissions of the Project.

3.3 General Plan Policies and City Programs

- **Oakland General Plan LUTE.** The LUTE is aimed at promoting use of public transit, bicycles and pedestrian travel. Any reduction of transportation-related GHG emissions are captured in the trip reduction associated with the TDM Plan.
- **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 CO₂; (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 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 there are two main categories that relate to reducing GHG emissions from a development project: renewable energy and green building.

Renewable Energy. 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).

Green Building. 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.

Since publication of the Draft EIR, the City adopted a Green Building Ordinance and requirements for private developers in October 2010. Although the Proposed Project meets the criteria required for mandatory compliance (non-residential new construction greater than 25,000 square feet of total floor area), the City deemed the Kaiser Center Project application complete prior to adoption of the Green Building Ordinance, therefore the Project is not subject to the Ordinance. However, the baseline emissions inventory for the Proposed Project assumes implementation of mandatory CALGreen standards as a Project design feature, as discussed above in Section 3.1.

3.4 Regulatory Requirements

- *AB 1493 and Amended “Pavley” Regulations.* 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 CARB has adopted amendments to the Pavley regulations that reduce GHG emissions in new passenger vehicles from 2009 through 2016. The amendments, approved by CARB 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 model used to estimate the Proposed Project’s GHG emissions for this analysis accounts for reductions of GHG resulting from implementation of Pavley standards.
- *Low Carbon Fuel Standards (LCFS).* On April 23, 2009 CARB approved the regulation to implement the LCFS. The LCFS will reduce GHG emissions from the transportation sector in California by about 16 million metric tons (MMT) in 2020. The model used to estimate the Proposed Project’s GHG emissions for this analysis accounts for reductions of GHG resulting from implementation of LCFS.

Other Project characteristics that reduce GHG emissions and support the Project’s alignment with AB 32 GHG reduction goals include proposed pedestrian improvements. The Project final design is anticipated to include extensive streetscape improvements, including new and increased sidewalk, curb, and gutter; right-of-way landscaping; streetlights; street furniture; wayfinding signage; and/or art. These features, as outlined in the City’s Pedestrian Master Plan adopted in November 2002, are identified as design amenities that develop a pedestrian-oriented environment that facilitate walking and transit use. These features would help reduce transportation-related GHG emissions by encouraging additional pedestrian trips. Also, the Project’s combination of office and commercial/retail uses has the potential to reduce greenhouse gas emissions related to transportation for both the employees and the patrons of each of these uses. Multiple amenities and services an employee or patron might use would be located in this single development, which would reduce vehicle-miles-traveled.

4.0 Baseline GHG Emissions Inventory

4.1 Construction-Related GHGs

Assumptions

Estimated Total and Annualized 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 (CO₂, CH₄ and N₂O) in metric tons of CO₂e, by construction year and Project phase. An estimated total 2,081 MT CO₂e emissions from Project construction equipment and vehicles would be emitted over the minimum 3.5 years to construct Phase I of the Project,

**TABLE 1
CONSTRUCTION-GENERATED GHG EMISSIONS OF THE PROPOSED PROJECT**

| Construction Year | Annual CO ₂ e Emissions (metric tons per year) | | | |
|--|---|-----------------|------------------|-------------------------|
| | CO ₂ | CH ₄ | N ₂ O | Total CO ₂ e |
| Phase I | | | | |
| 2012 | 244 | 0.29 | 1.94 | 246 |
| 2013 | 733 | 0.88 | 5.82 | 740 |
| 2014 | 750 | 0.90 | 5.96 | 757 |
| 2015 (Phase I) | 335 | 0.40 | 2.66 | 338 |
| Total Phase I | | | | 2,081 |
| Phase Construction Emissions per Year (annualized over 40 years) | | | | 52 |
| Phase II | | | | |
| 2015 (Phase II) | 112 | 0.13 | 0.89 | 113 |
| 2016 | 953 | 1.14 | 7.57 | 962 |
| 2017 | 948 | 1.14 | 7.53 | 957 |
| 2018 | 426 | 0.51 | 3.39 | 430 |
| Total Phase II | | | | 2,461 |
| Total Construction Emissions – Project Buildout | | | | 4,542 |
| Total Construction Emissions per Year (annualized over 40 years) | | | | 114 |
| Total Construction Emissions per Year (annualized over approximately 7 years to construct the Project) | | | | 649 |

SOURCE: ESA, 2010

and an estimated total 2,461 MT CO₂e emissions over the minimum 3.5 years to construct Phase II of the Project, for a total of approximately 4,542 MT CO₂e emissions over the minimum total construction period of seven years through Buildout. Approximately 46 percent of the total construction GHG emissions is associated with Phase I construction, with approximately 54 percent associated with Phase II construction.

Construction emissions are annualized because the proposed operational GHG emissions thresholds are analyzed in terms of metric tons “per year.” Assuming a 40-year development life of the Project until it is demolished or remodeled for energy efficiency (which is the common standard currently used in practice), total construction emissions represent approximately 114 MT CO₂e annually, over 40 years. Annualized over the 3.5-year construction period for Phase I, the one-time construction-related contribution to GHG emissions is approximately 52 MT CO₂e per year, and over the seven-year construction period of the Project Buildout the one-time construction-related contribution is approximately 649 MT CO₂e per year.

The BAAQMD Guidelines do not include a specific threshold or methodology for assessing construction-related GHG emissions for CEQA analysis. The City's methodology adds the 40-year annualized construction-related GHG emissions to the Project's total operational-related emissions, to assess construction-related GHG emissions against the BAAQMD thresholds and Project's ability to meet AB 32 GHG reduction goals, as discussed below. The Project includes characteristics that specifically contribute to it being consistent with AB 32 GHG reduction goals during construction. The analysis of construction emissions only considers improvements in construction equipment exhaust emissions through manufacturer requirements and turnover. In addition to considering the CO₂e emission from construction activities, the Project would incorporate dust control measures recommended by BAAQMD (Oakland SCA AIR-1, Construction-Related Air Pollution Controls (Dust and Equipment Emissions [Dust Control])), and measures related to construction exhaust emissions (Oakland SCA AIR-2, Construction Emissions).

Further, the SCAs that apply to the Project align with 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).

In summary, the annualized GHG emissions from construction of the Project would not conflict with the goals of AB 32.

4.2 Long-Term Operational GHGs

As introduced above, long-term operational GHG emissions associated with the Project include indirect emissions from mobile sources (motor vehicle trips), emissions from natural gas combustion used in non-residential buildings, emissions from electricity use in non-residential buildings (grid electricity), emissions from water conveyance and waste water treatment and conveyance, and emissions from area sources. Emissions from each of these sources, in addition to the construction-related emissions discussed above, are reported in Tables 2 and 3, below.

Unadjusted Operational GHG Emissions

"Unadjusted Operational GHG Emissions" of the Project do not factor in the Project's design features, applicable City SCAs (including TDM), and regulatory requirements that are considered part of the Project and that reduced the Project's GHG emissions; it is essentially a "business as usual" approach. Unadjusted emissions do, however, assume the same Project assumptions and inputs used to estimate the Project's baseline emissions, below. The unadjusted emissions are considered to demonstrate the emissions reductions that are attributable to measures incorporated as part of the Project. As shown in Table 2, the total unadjusted annual GHG emissions generated by the Project is approximately 8,197 MT CO₂e per year at Phase I and 15,772 MT CO₂e per year at Project Buildout.

**TABLE 2
UNADJUSTED OPERATIONAL GHG EMISSIONS INVENTORY FROM THE PROPOSED PROJECT**

| Emission Source | Total Annual CO ₂ e Emissions (metric tons per year) | |
|--|---|---|
| | Phase I Total CO ₂ e | Project Buildout ^a Total CO ₂ e |
| Motor vehicle trips (no TDM) | 4,570 | 9,143 |
| Natural gas | 734 | 1,749 |
| Grid Electricity | 2,538 | 3,966 |
| Water Conveyance | 11 | 20 |
| Wastewater Treatment & Conveyance | 12 | 22 |
| Solid Waste | 280 | 758 |
| Area Source (landscape maintenance) | 0.24 | 0.24 |
| Total Unadjusted Operational Project GHG Emissions without Construction Emissions | 8,145 | 15,658 |
| Construction Emissions per Year (annualized over 40 years) (see Table IV.B-9) | 52 | 114 |
| Total Unadjusted Operational Project GHG Emissions with Construction Emissions | 8,197 | 15,772 |
| Total Unadjusted Operational Project GHG Emissions by Service Population | 5.7^b | 4.8^b |

^a Project Buildout includes Phase I (South Tower) and Phase II (North Tower) and all other Project components

^b Total emissions divided by service population of 1,423 net new employees for the Project at Phase I, and 3,233 net new employees for the Project at Buildout.

SOURCE: ESA, 2010

Assumptions and Estimated Adjusted Baseline Operational GHG Emissions, by Source

- **Mobile Source (Motor Vehicle) Emissions.** The Proposed Project consists of high-density commercial development 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 employees, customers and vendors.

Vehicle trip generation from the Proposed Project is based on information from the transportation analysis in Table IV.L-9 of the DEIR. Trip reductions used to assess GHG emissions reflect two trip reduction scenarios analyzed in the TDM Plan:

- Scenario 1, the Proposed Project, considers approximately 15 percent trip reduction for Phase I (referred to throughout at “Phase I”), and approximately 20 percent trip reduction for Phase II/ Buildout.⁶

⁶ With Scenario 1, the 15 percent trip reduction must be achieved within 1 year from the date upon which the Phase I reaches 85 percent occupancy or 3 years from the certificate of occupancy, whichever comes first. In the long-term, within 1 year from the date upon which buildout (Phase I and II) reaches 85 percent occupancy or 3 years from the certificate of occupancy, whichever comes first.

- Scenario 2 considers the Phase I Only Project (Alternative 1 analyzed in the Draft EIR and in Section 5.0 of this GHG Plan) with a 15 percent near-term trip reduction and a 20 percent Phase I Buildout trip reduction.⁷

Total buildout of the Proposed Project would result in a net increase of 7,966 standard vehicle trips per day over existing conditions without any TDM vehicle trip reductions; which would reduce to 7,169 standard vehicle trips per day assuming the preliminary 10 percent TDM trip reduction estimated in the Draft EIR; and which would reduce to 6,373 standard vehicle trips per day assuming the estimated 20 percent TDM trip reduction estimate in the TDM Plan.

Emissions for vehicle trips were calculated using the URBEMIS2007 computer model and the BGM of the BAAQMD. Trip generation rates of the BGM were adjusted to reflect the Project-specific vehicle trip generation presented in the DEIR. The calculation used the model default vehicle trip lengths specific to urban areas of Alameda County in the San Francisco Bay Area Air Basin.

BGM calculates the CO₂, CH₄ and N₂O emissions from motor vehicle trips based on trip generation and trip lengths and other data in the URBEMIS model. BGM uses CH₄ and N₂O emission factors from CCAR and multiplies them by their respective global warming potential (GWP) to convert them to CO₂e. BGM also takes into account emissions reductions that would result from the implementation of Pavley GHG standards and the LCFS.

The resulting total Project mobile source emissions at total Project Buildout are estimated to be approximately **8,359 MT CO₂e per year** without the 20 percent Phase II/Buildout TDM reduction and **6,684 MT CO₂e per year** with the 20 percent Phase II/Buildout TDM reduction.

The resulting total Project mobile source emissions at Phase I are estimated to be approximately **4,190 MT CO₂e per year** without the 15 percent Phase I TDM reduction, and **3,565 MT CO₂e per year** with the 15 percent Phase I TDM reduction.

- Project Natural Gas Combustion Emissions. GHG emission estimates from natural gas were calculated using the BGM of BAAQMD. The Project-related natural gas GHG emissions are estimated to be 1,749 MT CO₂e per year. GHG emissions from existing buildings to be demolished represent 371 MT CO₂e per year. The net increase in GHG emissions from natural gas resulting from the Proposed Project are estimated to be **682 MT CO₂e per year at Phase I** and **1,632 MT CO₂e per year at Buildout**.
- Indirect Project Electrical GHG Emissions. Non-residential buildings require electricity for space and water heating, air conditioning, lighting, and plug-in outlets. The amount of energy used (and the amount of associated GHG emissions emitted) per dwelling unit would vary with the type of residential building.

⁷ For Scenario 2, Phase I Only, in the short-term, a 15 percent trip reduction must be achieved within 1 year from the date upon which Phase I reaches 85 percent occupancy or 3 years from the certificate of occupancy, whichever comes first. In the long term, the 20 percent trip reduction must be achieved within 5 years from the date upon which Phase I reaches 85 percent occupancy or 7 years from the certificate of occupancy, whichever comes first.

GHGs are indirectly emitted as a result of electrical service required for a Proposed Project. 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 (CO₂e emission rate per kilowatt of electricity generated) for its sources.

BGM was not used to calculate GHG emissions because it uses statewide composite emission factors that cannot be adjusted in the model. Because PG&E would be the electrical provider for the Proposed Project and because PG&E calculates its own emission factors based on its percentage of renewable energy within its portfolio.

For the Project inventory, all indirect electricity emission factors are drawn from the most recent PG&E's calculation of a 5-year rolling average and have been adjusted to incorporate its fluctuating Renewable Portfolio Standard. The PG&E emission factor is provided in terms of CO₂e and does not separate out the individual contribution of CH₄ and N₂O. While fossil fuel combustion generates CH₄ and N₂O, the emissions of these GHGs typically comprise less than one percent of total CO₂e emissions.

Project electrical GHG emissions were calculated based on energy demand estimates for commercial buildings contained in the California Energy Commission's latest *California Energy Demand Staff Report* adopted in December 2009. The Proposed Project will construct the buildings to mandatory CALGreen standards. To achieve CALGreen Tier I energy efficiency, buildings must achieve 15 percent beyond Title 24, part 6. For the inventory these standards were applied to the Proposed Project and a 15 percent reduction in energy demand was incorporated into the calculation of GHG emissions from grid electricity. The resulting energy demand was then converted to GHG emissions by using the appropriate emission factors discussed above. To determine the net increase resulting from the Project, the GHG emissions from existing structures to be demolished were subtracted from Project emissions. The resulting net Project-related electrical GHG emissions are estimated to be **1,995 MT CO₂e per year at Phase I** and **3,099 MT CO₂e per year at Buildout**.

- Water and Wastewater Treatment and Conveyance. The Project GHG inventory includes emissions associated with drinking water and wastewater supply and treatment. In general, the majority of these emissions are indirect emissions associated with the energy used to convey, treat, and distribute water and wastewater. Additional emissions from wastewater treatment include CH₄ and N₂O, which are emitted directly from wastewater treatment processes.

The amount of electricity required to treat and supply water is a function of water use. According to Section 4.M, Utilities and Service Systems, of the DEIR, the Project would generate a net

water demand of 119,000 gallons per day (gpd) after accounting for existing uses in the buildings to be demolished. Implementation of the proposed mandatory CALGreen standard would reduce water demand by an additional 20 percent (projected).

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 CO₂, CH₄ and N₂O emission factors from CCAR's General Reporting Protocol. Statewide emission factors are used rather than local PG&E factors to reflect the fact that drinking water from the local water utility (EBMUD) is pumped from a variety of sources including primarily the Mokelumne River watershed in the eastern Sierras and therefore has the potential to be pumped through the jurisdictions of electricity providers other than PG&E.

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.

Emissions associated with wastewater treatment include indirect emissions associated with powering the treatment process and direct emissions from degradation of organic material in the wastewater, which are biogenic in nature and not considered as part of the Project's GHG inventory. Wastewater discharge from the Proposed Project is estimated in Section 4.M, Utilities and Service Systems, of the EIR, to be 105,500 mgd. Implementation of the proposed mandatory CALGreen standard would reduce water demand by an additional 20 percent.

In total, all municipal of water and wastewater treatment and conveyance for the Project is expected to produce **21 MT CO₂e annually at Phase I** (approximately 8 MT CO₂e per year attributable to water conveyance and approximately 13 MT CO₂e per year attributable to wastewater treatment and conveyance). The Project is expected to produce **39 MT CO₂e annually at Buildout** (approximately 15 MT CO₂e per year attributable to water conveyance and approximately 24 MT CO₂e per year attributable to wastewater treatment and conveyance).

- **Solid Waste.** The updated BAAQMD Air Quality Guidelines now specifically identifies emissions from solid waste as an element to be included in a GHG inventory for comparison to their proposed GHG significance thresholds. For solid waste, BGM uses the emission factors compiled by CALrecycle to estimate GHG emissions. For office uses the factor used is one of the highest and is from an unverifiable source in a Ventura County EIR This analysis used the user override function to apply an office land use waste generation use rate of 1.999 pounds per 1,000 square feet per year. This rate is consistent with what was in the EIR and is also from Cal recycle.

BGM uses a two step process. In the first step, BGM estimates the amount of solid waste that the project will generate based on solid waste generation rates compiled by Calrecycle (formerly the California Integrated Waste Management Board). In the second step, BGM estimates the GHG emissions associated with that solid waste.

The solid waste GHG emissions include two components: truck hauling emissions and emissions resulting from the decomposition of solid waste. Truck hauling emissions use the vehicle miles traveled (VMT) estimates described in Step 1 and multiply them by EMFAC2007 emission rates for heavy heavy-duty trucks. An EMFAC2007 modeling run was used to estimate CO₂ and CH₄ emissions in grams per mile for trucks traveling at an average speed of 35 mph. Truck emissions also account for the Low Carbon Fuels Rule For this Project, BGM was adjusted to assume that solid waste was assumed to be disposed of a Altamont Landfill for a round trip distance of 75 miles.

BGM uses the U.S. EPA WARM Model emission rates for mixed solid waste decomposition. Those rates equal 3.1 metric tons of CO₂e per short ton of solid waste that is land filled, assuming no recovery, 0.64 tons CO₂e per short ton, assuming land filled waste with flaring, and 0.3 tons CO₂e per short ton, assuming land filled waste with energy recovery. For the Project, the scenario with landfill recovery was assumed, as Altamont landfill implements landfill gas (LFG) recovery and energy conversion, including running some of its vehicles on collected LFG. BGM calculates the net increase in GHG emissions from the increase in solid waste generation of the Proposed Project to be **170 MT CO₂e per year at Phase I** and **462 MT CO₂e per year at Buildout**.

- Area Sources. Area source emissions stem from 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. For commercial development with no hearth facilities, such as the Proposed Project, area source emissions of GHG would be entirely due to landscape maintenance equipment.

For the Proposed Project, the URBEMIS model indicates practically no quantifiable change in GHG emissions from landscape equipment compared to the existing uses to be demolished. The net increase of area source emissions in the Project GHG inventory is approximately **0.24 MT CO₂e per year at Phase I and at Buildout**.

Estimated Adjusted Total Baseline Operational GHG Emissions

“Baseline Operational GHG Emissions” of the Project factors in all the emissions reduction components described in Section 3.0, which are part of the Project: the Project design features, applicable City SCAs (including TDM, but excluding SCA GHG-1), and regulatory requirements. Table 3, which shows emissions for Phase I of the Proposed Project and Buildout (Phase I and 2). Baseline emissions are reported with and without TDM trip reduction assumptions for mobile sources (motor vehicle trips).

Summary of Baseline Emissions

- Phase I. Table 3 shows the total annual GHG emissions generated for Phase I with no TDM reduction is approximately **7,110 MT CO₂e per year** and **5.0 MT CO₂e per year per capita of service population**. Assuming a 15 percent TDM reduction, GHG emissions would reduce to **6,485 MT CO₂e per year** and **4.6 MT CO₂e per year per capita of service population**. Table 3 reveals that the majority of annual Project emissions for Phase I (excluding construction emissions) results from vehicle use (59 percent, reducing to 55 percent with the 15 percent Phase I TDM reduction), followed by electrical demand (28 percent, increasing to 31 percent assuming the 15 percent Phase I TDM reduction).

- Project Buildout.** As shown in Table 3, the total annual baseline GHG emissions generated by the Project at Buildout, assuming no TDM reduction, is approximately **13,705 MT CO₂e per year** and **4.2 MT CO₂e per year per capita of service population**. Assuming a 15 percent Phase I TDM reduction (discussed above) and a 20 percent Phase II/Buildout TDM reduction, total GHG emissions would reduce to **12,030 MT CO₂e per year** and **3.7 MT CO₂e per year per capita of service population**. The majority of annual Project emissions at Buildout (excluding construction emissions) continues to result from vehicle use (62 percent, reducing to 56 percent with the 15/20 percent TDM reduction), followed by electrical demand (23 percent, increasing to 26 percent assuming the 15 percent Phase I and the 20 percent Phase II/Buildout TDM reductions).

**TABLE 3
BASELINE OPERATIONAL GHG EMISSIONS INVENTORY
FROM THE PROPOSED PROJECT**

| Emission Source | Annual CO ₂ e Emissions (metric tons per year) | |
|--|---|--|
| | PHASE I without/ 15% Phase I TDM Reduction | PROJECT BUILDOUT ^a without/with 15% Phase I and 20% Buildout TDM Reduction |
| Motor vehicle trips without TDM / with TDM | 4,190 / 3,565 | 8,359 / 6,684 |
| Natural gas | 682 | 1,632 |
| Grid Electricity | 1,995 | 3,099 |
| Water Conveyance | 8 | 15 |
| Wastewater Treatment & Conveyance | 13 | 24 |
| Solid Waste | 170 | 462 |
| Area Source (landscape maintenance) | 0.24 | 0.24 |
| Total Baseline Operational Project GHG Emissions without TDM / with TDM, without Construction Emissions | 7,058 / 6,433 | 13,591 / 11,916 |
| Construction Emissions per Year (annualized over 40 years) (see Table IV.B-9) | 52 | 114 |
| Total Baseline Operational Project GHG Emissions without TDM / with TDM, with Construction Emissions | 7,110 / 6,485 | 13,705 / 12,030 |
| BAAQMD Threshold of Significance | 1,100 | 1,100 |
| <i>Exceeds Threshold?</i> ^b | Yes | Yes |
| Total Operational Project GHG Emissions by Service Population without TDM / with TDM | 5.0 / 4.6 ^c | 4.2 / 3.7 ^d |
| BAAQMD Threshold of Significance | 4.6 | 4.6 |
| <i>Exceeds Threshold?</i> ^b | Yes/ No | <i>No/No</i> |
| Impact Determination without TDM ^e | Significant | Less than Significant |
| Impact Determination with TDM ^e | Less than Significant | Less than Significant |

^a Project Buildout includes Phase I (South Tower) and Phase II (North Tower) and all other Project components. Assumes 15 percent TDM reduction of vehicle trips after Phase I, and 20 percent reduction at Buildout (Scenario 1 in the TDM Plan).

^b Emissions greater than the GHG thresholds are considered significant by BAAQMD.

^c Total emissions divided by service population of 1,423 net new employees for Phase I of the Project.

^d Total emissions divided by service population of 3,233 net new employees for the Project at Buildout.

^e Impact is significant if both thresholds are exceeded. "Impact Determination without TDM" is not considered for CEQA significance since the TDM Plan is considered part of the Project (as SCA TRANS-1); the data is provided for comparative purposes only.

SOURCE: ESA, 2010

Comparison of Unadjusted and Baseline Emissions

The difference in the baseline (Table 3) and unadjusted (Table 2) GHG emissions of the Project generally demonstrates the extent of emissions reduction that is attributable to measures incorporated with the Project.

- Phase I Comparison. At Phase I, the total annual baseline GHG emissions generated by the Project, assuming no TDM reduction (7,110 MT CO₂e shown in Table 3), is approximately 1,087 MT CO₂e per year less than the Project's estimated unadjusted Phase I emissions (8,197 MT CO₂e shown in Table 2). This is a reduction of approximately 13 percent. If the 15 percent Phase I TDM reduction is assumed, the baseline Phase I emissions would be approximately 1,712 MT CO₂e per year less than the estimated unadjusted Phase I emissions – a reduction of approximately 21 percent.
- Buildout Comparison. At Buildout, the total annual baseline GHG emissions generated by the Project, assuming no TDM reduction (13,705 MT CO₂e shown in Table 3), is approximately 2,067 MT CO₂e per year less than the Project's estimated unadjusted emissions (15,772 MT CO₂e shown in Table 2). This is a reduction of approximately 13 percent. If the 15 percent Phase I and the 20 percent Phase II/Buildout TDM reduction is assumed, the baseline Buildout emissions would be approximately 3,742 MT CO₂e per year less than the estimated unadjusted emissions – a reduction of approximately 24 percent.

In each case (Phase I or Buildout), the most substantial reductions from the unadjusted emissions are associated with motor vehicle emissions, based primarily on implementation of Pavley GHG standards, the LCFS, and TDM trip reductions, none of which are assumed in the unadjusted emissions. Substantial reductions also occur for indirect electricity emissions given the Project's adherence to mandatory CALGreen standards, which is not assumed in the unadjusted emissions (as discussed in the assumptions above).

4.3 Impacts of Baseline Operational GHG Emissions

Based on the project-level significance thresholds, the Project would have a significant impact on the environment if it would produce total emissions more than 1,100 metric tons of CO₂e annually *and* more than 4.6 metric tons of CO₂e per service population annually, or conflict with an applicable plan, policy, or regulation adopted for the purposes of reducing greenhouse gas emissions.

The impacts are evaluated based on the Project assuming TDM trip reductions since implementation of the TDM Plan is considered part of the Project; impacts of the Project without TDM trip reductions are discussed for context only. Impacts of the Project considering the 10 percent TDM trip reductions preliminarily and conservatively considered in the Preliminary GHG Plan in the Draft EIR are also referenced for context.

- Phase I. Assuming the “15 percent Phase I” TDM reduction, the total annual GHG emissions for Phase I is approximately 6,485 MT CO₂e, which exceeds the 1,100 MT CO₂e per year threshold, does not exceed the 4.6 MT CO₂e per year per capita of service population threshold. Therefore, a **less than significant** cumulative GHG impact would result for Phase I because emissions would not exceed both the 1,100 MT CO₂e per year threshold *and* the 4.6 MT CO₂e per year service population threshold.

For comparison, if no TDM reduction is assumed, Phase I emissions would still only exceed the 1,100 MT CO₂e per year threshold, maintaining a less than significant impact. However, Phase I emissions with the 10 percent TDM reduction evaluated in the Draft EIR would have exceeded the 4.6 MT CO₂e per year per capita of service population threshold as well as the 1,100 MT CO₂e per year threshold, resulting in a significant impact (prior to incorporation of SCA GHG-1).

- **Project Buildout.** Assuming the “15 percent Phase I / 20 percent Phase II/Buildout” TDM reduction, the Project’s total annual GHG emissions at Buildout is approximately 12,030 MT CO₂e, which exceeds the 1,100 MT CO₂e per year threshold. However, the resulting 3.7 MT CO₂e per year per capita of service population does not exceed the 4.6 MT CO per year threshold. Therefore, at Buildout, the Project would have a **less than significant** cumulative GHG impact because it would not meet or exceed both the 1,100 MT CO₂e per year threshold *and* the 4.6 MT CO₂e per year service population threshold.

For comparison, Table 3 shows that assuming no TDM reduction, total annual GHG emissions at Buildout would be approximately 13,705 MT CO₂e, which exceeds the 1,100 MT CO₂e per year threshold. However, the 4.2 MT CO₂e per year per capita of service population at Buildout, assuming no TDM, also does not exceed the 4.6 MT CO per year threshold. Therefore, the GHG impact at Buildout, assuming no TDM reduction, would also be less than significant (same as with the 15 percent Phase I and 20 percent Phase II/Buildout TDM reduction), as it would with the 10 percent TDM reduction evaluated in the Preliminary GHG Plan in the Draft EIR.

5.0 Alternatives GHG Emissions Inventory and Impacts

This section presents the relative total GHG emissions and resulting impacts of the Proposed Project with Alternative 1 (South Tower Build Only) and Alternative 2 (Onsite Maximum Reduced Impacts), which are analyzed in the Draft EIR. The emissions inventories for the Alternatives and the Proposed Project are presented Table 4. Phase I of the Proposed Project (from Table 3) is also provided for comparison, since both Alternatives are based on development of only Phase I.

5.1 Alternative 1 (South Tower Build Only)

- **Comparison to the Proposed Project.** As shown in the detailed emissions inventory in Table 4, the total annual GHG emissions generated from Alternative 1, assuming the TDM reduction of “20 percent Phase I Only, with a 15 percent reduction in the short-term,” (TDM Scenario 2, as discussed in Section 4.2) would total approximately **6,012 MT CO₂e per year** (compared to 12,030 MT CO₂e per year for Project Buildout). Both Alternative 1 and Project Buildout would exceed the 1,100 MT CO₂e per year threshold. However, Alternative 1 would result in **4.2 MT CO₂e per year per capita of service population** (compared to 3.7 MT CO₂e for Project Buildout). This was calculated by dividing total Alternative 1 emissions (6,012 MT CO₂e) by the service population associated with Alternative 1, which would only build the South Tower (1,423 net new employees). Like Project Buildout, Alternative 1 emissions per capita would not exceed the 4.6 MT CO per year threshold.

**TABLE 4
COMPARISON OF GHG EMISSIONS AND IMPACTS FOR THE PROPOSED PROJECT AND ALTERNATIVES**

| Emission Source | Annual CO ₂ e Emissions (metric tons per year) | | | |
|--|---|---|--|---|
| | PHASE I ^a without/with 15% Phase I TDM Reduction | PROJECT BUILDOUT ^a without/with 15% Phase I and 20% Buildout TDM Reduction | ALTERNATIVE 1 ^b (South Tower Build Only) without/with 15% Near-term and 20% Phase I Buildout TDM | ALTERNATIVE 2 ^b (Onsite Maximum Reduced Impact) without/with 15% Near-term and 20% Phase I Buildout TDM |
| Motor vehicle trips without TDM / with TDM | 4,190 / 3,565 | 8,359 / 6,684 | 3,865 / 3,092 | 2,078 / 1,662 |
| Natural gas | 682 | 1,632 | 682 | 274 |
| Grid Electricity | 1,995 | 3,099 | 1,995 | 71 |
| Water Conveyance | 8 | 15 | 8 | 4 |
| Wastewater Treatment & Conveyance | 13 | 24 | 13 | 6 |
| Solid Waste | 170 | 462 | 170 | 69 |
| Area Source (landscape maintenance) | 0.24 | 0.24 | 0.24 | 0.24 |
| Total Baseline Operational Project GHG Emissions without TDM / with TDM, without (no Construction Emissions | 7,058 / 6,433 | 13,591 / 11,916 | 6,733 / 5,960 | 2,502 / 1,878 |
| Construction Emissions per Year Annualized over 40 years | 52 | 114 | 52 | 52 |
| Total Baseline Operational Project GHG Emissions without TDM / with TDM, with Construction Emissions | 7,110 / 6,485 | 13,705 / 12,030 | 6,785 / 6,012 | 2,554 / 1,930 |
| BAAQMD Threshold of Significance | 1,100 | 1,100 | 1,100 | 1,100 |
| <i>Exceeds Threshold?</i> ^c | Yes | Yes | Yes | Yes |
| Total Operational Project GHG Emissions by Service Population without TDM / with TDM | 5.0 / 4.6^e | 4.2 / 3.7^d | 4.8 / 4.2^e | 3.9 / 3.0^f |
| BAAQMD Threshold of Significance | 4.6 | 4.6 | 4.6 | 4.6 |
| <i>Exceeds Threshold?</i> ^c | Yes/No | No/No | Yes/No | No/No |
| Impact Determination without TDM^g | Significant | Less than Significant | Significant | Less than Significant |
| Impact Determination with TDM^g | Less than Significant | Less than Significant | Less than Significant | Less than Significant |

a. Project Buildout includes Phase I (South Tower) and Phase II (North Tower) and all other Project components. Assumes TDM Scenario 1: 15 percent Phase I TDM reduction of vehicle trips and 20 percent Phase II/Buildout reduction at Buildout.

b. Assumes TDM Scenario 2: 15 percent TDM trip reduction in the near term and 20 percent TDM trip reduction at Buildout of Phase I. c. Emissions greater than the GHG thresholds are considered significant by BAAQMD.

d. Total emissions divided by service population of 3,233 net new employees of the Project.

e. Total emissions divided by service population 1,423 net new employees for Phase I of the Project.

f. Total emissions divided by service population 647 net new employees of the reduced Project.

g. Impact is significant if both thresholds are exceeded. "Impact Determination without TDM" is not considered for CEQA significance since the TDM Plan is considered part of the Project (as SCA TRANS-1); the data is provided for comparative purposes only.

SOURCE: ESA, 2010

Therefore, like Project Buildout, Alternative 1 would result in a **less than significant** GHG emission impact because, while emissions would exceed the 1,100 MT CO₂e per year threshold, it would not exceed the 4.6 MT CO₂e per year service population threshold. Total emissions for Alternative 1 would be approximately 6,018 MT CO₂e per year less (approximately 50 percent) than Project Buildout emissions; per capita of service population emissions for Alternative 1 would be approximately 0.9 MT CO₂e less than Project Buildout emissions. Alternative 1 is the only scenario that exceeds the service population emissions of Project Buildout. This occurs because Alternative 1 has a relatively lower ratio of employees to total emissions compared to Project Buildout.

- Comparison to Alternative 2 and Phase I of the Proposed Project. As shown in Table 4, total GHG emissions from Alternative 1 would be approximately 68 percent less than the total GHG emissions from Alternative 1; both would result in a less than significant impact assuming the “15 percent TDM in the short term, and 20 percent TDM at Phase I/Buildout” TDM reduction for both. Total GHG emissions from Alternative 1 would be approximately 7 percent less than the total GHG emissions from Phase I of the Proposed Project (which assumes only at 15 percent TDM reduction), and both would result in a less than significant impact.

5.2 Alternative 2 (On-Site Maximum Reduced Impacts)

Alternative 2 is similar to Alternative 1 in that only the South Tower would be constructed. However, the floor area of the South Tower in Alternative 2 is substantially less than with the Proposed Project Buildout, as well as the South Tower in Alternative 1.⁸

- Comparison to the Proposed Project. Compared to Project Buildout, Alternative 2 emissions from increased electricity demand for water and wastewater treatment and conveyance were calculated based on the prorated reduction of square feet of development (approximately 80 percent). Also, since Alternative 2 would be completed earlier (2015, same as Phase I with the Project and Alternative 1) than the Proposed Project (2018/2019), the effect of the Pavley GHG Standards (AB 1493) on mobile emissions would not be as great since fewer Pavley-compliant models would part of the vehicle fleet. While a 10 percent TDM trip reduction was applied for the analysis of Alternative 2 in the Preliminary GHG Plan in the Draft EIR, a 15 percent TDM in the short term, and 20 percent TDM at Phase I/Buildout is applied, consistent with Alternative 1.).

As shown in Table 4, the total annual GHG emissions generated from Alternative 2, assuming a 15 percent short term and 20 percent Phase I Buildout TDM reduction, would total approximately **1,930 MT CO₂e per year** (compared to 12,030 MT CO₂e for Project Buildout). Both Alternative 2 and Project Buildout would exceed the 1,100 MT CO₂e per year threshold. However, Alternative 2 would result in **3.0 MT CO₂e per year** (compared to 3.7 MT CO₂e for Project Buildout). This was calculated by dividing total emissions (1,878 MT CO₂e) by the service population associated with this Alternative (647 net new employees).

Therefore, like Project Buildout, Alternative 2 would result in a **less than significant** GHG emission impact because while emissions would exceed the 1,100 MT CO₂e per year threshold, they would not

⁸ Floor area of the South Tower in Alternative 2 (268,000 square feet) is approximately 80 percent less than Project Buildout (1.47 million square feet), and 46 percent less than the South Tower in Alternative 1 (579,000).

exceed the 4.6 MT CO₂e e per year service population threshold. Total emissions for Alternative 2 would be approximately 10,100 MT CO₂e per year less (approximately 84 percent) than Project Buildout emissions; per capita of service population emissions for Alternative 2 would be approximately 0.7 MT CO₂e less than Project Buildout emissions.

- **Comparison to Alternative 1 and Phase I of the Proposed Project.** As shown in Table 4, total GHG emissions from Alternative 2 would be approximately 68 percent less than the total GHG emissions from Alternative 1; both would result in a less than significant impact assuming the “15 percent TDM in the short term, and 20 percent TDM at Phase I/Buildout” TDM reduction for both. Total GHG emissions from Alternative 2 would be approximately 70 percent less than the total GHG emissions from Phase I of the Proposed Project (which assumes only at 15 percent TDM reduction), and both would result in a less than significant impact.

Part B: Available GHG Reduction Measures and Reduction Plan Program

This Part B of the Final GHG Plan identifies and assesses the feasibility of emissions reduction measures to identify “additional” measures that may be implemented to reduce GHG emissions beyond the Project’s adjusted baseline GHG emissions assessed in Section 4.0 of this document, pursuant to SCA GHG-1.

In preparing this GHG Reduction Plan, ESA consulted multiple sources including the State of California’s Climate Change Scoping Plan (December 2008), the State Attorney General’s web site, the California Air Pollution Control Officer Association’s (CAPCOA) white paper on CEQA and Climate Change (January 2008 and August 2010), Reference Guides on Leadership in Energy and Environmental Design (LEED) published by the US Green Building Council, and BAAQMD’s CEQA Air Quality Guidelines. This analysis presents a best-professional effort to identify available reduction strategies and does not assume to be exhaustive in its scope.

6.0 GHG Reduction Measures Identified in the Climate Change Scoping Plan of the California Air Resources Board

Table IV.B-8 of the Draft EIR presented the 39 Recommended Actions (qualitative measures) identified to date by CARB’s Scoping Plan. Of the 39 measures identified, those considered to have potential application to the Proposed Project are primarily related to transportation, electricity and natural gas use and green building design. Each of these measures is evaluated below, by source-type, for its applicability to the Proposed Project, its emissions reduction potential, and for its inclusion in the Proposed Project as currently designed.

6.1 Transportation

CARB’s Scoping Plan identifies nine transportation-related recommended actions. **Action T-1** concerns improvements to light-duty vehicle technology for the purposes of reducing GHG emissions (Pavley Standards). This action focuses on legislating improved controls for vehicle manufacturers and would not generally be considered applicable to the Proposed Project. However, it is reasonably anticipated that

vehicles utilized by the Proposed Project would be subject to the new Pavley regulation. BGM took into account emissions reductions that would result from the implementation of the Pavley Standards, therefore this action does not represent an additional reduction measure available to the City and Project applicant.

Action T-2 concerns implementation of a LCFS. To reduce the carbon intensity of transportation fuels, CARB is developing a LCFS, which would reduce the carbon intensity of California's transportation fuels by at least ten percent by 2020 as called for by Governor Schwarzenegger in Executive Order S-01-07. LCFS will incorporate compliance mechanisms that provide flexibility to fuel providers in how they meet the requirements to reduce GHG emissions. Implementation of such a standard is not within the purview of a development project and this action does not represent an additional reduction measure available to the City and Project applicant. BGM took into account emissions reductions that would result from the implementation of the LCFS.

Action T-3 addresses regional transportation targets for reducing GHG emissions. SB 375 requires CARB to develop, in consultation with MPOs, passenger vehicle GHG emissions reduction targets for 2020 and 2035 by September 30, 2010. It sets forth a collaborative process to establish these targets, including the appointment by CARB of a Regional Targets Advisory Committee to recommend factors to be considered and methodologies for setting GHG emissions reduction targets. SB 375 also provides incentives – relief from certain CEQA requirements for development projects that are consistent with regional plans that achieve the targets. While no targets have been set pursuant to SB 375 and the Sustainable Community Strategy for the region will likely not be adopted prior to 2012, the Proposed Project has prepared and will implement, as a Standard Condition of Approval, a TDM Plan with measures to reduce VMT.

The TDM Plan targets 20 percent SOV trip reductions at Buildout (including for the Phase I Only scenario), with 15 percent interim phase reductions, as shown in the Project inventory reported in Table 3 (and detailed in the TDM Plan in Appendix B to the Kaiser Center Office Project Responses to Comments / Final EIR). The TDM Plan specifies “mandatory” and “recommended” TDM measures that represent a potential available means of further reducing GHG emissions from the Project, as well as “additional” strategies that could be considered if, based on the results of monitoring over time, the Project cannot achieve the target reductions.

- Mandatory TDM Measures

- Designated TDM coordinator in property management
- Shower/changing facility
- Preferential parking for carpools/vanpools
- Bicycle parking
- Broadway/Valdez Shuttle Service

- Recommended TDM Measures

- Designated employer contact/transportation coordinator
- \$50 Monthly Transit Subsidy
- Commuter Tax Incentives
- Transit pass sales onsite
- Carpool and vanpool ridematching program

- Guaranteed Ride Home
 - Transportation information board/kiosk
 - Marketing (to be distributed through the coordinator)
 - *New employee packet*
 - *Flyers*
 - *Monthly newsletters*
 - *Marketing campaign, etc.*
 - Parking Cash-out, if employees get free parking (after Phase I)
 - AC Transit Easy Pass for all FTE (after Phase I)
 - Broadway/Valdez Shuttle Service
- Additional TDM Strategies to Further Trip Reductions
 - Higher Transit Subsidies
 - Higher Parking Pricing (after Phase I)
 - Carsharing

The TDM Plan also includes a Program for monitoring, evaluation, and enforcement.

Action T-4 is concerned with vehicle efficiency measures. The California Integrated Waste Management Board (CIWMB) with various partners continues to conduct a public awareness campaign to promote sustainable tire practices. CARB is pursuing a regulation to ensure that tires are properly inflated when vehicles are serviced. Because the Proposed Project would not involve the operation of fleet vehicles, this action does not represent an additional reduction measure available to the City and Project applicant.

Actions T-5 and T-6 addresses electrification of ships at ports and port operations and is not applicable to the Proposed Project. Therefore, this action does not represent an additional reduction measure available to the City and Project applicant.

Action T-7 requires addresses existing trucks/trailers to be retrofitted with the best available technology and/or CARB-approved technology. This action does not represent an additional reduction measure available to the City and Project applicant.

Action T-8 focuses on hybridization of medium- and heavy-duty vehicles. The implementation approach to Action T-8 is to adopt a regulation and/or incentive program that reduces GHG emissions by encouraging hybrid technology as applied to vocational applications that have significant urban, stop-and-go driving, idling, and power take-off operations in their duty cycle. Such applications include parcel delivery trucks and vans. This action does not represent an additional reduction measure available to the City and Project applicant.

Action T-9 concerns implementation of a high speed rail (HSR) system. This action does not represent an additional reduction measure available to the City and Project applicant.

6.2 Electricity and Natural Gas

Action E-1, together with **Action GB-1** (Green Building), aims to reduce electricity demand by increased efficiency of Utility Energy Programs and adoption of more stringent building and appliance standards.

Elements of this action include encouraging construction of zero net energy (ZNE) buildings and implementation of passive solar design. In addition to employing on-site electricity generation, a ZNE building must either replace natural gas with renewable energy for space and water heating, or compensate for natural gas use by generating surplus electricity for sale on the state's electricity grid. The Project proposes to construct the proposed towers consistent with the updated CALGreen building code standards which will become effective in January 2011. Compliance with mandatory CALGreen standards was accounted for in the inventory presented in Table 3. The intent of compliance with mandatory CALGreen standards is generally consistent with the objectives of Action E-1 and GB-1. However, the Proposed Project does not currently include any form of on-site electricity generation. Consequently, on-site power generation represents a potential additional reduction measure.

Action E-2 encourages an increase in the use of combined heat and power (CHP) use, or co-generation, facilities. California has supported CHP for many years, but market and other barriers continue to keep CHP from reaching its full market potential. Increasing the deployment of efficient CHP will require a multi-pronged approach that includes addressing significant barriers and instituting incentives or mandates where appropriate. Co-generation would not be applicable to the Project site as it would require a constant need for steam that is absent. This action does not represent an additional reduction measure available to the City and Project applicant.

Action E-3 concerns Renewable Portfolio Standards for utilities and does not apply to development projects. Therefore, the Proposed Project would not conflict with the recommended measure.

Action E-4 strives to promote solar generated electricity. As discussed with respect to Action E-1, the proposed Project does not currently include any form of on-site electricity generation. Consequently, on-site power generation represents a potential additional reduction measure.

7.0 GHG Reduction Measures Identified in the California Air Pollution Control Officers Association (CAPCOA) CEQA and Climate Change Guidance Document

Proposed project design elements and mitigation measures may be compared to the list of 64 project-specific mitigation measures developed by the CAPCOA in their document *CEQA and Climate Change*. (CAPCOA, 2008) CAPCOA provides subsequent direction on quantification of GHG mitigation measures in August 2010, which was also considered in this Final GHG Plan analysis. (CAPCOA, 2010) Table 6 presents an itemized list of each of the project-specific mitigation measures identified in the CAPCOA document and correlates them to any existing or Proposed Project elements. Mitigation measures which are not proposed by the project or identified as a Standard Condition of Approval or Mitigation Measure in the DEIR are then identified as potential GHG reduction measures if they are deemed applicable to the type of project proposed. The State Attorney General has also published a list of various "measures that may reduce the global warming related impacts of a project." (California Dept. of Justice, 2009) These measures are generally included in CAPCOA's more extensive listing of GHG mitigations and are not repeated.

**TABLE 6
CAPCOA-IDENTIFIED GHG REDUCTION MEASURES**

| Mitigation Measure | Description | Reduction Estimate | Existing or proposed by the project? |
|---------------------------|--|--|---|
| MM T-1 | Bike parking | 1-5 percent for MM T-1, MM T-2, and MM T-3 | Yes - Municipal Code Chapter 17.117 requires new development to provide both short-term (i.e., bicycle racks) and long-term bicycle parking (i.e., lockers or indoor storage) for bicycles per SCA TRANS 1 (as part of the final development permit) the applicant shall submit for review and approval of the Planning and Zoning Division, plans that show bicycle storage and parking facilities to accommodate 75 short-term bicycle parking spaces onsite or on public sidewalk, and 136 long-term bicycle parking spaces. Also, the TDM Plan identifies "bicycle parking" as a mandatory TDM measure to be implemented as part of the Project and contribute to a 15 and 20 percent trip reduction. |
| MM T-2 | End of trip facilities (i.e., showers and lockers) | | Yes – Showers (20) and lockers (80) to be installed for office uses per Table 4.L-18 of the DEIR. Also, the TDM Plan identifies "shower/changing facility" as a mandatory TDM measure to be implemented as part of the Project and contribute to a 15 and 20 percent trip reduction. |
| MM T-3 | Bike parking (residential) | | Not Applicable –No Residential component. |
| MM T-4 | Proximity to bike path/bike lanes | | Yes – per DEIR Transportation Section, Class I, II and III bike routes exist in the area. Also, Recommendation TRANS-3 on page IV.L-141 of the DEIR includes construction of the 20th Street bikeway between Broadway and Harrison Street. |
| MM T-5 | Pedestrian network | 1 percent – 10 percent | Yes – per DEIR Transportation Section, Pedestrian facilities include sidewalks, crosswalks, and pedestrian signals. Sidewalks are provided on all of the existing roadways in the study area. |
| MM T-6 | Pedestrian barriers minimized | | |
| MM T-7 | Bus Shelter for Existing/Planned Transit Service | 1 percent – 2 percent | Yes – per DEIR Transportation Section, the Project would install AC Transit shelters at two relocated stops on 20 th Street, consistent with AC Transit Guidelines. |
| MM T-8 | Traffic Calming | 1 percent - 10 percent | Not applicable to commercial office building located in an urban area. |
| MM T-9 | Paid Parking | 1 percent – 30 percent | Partially – The TDM identifies "cash-out, if employees get free parking" as a recommended TDM measure that would contribute to a 20 percent trip reduction. This measure also represents a means by which further GHG emissions reductions may be realized. |
| MM T-10 | Minimum Parking | 5 percent – 12.5 percent | Partially -The Proposed Project would have a parking demand shortfall of 238 spaces at Buildout per the Transportation Section of the DEIR. With implementation of the TDM Plan, a combination of TDM measures to achieve a 20 percent trip reduction will further reduce the parking demand shortfall to 25 spaces, since fewer cars will be coming to the Project site. The Project does not propose to reduce parking supply. No parking is required for the Project by Code. This measure also represents a means by which further GHG emissions reductions may be realized. |

TABLE 6 (Continued)
CAPCOA-IDENTIFIED GHG REDUCTION MEASURES

| Mitigation Measure | Description | Reduction Estimate | Existing or proposed by the project? |
|---------------------------|---|---------------------------------|---|
| MM T-11 | Parking Reduction beyond Code/Shared Parking | 1 percent – 3- percent | Not Applicable -The Municipal Code specifies the Project is not required to provide any off-street parking because of its location in a C-55 / S-17 zoning district. However, the Proposed Project would have a parking demand deficit of 238 spaces at Buildout per the Transportation Section of the DEIR, reduced to 25 spaces with implementation of a combination of TDM measures. |
| MM T-12 | Pedestrian pathway through parking | 1 percent - 4 percent | Not Applicable. The project includes subterranean parking levels which would not be an impediment to pedestrian travel. |
| MM T-13 | Off Street Parking | 1 percent – 4 percent | Not Applicable - The Proposed Project will not affect existing off street parking. |
| MM T-14 | Parking Area Tree Cover (50 percent cover in ten years) | 3.1 kg/m ³ of canopy | Not Applicable. The project includes subterranean parking levels which would not be exposed to sunlight. |
| MM T-15 | Valet Bicycle Parking | Low | Not Applicable – project is not an event center. |
| MM T-16 | Garage Bicycle Storage | Low | Not Applicable – Project is not residential. |
| MM T-17 | Preferential Parking for EVs/CNG Vehicles | Low | Yes – This required by CALGreen section 5.106.5.2. |
| MM T-18 | Reduced/No Parking Fee for EVs/CNG Vehicles | Low | No – This measure represents a means by which further GHG emissions reductions may be realized. |
| MM T-19 | Transportation Management Association Membership | 1 percent – 15 percent | Partially – The TDM Plan specifies a program of mandatory trip reduction measures, which are quantified in the GHG inventory. This measure represents a means by which further GHG emissions reductions may be realized. |
| MM T-20 | Use or provide ULEV | Low | Not Applicable – No applicant vehicle fleet that can feasibly operate on hybrid or electric power. |
| MM T-21 | Flex Fuel Vehicles | Low | Not Applicable – No applicant vehicle fleet. |
| MM D-1 | Office/ Mixed Use Density | 0.05 percent – 2 percent | Yes – Project provides office and retail use proximate to transit with bicycle and pedestrian access. |
| MM D-2 | Orientation to Existing/Planned Mass Transit | 0.4 percent – 1 percent | Yes – DEIR Transportation Section states that the site is located approximately 0.25 mile of the 19 th Street BART station. AC Transit provides bus service to the project site. Additionally, the Project may incorporated recommended measures that improve access. |
| MM D-3 | Services Operational – for Employees | 0.5 percent – 5 percent | Yes - Operational features include retail space restaurants and a fitness center. |
| MM D-4 | Residential Density | 1 percent – 40 percent | Not Applicable – Project is not residential. |
| MM D-5 | Street Grid | 1 percent | Not Applicable to non-residential projects. |
| MM D-6 | Neighborhood Electric Vehicle Access | 0.5 percent – 1.5 percent | Not Applicable to non-residential project. |
| MM D-7 | Affordable Housing Component | 0.4 percent – 6 percent | Not Applicable – Project is not residential. |
| MM D-8 | Recharging Area | Low | Not Applicable – Project is not residential. |

TABLE 6 (Continued)
CAPCOA-IDENTIFIED GHG REDUCTION MEASURES

| Mitigation Measure | Description | Reduction Estimate | Existing or proposed by the project? |
|---------------------------|--|---------------------------|--|
| MM D-9 | Urban Mixed Use Development | 3 percent - 9 percent | Yes - Development predominantly characterized office and retail uses that are combined in two buildings on a single site in an integrated development project with functional interrelationships. |
| MM D-10 | Suburban Mixed Use Development | 3 percent | Not Applicable – Project is urban not suburban (see MM D-9) |
| MM D-11 | Other Mixed Use Development | 1 percent | Not Applicable to non-residential project. |
| MM D-12 | Infill Development | 3 percent - 30 percent | Not Applicable – Project is not located on a vacant infill site, brownfield or greyfield. |
| MM D-13 | Electric Lawnmower Provided to Residents | 1 percent | Not Applicable – Project is not Residential. |
| MM D-14 | Enhanced Recycling | Low | Construction : Yes – DEIR Project Description states that the Project Applicant is required to meet the construction demolition waste recycling ordinance and the mandatory CalGreen construction waste recycling requirement. Operation: No. In terms of operational elements, while the City has adopted a zero-waste resolution and space requirements per the recycling space ordinance, there are no operational project recycling goals. Operational recycling goals represent a potential additional reduction measures |
| MM D-15 | LEED Certification | Moderate | No – The Proposed Project will be designed to mandatory CALGreen standards. These standards require a reduction over existing Title 24 energy standards as well as water demand reductions. CALGreen standards do not require third-party certification. Therefore, its corresponding LEED certification represents a potential for further GHG reductions. |
| MM D-16 | Retro-Commissioning: Building systems perform interactively to optimize energy performance | 8 percent – 10 percent | No – This measure represents a means by which further GHG emissions reductions may be realized. However it may be a technique to achieve mandatory CALGreen standards proposed by the Project. |
| MM D-17 | Drought tolerant Landscaping and shade trees | Low | Partially – Shade trees are proposed for 20th, 21st and Webster Streets. There is no specificity regarding landscaping. Consequently drought-tolerant landscaping represents potential additional reduction measure. |
| MM D-18 | Local Farmers Market | Low | Not Applicable to retail/office project. |
| MM D-19 | Community Gardens | Low | Not Applicable to retail/office project. |
| MM E-1 | High-Efficiency Pumps | Low | No – This measure represents a means by which further GHG emissions reductions may be realized. |
| MM E-2 | Wood Burning Fireplaces/Stoves | Low | Not Applicable to retail/office project. |
| MM E-3 | Natural Gas Stove | Low | Not Applicable to retail/office project. |

TABLE 6 (Continued)
CAPCOA-IDENTIFIED GHG REDUCTION MEASURES

| Mitigation Measure | Description | Reduction Estimate | Existing or proposed by the project? |
|---------------------------------|--|---------------------------|---|
| MM E-4 | Energy Star Roof | 0.5 percent – 1 percent | No – This measure represents a means by which further GHG emissions reductions may be realized. |
| MM E-5 | On-Site Renewable Energy System | 1 percent – 3 percent | No – This measure represents a means by which further GHG emissions reductions may be realized. |
| MM E-6 | Exceed Title 24 | 1 percent | No – Mandatory CALGreen standards do not required exceeding existing Title 24 requirements. – This measure represents a means by which further GHG emissions reductions may be realized. |
| MM E-7 | Solar Orientation | Low | Partially – This measure may not feasible for certain high rise towers because, by design, they typically require exposure from all directions to maximize natural light and view shed. |
| MM E-8 | Non-roof Surfaces - Provide light-colored pavement for at least 30 percent of the site's non-roof impervious surfaces, including parking lots, walkways, plazas, OR place a minimum of 50 percent of parking spaces underground or covered by structured parking | Low | Yes – Non-roof surfaces would be landscaped gardens. Parking areas would be subterranean. |
| MM E-9 | Low-energy Cooling (Separate ventilation and Cooling systems) | 1 percent – 10 percent | No – This measure represents a means by which further GHG emissions reductions may be realized. |
| MM E-10 (Also see BAAQMD 28) | Install Vegetated Green Roof | 1 percent | Partially – This measure would compete for roof space with Measures E-4 and E-5 and may be unrealistic for a high-rise building. It is not suggested as an additional reduction measure. However, it could be considered for part of the new roof garden. This measure represents a means by which further GHG emissions reductions may be realized. |
| MM E-11 | Charging Facilities | Low | No – This measure represents a means by which further GHG emissions reductions may be realized. |
| MM E-12 | Light-colored Paving | Low | Not applicable to a high rise commercial building with subterranean parking. |
| MM E-13 | Cool Roof | Low | No – However, MM E-4 requires Energy Star roofs which are low emissivity materials⁹. This measure does not represent an additional reduction measure with implementation of MM E-4. |
| MM E-14 | Solar Water Heaters | 20 percent – 70 percent | Not applicable for institutional complex with central boiler. |

⁹ http://www.energystar.gov/index.cfm?c=roof_prods.pr_roof_emissivity

TABLE 6 (Continued)
CAPCOA-IDENTIFIED GHG REDUCTION MEASURES

| Mitigation Measure | Description | Reduction Estimate | Existing or proposed by the project? |
|---------------------------|---|---------------------------|--|
| MM E-15 | Electric Yard Equipment Compatibility | Low | No – This measure represents a means by which further GHG emissions reductions may be realized. |
| MM E-16 | Energy Efficient Appliance Standards | Low | Not Applicable to retail/office project. |
| MM E-17 | Green Building Materials | Low | Yes. The Proposed Project will be designed to mandatory CALGreen standards. Also see MM D-15. |
| MM E-18 | Shading Mechanisms for windows, patio and walkway overhangs | Low | No – This measure represents a means by which further GHG emissions reductions may be realized. |
| MM E-19 | Ceiling/whole-house fans | Low | Not Applicable to retail/office project. |
| MM E-20 | Programmable Thermostats | Low | No – This measure represents a means by which further GHG emissions reductions may be realized. |
| MM E-21 | Passive Heating and Cooling Systems | Low | Not applicable for high rise towers. High rise towers would be exposed to summer sunlight in all directions and would require more than just a passive cooling system. Similar considerations or winter heating based on concrete and steel substructure necessary for high-rise towers. |
| MM E-22 | Day Lighting Systems | Low | Not applicable – High rise towers are designed to receive sunlight from all directions. CAPCOA indicates that this measure has “little benefit in multi-floor buildings”. |
| MM E-23 | Low- Water Use Appliances | Low | Yes – This measure would be a requirement of CALGreen Standards. |
| MM E-24 | Goods Transport by Rail | Moderate | Not Applicable to retail/office project. |
| MM S-1 | Emissions Reduction Education | Low | No – This measure represents a means by which further GHG emissions reductions may be realized. |
| MM S-2 | School Curriculum | Low | Not Applicable to retail/office project. |
| MM M-1 | Off-Site Mitigation Fee Program | Moderate | The BAAQMD does not have a fee mitigation program for GHG. CARB's cap and trade program is not scheduled for launch until 2012. CAPCOA identifies this measure as not logistically feasible at present. |
| MM M-2 | Offset Purchase | Low | Not Applicable (As noted above, CARB is developing a cap and trade program but it is not scheduled for launch until 2012). CAPCOA identifies this measure as not logistically feasible at present. |

SOURCE: CAPCOA, 2009, 2010.

8.0 GHG Reduction Measures Identified in the Bay Area Air Quality Management District (BAAQMD) Proposed CEQA Air Quality Guidelines

The BAAQMD's CEQA Air Quality Guidelines contains tables of mitigation measures to reduce operational-related emissions of GHG's from mobile, area and stationary sources in Section 4.3 of the document. These measures include reduction estimates applicable to each measure. Table 7 presents an itemized list of each of the project-specific mitigation measures identified by BAAQMD and correlates them to any existing or Proposed Project elements. Mitigation measures which are not proposed by the project or identified as a Standard Condition of Approval or Mitigation Measure in the DEIR are then identified as potential GHG reduction measures if they are deemed applicable to the type of project proposed.

**TABLE 7
BAAQMD-IDENTIFIED GHG REDUCTION MEASURES**

| Mitigation Measure | Description | Reduction Estimate | Existing or proposed by the project? |
|--------------------|--|--------------------------|--|
| 1 | Mix of Uses | -3 percent – 9 percent | Yes, residential within ½ mile |
| 2 | Local Serving Retail within ½ mile of Project | 2 percent | Yes |
| 3 | Transit Service | 0 percent – 15 percent | Yes – DEIR Transportation Section states that the site is located approximately 0.25 mile of the 19 th Street BART station. AC Transit and the Broadway/Valdez free shuttle provide bus service to the project site. |
| 4 | Bike & Pedestrian | 0 percent - 9 percent | Yes – per DEIR Transportation Section, Class I, II and III bike routes exist in the area. Also, the TDM Plan identifies “bicycle parking” as a mandatory TDM measure to be implemented as part of the Project and contribute to a 15 and 20 percent trip reduction. Additionally, the Project may incorporate recommended measures that improve access. |
| 5 | Affordable Housing | 0 percent – 4 percent | Not Applicable to retail/office project. |
| 6 | Daily Parking Charge | 0 percent – 25 percent | Partially - The TDM Plan identifies “higher parking pricing” as a recommended and an additional TDM measure to be implemented as part of the Project and contribute to a 20 percent trip reduction. The TDM Plan also identifies “higher parking pricing” as an additional strategy to further reduce trips. This measure represents a means by which further GHG emissions reductions may be realized. |
| 7 | Parking Cash-out. California law requires certain employers who provide subsidized parking for their employees to offer a cash subsidy to employees who do not drive, in lieu of a parking space | 0 percent – 12.5 percent | Partially –the TDM identifies “parking cash-out, if employees get free parking” as a recommended TDM measures to be implemented as part of the Project and contribute to a 20 percent trip reduction. (This measure was previously identified in the Preliminary GHG Plan in the Draft EIR as a potential additional measure.) |

TABLE 7 (Continued)
BAAQMD-IDENTIFIED GHG REDUCTION MEASURES

| Mitigation Measure | Description | Reduction Estimate | Existing or proposed by the project? |
|--------------------|---------------------------------------|--|---|
| 8 | Free Transit Passes | 25 percent of transit service reduction | Partially - The TDM Plan identifies free transit passes (AC Transit Easy Pass for all FTE) as a recommended TDM measure to be implemented as part of the Project and contribute to the 15 percent Phase I and 20 percent Phase II trip reduction. The TDM Plan also identifies "\$50 monthly transit subsidy" (although not wholly "free") as a recommended measure that shall be implemented to contribute to a 20 percent trip reduction. The TDM Plan also identifies "higher transit subsidies" as an additional strategy to further reduce trips. This measure represents a means by which further GHG emissions reductions may be realized. |
| 9 | Employee Telecommuting Program | 1 percent – 100 percent | Not feasible for a commercial building where tenants are not yet identified. |
| 10-12 | Compressed Work Schedule | 1 percent – 40 percent | Not feasible for a commercial building with multiple tenants that are not yet identified. |
| 13 | Secure Bike Parking | | Yes - Per Section 17.117 of the Oakland Municipal Code, and compliance with SCA TRANS 1 (as part of the final development permit), the applicant shall submit for review and approval of the Planning and Zoning Division, plans that show bicycle storage and parking facilities to accommodate 75 short-term bicycle parking spaces onsite or on public sidewalk, and 136 long-term bicycle parking spaces. Also, the TDM Plan identifies "bicycle parking" as a mandatory TDM measure to be implemented as part of the Project and contribute to a 15 and 20 percent trip reduction. |
| 14 | Showers/Changing facilities provided | 3 or more elements = 1percent; 5 or more = 2 percent reduction | Yes – Showers (20) and lockers (80) to be installed for office uses per Table 4.L-18 of the DEIR. Also, the TDM Plan identifies "shower/changing facility" as a mandatory TDM measure to be implemented as part of the Project and contribute to a 15 and 20 percent trip reduction. |
| 15 | Guaranteed Ride Home Program provided | | Partially – Alameda County has this program available to all employers and employees in the County. Also, the TDM Plan identifies "guaranteed ride home" as a recommended TDM measure to be implemented as part of the Project and contribute to a 15 and 20 percent trip reduction. This measure represents a means by which further GHG emissions reductions may be realized. |
| 16 | Car sharing services provided | | Partially – The TDM Plan identifies "car sharing" as a potential additional reduction measure. This measure represents a means by which further GHG emissions reductions may be realized. |

TABLE 7 (Continued)
BAAQMD-IDENTIFIED GHG REDUCTION MEASURES

| Mitigation Measure | Description | Reduction Estimate | Existing or proposed by the project? |
|--------------------|---|-----------------------|--|
| 17 | Information provided on transportation alternatives | | Partially – The TDM Plan identifies “transportation information board/kiosk” and “marketing (new employee packets, flyers, monthly newsletters, marketing campaigns, etc.) distributed through the transportation coordinator as a recommended TDM measures to be implemented as part of the Project and to contribute to a 15 and 20 percent trip reduction. (This measure was previously identified in the Preliminary GHG Plan in the Draft EIR as a potential additional measure.) This measure represents a means by which further GHG emissions reductions may be realized. |
| 18 | Dedicated employee transportation coordinator | | Yes – The TDM Plan identifies “designated employer contact/transportation coordinator” and “designated TDM coordinator in property management” as mandatory TDM measures to be implemented as part of the Project and to contribute to a 15 and 20 percent trip reduction. (This measure was previously identified in the Preliminary GHG Plan in the Draft EIR as a potential additional measure.) |
| 19 | Carpool matching program | | Partially - The TDM Plan identifies “carpool and vanpool ridematching program” as a recommended TDM measure to be implemented as part of the Project and to contribute to a 15 and 20 percent trip reduction. (This measure was previously identified in the Preliminary GHG Plan in the Draft EIR as a potential additional measure.) This measure represents a means by which further GHG emissions reductions may be realized. |
| 20 | Preferential carpool/vanpool parking | | Yes - The TDM Plan identifies “preferential parking for carpools/vanpools” as a mandatory TDM measure to be implemented as part of the Project and to contribute to a 15 and 20 percent trip reduction. (This measure was previously identified in the Preliminary GHG Plan in the Draft EIR as a potential additional measure.) |
| 21 | Parking supply | 0-50 percent | Partially -The Proposed Project would have a parking demand shortfall of 238 spaces at Buildout per the Transportation Section of the DEIR. With implementation of the TDM Plan, mandatory TDM measures to achieve a 20 percent trip reduction will further reduce the parking demand shortfall to 25 spaces, since fewer cars will be coming to the Project site. The Project does not propose to reduce parking supply. This measure also represents a means by which further GHG emissions reductions may be realized. |
| 22 | On Road trucks | URBEMIS determination | Not Applicable to retail/office project |

TABLE 7 (Continued)
BAAQMD-IDENTIFIED GHG REDUCTION MEASURES

| Mitigation Measure | Description | Reduction Estimate | Existing or proposed by the project? |
|------------------------------|--|--|---|
| 23 | Increase energy efficiency beyond Title 24 | Equal to percentage increase beyond Title 24 | No – Mandatory CALGreen standards do not required exceeding existing Title 24 requirements. This measure represents a means by which further GHG emissions reductions may be realized. |
| 24 | Electrically powered landscape equipment and electrical outlets | Equivalent to URBEMIS estimated emissions | No – This measure represents a means by which further GHG emissions reductions may be realized. |
| 26 | Plant shade trees within 40 feet of the south side or within 60 feet of the west sides of properties | 30 percent | Yes – shade trees are proposed for 20 th , 21 st and Webster Streets. |
| 27 | Require cool roof materials | 34 percent | No –However, MM E-4 requires Energy Star roofs which are low emissivity materials. ¹⁰ This measure does not represent an additional reduction measure with implementation of MM E-4. |
| 28 | Install green roofs | 1 percent | Partially – This measure would compete for roof space with Measures E-4 and E-5 and may be unrealistic for a high-rise building, It is not suggested as an additional reduction measure. However, it could be considered for part of the new roof garden. This measure represents a means by which further GHG emissions reductions may be realized. |
| 29 | Require smart meters and programmable thermostats | 10 percent | See CAPCOA MM E-20, which addresses the installation of programmable thermostats. Installation of Smart Meters would not reduce GHG emissions. |
| 30 | Meet GBC standards in all new construction | 3 percent – 17 percent | Yes. Buildings will be built to mandatory CALGreen standards. |
| 32 | Install solar water heaters | 70 percent | Not Applicable to retail/office project. |
| 33 | Install tankless water heaters | 35 percent | Not Applicable to retail/office project. |
| 34 (Also see CAPCOA MM-5) | Install solar panels on residential and commercial buildings | 100 percent | No –However, CAPCOA MM E-5 discusses solar energy systems. This measure does not represent an additional reduction measure with implementation of MM E-5. |
| 35 | 100% increase in diversity of land use mix | 5 percent | Not Applicable to retail/office project. |
| 36 | Jobs/housing balance | Trip reduction as determined by traffic consultant | Yes - Trip generation estimates considered households and employment for the Study area. Not a true mitigation measure, given the project location is not changeable. |
| 37 | 100% increase in design (i.e., presence of design guidelines for transit oriented development, complete street standards | 3 percent | Yes – Per DEIR Transportation Section, the Project would relocate two AC Transit stops on 20 th Street and add shelter. The site is located approximately 0.5 mile of the 19 th Street BART station. AC Transit provides bus service to the project site. Bicycle facilities will be incorporated per recommended measures, the TDM Plan and City requirements. |

¹⁰ http://www.energystar.gov/index.cfm?c=roof_prods.pr_roof_emissivity

TABLE 7 (Continued)
BAAQMD-IDENTIFIED GHG REDUCTION MEASURES

| Mitigation Measure | Description | Reduction Estimate | Existing or proposed by the project? |
|--------------------|--|-----------------------|---|
| 38 | 100% increase in density | 5 percent | Yes – Per DEIR Project Description, project will increase total useable floor area on the project site by 92 percent. |
| 39 | HVAC duct sealing | 30 percent | Yes - This measure is required by section 5.504.3 of the CALGreen mandatory standards for commercial buildings. |
| 40 | Provide necessary infrastructure and treatment to allow use of 50% greywater;/recycled water in residential and commercial uses for outdoor irrigation | 6 percent | No – However, per DEIR Utilities section pp. IV.M-10, EBMUD has stated that recycled water service is not recommended for the type of project proposed. |
| 41 | Complete streets | 1 percent – 5 percent | Not Applicable to retail/office project |
| 42 | Maximize interior daylight | None Given | Not applicable – High rise towers are designed to receive sunlight from all directions. CAPCOA indicates that this measure has “little benefit in multi-floor buildings”. |
| 43 | Increase roof/ceiling insulation | None Given | No – This measure represents a means by which further GHG emissions reductions may be realized. It may be a technique to achieve mandatory CALGreen standards proposed by the Project. |
| 45 | Install rainwater collection systems in commercial buildings | None Given | No – This measure represents a means by which further GHG emissions reductions may be realized. |
| 46 | Install low-water use appliances and fixtures | None Given | Yes –CALGreen standards would require low flow, water efficient fixtures |
| 47 | Restrict the use of water for cleaning outdoor surfaces/prohibit systems that apply water to non-vegetated surfaces | None Given | Yes – The Project is required to comply with the State Model Water Efficient Landscaping Ordinance, specifically Section 493.2 Water Waste Prevention. |
| 48 | Implement water-sensitive urban design practices in new construction | None Given | Partially –This measure represents a potential additional reduction measure. It may be a technique to achieve mandatory CALGreen standards proposed by the Project. |
| 50 | Create food waste and green waste curb-side collection service | None Given | No – This measure represents a means by which further GHG emissions reductions may be realized. |
| 51 | Require provision of storage areas for recyclables and green waste in new construction | None Given | No – This measure represents a means by which further GHG emissions reductions may be realized. |

9.0 Summary of Additional GHG Reduction Measures Considered for the Proposed Project

As required by SCA GHG-1 (GHG Reduction Plan), Table 8 provides a “comprehensive set of quantified additional GHG reduction measures available to further reduce GHG emissions beyond the adjusted GHG emissions” of the Project. Table 8 lists GHG reduction measures identified in Sections 6.0 through 8.0 that are not already fully assumed as part of the Project and that are therefore considered “additional” measures to further increase energy efficiency and reduce GHG emissions from the Project to the greatest extent practical and feasible, but in no event less than the amount required by the BAAQMD CEQA Thresholds. Each measure in Table 8 is described below in Section 9.1.

It is anticipated that further GHG emissions reduction than that quantified in Section 4.0 of this document will be achieved through implementing a combination of the available measures in Table 8. Possible additional and feasible reduction measures that could be considered for the Project are not limited to those listed in Table 8; given the evolving nature of GHG emissions reduction strategies and technologies, there is some uncertainty involved with the identification and effectiveness of available GHG reduction measures. Further, additional measures may become feasible (or less so) as the Project is developed in greater detail.

A preliminary estimate range of emissions reductions is presented for some measures where meaningful. For other measures, a quantifiable emissions reduction cannot be reasonably estimated given the need for Project detail or programming that is not yet established, or because any quantifiable emissions reductions are so minimal (substantially less than zero) they are considered insubstantial.¹¹ However, these measures are still identified for possible implementation by the Project to ensure emissions reduction to the greatest extent practical and feasible. An individual assessment of the feasibility, applicability and GHG emissions reduction potential of each of the additional reduction measures is provided following Table 8.

9.1 Summary Descriptions of Additional GHG Reduction Measures

CAPCOA MM T-10: Minimum Parking. This measure encourages the Project to provide less than the Code-required number of parking spaces to deter vehicle trips due to limited parking supply. No Parking is required for the Project by City Code. The Project will have a surplus of parking spaces at Phase I, and a parking shortfall at Buildout, pursuant to parking demand (not City Code).

CAPCOA Mitigation Measure T-18: Reduced Parking Fee for EV/CNG Vehicles. This measure would reward and encourage the use of low GHG emission vehicles. CAPCOA indicates that this measure has a low reduction score and does not quantify any emissions reduction related to this measure. Consequently, this measure is included in the suggested to be implemented, but no quantifiable reduction in transportation-related emissions can reliably be estimated.

¹¹ Measures identified as “insubstantial” could still be implemented, even though the emissions reduction would be minimal and the reductions are not specified in this Final GHG Reduction Plan Program.

**TABLE 8
ADDITIONAL GHG REDUCTION MEASURES IDENTIFIED FOR
POTENTIAL IMPLEMENTATION BY THE PROPOSED PROJECT**

| Mitigation Measure | Description | CO₂e Emissions Reduction Estimate Range |
|---|--|--|
| CAPCOA MM T-9 | Paid Parking ^a | 1 percent – 30 percent |
| CAPCOA MM T-10 | Minimum Parking | 5 percent – 12.5 percent |
| CAPCOA MM T-18 | Reduced/No Parking Fee for EVs/CNG Vehicles | Low |
| CAPCOA MM T-19 | Transportation Management Association Membership ^a | 1 percent – 15 percent |
| CAPCOA MM D-14 | Enhanced Recycling | Low |
| CAPCOA MM D-15 | LEED Certification ^b | Moderate |
| CAPCOA MM D-16 | Retro-Commissioning | 8 percent – 10 percent |
| CAPCOA MM D-17 | Drought-tolerant Landscaping ^a | Low |
| CAPCOA MM E-1 | High-Efficiency Pumps | Low |
| CAPCOA MM E-4 | Energy Star Roof | 0.5 percent – 1 percent |
| CAPCOA MM E-5 | On-Site Renewable Energy System | 1 percent – 3 percent |
| CAPCOA MM E-6 (Also see BAAQMD MM 23, below) | Exceed Title 24 | 1 percent |
| CAPCOA MM E-7 | Solar Orientation ^b | Low |
| CAPCOA MM E-9 | Low energy Cooling | 1 percent – 10 percent <i>35.3 MT/year of CO₂e</i> |
| CAPCOA MM E-11 | Charging Facilities | Low |
| CAPCOA MM E-15 | Electric Yard Equipment Compatibility | Low |
| CAPCOA MM E-17 | Green Building Materials | Low |
| CAPCOA MM E-18 | Shading Mechanisms for windows, patio and walkway overhangs | Low <i>0.6 MT/year of CO₂e</i> |
| CAPCOA MM E-20 | Programmable Thermostats | Low <i>0.13 MT/year of CO₂e</i> |
| CAPCOA MM S-1 | Emissions Reduction Education | Low |
| CAPCOA MM M-2 | Offset Purchase | Up to 100 percent |
| BAAQMD MM 6 | Daily Parking Charge (Higher) (after Phase I) ^a | 0 percent - 25 percent |
| BAAQMD MM 7 | Parking Cash-out ^a | 0 percent – 12.5 percent |
| BAAQMD MM 8 | Free Transit Passes (after Phase I) ^a | 25 percent of total transit service reduction |
| BAAQMD MM 15 | Guaranteed Ride Home Program provided ^a | 1 to 2 percent, when combined with other certain TDM measures. |
| BAAQMD MM 16 | Car sharing services provided (after Phase I) ^a | 1 to 2 percent, when combined with other certain TDM measures |

TABLE 8 (Continued)
ADDITIONAL GHG REDUCTION MEASURES IDENTIFIED FOR
POTENTIAL IMPLEMENTATION BY THE PROPOSED PROJECT

| Mitigation Measure | Description | CO₂e Emissions Reduction Estimate Range |
|---|---|---|
| BAAQMD MM 17 | Information provided on transportation alternatives ^a | 1 to 2 percent, when combined with other certain TDM measures |
| BAAQMD MM 21 | Parking Supply (Reduced) ^a | 0-50 percent |
| BAAQMD MM 23 (Also see CAPCOA MM E-6, above) | Increase energy efficiency beyond Title 24 | Equal to percentage increase beyond Title 24 |
| BAAQMD MM 24 | Electrically powered landscape equipment and electrical outlets | Equivalent to URBEMIS estimated emissions <i>0.24 MT/year of CO₂e</i> |
| BAAQMD MM 43 | Increase Roof/Ceiling Insulation | BAAQMD provides no emissions reduction range |
| BAAQMD MM 45 | Install rainwater collection systems in commercial buildings | BAAQMD provides no emissions reduction range |
| BAAQMD MM 47 | Restrict the use of water for cleaning outdoor surfaces/prohibit systems that apply water to non-vegetated surfaces | BAAQMD provides no emissions reduction range |
| BAAQMD MM 48 | Implement water-sensitive Urban Design Practices in New Construction | BAAQMD provides no emissions reduction range |
| BAAQMD MM 51 | Require the provision of storage areas for recyclables and green waste in new construction | BAAQMD provides no emissions reduction range |

NOTE: Implementation of all measures is assumed throughout all operational phases of the Project, unless otherwise noted; see Table 9.

^a Measure is considered "Partially" implemented by the Project as they are "Recommended" measures or "Additional" strategies identified in the TDM Plan, or the Project does not incorporate or propose to implement the measure in full. Greater reductions in GHG emission would be achieved if these measures are implemented.

^b While LEED certification is not being proposed for the Project, the Project will incorporate Mandatory CALGreen standards and Voluntary Tier CALGreen standards may be identified.

SOURCE: ESA, 2011

CAPCOA Mitigation Measure T-19: TMA Membership. This measure involves the provision of rideshare programs to increase vehicle occupancy. The program would require permanent Transportation Management Association (TMA) membership and a funding requirement. Funding would be provided by a Community Facilities District or County Service Area or other non-revocable funding mechanism.

Each of the TDM trip reduction measures identified in the Kaiser Center Office TDM Plan (in Appendix A to the Kaiser Center Office Project Final EIR/Responses to Comments document) are considered within CAPCOA MM T-19. Many are already considered part of the Proposed Project as they are considered "mandatory" measures in the TDM Plan and are therefore not included in Table 8, above. These include measures that align with CAPCOA MM T-1 (Bike Parking), CAPCOA MM T-2 (End of trip facilities, i.e., showers and lockers), BAAQMD MM 13 (Secure Bike Parking), BAAQMD MM 14 (Showers/Changing facilities provided), and BAAQMD MM 20 (Preferential Carpool/Vanpool Parking).

Other measures that the Project may incorporate (as they are “recommended” measures or “additional” strategies in the TDM Plan) are identified in Table 8, above, and include CAPCOA MM T-9 (Paid Parking), BAAQMD MM 4 (Bike & Pedestrian), BAAQMD MM 7 (Parking Cash-out), BAAQMD MM 15 (Guaranteed Ride Home Program), BAAQMD MM 17 (Information Provided on Transportation Alternatives), BAAQMD MM 18 (Dedicated Employee Transportation Coordinator), and BAAQMD MM 19 (Carpool Matching Program).

The TDM Plan estimates SOV trip reductions between 15 and 20 percent, and the resulting GHG emissions are evaluated in Section 4.0. However, pursuant to CAPCOA MM T-19, this GHG Reduction Plan Program (discussed below in Section 10.0), or the TDM Plan, any of these measures could be expanded to result in greater reductions.

CAPCOA Mitigation Measure D-14: Enhanced Recycling. This measure would provide infrastructure/education that promotes the avoidance of products with excessive packaging, recycle, buying of refills, separating of food and yard waste for composting, and using rechargeable batteries. CAPCOA indicates that this measure has a low reduction score and does not quantify any emissions reduction related to this measure. Consequently, this measure is suggested to be implemented but no quantifiable reduction in GHG emissions can reliably be estimated.

CAPCOA Mitigation Measure D-15: LEED Certification. The Proposed Project will be designed to the mandatory CALGreen building standards adopted on January of 2011. For the purpose of meaningful GHG emissions reduction calculations, mandatory CALGreen standards for commercial buildings would result in approximately 15 percent less energy demand and 20 percent reduced water demand than a standard building built to 2008 Title 24 standards. Therefore, for the purpose of estimating an emissions inventory, CALGreen is equivalent to a LEED “silver” rating in terms of meaningful emissions reductions. Mandatory CALGreen measures are assumed in the adjusted baseline emissions for the Project reported in the Project’s baseline emissions discussed previously. More aggressive LEED certification (“gold” or “platinum”) would further increase efficiency and further reduce GHG emissions.

CAPCOA Mitigation Measure D-16: Retro-Commissioning: Building Systems Perform Interactively to Optimize Energy Performance. This measure may be a technique to achieve additional CALGreen standards beyond the mandatory measures proposed by the Project.

CAPCOA Mitigation Measure D-17: Drought Tolerant Landscaping and Shade Trees. The measure is considered partially incorporated as part of the Project already, in that shade trees are proposed for 20th, 21st and Webster Streets. Further detailed regarding proposed landscaping with the Project will further reduce emissions to a minimal extent, particularly given the urban setting and minimal opportunity for expanses of landscaping and large trees.

CAPCOA Mitigation Measure MM E-1: High-Efficiency Pumps. As more detail about the Project is developed, building designs could incorporate high-efficiency pumps for water transport and storage components (e.g. water tanks or electric air-source heat pumps for heating/cooling) to result in minimal additional emissions reductions.

CAPCOA Mitigation Measure MM E-4: Energy Star Roof. As more detail about the Project is developed, the Project could utilize energy efficient and/or light-colored roofing materials over substantial roof area for additional emissions reductions.

CAPCOA Mitigation Measure E-5: On-site Renewable Energy System. This measure would provide onsite renewable energy system(s). Nonpolluting and renewable energy potential includes solar, wind, geothermal, low-impact hydro, biomass and bio-gas strategies. When applying these strategies, projects may take advantage of net metering with the local utility. Of these strategies, the most common for commercial building applications in an urban environment would be solar. The effectiveness of a solar energy system for the Proposed Project would be restricted by the available roof space and the need for other ancillary equipment on the rooftop.

CAPCOA Mitigation Measure E-9: Low Energy Cooling. This measure would require the Project to optimize the buildings' thermal distribution by separating ventilation and thermal conditioning systems. CAPCOA estimates a 1 to 10 percent reduction in energy demand through implementation of this measure. Applying the lower end of this estimated reduction goal as an estimate of the potential GHG reductions if such a measure was to be implemented for the Proposed Project, a potential reduction of 35.3 MT/year of CO₂e would be possible

CAPCOA Mitigation Measure E-11: Charging Facilities. This measure would require the Project to install electric vehicle charging facilities. CAPCOA indicates that this measure has a low reduction score and does not quantify any emissions reduction related to this measure. Consequently, this measure is suggested to be implemented but no quantifiable reduction in GHG emissions can reliably be estimated.

CAPCOA Mitigation Measure E-15: Electric Yard Equipment Compatibility. This measure would require provision of electrical outlets at building exterior areas. CAPCOA indicates that this measure has a low reduction score and does not quantify any emissions reduction related to this measure. Consequently, this measure is suggested to be implemented but no quantifiable reduction in GHG emissions can reliably be estimated.

CAPCOA Mitigation Measure E-17: Green Building Materials. This measure would require the Project to use materials which are resource efficient, recycled, with long life-cycles and manufactured in an environmentally friendly way. This measure addresses lifecycle GHG emissions which are not a consideration relative to CEQA. Consequently, this measure is suggested to be implemented but no quantifiable reduction in GHG emissions would be applicable to the Project inventory.

CAPCOA Mitigation Measure E-18: Shading Mechanisms for Windows, Patios and Walkway Overhangs. This measure would require installation of energy-reducing shading mechanisms for windows, porch, patio and walkway overhangs. CAPCOA cites an estimate the savings of this measure to be \$450 per year. Based on a commercial electrical rate of 0.18 dollars per kw-hr represents approximately 2,500 kw-hr per year or about 0.6 MT/year of CO₂e.

CAPCOA Mitigation Measure E-20 Programmable Thermostats. This measure would require the Project to install energy-reducing programmable thermostats that automatically adjust temperature settings. CAPCOA cites an estimate the savings of this measure to be \$100 per year. Based

on a commercial electrical rate of 0.18 dollars per kw-hr represents approximately 556 kw-hr per year or about 0.13 MT/year of CO₂e.

CAPCOA Mitigation Measure S-1: Emission Reductions Education. This measure would require the Project to provide businesses with guidance/protocols/information on how to reduce GHG emissions. CAPCOA indicates that this measure has a low reduction score and does not quantify any emissions reduction related to this measure. Consequently, this measure is suggested to be implemented but no quantifiable reduction in GHG emissions can reliably be estimated.

CAPCOA Mitigation Measure M-2: Offset Purchase. This analysis considers Offset Purchase (CAPCOA Mitigation Measures M-2) to be a potentially feasible measure within the timeframe of the Project, given (1) that Phase I of the Project is anticipated to be operational in approximately 2016, and Phase II or Project Buildout could be up to an additional several years after that, and (2) given the potential for implementation of this measure to have a “Moderate/High” reduction estimate.

There is recognized uncertainty in the current state of carbon markets (including the availability and pricing of offsets) in the U.S. With a federal climate bill languishing in the Senate, and emerging political challenges to AB 32 it is difficult at best to characterize supply and demand in yet-to-be-created carbon market, and even more difficult to predict the price of emissions allocations or offsets. A national cap and trade system, where buyers and sellers determine a market price for allocations and offsets, is still a possibility at the national level, and has a strong likelihood of developing in California (through AB 32) and other Western states (through the Western Climate Initiative). Currently in California, buyers purchase offsets either to reduce their carbon footprint voluntarily, or as a “pre-compliance” strategy with the hope that they can use them in a future cap-and-trade system. Prices have remained relatively low over the past year or two due to the sluggish economy and the policy uncertainty. They are certain to rise significantly if and when federal, regional, and/or state cap-and-trade becomes a reality.

The AB 32 Scoping Plan identifies cap-and-trade as a key strategy for helping California reduce its GHG emissions, but ARB still has not yet indicated how the system will work. Consistent with AB 32, ARB must adopt the cap-and-trade regulation by January 1, 2011, and the program itself must begin in 2012. At the time of this writing it is not known how such a system would distribute allocations to those who fall under the cap, and how offsets could be used to reduce emissions against the cap. It is also unclear whether ARB will operate their own cap-and-trade program or contract the program to a third party, and if the program will link to external registries of approved carbon offset credits.

Despite the various uncertainties, several registries of carbon reduction projects (representing carbon credits) have emerged in the United States in recent years. These registries facilitate and give legitimacy to carbon credit tracking and trading. One of the leading registries, the Climate Action Reserve (CAR), is expected to serve as a source of regulatory offsets under the future California program. CAR is a spin-off program of the California Climate Action Registry (CCAR) which was created by California state legislation in 2001 and has been closely involved with ARB throughout the AB 32 implementation process, including the development of its reporting rule, verification scheme, and many sector accounting protocols. CAR is also recognized in the Kerry-Boxer and Waxman-Markey climate bills as eligible for providing offset credits to the federal cap-and-trade system. CAR is respected as a national project registry that sets standards, accredits verifiers, and registers and tracks projects using sophisticated

software to serialize and transfer emissions reduction credits. In 2009, CAR transactions accounted for the majority of the US offset market value, and CAR Climate Reserve Tons (CRTs) usually command a premium over the general voluntary offset market.

Newly enacted CEQA Guidelines Section 15126.4 (c), adopted March 18, 2010 expressly provides for this as mitigation to reduce GHG emissions.

BAAQMD Mitigation Measure 6: Daily Parking Charge (Higher). This measure would require parking fees for all employees to discourage daily vehicle trips and promote use of transit. The TDM Plan for the Project identifies higher parking pricing, one of the most effective means to reduce SOV rates, as a recommended reduction measures that is incorporated with the Project after Phase I (as considered in the emissions inventory in Section 4.0 of this report). As discussed in the TDM Plan, Kaiser Center Office shall evaluate and then increase employee parking prices as needed to achieve the trip reduction goals. The evaluation of parking fees shall be performed by a qualified independent professional and submitted to the City for review and approval as part of the Annual Report and subject to the draft monitoring, evaluation and enforcement program presented in the TDM Plan.

The TDM Plan identifies further increases in parking pricing as an “additional” strategy that could further reduce vehicle trips and related GHG emissions from the Project. The estimated emissions reduction range is up to 25 percent; the TDM Plan identifies these measures to support total trip reductions after Phase I, up to 20 percent.

BAAQMD Mitigation Measure 7: Parking Cash-out. See CAPCOA MM T-9.

BAAQMD Mitigation Measure 8: Free Transit Passes. This measure would require employers to provide free transit passes to employees. The TDM Plan specifies free AC Transit Easy Passes for all full time employees as a recommended TDM measure to be implemented with the Project after Phase I (as considered in the emissions inventory in Section 4.0 of this report). As discussed in the TDM Plan, new Kaiser Center Office employers will be required to provide transit subsidies as part of the Phase I TDM program. However, only those employees utilizing transit through the *Commuter Tax Incentive Program* would be eligible for this transit subsidy. In Phase II, all full time employees in the Phase I and Phase II buildings shall be given an AC Transit Easy Pass. This pass program would cover the full cost of rides on AC Transit to employees and allow for unlimited rides on AC Transit. The program allows employers to invest in an Easy Pass program, where the employer bulk purchases transit passes for all employees at a significantly reduced cost per rider. Currently, the per employee cost per year would be \$82.¹² The City of Berkeley is currently an Easy Pass member, providing free transit passes to all city employees. According to the City of Berkeley, if the Easy Pass were not available, 59 percent of respondents would reduce their use of AC Transit service and 25 percent would stop using AC Transit entirely. It is assumed that this program will be funded by Kaiser Center Office and administered through the building management’s TDM coordinator in collaboration with all employer TDM coordinators.

The TDM Plan identifies further transit subsidies as an additional strategy that could further reduce vehicle trips and related GHG emissions from the Project. Specifically, the Project shall increase the

¹² The yearly cost of \$82 per employee for the Easy Pass is based on a transit level of service 1 with a range of program participants between 1,001 and 5,000. Visit www.actransit.org/easypass for more information.

Clipper card transit subsidies to further encourage the use of transit. Also, the TDM Plan identifies \$50 Monthly Transit Subsidies and coordination with the Broadway/Valdez Shuttle is a mandatory TDM measure for the Project. The estimated emissions reduction range is up to 25 percent; the TDM Plan identifies these measures to support total trip reductions up to 20 percent throughout the Project.

BAAQMD Mitigation Measure 16: Car Sharing Services Provided. BAAQMD identifies this measure along with a menu of seven other TDM measures as reducing GHG emissions synergistically as a group. The degree of benefit estimated, depends on the number of TDM measures included from the menu. As this measure is the only one of the total eight TDM measures on the menu that are not already identified as part of the Project or mandated in the TDM Plan, the potential additional GHG reduction benefit from this measure is considered minimal, less than 1 percent reduction. This measure works in concert with BAAQMD MM 17 (Information Provided on Transportation Alternatives), BAAQMD MM 18 (Dedicated Employee Transportation Coordinator), BAAQMD MM 19 (Carpool Matching Program), and BAAQMD MM 20 (Preferential Carpool/Vanpool Parking), which are mandated TDM measures for the Project and already incorporated in the GHG emissions inventory in Section 4.0 of this report.

BAAQMD Mitigation Measure 17: Information Provided on Transportation Alternatives. This measure provides information to project occupants (i.e., employees, residents, tenants, etc.) about the various transportation alternatives available to reduced SOV trips. Alternatives includes services and programs identified in BAAQMD MM 15 (Guaranteed Ride Home), BAAQMD MM16 (Car Sharing Services Provided), and BAAQMD MM 19 (Carpool Matching Program).

BAAQMD Mitigation Measure 21: Parking Supply (Reduced). See CAPCOA MM T-10.

BAAQMD Mitigation Measure 24: Electrically Powered Landscape Equipment. BAAQMD identifies this measure as reducing GHG emissions associated with operation of landscape maintenance equipment. This measure is similar to CAPCOA measure E-15 above. If we assume that this measure results in no landscape equipment emissions as calculated in the Projects emissions inventory in Table 3, then implementation of this measure would reduce emissions by 0.24 MT/year of CO₂e.

BAAQMD Mitigation Measure 34: Install Solar Panels on Residential and Commercial Buildings. This measure is addressed relative to CAPCOA MM E-5 above.

BAAQMD Mitigation Measure 44: Increase Roof/Ceiling Insulation. This measure is likely to be implemented to achieve the 15 percent energy reduction target recommended by CALGreen standards. BAAQMD does not cite a reduction efficiency associated with this measure. Consequently, this measure is suggested to be implemented but no quantifiable reduction in GHG emissions is estimated.

BAAQMD Mitigation Measure 45: Rainwater Collection Systems in Commercial Buildings. BAAQMD does not cite a reduction efficiency associated with this measure. Consequently, this measure is suggested to be implemented but no quantifiable reduction in GHG emissions is estimated.

BAAQMD Mitigation Measure 47: Restrict Use of Water for Cleaning Outdoor Surfaces. BAAQMD does not cite a reduction efficiency associated with this measure. Consequently, this measure is suggested to be implemented but no quantifiable reduction in GHG emissions is estimated.

BAAQMD Mitigation Measure 48: Implement Water-sensitive Urban Design Practices in New Construction. This measure is likely to be implemented by as a required element of CALGreen commercial building standards. BAAQMD does not cite a reduction efficiency associated with this measure. Consequently, this measure is suggested to be implemented but no quantifiable reduction in GHG emissions is estimated.

BAAQMD Mitigation Measure 51: Require Provision of Storage Areas for Recyclables and Green Waste in New Construction. BAAQMD does not cite a reduction efficiency associated with this measure. Consequently, this measure is suggested to be implemented but no quantifiable reduction in GHG emissions is estimated.

10.0 GHG Reduction Plan Program

10.1 GHG Emissions Reduction Targets

The goal of the GHG Reduction Plan is to increase energy efficiency and reduce GHG emissions from the proposed project to the greatest extent practical and feasible, but in no event less than the amount required to be less than the applicable significance threshold as adopted by the BAAQMD. In other words, the GHG Plan is also intended to result in 100 percent emissions reduction of total operational GHG emissions over the threshold of significance. The target reduction in terms of MT CO₂e of are as follows:

- Phase I. For Phase I of Buildout, GHG emissions reduction measures beyond those already considered part of the Project (discussed in Section 3.0) are identified to be combined (excluding Offset Purchase measures) to reduce the **5,386 MT CO₂e exceedance** of the annual 1,100 MT CO₂e threshold.¹³
- Project Buildout. For Buildout, GHG emissions reduction measures beyond those included as part of the Project (discussed in Section 3.0), and in some cases measures that would be infeasible or impractical to implement with only Phase I of the Project completed, are identified to be combined to reduce the **10,931 MT CO₂e exceedance** of the annual 1,100 MT CO₂e threshold.¹⁴ The Project's GHG emissions do not exceed the 4.6 MT CO₂e per service population threshold, therefore the GHG Reduction Plan is focused on reductions to reach the annual 1,100 MT CO₂e threshold.

¹³ Total annual GHG emissions at Phase I of the Project is 6,485 MT CO₂e compared to the 1,100 MT CO₂e threshold (see Table 3).

¹⁴ Total annual GHG emissions at Project Buildout is 12,030 MT CO₂e compared to the 1,100 MT CO₂e threshold (see Table 3).

10.2 Feasible Measures and Emissions Reductions for the Project, by Phase

This GHG Reduction Plan Program is intended to ensure implementation of a set of emissions reduction measures by the Project Applicant (or other responsible party) during development and operation of the Project. This Program specifies performance measures that the Project shall meet at each phase of the Project by implementing any one or more of the measures discussed above that offer substantial, quantifiable emissions reductions.

The GHG reduction measures shown in **Table 9** are a subset of those identified in Table 8 of measures available for potential implementation by the Proposed Project. The City reviewed the potential measures in Table 8 and determined those shown in Table 9 to be the most feasible for the Project to reduce emissions from the Project to levels that do not exceed the annual 1,100 MT CO₂e threshold. However, other measures may be identified and approved by the City over the life of the Project; those listed in Table 9 are not intended to preclude use of other measures. GHG emissions reductions resulting from measures that the Project Applicant may implement on parts of Kaiser Center not included in the Project Site, or at another offsite location, would also be credited to the Project's emissions reductions. Emissions reductions are estimated for each measure and a total provided by each Project phase of the based on reasonable operational assumptions about the Project. The Project Applicant, new employers in the Kaiser Center Project after it is operational, or Kaiser Center Building Owner shall implement a combination of the GHG reduction measures shown in Table 9, without limitation, except (1) as specified in the phasing indicated in Table 9, which is generally consistent with the implementation timeline by phase outlined in the TDM Plan for transportation-related measures, and (2) as limited in use of Offset Purchase (CAPCOA MM M-2) to preclude the Project Applicant from achieving 100 percent reduction in GHG emissions, in any one phase or overall, solely through Offset Purchase.

For purposes of estimating, the minimum reduction for each measure that provides a quantifiable reduction range (in Table 8) is assumed, otherwise no estimate is report. As a result, the potential reductions shown in Table 9 are expected to be less than what actual reductions could occur. The estimated emissions reduction that could be achieved by the GHG Reduction Plan Program in Table 9 total approximately 314 MT CO₂e for Phase I, and 1,299 MT CO₂e for Buildout.

Implementation of the quantified and feasible measures in Table 9 represent 6 percent (314 of 5,386 MT CO₂e required) of the total reduction required for Phase I GHG emissions to be reduced below the significance threshold, and represent 12 percent (1,299 of 10,931 MT CO₂e required) of the total reduction required for Buildout GHG emissions to be reduced below the significance threshold.

These emissions reductions would be in addition to those resulting from the Project itself; the Project's "adjusted" emissions (see Table 2) incorporates emissions reduction measures that are considered part of the Project (as discussed throughout Section 4.0) and that already represent approximately a 24 percent reduction in total annual emissions compared to the Project's baseline emissions (15,772 MT CO₂e unadjusted compared to 12,030 MT CO₂e adjusted baseline, as discussed following Table 3). Therefore the Project already incorporates measures and characteristics that result in a substantial reduction in GHG emissions from what would have occurred under business as usual. Also, additional GHG emissions reductions would likely result since implementation of GHG reduction measures is not necessarily limited to

TABLE 9
PROGRAM OF FEASIBLE, EFFECTIVE GHG REDUCTION MEASURES FOR THE PROJECT BY PHASE

| Reduction Measure | Description | Annual CO ₂ e Emissions Reduction Estimate (metric tons per year) ^d | |
|----------------------------------|--|--|---|
| | | Phase I | Project Buildout |
| CAPCOA MM T-9 | Paid Parking ^a | | 120 |
| CAPCOA MM T-10 | Minimum Parking ^a | | 602 |
| CAPCOA MM D-15 | LEED Certification ^b | Moderate Reduction | Moderate Reduction |
| CAPCOA MM E-5 | On-Site Renewable Energy System | 65 | 120 |
| CAPCOA MM E-9 | Low energy Cooling | 19 | 35.3 |
| CAPCOA MM E-18 | Shading Mechanisms for windows, patio and walkway overhangs | 0.6 | 0.12 |
| CAPCOA MM E-20 | Programmable Thermostats | 0.8 | 0.14 |
| CAPCOA MM M-2 | Offset Purchase | Up to 100 percent | Up to 100 percent |
| BAAQMD MM 6 | Daily Parking Charge (Increased) ^{a,c} | 65 | 120 |
| BAAQMD MM 7 | Parking Cash Out ^a | - | Same as Paid Parking, CAPCOA MM T-9 |
| BAAQMD MM-8 | Free Transit Passes ^a | - | 25 percent of total transit service reduction |
| BAAQMD MM 15 | Guaranteed Ride Home Program provided ^a | 130 ^e | 241 ^e |
| BAAQMD MM 16 | Car sharing services provided ^{a,c} | 33 | 60 |
| BAAQMD MM 17 | Information provided on transportation alternatives ^a | Combined with BAAQMD MM 15 and 16 ^e | |
| BAAQMD MM 21 | Parking Supply (Reduced) ^a | - | Same as Minimum Parking, CAPCOA MM T-10 |
| BAAQMD MM 24 | Electrically powered landscape equipment and electrical outlets | 0.13 | 0.24 |
| | Measures implemented on parts of Kaiser Center not included in the Project Site, or at another offsite location. | Variable, estimated Low | Variable, estimated Low |
| TOTAL POTENTIAL REDUCTION | | 314 | 1,299 |

^a Measure is considered "Partially" implemented by the Project as they are "Recommended" measures or "Additional" strategies identified in the TDM Plan, or the Project does not incorporate or propose to implement the measure in full. Greater reductions in GHG emission would be achieved if these measures are implemented.

^b While LEED certification is not being proposed for the Project, the Project will incorporate Mandatory CALGreen standards and Voluntary Tier CALGreen standards may be identified.

^c Measures is identified in the TDM Plan as an "Additional" strategy to be implemented in any phase if the Project cannot achieve target TDM trip reductions specified in the TDM Plan.

^d For purposes of estimating, the minimum reduction for each measures that provides a quantifiable reduction range is assumed, otherwise no estimate is report. As a result, the potential reductions shown are expected to be less than what actual reductions could occur. See footnote "e" for exception.

^e Reduction is assumed once given reduction assumes combined effect of BAAQMD TDM measures MM 15 and MM 17. Of the 1 to 2 percent combined reduction possible, a 2 percent reduction is assumed for these TDM measures that would increase the effectiveness of measures identified in the TDM Plan and that have a high probability of being implemented fully.

the Kaiser Center Project buildings or site area affected by the Proposed Project; thus greater reductions could likely be achieved.

Implementation of building and site design measures (such as CAPCOA MM E-18, shading mechanisms for windows) shall occur as part of the Final Development permit and during construction activities; measures applicable to Project operations shall be implemented starting within one year after issuance of the certificate of occupancy for Phase I, except for measures required and scheduled otherwise in accordance with the TDM Plan. Through subsequent Project operations, the Project Applicant shall continue to implement GHG reduction measures, including consideration of Offset Purchase, to continue to reduce the Project's overall emissions to the greatest extent practical and feasible, but in no event less than the amount required to be less than the applicable significance threshold as adopted by the BAAQMD.

10.3 Implementation, Reporting, Monitoring and Funding

To implement this Final GHG Reduction Plan for the Kaiser Center Office Project, the applicant/sponsor shall adhere to the following, in addition to the requirements of SCA GHG-1:

- a) ***Refined GHG Reduction Measures Program.*** Prepare and submit to the City Planning Director or his/her designee for review and approval a refined GHG Reduction Plan program (Table 9, Program of Feasible, Effective GHG Reduction Measures for the Project by Phase), that specifies and quantifies GHG reduction measures identified in, but not limited to, Table 9 of this Final GHG Plan, that the project will implement by phase.

Potential additional GHG reduction measures to be considered include, but are not be limited to, measures recommended in BAAQMD's latest CEQA Air Quality Guidelines, the California Air Resources Board Scoping Plan (December 2008, as may be revised), the California Air Pollution Control Officers Association (CAPCOA) Quantifying Greenhouse Gas Mitigation Measures Document (August 2010), the California Attorney General's website, and Reference Guides on Leadership in Energy and Environmental Design (LEED) published by the U.S. Green Building Council.

The proposed additional GHG reduction measures must be reviewed and approved by the City Planning Director or his/her designee. The types of allowable GHG reduction measures include the following (listed in order of City preference): (1) physical design features; (2) operational features; and (3) the payment of fees to fund GHG-reducing programs (i.e., the purchase of "offset carbon credits," pursuant to item "b" below).

The allowable locations of the GHG reduction measures include the following (listed in order of City preference): (1) the project site; (2) off-site within the City of Oakland; (3) off-site within the San Francisco Bay Area Air Basin; (4) off-site within the State of California; then (5) elsewhere.

- b) ***Offset Carbon Credits Guidelines.*** For GHG reduction measures involving the purchase of offset carbon credits), evidence of the payment/purchase shall be submitted to the City Planning Director or his/her designee for review and approval prior to completion of the project (or prior to completion of the project phase, if the project includes more one phase).

As with preferred locations for the implementation of all GHG reductions measures, the preference for offset carbon credit purchases include those that can be achieved as follows (listed in order of City preference): (1) within the City of Oakland; (2) within the San Francisco Bay Area Air Basin; (3)

within the State of California; then (4) elsewhere. The cost of offset carbon credit purchases shall be based on current market value at the time purchased and shall be based on the Project's operational emissions estimated in this DEIR (of which the GHG Reduction Plan is incorporated) or subsequent approved emissions inventory, which may result in emissions that are higher or lower than those estimated in the Final GHG Reduction Plan for Phase II/Buildout of the project.

- c) ***Plan Implementation and Documentation.*** For physical GHG reduction measures to be incorporated into the design of the project, the measures shall be included on the drawings submitted for construction-related permits. For operational GHG reduction measures to be incorporated into the project, the measures shall be implemented on an indefinite and ongoing basis beginning at the time of project completion (or at the completion of the project phase for phased projects).

For physical GHG reduction measures to be incorporated into off-site projects, the measures shall be included on drawings and submitted to the City Planning Director or his/her designee for review and approval and then installed prior to completion of the subject project (or prior to completion of the project phase for phased projects). For operational GHG reduction measures to be incorporated into off-site projects, the measures shall be implemented on an indefinite and ongoing basis beginning at the time of completion of the subject project (or at the completion of the project phase for phased projects).

- d) ***Compliance, Monitoring and Reporting.*** Upon City review and approval of the refined GHG Reduction Plan program by phase, the applicant/sponsor shall satisfy the following requirements for ongoing monitoring and reporting to demonstrate that the additional GHG reduction measures are being implemented. The GHG Reduction Plan requires regular periodic evaluation over the life of the Project (generally estimated to be at least 40 years) to determine how the Plan is achieving required GHG emissions reductions over time, as well as the efficacy of the specific additional GHG reduction measures identified in the Plan.

Implementation of the additional GHG reduction measures and related requirements shall be ensured through the project applicant/sponsor's compliance with a Mitigation Monitoring and Reporting Program, as will be implemented through Conditions of Approval adopted for the project.

Generally, starting two years after the City issues the first Certificate of Occupancy for the project, the project applicant/sponsor shall prepare each year of the useful life of the project an Annual GHG Emissions Reduction Report (Annual Report), subject to the City Planning Director or his/her designee for review and approval. The Annual Report shall be submitted to an independent reviewer of the City Planning Director's or his/her designee's choosing, to be paid for by the project applicant/sponsor (see *Funding*, below), within two months of the anniversary of the Certificate of Occupancy.

The Annual Report shall summarize the project's implementation of GHG reduction measures over the preceding year, intended upcoming changes, compliance with the conditions of the Plan, and include a brief summary of the previous year's Annual Report results (starting the second year). The Annual Report shall include a comparison of annual project emissions to the baseline emissions reported in this Final GHG Plan.

The GHG Reduction Plan shall be considered fully attained when project emissions are less than both applicable numeric BAAQMD CEQA Thresholds, as confirmed by the City Planning Director or his/her designee through an established monitoring program. Monitoring and reporting activities will continue at the City's discretion, as discussed below.

- e) **Funding.** Within two months after the Certificate of Occupancy, the project applicant/sponsor shall fund an escrow-type account or endowment fund to be used exclusively for preparation of Annual Reports and review and evaluation by the City Planning Director or his/her designee, or its selected peer reviewers. The escrow-type account shall be initially funded by the project applicant/sponsor in an amount determined by the City Planning Director or his/her designee and shall be replenished by the project applicant/sponsor so that the amount does not fall below an amount determined by the City Planning Director or his/her designee. The mechanism of this account shall be mutually agreed upon by the project applicant/sponsor and the City Planning Director or his/her designee, including the ability of the City to access the funds if the project applicant/sponsor is not complying with the GHG Reduction Plan requirements, and/or to reimburse the City for its monitoring and enforcement costs.
- f) **Corrective Procedure.** If the third Annual Report, or any report thereafter, indicates that, in spite of the implementation of the GHG Reduction Plan, the project is not achieving the GHG reduction goal, the project applicant/sponsor shall prepare a report for City review and approval, which proposes additional or revised GHG measures to better achieve the GHG emissions reduction goals, including without limitation, a discussion on the feasibility and effectiveness of the menu of other additional measures (Corrective GHG Action Plan). The project applicant/sponsor shall then implement the approved Corrective GHG Action Plan.

If, one year after the Corrective GHG Action Plan is implemented, the required GHG emissions reduction target is still not being achieved, or if the project applicant/owner fails to submit a report at the times described above, or if the reports do not meet City requirements outlined above, the City Planning Director or his/her designee may, in addition to its other remedies, (a) assess the project applicant/sponsor a financial penalty based upon actual percentage reduction in GHG emissions as compared to the percent reduction in GHG emissions established in the GHG Reduction Plan; or (b) refer the matter to the City Planning Commission for scheduling of a compliance hearing to determine whether the project's approvals should be revoked, altered or additional conditions of approval imposed.

The penalty as described in (a) above shall be determined by the City Planning Director or his/her designee and be commensurate with the percentage GHG emissions reduction not achieved (compared to the applicable numeric significance thresholds)

In determining whether a financial penalty or other remedy is appropriate, the City shall not impose a penalty if the project applicant/sponsor has made a good faith effort to comply with the GHG Reduction Plan.

The City would only have the ability to impose a monetary penalty after a reasonable cure period and in accordance with the enforcement process outlined in Planning Code Chapter 17.152. If a financial penalty is imposed, such penalty sums shall be used by the City solely toward the implementation of the GHG Reduction Plan.

- g) **Timeline Discretion and Summary.** The City Planning Director or his/her designee shall have the discretion to reasonably modify the timing of reporting, with reasonable notice and opportunity to comment by the applicant, to coincide with other related monitoring and reporting (e.g., for a TDM Plan) required for the project.
- *Fund Escrow-type Account for City Review:* Certificate of Occupancy plus 2 months
 - *Submit Baseline Inventory of "Actual Adjusted Emissions":* Certificate of Occupancy plus 1 year

- *Submit Annual Report #1*: Certificate of Occupancy plus 2 years
- *Submit Corrective GHG Action Plan* (if needed): Certificate of Occupancy plus 4 years (based on findings of Annual Report #3)
- *Post Attainment Annual Reports*: Minimum every 3 years and at the City Planning Director's or his/her designee's reasonable discretion

References

BAAQMD, *CEQA Air Quality Thresholds and Guidelines*, June 2010

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California Air Resources Board (CARB), *Mandatory Reporting of California Greenhouse Gas Emissions*, Presentation at Cal/EPA Headquarters. August 29, 2007b.

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California Department of Justice, Attorney General Edmund G. Brown Jr., *The California Environmental Quality Act Addressing Global Warming Impacts at the Local Agency Level*, December 9, 2008, http://ag.ca.gov/globalwarming/pdf/GW_mitigation_measures.pdf, accessed on July 1, 2009.

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International Code Council, *Draft 2010 California Green Building Standards Code*, <http://www.documents.dgs.ca.gov/bsc/documents/2010/Draft-2010-CALGreenCode.pdf>, accessed August 18, 2010 (ICC, 2010)

APPENDIX C

Preferred Measure DD

APPENDIX C.1

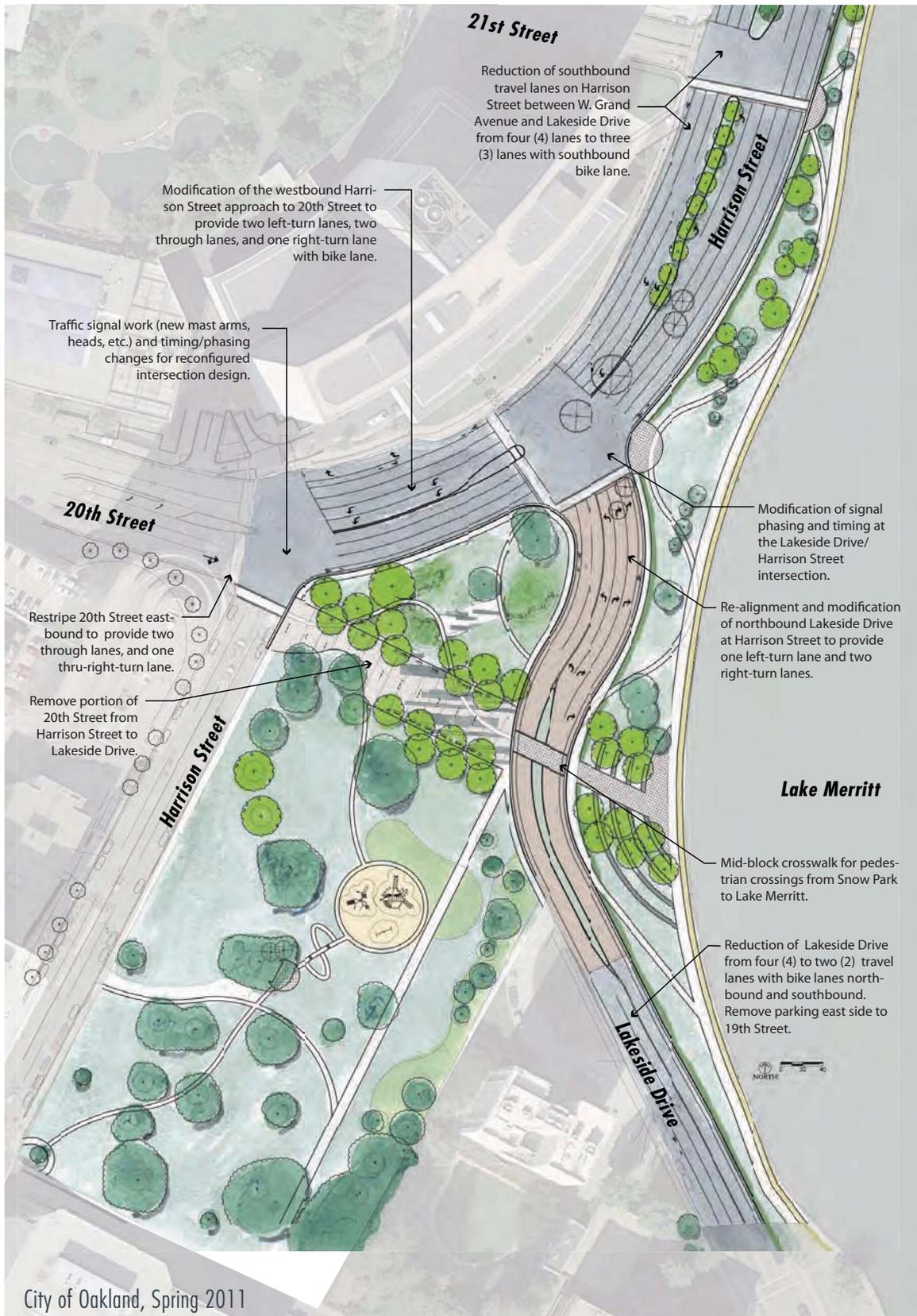
Proposed Measure DD Improvements

Appendix C.1: Proposed Measure DD Improvements

This Appendix C.1 describes the Preferred Measure DD Configuration and the specific roadway improvements proposed within the Harrison Street / Lakeside Drive / 20th and 21st Streets / Kaiser Center Access Road “triangle” near the Kaiser Center Project Site. It is assumed that the Preferred Measure DD Improvements would be constructed before the Kaiser Center Office Project is built, as the project is funded and the public process has started to approve the configuration. The improvements would result in acceptable traffic operations even if the Kaiser Center Office Project is not constructed or is not constructed at the time that the Preferred Measure DD improvements are implemented.

Roadway improvements implemented with the Preferred Measure DD Configuration would include the following and are shown in Figure C-1:

- Westbound Harrison Street approach to 20th Street will be modified to provide two left-turn lanes, two through lanes, and one right-turn lane with bicycle lane.
- Southbound travel lanes on Harrison Street between West Grand Avenue and Lakeside Drive will be reduced from four lanes to three lanes with a southbound bicycle lane.
- The traffic signal at the intersection of 20th Street and Harrison Street will be upgraded to include new equipment such as new mast arms and heads, and the timing/phasing of the signal will be adjusted for the reconfigured intersection design.
- Eastbound 20th Street will be restriped to provide two through lanes and one through lane/right-turn lane.
- The portion of 20th Street between Harrison Street and Lakeside Drive will be removed. The removed portion will become a pedestrian pathway through Snow Park.
- Signal phasing and timing at the Lakeside Drive/Harrison Street intersection will be modified.
- Northbound Lakeside Drive at Harrison Street will be re-aligned and modified to provide one left-turn lane and two right-turn lanes.
- A mid-block crosswalk across Lakeside Drive for pedestrian crossings from Snow Park to Lake Merritt will be installed.
- Northbound and southbound travel lanes on Lakeside Drive southeast of Snow Park will be reduced from four lanes to two lanes with bicycle lanes. Street parking on the east side of Lakeside Drive from Snow Park to 19th Street will be removed.



SOURCE: City of Oakland, March 2011

Kaiser Oakland . 206213

Figure C-1
 Proposed Measure DD Improvements Related to the
 Preferred Measure DD Configuration (without Kaiser Center Project)

APPENDIX C.2

Proposed Kaiser Center Project Mitigation Measures Related to the Preferred Measure DD Configuration

Appendix C.2: Proposed Kaiser Center Mitigation Measures Related to the Preferred Measure DD Configuration

This Appendix C.2 describes Kaiser Center Office Project mitigation measures related to the Preferred Measure DD Configuration. These mitigation measures supplement and provide additional detail to those identified for Measure DD-related intersections and roadways in the Draft EIR. The project applicant will be required to implement these mitigation measures, as well as requirements previously identified in the Draft EIR, specifically preparation and submittal to the City of Plans, Specifications, and Estimates (PS&E) for the identified improvements and any other requirements that may be identified as necessary to ensure effective operations of the identified improvements; as well as the funding, preparation and installation of the approved plans and improvements. Implementation of these mitigation measures is not required to ensure acceptable transportation operations with the improvements proposed by the Preferred Configuration: rather these mitigation measures are necessary with construction of the Kaiser Center Office project. (Appendix C.3 describes the environmental impacts of the Kaiser Center Office Project with implementation of the Preferred Measure DD Configuration. Further, implementing the more specified Kaiser Center Office Project mitigation measures would not result in secondary impacts, as each was considered generally in the Draft EIR.

Proposed Kaiser Center Office Project mitigation measures related to the Preferred Measure DD Configuration (illustrated in Figure C-2). would include and incorporate measures identified in the Draft EIR to optimize and coordinate signal timing at the Harrison Street/21st Street intersection [#13], and the Harrison Street / 20th Street / Kaiser Center Access Road intersection [#24]), as listed below: measure

- Eastbound 20th Street approach to Harrison Street: Remove the left-turn pocket currently on 20th Street. The 20th Street median shall be reconfigured for one left-through lane to Kaiser Center. Provide a staged pedestrian crosswalk across 20th Street.
- Southbound right-turn lane from the Kaiser Center access at the 20th Street/Harrison Street intersection shall be modified to provide a channelized island for pedestrian refuge and stop sign control for southbound right-turning movement.
- Kaiser Center access shall be reconfigured to accommodate addition of southbound left-turning movement at the 20th Street/Harrison Street intersection.
- The traffic signal at the 20th Street/Harrison Street intersection shall be upgraded to accommodate the Kaiser Center entry/exit reconfiguration, including new mast arms and heads.
- Adjust and upgrade the timing/phasing of the signal at the reconfigured 20th Street /Harrison Street intersection, as well as at the 21st Street/Harrison Street intersection.

Increase travel lanes on Harrison Street approach to 20th Street from three lanes to five lanes, then transition to four lanes with street parking approximately 250 to 300 linear feet from the 20th Street/Harrison Street intersection. The reconfiguration shall have two dedicated right-turn



SOURCE: City of Oakland, March 2011

Kaiser Oakland . 206213

Figure C-2
Proposed Kaiser Center Mitigation Measures
Related to the Preferred Measure DD Configuration

lanes and one through lane/left-turn lane in the northbound direction, and two southbound lanes. Parking along Harrison Street shall be removed from both sides to accommodate lanes within an existing 52-foot right-of-way, curb-to-curb. Encroachment into the existing sidewalks and park may be required to accommodate minimum lane widths, to be determined through the implementing measures described in the Draft EIR.

APPENDIX C.3

Preferred Configuration to Mitigate Impacts of the Kaiser Center Office Project Memorandum



Date: December 23, 2010

Memorandum

To: Alison Schwarz, City of Oakland Public Works Agency

cc: John Hykes, DC&E

From: Mark Bowman, P.E.

Subject: Preferred Configuration to Mitigate Impacts of the Kaiser Center Office Project at the Harrison Street / 20th Street / Lakeside Drive Intersection P10044

As part of the Snow Park / Harrison / 20th Street Intersection Design Study, the study team has developed refinements to the Measure DD Configuration studied in the Kaiser Center Office Project DEIR (DEIR) resulting in a Preferred Measure DD Configuration. The Preferred Configuration has been analyzed to determine how the refinements would affect the findings of the DEIR Transportation and Circulation section.

The Preferred Configuration includes modifications to Harrison Street from north of the Harrison Street / 21st Street intersection (#13) to west of the Harrison Street / 20th Street / Lakeside Drive intersection (#24) intersection. The analysis included evaluation of the Harrison Street / 21st Street intersection, which was identified as being impacted by the Kaiser Center Office Project and which could be affected by changes in traffic operations at the Harrison Street / 20th Street / Lakeside Drive intersection. No adjacent intersections were analyzed because none were identified as operating below City standards in the DEIR and the modifications to the Measure DD Configuration would not significantly affect traffic operations at nearby intersections.

Preferred Configuration

Refinements to the Measure DD Configuration that led to the Preferred Configuration were developed through a collaborative consideration of design opportunities and constraints by DC&E, TranSystems, and Dowling Associates and City staff. The design concept, shown in Figure 1, features a minimum design speed of 25 mph. Traffic signal phasing and signal timing are shown in Figure 2 and Figure 3.

**Preferred Configuration to Mitigate Impacts of the Kaiser Center Office Project
At the Harrison Street / 20th Street / Lakeside Drive Intersection**
December 23, 2010

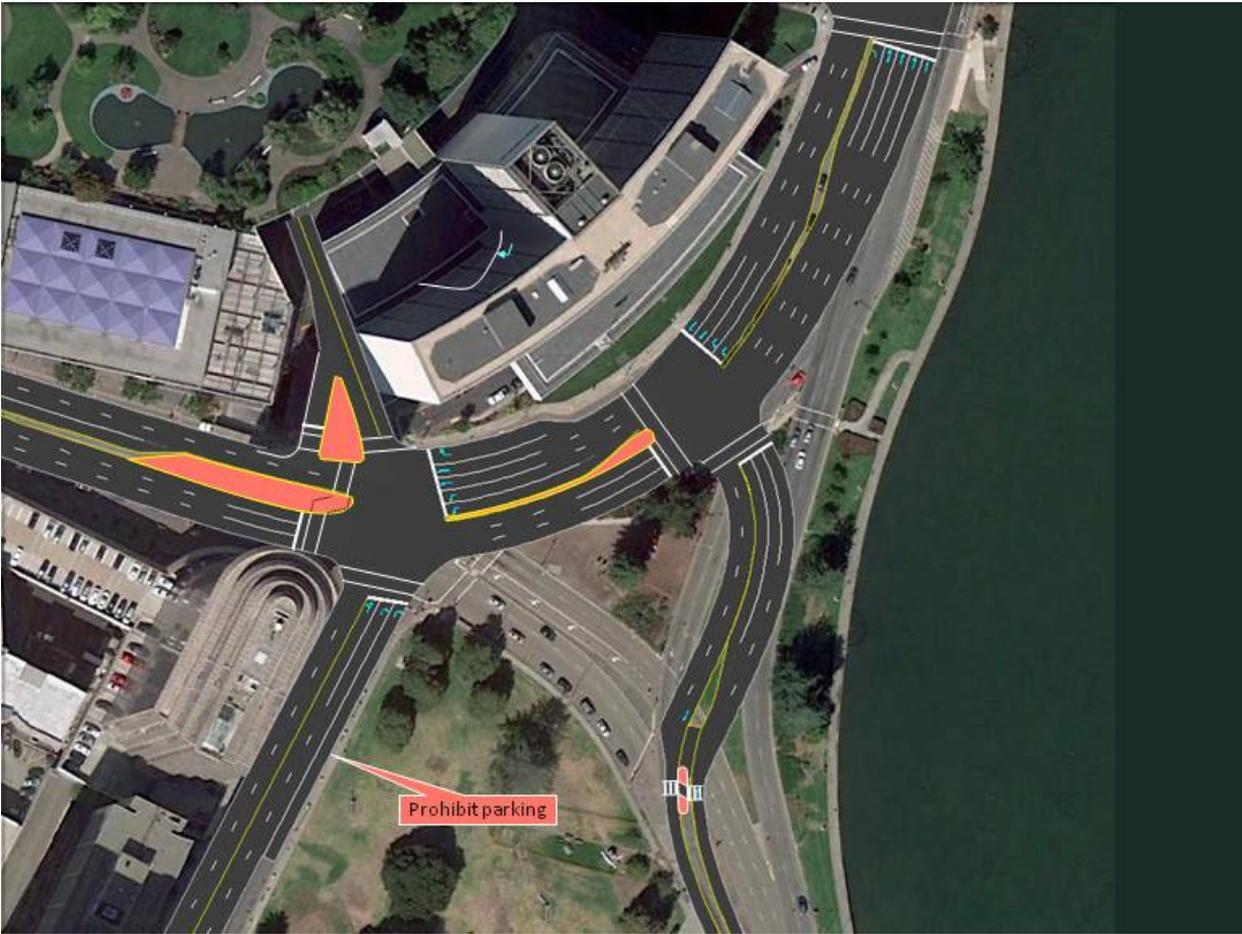


Figure 1: Design Concept (Dowling Associates 2010)

**Preferred Configuration to Mitigate Impacts of the Kaiser Center Office Project
At the Harrison Street / 20th Street / Lakeside Drive Intersection**
December 23, 2010

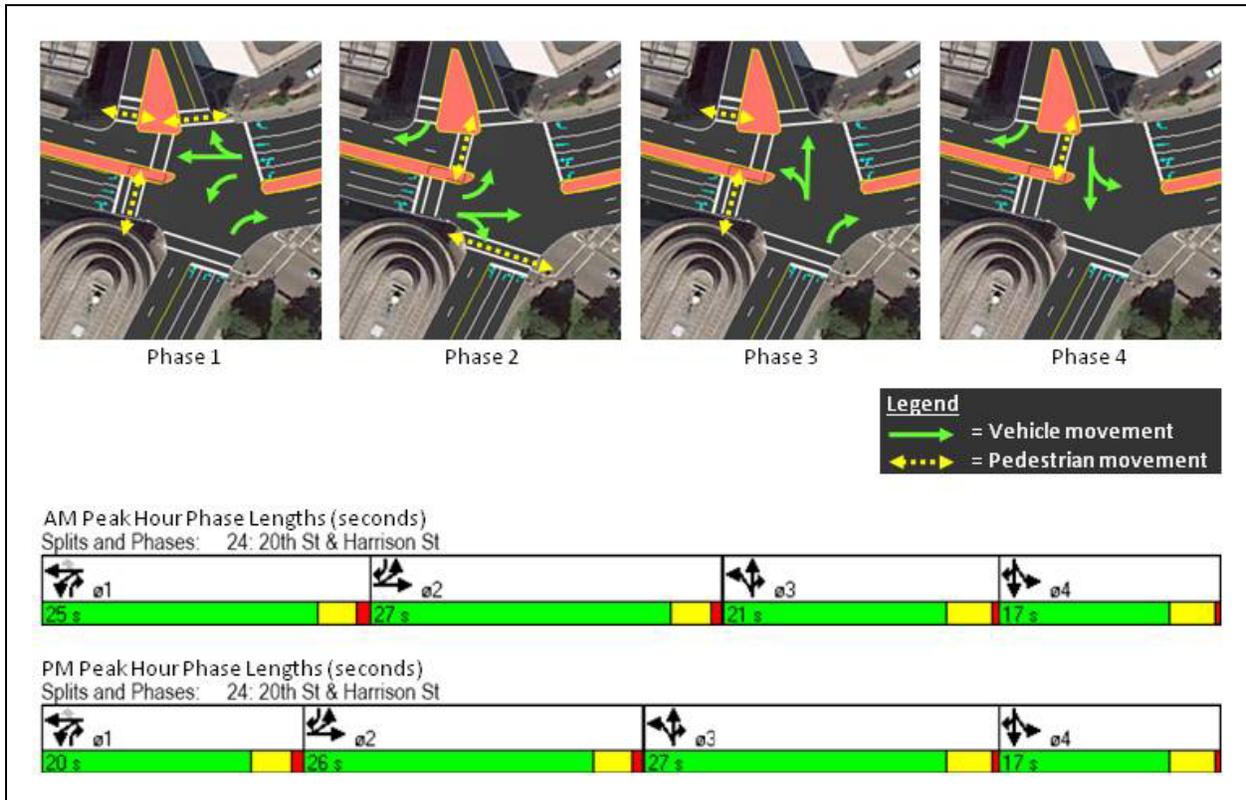


Figure 2: Signal Phasing for 20th Street & Harrison Street Intersection

**Preferred Configuration to Mitigate Impacts of the Kaiser Center Office Project
At the Harrison Street / 20th Street / Lakeside Drive Intersection**

December 23, 2010

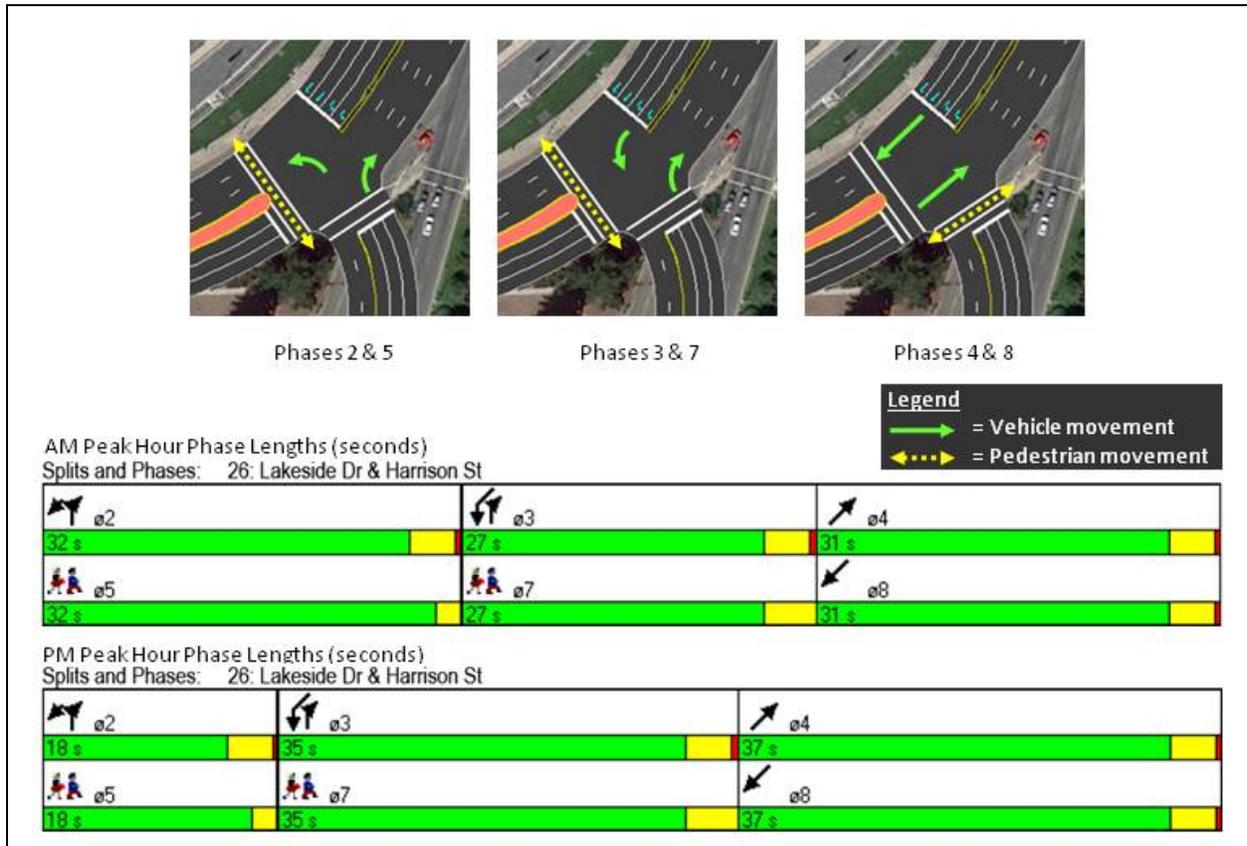


Figure 3: Signal Phasing for Lakeside Drive & Harrison Street Intersection

Refinements to the Measure DD Configuration that were incorporated in the Preferred Configuration include:

- Addition of a southbound left-turning movement from the Kaiser Center Access Road at the 20th Street / Harrison Street intersection
- Modification of the proposed southbound right-turn lane to provide a channelized island for pedestrian refuge and stop-sign control for the southbound right-turning movement
- Modification of the westbound Harrison Street approach to 20th Street to provide two left-turn lanes, two through lanes, and one right-turn lane
- Modification of the eastbound 20th Street approach to Harrison Street to provide one left-through lane, one through lane, and one right-through lane
- Modification of the northbound Harrison Street approach to 20th Street to provide one left-through lane, and two right-turn lanes

Preferred Configuration to Mitigate Impacts of the Kaiser Center Office Project At the Harrison Street / 20th Street / Lakeside Drive Intersection

December 23, 2010

- Modification of signal phasing, timing, and median design at the 20th Street / Harrison Street intersection to provide:
 - Split phasing for the north and southbound movements and for the east and westbound movements
 - Two-stage pedestrian crossing across 20th Street at Harrison Street with offset crosswalk and pedestrian railings
 - Elimination of pedestrian crossing across the east leg of the intersection
- Modification of northbound Lakeside Drive at Harrison Street to provide one left-turn lane and two right-turn lanes
- Modification of signal phasing and timing at the Lakeside Drive / Harrison Street intersection
- Reduction of southbound travel lanes on Harrison Street between W. Grand Avenue and Lakeside Drive from four (4) lanes to three (3) lanes

Traffic Operations

Traffic operations analysis was performed to assess the extent to which the findings of the Kaiser Center Office Project DEIR might be affected by use of the Preferred Configuration as mitigation of project impacts.

Existing plus Project (Phase I and Phase II) Conditions

The DEIR findings would not be affected as the existing configuration of the street system served as the basis of the analysis of Existing plus Project conditions in the DEIR. The Measure DD Configuration was not considered to be in place for Existing plus Project conditions. **Mitigation Measure TRANS-1c** would be required as called for in the DEIR.

Near-Term (2015) plus Project (Phase I and Phase II) Conditions

The Measure DD Configuration was assumed to be in place in 2015 in the DEIR whether the Kaiser Center Office Project is developed or not. A summary of the effects of mitigating project impacts by implementation of the Preferred Configuration is provided in Table 1 along with Near-Term without Project and Near-Term plus Project Conditions.

Mitigation Measure TRANS-5e would be required as called for in the DEIR. With the Preferred Configuration in place, project impacts at the 20th Street / Harrison Street intersection after mitigation would be less than significant as stated in the DEIR.

If only Phase 1 of the Project were built, this intersection would still remain less than significant after mitigation under Near-Term (2015) plus Project (Phase I) Conditions, as stated in the DEIR. **Mitigation Measure TRANS-3d** would be required as called for in the DEIR for Project Phase I.

**Preferred Configuration to Mitigate Impacts of the Kaiser Center Office Project
At the Harrison Street / 20th Street / Lakeside Drive Intersection**
December 23, 2010

Table 1: Near-Term (2015) Plus Project (Phase I & II) Intersection Levels of Service

| No. | Intersection | Traffic Control ^a | Near-Term (2015) without Project Conditions | | | | Near-Term (2015) Plus Project (Phase I & II) Conditions | | | | Near-Term (2015) Plus Project Mitigation Preferred Configuration | | | |
|-----|---|------------------------------|---|--------------------|--------------|--------------------|---|--------------------|--------------|--------------------|--|--------------------|--------------|--------------------|
| | | | AM Peak Hour | | PM Peak Hour | | AM Peak Hour | | PM Peak Hour | | AM Peak Hour | | PM Peak Hour | |
| | | | LOS | Delay ^b | LOS | Delay ^b | LOS | Delay ^b | LOS | Delay ^b | LOS | Delay ^b | LOS | Delay ^b |
| 13 | 21st St. & Harrison St. | Signal | A | 7.2 | B | 15 | B | 10.2 | D | 51.3 | B | 13.4 | C | 20.4 |
| 24 | 20th St. & Harrison St. | Signal | C | 26.5 | C | 20.7 | D | 38.6 | F | 93.6 | C | 26.1 | C | 25.1 |
| 25 | 20th St. & Access Rd. Exit ^c | SSSC | A | 9.8 | B | 10.1 | -- | -- | -- | -- | -- | -- | -- | -- |
| 26 | Harrison St. & Lakeside Dr. | Signal | B | 18.3 | C | 24.2 | B | 17.1 | C | 26 | B | 17.7 | B | 17.4 |

Bold value indicates significant impact.

^a SSSC = Side street stop controlled intersection.

^b The delay for signalized intersections is the average delay in seconds for all vehicles at the intersection. The delay for side street stop controlled intersections is the average delay in seconds for vehicles at the approach with the highest delay.

^c The Project would eliminate this intersection.

Cumulative (2030) plus Project (Phase I and Phase II) Conditions

The Measure DD Configuration was assumed to be in place in 2030 in the DEIR whether the Kaiser Center Office Project is developed or not. A summary of the effects of mitigating project impacts by implementation of the Preferred Configuration is provide in Table 2 along with Cumulative without Project and Cumulative plus Project Conditions.

Table 2: Cumulative (2030) Plus Project (Phase I & II) Intersection Levels of Service

| No. | Intersection | Traffic Control ^a | Cumulative (2030) without Project Conditions | | | | Cumulative (2030) Plus Project (Phase I & II) Conditions | | | | Cumulative (2030) Plus Project Mitigation Preferred Configuration | | | |
|-----|---|------------------------------|--|--------------------|--------------|--------------------|--|--------------------|--------------|--------------------|---|--------------------|--------------|--------------------|
| | | | AM Peak Hour | | PM Peak Hour | | AM Peak Hour | | PM Peak Hour | | AM Peak Hour | | PM Peak Hour | |
| | | | LOS | Delay ^b | LOS | Delay ^b | LOS | Delay ^b | LOS | Delay ^b | LOS | Delay ^b | LOS | Delay ^b |
| 13 | 21st St. & Harrison St. | Signal | A | 7.5 | B | 19.9 | B | 11.5 | F | 98.7 | B | 15.7 | C | 24.6 |
| 24 | 20th St. & Harrison St. | Signal | C | 25.7 | D | 42.3 | E | 74 | F | 208.9 | C | 27.0 | C | 29.9 |
| 25 | 20th St. & Access Rd. Exit ^c | SSSC | B | 10.5 | B | 10.1 | -- | -- | -- | -- | -- | -- | -- | -- |
| 26 | Harrison St. & Lakeside Dr. | Signal | C | 21.3 | D | 49 | C | 20.9 | E | 58.4 | B | 17.0 | C | 21.2 |

Bold value indicates significant impact.

^a SSSC = Side street stop controlled intersection.

^b The delay for signalized intersections is the average delay in seconds for all vehicles at the intersection. The delay for side street stop controlled intersections is the average delay in seconds for vehicles at the approach with the highest delay.

^c The Project would eliminate this intersection.

**Preferred Configuration to Mitigate Impacts of the Kaiser Center Office Project
At the Harrison Street / 20th Street / Lakeside Drive Intersection**

December 23, 2010

Mitigation Measure TRANS-7e would not be required as called for in the DEIR. It would not be necessary to “Prohibit eastbound right turns from 21st Street to Harrison Street during the PM peak period . . .” It would be necessary to provide all other elements of this mitigation measure.

Mitigation Measure TRANS-7f would be required as called for in the DEIR. With the Preferred Configuration in place, project impacts at the 20th Street / Harrison Street intersection after mitigation would be less than significant as stated in the DEIR.

HCM Signalized Intersection Capacity Analysis
 13: 21st St & Harrison St

Cumulative + Kaiser Center Mitigated AM
 12/23/2010



| Movement | EBL | EBR | NBL | NBT | SBT | SBR |
|------------------------|-------|------|-------|------|-------|------|
| Lane Configurations | | | | | | |
| Volume (vph) | 121 | 49 | 113 | 958 | 1139 | 696 |
| Ideal Flow (vphpl) | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 |
| Total Lost time (s) | 5.0 | | 4.0 | 4.5 | 4.5 | |
| Lane Util. Factor | 0.97 | | 1.00 | 0.86 | 0.91 | |
| Frpb, ped/bikes | 0.99 | | 1.00 | 1.00 | 0.94 | |
| Flpb, ped/bikes | 1.00 | | 1.00 | 1.00 | 1.00 | |
| Frt | 0.96 | | 1.00 | 1.00 | 0.94 | |
| Flt Protected | 0.97 | | 0.95 | 1.00 | 1.00 | |
| Satd. Flow (prot) | 3294 | | 1770 | 6408 | 4523 | |
| Flt Permitted | 0.97 | | 0.95 | 1.00 | 1.00 | |
| Satd. Flow (perm) | 3294 | | 1770 | 6408 | 4523 | |
| Peak-hour factor, PHF | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 |
| Adj. Flow (vph) | 132 | 53 | 123 | 1041 | 1238 | 757 |
| RTOR Reduction (vph) | 46 | 0 | 0 | 0 | 90 | 0 |
| Lane Group Flow (vph) | 139 | 0 | 123 | 1041 | 1905 | 0 |
| Confl. Peds. (#/hr) | 40 | 40 | 50 | | | 50 |
| Turn Type | | | Prot | | | |
| Protected Phases | 4 | | 1 | 6 | 2 | |
| Permitted Phases | | | | | | |
| Actuated Green, G (s) | 12.6 | | 11.1 | 67.9 | 52.8 | |
| Effective Green, g (s) | 12.6 | | 11.1 | 67.9 | 52.8 | |
| Actuated g/C Ratio | 0.14 | | 0.12 | 0.75 | 0.59 | |
| Clearance Time (s) | 5.0 | | 4.0 | 4.5 | 4.5 | |
| Vehicle Extension (s) | 3.0 | | 3.0 | 3.0 | 3.0 | |
| Lane Grp Cap (vph) | 461 | | 218 | 4834 | 2653 | |
| v/s Ratio Prot | c0.04 | | c0.07 | 0.16 | c0.42 | |
| v/s Ratio Perm | | | | | | |
| v/c Ratio | 0.30 | | 0.56 | 0.22 | 0.72 | |
| Uniform Delay, d1 | 34.8 | | 37.2 | 3.2 | 13.3 | |
| Progression Factor | 1.00 | | 0.96 | 1.00 | 1.00 | |
| Incremental Delay, d2 | 0.4 | | 3.2 | 0.1 | 1.7 | |
| Delay (s) | 35.1 | | 38.8 | 3.3 | 15.0 | |
| Level of Service | D | | D | A | B | |
| Approach Delay (s) | 35.1 | | | 7.1 | 15.0 | |
| Approach LOS | D | | | A | B | |

| Intersection Summary | | | |
|-----------------------------------|-------|----------------------|------|
| HCM Average Control Delay | 13.4 | HCM Level of Service | B |
| HCM Volume to Capacity ratio | 0.63 | | |
| Actuated Cycle Length (s) | 90.0 | Sum of lost time (s) | 13.5 |
| Intersection Capacity Utilization | 76.6% | ICU Level of Service | D |
| Analysis Period (min) | 15 | | |

c Critical Lane Group

HCM Signalized Intersection Capacity Analysis
24: 20th St & Harrison St

Cumulative + Kaiser Center Mitigated AM
12/23/2010



| Movement | EBL | EBT | EBR | WBL | WBT | WBR | NBL | NBT | NBR | SBL | SBT | SBR |
|------------------------|-------|-------|------|-------|------|------|-------|-------|-------|-------|-------|-------|
| Lane Configurations | | ↔↔↔ | | ↔↔ | ↔↔ | ↔ | | ↔ | ↔↔ | | ↔ | ↔ |
| Volume (vph) | 103 | 128 | 171 | 415 | 371 | 59 | 61 | 76 | 318 | 13 | 20 | 27 |
| Ideal Flow (vphpl) | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 |
| Lane Width | 12 | 12 | 12 | 12 | 12 | 16 | 12 | 12 | 12 | 12 | 12 | 12 |
| Total Lost time (s) | | 4.0 | | 4.0 | 4.0 | 4.0 | | 4.0 | 4.0 | | 4.0 | 4.0 |
| Lane Util. Factor | | 0.91 | | 0.97 | 0.95 | 1.00 | | 1.00 | 0.88 | | 1.00 | 1.00 |
| Frbp, ped/bikes | | 0.95 | | 1.00 | 1.00 | 0.77 | | 1.00 | 1.00 | | 1.00 | 1.00 |
| Flpb, ped/bikes | | 1.00 | | 1.00 | 1.00 | 1.00 | | 1.00 | 1.00 | | 1.00 | 1.00 |
| Frt | | 0.94 | | 1.00 | 1.00 | 0.85 | | 1.00 | 0.85 | | 1.00 | 0.85 |
| Flt Protected | | 0.99 | | 0.95 | 1.00 | 1.00 | | 0.98 | 1.00 | | 0.98 | 1.00 |
| Satd. Flow (prot) | | 4429 | | 3433 | 3406 | 1376 | | 1822 | 2612 | | 1827 | 1583 |
| Flt Permitted | | 0.99 | | 0.95 | 1.00 | 1.00 | | 0.98 | 1.00 | | 0.98 | 1.00 |
| Satd. Flow (perm) | | 4429 | | 3433 | 3406 | 1376 | | 1822 | 2612 | | 1827 | 1583 |
| Peak-hour factor, PHF | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 |
| Adj. Flow (vph) | 112 | 139 | 186 | 451 | 403 | 64 | 66 | 83 | 346 | 14 | 22 | 29 |
| RTOR Reduction (vph) | 0 | 138 | 0 | 0 | 0 | 49 | 0 | 0 | 200 | 0 | 0 | 17 |
| Lane Group Flow (vph) | 0 | 299 | 0 | 451 | 403 | 15 | 0 | 149 | 146 | 0 | 36 | 12 |
| Confl. Peds. (#/hr) | | | 70 | 70 | | 70 | | | | | | |
| Confl. Bikes (#/hr) | | | 16 | | | 16 | | | 16 | | | |
| Heavy Vehicles (%) | 2% | 6% | 2% | 2% | 6% | 2% | 2% | 2% | 2% | 2% | 2% | 2% |
| Parking (#/hr) | | | 5 | | | | | | 5 | 0 | | |
| Turn Type | Split | | | Split | | Perm | Split | | pt+ov | Split | | pt+ov |
| Protected Phases | 2 | 2 | | 1 | 1 | | 3 | 3 | 3 | 4 | 4 | 4 |
| Permitted Phases | | | | | | 1 | | | | | | |
| Actuated Green, G (s) | | 23.0 | | 21.0 | 21.0 | 21.0 | | 17.0 | 38.0 | | 13.0 | 36.0 |
| Effective Green, g (s) | | 23.0 | | 21.0 | 21.0 | 21.0 | | 17.0 | 38.0 | | 13.0 | 36.0 |
| Actuated g/C Ratio | | 0.26 | | 0.23 | 0.23 | 0.23 | | 0.19 | 0.42 | | 0.14 | 0.40 |
| Clearance Time (s) | | 4.0 | | 4.0 | 4.0 | 4.0 | | 4.0 | | | 4.0 | |
| Lane Grp Cap (vph) | | 1132 | | 801 | 795 | 321 | | 344 | 1103 | | 264 | 633 |
| v/s Ratio Prot | | c0.07 | | c0.13 | 0.12 | | | c0.08 | 0.06 | | c0.02 | 0.01 |
| v/s Ratio Perm | | | | | | 0.01 | | | | | | |
| v/c Ratio | | 0.26 | | 0.56 | 0.51 | 0.05 | | 0.43 | 0.13 | | 0.14 | 0.02 |
| Uniform Delay, d1 | | 26.7 | | 30.5 | 30.0 | 26.7 | | 32.2 | 15.9 | | 33.6 | 16.3 |
| Progression Factor | | 1.00 | | 0.83 | 0.83 | 1.02 | | 1.00 | 1.00 | | 1.00 | 1.00 |
| Incremental Delay, d2 | | 0.6 | | 2.6 | 2.1 | 0.2 | | 3.9 | 0.2 | | 1.1 | 0.1 |
| Delay (s) | | 27.3 | | 28.0 | 26.9 | 27.6 | | 36.2 | 16.2 | | 34.7 | 16.4 |
| Level of Service | | C | | C | C | C | | D | B | | C | B |
| Approach Delay (s) | | 27.3 | | | 27.5 | | | 22.2 | | | 26.5 | |
| Approach LOS | | C | | | C | | | C | | | C | |

Intersection Summary

| | | | |
|-----------------------------------|-------|----------------------|------|
| HCM Average Control Delay | 26.1 | HCM Level of Service | C |
| HCM Volume to Capacity ratio | 0.37 | | |
| Actuated Cycle Length (s) | 90.0 | Sum of lost time (s) | 16.0 |
| Intersection Capacity Utilization | 55.7% | ICU Level of Service | B |
| Analysis Period (min) | 15 | | |
| c Critical Lane Group | | | |

HCM Signalized Intersection Capacity Analysis
26: Lakeside Dr & Harrison St

Cumulative + Kaiser Center Mitigated AM
12/23/2010



| Movement | NBL | NBR | NET | NER | SWL | SWT |
|-----------------------------------|------|-------|-------|------|----------------------|-------|
| Lane Configurations | | | | | | |
| Volume (vph) | 243 | 788 | 398 | 29 | 457 | 636 |
| Ideal Flow (vphpl) | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 |
| Total Lost time (s) | 4.0 | 4.0 | 4.0 | | 4.0 | 4.0 |
| Lane Util. Factor | 1.00 | 0.88 | 0.91 | | 0.97 | 0.95 |
| Frbp, ped/bikes | 1.00 | 1.00 | 0.99 | | 1.00 | 1.00 |
| Flpb, ped/bikes | 1.00 | 1.00 | 1.00 | | 1.00 | 1.00 |
| Frt | 1.00 | 0.85 | 0.99 | | 1.00 | 1.00 |
| Flt Protected | 0.95 | 1.00 | 1.00 | | 0.95 | 1.00 |
| Satd. Flow (prot) | 1736 | 2787 | 4814 | | 3367 | 3406 |
| Flt Permitted | 0.95 | 1.00 | 1.00 | | 0.95 | 1.00 |
| Satd. Flow (perm) | 1736 | 2787 | 4814 | | 3367 | 3406 |
| Peak-hour factor, PHF | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 |
| Adj. Flow (vph) | 264 | 857 | 433 | 32 | 497 | 691 |
| RTOR Reduction (vph) | 0 | 44 | 10 | 0 | 0 | 0 |
| Lane Group Flow (vph) | 264 | 813 | 455 | 0 | 497 | 691 |
| Confl. Peds. (#/hr) | 70 | | | 70 | 70 | |
| Confl. Bikes (#/hr) | | 16 | | 16 | | |
| Heavy Vehicles (%) | 4% | 2% | 6% | 4% | 4% | 6% |
| Turn Type | | pt+ov | | | Prot | |
| Protected Phases | 2 | 2 3 | 4 | | 3 | 8 |
| Permitted Phases | | | | | | |
| Actuated Green, G (s) | 41.8 | 64.2 | 17.8 | | 18.4 | 33.8 |
| Effective Green, g (s) | 41.8 | 64.2 | 17.8 | | 18.4 | 33.8 |
| Actuated g/C Ratio | 0.46 | 0.71 | 0.20 | | 0.20 | 0.38 |
| Clearance Time (s) | 4.0 | | 4.0 | | 4.0 | 4.0 |
| Vehicle Extension (s) | 2.0 | | 2.0 | | 2.0 | 2.0 |
| Lane Grp Cap (vph) | 806 | 1988 | 952 | | 688 | 1279 |
| v/s Ratio Prot | 0.15 | c0.29 | 0.09 | | c0.15 | c0.20 |
| v/s Ratio Perm | | | | | | |
| v/c Ratio | 0.33 | 0.41 | 0.48 | | 0.72 | 0.54 |
| Uniform Delay, d1 | 15.2 | 5.2 | 32.0 | | 33.4 | 22.0 |
| Progression Factor | 1.02 | 0.65 | 1.01 | | 1.05 | 0.55 |
| Incremental Delay, d2 | 0.3 | 0.0 | 0.1 | | 2.2 | 0.2 |
| Delay (s) | 15.9 | 3.4 | 32.4 | | 37.2 | 12.3 |
| Level of Service | B | A | C | | D | B |
| Approach Delay (s) | 6.3 | | 32.4 | | | 22.7 |
| Approach LOS | A | | C | | | C |
| Intersection Summary | | | | | | |
| HCM Average Control Delay | | | 17.7 | | HCM Level of Service | B |
| HCM Volume to Capacity ratio | | | 0.51 | | | |
| Actuated Cycle Length (s) | | | 90.0 | | Sum of lost time (s) | 8.0 |
| Intersection Capacity Utilization | | | 55.4% | | ICU Level of Service | B |
| Analysis Period (min) | | | 15 | | | |

c Critical Lane Group

HCM Signalized Intersection Capacity Analysis
 13: 21st St & Harrison St

Cumulative + Kaiser Center Mitigated PM
 12/23/2010



| Movement | EBL | EBR | NBL | NBT | SBT | SBR |
|------------------------|-------|------|------|-------|-------|------|
| Lane Configurations | TT | | T | TTT | TTT | |
| Volume (vph) | 756 | 159 | 103 | 1850 | 990 | 168 |
| Ideal Flow (vphpl) | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 |
| Total Lost time (s) | 5.0 | | 4.0 | 4.5 | 4.5 | |
| Lane Util. Factor | 0.97 | | 1.00 | 0.86 | 0.91 | |
| Frpb, ped/bikes | 0.99 | | 1.00 | 1.00 | 0.98 | |
| Flpb, ped/bikes | 1.00 | | 1.00 | 1.00 | 1.00 | |
| Frt | 0.97 | | 1.00 | 1.00 | 0.98 | |
| Flt Protected | 0.96 | | 0.95 | 1.00 | 1.00 | |
| Satd. Flow (prot) | 3357 | | 1770 | 6408 | 4866 | |
| Flt Permitted | 0.96 | | 0.95 | 1.00 | 1.00 | |
| Satd. Flow (perm) | 3357 | | 1770 | 6408 | 4866 | |
| Peak-hour factor, PHF | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 |
| Adj. Flow (vph) | 822 | 173 | 112 | 2011 | 1076 | 183 |
| RTOR Reduction (vph) | 21 | 0 | 0 | 0 | 25 | 0 |
| Lane Group Flow (vph) | 974 | 0 | 112 | 2011 | 1234 | 0 |
| Confl. Peds. (#/hr) | 30 | 30 | 50 | | | 50 |
| Turn Type | | | Prot | | | |
| Protected Phases | 4 | | 1 | 6 | 2 | |
| Permitted Phases | | | | | | |
| Actuated Green, G (s) | 31.4 | | 9.2 | 49.1 | 35.9 | |
| Effective Green, g (s) | 31.4 | | 9.2 | 49.1 | 35.9 | |
| Actuated g/C Ratio | 0.35 | | 0.10 | 0.55 | 0.40 | |
| Clearance Time (s) | 5.0 | | 4.0 | 4.5 | 4.5 | |
| Vehicle Extension (s) | 3.0 | | 3.0 | 3.0 | 3.0 | |
| Lane Grp Cap (vph) | 1171 | | 181 | 3496 | 1941 | |
| v/s Ratio Prot | c0.29 | | 0.06 | c0.31 | c0.25 | |
| v/s Ratio Perm | | | | | | |
| v/c Ratio | 0.83 | | 0.62 | 0.58 | 0.64 | |
| Uniform Delay, d1 | 26.9 | | 38.7 | 13.5 | 21.8 | |
| Progression Factor | 1.00 | | 0.85 | 0.83 | 1.00 | |
| Incremental Delay, d2 | 5.2 | | 4.8 | 0.5 | 1.6 | |
| Delay (s) | 32.0 | | 37.5 | 11.8 | 23.4 | |
| Level of Service | C | | D | B | C | |
| Approach Delay (s) | 32.0 | | | 13.1 | 23.4 | |
| Approach LOS | C | | | B | C | |

Intersection Summary

| | | | |
|-----------------------------------|-------|----------------------|------|
| HCM Average Control Delay | 20.4 | HCM Level of Service | C |
| HCM Volume to Capacity ratio | 0.72 | | |
| Actuated Cycle Length (s) | 90.0 | Sum of lost time (s) | 14.0 |
| Intersection Capacity Utilization | 67.4% | ICU Level of Service | C |
| Analysis Period (min) | 15 | | |

c Critical Lane Group

HCM Signalized Intersection Capacity Analysis
24: 20th St & Harrison St

Cumulative + Kaiser Center Mitigated PM
12/23/2010



| Movement | EBL | EBT | EBR | WBL | WBT | WBR | NBL | NBT | NBR | SBL | SBT | SBR |
|------------------------|-------|-------|------|-------|------|------|-------|------|-------|-------|-------|-------|
| Lane Configurations | | ↔↕↔ | | ↔↕ | ↕↕ | ↕ | | ↕ | ↕↕ | | ↕ | ↕ |
| Volume (vph) | 14 | 416 | 103 | 190 | 272 | 51 | 97 | 31 | 829 | 39 | 121 | 205 |
| Ideal Flow (vphpl) | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 |
| Lane Width | 12 | 12 | 12 | 12 | 12 | 16 | 12 | 12 | 12 | 12 | 12 | 12 |
| Total Lost time (s) | | 4.0 | | 4.0 | 4.0 | 4.0 | | 4.0 | 4.0 | | 4.0 | 4.0 |
| Lane Util. Factor | | 0.91 | | 0.97 | 0.95 | 1.00 | | 1.00 | 0.88 | | 1.00 | 1.00 |
| Frbp, ped/bikes | | 0.98 | | 1.00 | 1.00 | 0.76 | | 1.00 | 1.00 | | 1.00 | 1.00 |
| Flpb, ped/bikes | | 1.00 | | 1.00 | 1.00 | 1.00 | | 1.00 | 1.00 | | 1.00 | 1.00 |
| Frt | | 0.97 | | 1.00 | 1.00 | 0.85 | | 1.00 | 0.85 | | 1.00 | 0.85 |
| Flt Protected | | 1.00 | | 0.95 | 1.00 | 1.00 | | 0.96 | 1.00 | | 0.99 | 1.00 |
| Satd. Flow (prot) | | 4684 | | 3433 | 3406 | 1364 | | 1795 | 2612 | | 1841 | 1583 |
| Flt Permitted | | 1.00 | | 0.95 | 1.00 | 1.00 | | 0.96 | 1.00 | | 0.99 | 1.00 |
| Satd. Flow (perm) | | 4684 | | 3433 | 3406 | 1364 | | 1795 | 2612 | | 1841 | 1583 |
| Peak-hour factor, PHF | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 |
| Adj. Flow (vph) | 15 | 452 | 112 | 207 | 296 | 55 | 105 | 34 | 901 | 42 | 132 | 223 |
| RTOR Reduction (vph) | 0 | 45 | 0 | 0 | 0 | 45 | 0 | 0 | 305 | 0 | 0 | 136 |
| Lane Group Flow (vph) | 0 | 534 | 0 | 207 | 296 | 10 | 0 | 139 | 596 | 0 | 174 | 87 |
| Confl. Peds. (#/hr) | | | 70 | 70 | | 70 | 70 | | | | | 70 |
| Confl. Bikes (#/hr) | | | 16 | | | 16 | | | 16 | | | |
| Heavy Vehicles (%) | 2% | 6% | 2% | 2% | 6% | 2% | 2% | 2% | 2% | 2% | 2% | 2% |
| Parking (#/hr) | | | 5 | | | | | | 5 | 0 | | |
| Turn Type | Split | | | Split | | Perm | Split | | pt+ov | Split | | pt+ov |
| Protected Phases | 2 | 2 | | 1 | 1 | | 3 | 3 | 3 1 | 4 | 4 | 4 2 |
| Permitted Phases | | | | | | 1 | | | | | | |
| Actuated Green, G (s) | | 22.0 | | 16.0 | 16.0 | 16.0 | | 23.0 | 39.0 | | 13.0 | 35.0 |
| Effective Green, g (s) | | 22.0 | | 16.0 | 16.0 | 16.0 | | 23.0 | 39.0 | | 13.0 | 35.0 |
| Actuated g/C Ratio | | 0.24 | | 0.18 | 0.18 | 0.18 | | 0.26 | 0.43 | | 0.14 | 0.39 |
| Clearance Time (s) | | 4.0 | | 4.0 | 4.0 | 4.0 | | 4.0 | | | 4.0 | |
| Lane Grp Cap (vph) | | 1145 | | 610 | 606 | 242 | | 459 | 1132 | | 266 | 616 |
| v/s Ratio Prot | | c0.11 | | 0.06 | 0.09 | | | 0.08 | c0.23 | | c0.09 | 0.05 |
| v/s Ratio Perm | | | | | | 0.01 | | | | | | |
| v/c Ratio | | 0.47 | | 0.34 | 0.49 | 0.04 | | 0.30 | 0.53 | | 0.65 | 0.14 |
| Uniform Delay, d1 | | 29.0 | | 32.4 | 33.3 | 30.6 | | 27.0 | 18.7 | | 36.4 | 17.8 |
| Progression Factor | | 1.00 | | 0.60 | 0.61 | 0.56 | | 1.00 | 1.00 | | 1.00 | 1.00 |
| Incremental Delay, d2 | | 1.4 | | 1.5 | 2.7 | 0.3 | | 1.7 | 1.8 | | 11.9 | 0.5 |
| Delay (s) | | 30.4 | | 20.9 | 23.2 | 17.4 | | 28.7 | 20.5 | | 48.3 | 18.3 |
| Level of Service | | C | | C | C | B | | C | C | | D | B |
| Approach Delay (s) | | 30.4 | | | 21.8 | | | 21.6 | | | 31.4 | |
| Approach LOS | | C | | | C | | | C | | | C | |

Intersection Summary

| | | | |
|-----------------------------------|-------|----------------------|------|
| HCM Average Control Delay | 25.1 | HCM Level of Service | C |
| HCM Volume to Capacity ratio | 0.53 | | |
| Actuated Cycle Length (s) | 90.0 | Sum of lost time (s) | 16.0 |
| Intersection Capacity Utilization | 68.2% | ICU Level of Service | C |
| Analysis Period (min) | 15 | | |
| c Critical Lane Group | | | |



| Movement | NBL | NBR | NET | NER | SWL | SWT |
|-----------------------------------|------|-------|-------|------|----------------------|------|
| Lane Configurations | | | | | | |
| Volume (vph) | 153 | 845 | 1099 | 71 | 830 | 332 |
| Ideal Flow (vphpl) | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 |
| Total Lost time (s) | 4.0 | 4.0 | 4.0 | | 4.0 | 4.0 |
| Lane Util. Factor | 1.00 | 0.88 | 0.91 | | 0.97 | 0.95 |
| Frpb, ped/bikes | 1.00 | 1.00 | 0.99 | | 1.00 | 1.00 |
| Flpb, ped/bikes | 1.00 | 1.00 | 1.00 | | 1.00 | 1.00 |
| Frt | 1.00 | 0.85 | 0.99 | | 1.00 | 1.00 |
| Flt Protected | 0.95 | 1.00 | 1.00 | | 0.95 | 1.00 |
| Satd. Flow (prot) | 1736 | 2787 | 4826 | | 3367 | 3406 |
| Flt Permitted | 0.95 | 1.00 | 1.00 | | 0.95 | 1.00 |
| Satd. Flow (perm) | 1736 | 2787 | 4826 | | 3367 | 3406 |
| Peak-hour factor, PHF | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 |
| Adj. Flow (vph) | 166 | 918 | 1195 | 77 | 902 | 361 |
| RTOR Reduction (vph) | 0 | 6 | 8 | 0 | 0 | 0 |
| Lane Group Flow (vph) | 166 | 912 | 1264 | 0 | 902 | 361 |
| Confl. Peds. (#/hr) | 70 | | | 70 | 70 | |
| Confl. Bikes (#/hr) | | 16 | | 16 | | |
| Heavy Vehicles (%) | 4% | 2% | 6% | 4% | 4% | 6% |
| Turn Type | | pt+ov | | | Prot | |
| Protected Phases | 2 | 2 3 | 4 | | 3 | 8 |
| Permitted Phases | | | | | | |
| Actuated Green, G (s) | 14.0 | 46.5 | 35.5 | | 28.5 | 61.6 |
| Effective Green, g (s) | 14.0 | 46.5 | 35.5 | | 28.5 | 61.6 |
| Actuated g/C Ratio | 0.16 | 0.52 | 0.39 | | 0.32 | 0.68 |
| Clearance Time (s) | 4.0 | | 4.0 | | 4.0 | 4.0 |
| Vehicle Extension (s) | 2.0 | | 2.0 | | 2.0 | 2.0 |
| Lane Grp Cap (vph) | 270 | 1440 | 1904 | | 1066 | 2331 |
| v/s Ratio Prot | 0.10 | c0.33 | c0.26 | | c0.27 | 0.11 |
| v/s Ratio Perm | | | | | | |
| v/c Ratio | 0.61 | 0.63 | 0.66 | | 0.85 | 0.15 |
| Uniform Delay, d1 | 35.5 | 15.6 | 22.4 | | 28.7 | 5.0 |
| Progression Factor | 0.94 | 1.05 | 0.80 | | 0.44 | 0.53 |
| Incremental Delay, d2 | 4.1 | 0.3 | 1.5 | | 4.7 | 0.1 |
| Delay (s) | 37.4 | 16.7 | 19.4 | | 17.4 | 2.8 |
| Level of Service | D | B | B | | B | A |
| Approach Delay (s) | 19.9 | | 19.4 | | | 13.2 |
| Approach LOS | B | | B | | | B |
| Intersection Summary | | | | | | |
| HCM Average Control Delay | | | 17.4 | | HCM Level of Service | B |
| HCM Volume to Capacity ratio | | | 0.71 | | | |
| Actuated Cycle Length (s) | | | 90.0 | | Sum of lost time (s) | 8.0 |
| Intersection Capacity Utilization | | | 65.3% | | ICU Level of Service | C |
| Analysis Period (min) | | | 15 | | | |

c Critical Lane Group

HCM Signalized Intersection Capacity Analysis
 13: 21st St & Harrison St

Cumulative + Kaiser Center Mitigated AM
 12/23/2010



| Movement | EBL | EBR | NBL | NBT | SBT | SBR |
|------------------------|-------|------|-------|------|-------|------|
| Lane Configurations | ←← | | ← | ↑↑↑ | ↓↑↓ | |
| Volume (vph) | 130 | 54 | 128 | 1100 | 1303 | 743 |
| Ideal Flow (vphpl) | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 |
| Total Lost time (s) | 5.0 | | 4.0 | 4.5 | 4.5 | |
| Lane Util. Factor | 0.97 | | 1.00 | 0.86 | 0.91 | |
| Frpb, ped/bikes | 0.99 | | 1.00 | 1.00 | 0.95 | |
| Flpb, ped/bikes | 1.00 | | 1.00 | 1.00 | 1.00 | |
| Frt | 0.96 | | 1.00 | 1.00 | 0.95 | |
| Flt Protected | 0.97 | | 0.95 | 1.00 | 1.00 | |
| Satd. Flow (prot) | 3290 | | 1770 | 6408 | 4547 | |
| Flt Permitted | 0.97 | | 0.95 | 1.00 | 1.00 | |
| Satd. Flow (perm) | 3290 | | 1770 | 6408 | 4547 | |
| Peak-hour factor, PHF | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 |
| Adj. Flow (vph) | 141 | 59 | 139 | 1196 | 1416 | 808 |
| RTOR Reduction (vph) | 51 | 0 | 0 | 0 | 88 | 0 |
| Lane Group Flow (vph) | 149 | 0 | 139 | 1196 | 2136 | 0 |
| Confl. Peds. (#/hr) | 40 | 40 | 50 | | | 50 |
| Turn Type | | | Prot | | | |
| Protected Phases | 4 | | 1 | 6 | 2 | |
| Permitted Phases | | | | | | |
| Actuated Green, G (s) | 12.8 | | 12.7 | 67.7 | 51.0 | |
| Effective Green, g (s) | 12.8 | | 12.7 | 67.7 | 51.0 | |
| Actuated g/C Ratio | 0.14 | | 0.14 | 0.75 | 0.57 | |
| Clearance Time (s) | 5.0 | | 4.0 | 4.5 | 4.5 | |
| Vehicle Extension (s) | 3.0 | | 3.0 | 3.0 | 3.0 | |
| Lane Grp Cap (vph) | 468 | | 250 | 4820 | 2577 | |
| v/s Ratio Prot | c0.05 | | c0.08 | 0.19 | c0.47 | |
| v/s Ratio Perm | | | | | | |
| v/c Ratio | 0.32 | | 0.56 | 0.25 | 0.83 | |
| Uniform Delay, d1 | 34.7 | | 36.0 | 3.4 | 15.9 | |
| Progression Factor | 1.00 | | 0.92 | 1.03 | 1.00 | |
| Incremental Delay, d2 | 0.4 | | 2.2 | 0.1 | 3.2 | |
| Delay (s) | 35.1 | | 35.4 | 3.6 | 19.2 | |
| Level of Service | D | | D | A | B | |
| Approach Delay (s) | 35.1 | | | 6.9 | 19.2 | |
| Approach LOS | D | | | A | B | |

| Intersection Summary | | | |
|-----------------------------------|-------|----------------------|------|
| HCM Average Control Delay | 15.7 | HCM Level of Service | B |
| HCM Volume to Capacity ratio | 0.70 | | |
| Actuated Cycle Length (s) | 90.0 | Sum of lost time (s) | 13.5 |
| Intersection Capacity Utilization | 81.7% | ICU Level of Service | D |
| Analysis Period (min) | 15 | | |

c Critical Lane Group

HCM Signalized Intersection Capacity Analysis
24: 20th St & Harrison St

Cumulative + Kaiser Center Mitigated AM
12/23/2010



| Movement | EBL | EBT | EBR | WBL | WBT | WBR | NBL | NBT | NBR | SBL | SBT | SBR |
|------------------------|-------|-------|------|-------|-------|------|-------|-------|-------|-------|-------|-------|
| Lane Configurations | | ↔↔↔ | | ↔↔ | ↔↔ | ↔ | | ↔ | ↔↔ | | ↔ | ↔ |
| Volume (vph) | 109 | 181 | 204 | 531 | 589 | 116 | 102 | 108 | 451 | 13 | 20 | 29 |
| Ideal Flow (vphpl) | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 |
| Lane Width | 12 | 12 | 12 | 12 | 12 | 16 | 12 | 12 | 12 | 12 | 12 | 12 |
| Total Lost time (s) | | 4.0 | | 4.0 | 4.0 | 4.0 | | 4.0 | 4.0 | | 4.0 | 4.0 |
| Lane Util. Factor | | 0.91 | | 0.97 | 0.95 | 1.00 | | 1.00 | 0.88 | | 1.00 | 1.00 |
| Frbp, ped/bikes | | 0.96 | | 1.00 | 1.00 | 0.77 | | 1.00 | 1.00 | | 1.00 | 1.00 |
| Flpb, ped/bikes | | 1.00 | | 1.00 | 1.00 | 1.00 | | 1.00 | 1.00 | | 1.00 | 1.00 |
| Frt | | 0.94 | | 1.00 | 1.00 | 0.85 | | 1.00 | 0.85 | | 1.00 | 0.85 |
| Flt Protected | | 0.99 | | 0.95 | 1.00 | 1.00 | | 0.98 | 1.00 | | 0.98 | 1.00 |
| Satd. Flow (prot) | | 4443 | | 3433 | 3406 | 1376 | | 1818 | 2612 | | 1827 | 1583 |
| Flt Permitted | | 0.99 | | 0.95 | 1.00 | 1.00 | | 0.98 | 1.00 | | 0.98 | 1.00 |
| Satd. Flow (perm) | | 4443 | | 3433 | 3406 | 1376 | | 1818 | 2612 | | 1827 | 1583 |
| Peak-hour factor, PHF | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 |
| Adj. Flow (vph) | 118 | 197 | 222 | 577 | 640 | 126 | 111 | 117 | 490 | 14 | 22 | 32 |
| RTOR Reduction (vph) | 0 | 141 | 0 | 0 | 0 | 81 | 0 | 0 | 283 | 0 | 0 | 19 |
| Lane Group Flow (vph) | 0 | 396 | 0 | 577 | 640 | 46 | 0 | 228 | 207 | 0 | 36 | 13 |
| Confl. Peds. (#/hr) | | | 70 | 70 | | 70 | | | | | | |
| Confl. Bikes (#/hr) | | | 16 | | | 16 | | | 16 | | | |
| Heavy Vehicles (%) | 2% | 6% | 2% | 2% | 6% | 2% | 2% | 2% | 2% | 2% | 2% | 2% |
| Parking (#/hr) | | | 5 | | | | | | 5 | 0 | | |
| Turn Type | Split | | | Split | | Perm | Split | | pt+ov | Split | | pt+ov |
| Protected Phases | 2 | 2 | | 1 | 1 | | 3 | 3 | 3 | 4 | 4 | 4 |
| Permitted Phases | | | | | | 1 | | | | | | |
| Actuated Green, G (s) | | 23.0 | | 21.0 | 21.0 | 21.0 | | 17.0 | 38.0 | | 13.0 | 36.0 |
| Effective Green, g (s) | | 23.0 | | 21.0 | 21.0 | 21.0 | | 17.0 | 38.0 | | 13.0 | 36.0 |
| Actuated g/C Ratio | | 0.26 | | 0.23 | 0.23 | 0.23 | | 0.19 | 0.42 | | 0.14 | 0.40 |
| Clearance Time (s) | | 4.0 | | 4.0 | 4.0 | 4.0 | | 4.0 | | | 4.0 | |
| Lane Grp Cap (vph) | | 1135 | | 801 | 795 | 321 | | 343 | 1103 | | 264 | 633 |
| v/s Ratio Prot | | c0.09 | | 0.17 | c0.19 | | | c0.13 | 0.08 | | c0.02 | 0.01 |
| v/s Ratio Perm | | | | | | 0.03 | | | | | | |
| v/c Ratio | | 0.35 | | 0.72 | 0.81 | 0.14 | | 0.66 | 0.19 | | 0.14 | 0.02 |
| Uniform Delay, d1 | | 27.4 | | 31.8 | 32.6 | 27.4 | | 33.9 | 16.3 | | 33.6 | 16.3 |
| Progression Factor | | 1.00 | | 0.69 | 0.70 | 0.81 | | 1.00 | 1.00 | | 1.00 | 1.00 |
| Incremental Delay, d2 | | 0.8 | | 4.3 | 6.6 | 0.7 | | 9.8 | 0.4 | | 1.1 | 0.1 |
| Delay (s) | | 28.2 | | 26.3 | 29.5 | 22.7 | | 43.6 | 16.7 | | 34.7 | 16.4 |
| Level of Service | | C | | C | C | C | | D | B | | C | B |
| Approach Delay (s) | | 28.2 | | | 27.5 | | | 25.2 | | | 26.1 | |
| Approach LOS | | C | | | C | | | C | | | C | |

| Intersection Summary | | |
|-----------------------------------|---------------------|---------------------------|
| HCM Average Control Delay | 27.0 | HCM Level of Service C |
| HCM Volume to Capacity ratio | 0.51 | |
| Actuated Cycle Length (s) | 90.0 | Sum of lost time (s) 16.0 |
| Intersection Capacity Utilization | 62.6% | ICU Level of Service B |
| Analysis Period (min) | 15 | |
| c | Critical Lane Group | |

HCM Signalized Intersection Capacity Analysis
26: Lakeside Dr & Harrison St

Cumulative + Kaiser Center Mitigated AM
12/23/2010



| Movement | NBL | NBR | NET | NER | SWL | SWT |
|-----------------------------------|------|-------|-------|------|----------------------|-------|
| Lane Configurations | | | | | | |
| Volume (vph) | 192 | 1148 | 577 | 56 | 544 | 1044 |
| Ideal Flow (vphpl) | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 |
| Total Lost time (s) | 4.0 | 4.0 | 4.0 | | 4.0 | 4.0 |
| Lane Util. Factor | 1.00 | 0.88 | 0.91 | | 0.97 | 0.95 |
| Frbp, ped/bikes | 1.00 | 1.00 | 0.99 | | 1.00 | 1.00 |
| Flpb, ped/bikes | 1.00 | 1.00 | 1.00 | | 1.00 | 1.00 |
| Frt | 1.00 | 0.85 | 0.99 | | 1.00 | 1.00 |
| Flt Protected | 0.95 | 1.00 | 1.00 | | 0.95 | 1.00 |
| Satd. Flow (prot) | 1736 | 2787 | 4793 | | 3367 | 3406 |
| Flt Permitted | 0.95 | 1.00 | 1.00 | | 0.95 | 1.00 |
| Satd. Flow (perm) | 1736 | 2787 | 4793 | | 3367 | 3406 |
| Peak-hour factor, PHF | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 |
| Adj. Flow (vph) | 209 | 1248 | 627 | 61 | 591 | 1135 |
| RTOR Reduction (vph) | 0 | 22 | 13 | 0 | 0 | 0 |
| Lane Group Flow (vph) | 209 | 1226 | 675 | 0 | 591 | 1135 |
| Confl. Peds. (#/hr) | 70 | | | 70 | 70 | |
| Confl. Bikes (#/hr) | | 16 | | 16 | | |
| Heavy Vehicles (%) | 4% | 2% | 6% | 4% | 4% | 6% |
| Turn Type | | pt+ov | | | Prot | |
| Protected Phases | 2 | 2 3 | 4 | | 3 | 8 |
| Permitted Phases | | | | | | |
| Actuated Green, G (s) | 33.1 | 57.9 | 24.1 | | 20.8 | 42.5 |
| Effective Green, g (s) | 33.1 | 57.9 | 24.1 | | 20.8 | 42.5 |
| Actuated g/C Ratio | 0.37 | 0.64 | 0.27 | | 0.23 | 0.47 |
| Clearance Time (s) | 4.0 | | 4.0 | | 4.0 | 4.0 |
| Vehicle Extension (s) | 2.0 | | 2.0 | | 2.0 | 2.0 |
| Lane Grp Cap (vph) | 638 | 1793 | 1283 | | 778 | 1608 |
| v/s Ratio Prot | 0.12 | c0.44 | 0.14 | | c0.18 | c0.33 |
| v/s Ratio Perm | | | | | | |
| v/c Ratio | 0.33 | 0.68 | 0.53 | | 0.76 | 0.71 |
| Uniform Delay, d1 | 20.5 | 10.2 | 28.1 | | 32.3 | 18.8 |
| Progression Factor | 1.00 | 0.65 | 1.05 | | 1.07 | 0.44 |
| Incremental Delay, d2 | 0.5 | 0.3 | 0.2 | | 2.7 | 0.8 |
| Delay (s) | 21.0 | 7.0 | 29.6 | | 37.3 | 9.2 |
| Level of Service | C | A | C | | D | A |
| Approach Delay (s) | 9.0 | | 29.6 | | | 18.8 |
| Approach LOS | A | | C | | | B |
| Intersection Summary | | | | | | |
| HCM Average Control Delay | | | 17.0 | | HCM Level of Service | B |
| HCM Volume to Capacity ratio | | | 0.69 | | | |
| Actuated Cycle Length (s) | | | 90.0 | | Sum of lost time (s) | 4.0 |
| Intersection Capacity Utilization | | | 66.1% | | ICU Level of Service | C |
| Analysis Period (min) | | | 15 | | | |

c Critical Lane Group

HCM Signalized Intersection Capacity Analysis
 13: 21st St & Harrison St

Cumulative + Kaiser Center Mitigated PM
 12/23/2010



| Movement | EBL | EBR | NBL | NBT | SBT | SBR |
|------------------------|-------|------|------|-------|-------|------|
| Lane Configurations | | | | | | |
| Volume (vph) | 807 | 300 | 119 | 2200 | 1150 | 182 |
| Ideal Flow (vphpl) | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 |
| Total Lost time (s) | 5.0 | | 4.0 | 4.5 | 4.5 | |
| Lane Util. Factor | 0.97 | | 1.00 | 0.86 | 0.91 | |
| Frpb, ped/bikes | 0.99 | | 1.00 | 1.00 | 0.98 | |
| Flpb, ped/bikes | 1.00 | | 1.00 | 1.00 | 1.00 | |
| Frt | 0.96 | | 1.00 | 1.00 | 0.98 | |
| Flt Protected | 0.96 | | 0.95 | 1.00 | 1.00 | |
| Satd. Flow (prot) | 3310 | | 1770 | 6408 | 4879 | |
| Flt Permitted | 0.96 | | 0.95 | 1.00 | 1.00 | |
| Satd. Flow (perm) | 3310 | | 1770 | 6408 | 4879 | |
| Peak-hour factor, PHF | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 |
| Adj. Flow (vph) | 877 | 326 | 129 | 2391 | 1250 | 198 |
| RTOR Reduction (vph) | 45 | 0 | 0 | 0 | 23 | 0 |
| Lane Group Flow (vph) | 1158 | 0 | 129 | 2391 | 1425 | 0 |
| Confl. Peds. (#/hr) | 30 | 30 | 50 | | | 50 |
| Turn Type | | | Prot | | | |
| Protected Phases | 4 | | 1 | 6 | 2 | |
| Permitted Phases | | | | | | |
| Actuated Green, G (s) | 34.2 | | 8.8 | 46.3 | 33.5 | |
| Effective Green, g (s) | 34.2 | | 8.8 | 46.3 | 33.5 | |
| Actuated g/C Ratio | 0.38 | | 0.10 | 0.51 | 0.37 | |
| Clearance Time (s) | 5.0 | | 4.0 | 4.5 | 4.5 | |
| Vehicle Extension (s) | 3.0 | | 3.0 | 3.0 | 3.0 | |
| Lane Grp Cap (vph) | 1258 | | 173 | 3297 | 1816 | |
| v/s Ratio Prot | c0.35 | | 0.07 | c0.37 | c0.29 | |
| v/s Ratio Perm | | | | | | |
| v/c Ratio | 0.92 | | 0.75 | 0.73 | 0.78 | |
| Uniform Delay, d1 | 26.6 | | 39.5 | 16.9 | 25.1 | |
| Progression Factor | 1.00 | | 0.83 | 0.83 | 1.00 | |
| Incremental Delay, d2 | 11.0 | | 9.0 | 0.8 | 3.5 | |
| Delay (s) | 37.6 | | 41.9 | 14.8 | 28.5 | |
| Level of Service | D | | D | B | C | |
| Approach Delay (s) | 37.6 | | | 16.2 | 28.5 | |
| Approach LOS | D | | | B | C | |

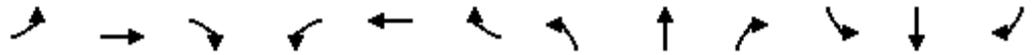
| Intersection Summary | | | |
|-----------------------------------|-------|----------------------|------|
| HCM Average Control Delay | 24.6 | HCM Level of Service | C |
| HCM Volume to Capacity ratio | 0.86 | | |
| Actuated Cycle Length (s) | 90.0 | Sum of lost time (s) | 14.0 |
| Intersection Capacity Utilization | 77.8% | ICU Level of Service | D |
| Analysis Period (min) | 15 | | |

c Critical Lane Group

HCM Signalized Intersection Capacity Analysis
24: 20th St & Harrison St

Cumulative + Kaiser Center Mitigated PM

12/23/2010



| Movement | EBL | EBT | EBR | WBL | WBT | WBR | NBL | NBT | NBR | SBL | SBT | SBR |
|------------------------|-------|-------|------|-------|------|------|-------|-------|-------|-------|-------|-------|
| Lane Configurations | | ↔↔↔ | | ↔↔ | ↔↔ | ↔ | | ↔ | ↔↔ | | ↔ | ↔ |
| Volume (vph) | 14 | 505 | 127 | 233 | 374 | 114 | 270 | 85 | 1018 | 40 | 123 | 208 |
| Ideal Flow (vphpl) | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 |
| Lane Width | 12 | 12 | 12 | 12 | 12 | 16 | 12 | 12 | 12 | 12 | 12 | 12 |
| Total Lost time (s) | | 4.0 | | 4.0 | 4.0 | 4.0 | | 4.0 | 4.0 | | 4.0 | 4.0 |
| Lane Util. Factor | | 0.91 | | 0.97 | 0.95 | 1.00 | | 1.00 | 0.88 | | 1.00 | 1.00 |
| Frbp, ped/bikes | | 0.98 | | 1.00 | 1.00 | 0.76 | | 1.00 | 1.00 | | 1.00 | 1.00 |
| Flpb, ped/bikes | | 1.00 | | 1.00 | 1.00 | 1.00 | | 1.00 | 1.00 | | 1.00 | 1.00 |
| Frt | | 0.97 | | 1.00 | 1.00 | 0.85 | | 1.00 | 0.85 | | 1.00 | 0.85 |
| Flt Protected | | 1.00 | | 0.95 | 1.00 | 1.00 | | 0.96 | 1.00 | | 0.99 | 1.00 |
| Satd. Flow (prot) | | 4681 | | 3433 | 3406 | 1364 | | 1794 | 2612 | | 1840 | 1583 |
| Flt Permitted | | 1.00 | | 0.95 | 1.00 | 1.00 | | 0.96 | 1.00 | | 0.99 | 1.00 |
| Satd. Flow (perm) | | 4681 | | 3433 | 3406 | 1364 | | 1794 | 2612 | | 1840 | 1583 |
| Peak-hour factor, PHF | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 |
| Adj. Flow (vph) | 15 | 549 | 138 | 253 | 407 | 124 | 293 | 92 | 1107 | 43 | 134 | 226 |
| RTOR Reduction (vph) | 0 | 46 | 0 | 0 | 0 | 102 | 0 | 0 | 292 | 0 | 0 | 92 |
| Lane Group Flow (vph) | 0 | 656 | 0 | 253 | 407 | 22 | 0 | 385 | 815 | 0 | 177 | 134 |
| Confl. Peds. (#/hr) | | | 70 | 70 | | 70 | 70 | | | | | 70 |
| Confl. Bikes (#/hr) | | | 16 | | | 16 | | | 16 | | | |
| Heavy Vehicles (%) | 2% | 6% | 2% | 2% | 6% | 2% | 2% | 2% | 2% | 2% | 2% | 2% |
| Parking (#/hr) | | | 5 | | | | | | 5 | 0 | | |
| Turn Type | Split | | | Split | | Perm | Split | | pt+ov | Split | | pt+ov |
| Protected Phases | 2 | 2 | | 1 | 1 | | 3 | 3 | 3 | 4 | 4 | 4 |
| Permitted Phases | | | | | | 1 | | | | | | |
| Actuated Green, G (s) | | 22.0 | | 16.0 | 16.0 | 16.0 | | 23.0 | 39.0 | | 13.0 | 35.0 |
| Effective Green, g (s) | | 22.0 | | 16.0 | 16.0 | 16.0 | | 23.0 | 39.0 | | 13.0 | 35.0 |
| Actuated g/C Ratio | | 0.24 | | 0.18 | 0.18 | 0.18 | | 0.26 | 0.43 | | 0.14 | 0.39 |
| Clearance Time (s) | | 4.0 | | 4.0 | 4.0 | 4.0 | | 4.0 | | | 4.0 | |
| Lane Grp Cap (vph) | | 1144 | | 610 | 606 | 242 | | 458 | 1132 | | 266 | 616 |
| v/s Ratio Prot | | c0.14 | | 0.07 | 0.12 | | | c0.21 | c0.31 | | c0.10 | 0.08 |
| v/s Ratio Perm | | | | | | 0.02 | | | | | | |
| v/c Ratio | | 0.57 | | 0.41 | 0.67 | 0.09 | | 0.84 | 0.72 | | 0.67 | 0.22 |
| Uniform Delay, d1 | | 29.9 | | 32.8 | 34.5 | 30.9 | | 31.8 | 21.0 | | 36.4 | 18.4 |
| Progression Factor | | 1.00 | | 0.64 | 0.65 | 0.56 | | 1.00 | 1.00 | | 1.00 | 1.00 |
| Incremental Delay, d2 | | 2.1 | | 2.0 | 5.6 | 0.7 | | 16.8 | 4.0 | | 12.4 | 0.8 |
| Delay (s) | | 32.0 | | 22.9 | 28.1 | 18.1 | | 48.6 | 25.0 | | 48.9 | 19.2 |
| Level of Service | | C | | C | C | B | | D | C | | D | B |
| Approach Delay (s) | | 32.0 | | | 24.8 | | | 31.1 | | | 32.2 | |
| Approach LOS | | C | | | C | | | C | | | C | |

Intersection Summary

| | | | |
|-----------------------------------|-------|----------------------|------|
| HCM Average Control Delay | 29.9 | HCM Level of Service | C |
| HCM Volume to Capacity ratio | 0.70 | | |
| Actuated Cycle Length (s) | 90.0 | Sum of lost time (s) | 16.0 |
| Intersection Capacity Utilization | 75.3% | ICU Level of Service | D |
| Analysis Period (min) | 15 | | |
| c Critical Lane Group | | | |

HCM Signalized Intersection Capacity Analysis
26: Lakeside Dr & Harrison St

Cumulative + Kaiser Center Mitigated PM
12/23/2010



| Movement | NBL | NBR | NET | NER | SWL | SWT |
|-----------------------------------|------|-------|-------|------|----------------------|------|
| Lane Configurations | | | | | | |
| Volume (vph) | 188 | 984 | 1350 | 170 | 953 | 518 |
| Ideal Flow (vphpl) | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 |
| Total Lost time (s) | 4.0 | 4.0 | 4.0 | | 4.0 | 4.0 |
| Lane Util. Factor | 1.00 | 0.88 | 0.91 | | 0.97 | 0.95 |
| Frpb, ped/bikes | 1.00 | 1.00 | 0.99 | | 1.00 | 1.00 |
| Flpb, ped/bikes | 1.00 | 1.00 | 1.00 | | 1.00 | 1.00 |
| Frt | 1.00 | 0.85 | 0.98 | | 1.00 | 1.00 |
| Flt Protected | 0.95 | 1.00 | 1.00 | | 0.95 | 1.00 |
| Satd. Flow (prot) | 1736 | 2787 | 4769 | | 3367 | 3406 |
| Flt Permitted | 0.95 | 1.00 | 1.00 | | 0.95 | 1.00 |
| Satd. Flow (perm) | 1736 | 2787 | 4769 | | 3367 | 3406 |
| Peak-hour factor, PHF | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 |
| Adj. Flow (vph) | 204 | 1070 | 1467 | 185 | 1036 | 563 |
| RTOR Reduction (vph) | 0 | 2 | 18 | 0 | 0 | 0 |
| Lane Group Flow (vph) | 204 | 1068 | 1634 | 0 | 1036 | 563 |
| Confl. Peds. (#/hr) | 70 | | | 70 | 70 | |
| Confl. Bikes (#/hr) | | 16 | | 16 | | |
| Heavy Vehicles (%) | 4% | 2% | 6% | 4% | 4% | 6% |
| Turn Type | | pt+ov | | | Prot | |
| Protected Phases | 2 | 2 3 | 4 | | 3 | 8 |
| Permitted Phases | | | | | | |
| Actuated Green, G (s) | 14.0 | 48.3 | 33.7 | | 30.3 | 61.6 |
| Effective Green, g (s) | 14.0 | 48.3 | 33.7 | | 30.3 | 61.6 |
| Actuated g/C Ratio | 0.16 | 0.54 | 0.37 | | 0.34 | 0.68 |
| Clearance Time (s) | 4.0 | | 4.0 | | 4.0 | 4.0 |
| Vehicle Extension (s) | 2.0 | | 2.0 | | 2.0 | 2.0 |
| Lane Grp Cap (vph) | 270 | 1496 | 1786 | | 1134 | 2331 |
| v/s Ratio Prot | 0.12 | c0.38 | c0.34 | | c0.31 | 0.17 |
| v/s Ratio Perm | | | | | | |
| v/c Ratio | 0.76 | 0.71 | 0.92 | | 0.91 | 0.24 |
| Uniform Delay, d1 | 36.4 | 15.7 | 26.8 | | 28.6 | 5.4 |
| Progression Factor | 0.93 | 1.06 | 0.82 | | 0.48 | 0.45 |
| Incremental Delay, d2 | 7.7 | 0.5 | 6.4 | | 6.9 | 0.1 |
| Delay (s) | 41.6 | 17.1 | 28.2 | | 20.5 | 2.6 |
| Level of Service | D | B | C | | C | A |
| Approach Delay (s) | 21.0 | | 28.2 | | | 14.2 |
| Approach LOS | C | | C | | | B |
| Intersection Summary | | | | | | |
| HCM Average Control Delay | | | 21.2 | | HCM Level of Service | C |
| HCM Volume to Capacity ratio | | | 0.86 | | | |
| Actuated Cycle Length (s) | | | 90.0 | | Sum of lost time (s) | 8.0 |
| Intersection Capacity Utilization | | | 78.0% | | ICU Level of Service | D |
| Analysis Period (min) | | | 15 | | | |

c Critical Lane Group