CITY OF OAKLAND
AGENDA REPORT

TO: Office of the City Administrator
ATTN: P. Lamont Ewell, Interim City Administrator
FROM: Community and Economic Development Agency
DATE: May 10, 2011

RE: Public Hearing and Upon Conclusion Adopt A Resolution Approving the MacArthur Transit Village Stage Two (2) Final Development Plan Permit and Variances, Which Would Allow for Development of a 90-unit Affordable Housing Complex, as Part of the MacArthur Transit Village Planned Unit Development (PUD060058), Pursuant to City Council Resolution No. 81422 C.M.S. Condition of Approval #27, as Recommended by the Planning Commission

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SUMMARY

BRIDGE Housing Corporation (the Applicant) seeks approval of the Stage 2 Final Development Permit (FDP) and related variances to loading and parking dimension requirements for the MacArthur Transit Village (MTV) project located in North Oakland. The MacArthur Transit Village Stage 2 (MTV2) project is proposed on Parcel D of the MacArthur Transit Village (the area bounded by Highway 24 to the west, 40th Street to the north, Telegraph Avenue to the east, and West MacArthur Boulevard to the south). The proposed project includes redevelopment of the site with 90 residential units (89 affordable units and one manager's unit), 90 parking spaces, and usable open space. The conditions of approval for the MTV Planned Unit Development (PUD06058, approved on June 4, 2008) require City Council approval of the FDP. The City of Oakland Planning Commission recommended approval of the Stage Two FDP at their regularly scheduled meeting on April 6, 2011 (see ***Attachment A***: Revised and Approved Planning Commission Report, dated April 6, 2011).

FISCAL IMPACT

The MacArthur Transit Village project was successful in obtaining grant awards of $37.3 million from the State Proposition 1C housing programs in 2008 from the Transit-Oriented Development (TOD), Infill Housing, and CALReUSE programs. In addition, the project has received approximately $1.9 million in federal grant funds for the BART Plaza renovation. In addition, $17.6 million is committed from redevelopment funds from the Broadway/MacArthur/San Pablo Project Area to help pay for the land acquisition and project development costs, and $16.4 million is committed from the City's Low and Moderate Income fund to help cover the costs of the affordable housing component of the project.

The actions currently under consideration by the City Council concerning the land use approvals for the project will not result in any direct fiscal impacts to the City of Oakland. Staff costs related to the review of the project and the amendments, as well as future planning entitlements for the project area, are cost covered. These entitlements are subject to the applicable fees established in the Master Fee Schedule.

Land use conversions, such as the planned PUD, have the potential for indirect positive and negative fiscal impacts to the City's budget through the effect of the conversion on the tax revenue generated by the site and the cost of providing City services to the project. The entire PUD, including the Stage Two FDP, would increase demand for City services (e.g., fire and police protection services, park and recreation services, libraries) although this increase is expected to be minimal due to the relatively small size of the project. The project would generate additional tax revenue for the City (e.g., property taxes, sales and use taxes, motor vehicle in-lieu fees, utility consumption taxes, real estate transfer taxes, fines and penalties) to offset the cost of providing City services.

BACKGROUND

The MacArthur Transit Village Project has been in development since 1993, with the involvement of the surrounding community and has been through several iterations. The current development team, MTCP (which includes BRIDGE Housing Corporation), was selected through a Request for Proposals process in 2004. The PUD was approved in June 2008. The Stage One FDP and Vesting Tentative Tract Map (VTTM) were approved by the City Council on April 5, 2011. The Design Review Committee of the Planning Commission (DRC) reviewed the Stage Two FDP proposal on February 23, 2011.

PUD

The Planning Commission approved the MacArthur Transit Village PUD on June 4, 2008. The PUD includes the entire 7.76-acre MTV site. The PUD establishes the approved land uses, site layout, density, bulk, massing, and design guidelines for the site. The PUD allows for 42,500 square feet of commercial space and up to 675 residential units, as well as additional open space and public infrastructure. Development of the PUD is phased to occur in five stages. On March 16, 2011 the Planning Commission recommended approval of the Stage One FDP and the VTTM, both of which were approved by the City Council on April 5, 2011. Stage One includes construction of the replacement BART parking garage, site remediation, and development of site infrastructure (including streets). The VTTM would create the parcels required for development of MTV Stages One and Two). The Applicant is now applying for a FDP and variances for Stage Two development.

Design Review Committee and Planning Commission Review

The Design Review Committee of the Planning Commission (DRC) reviewed the project at their meeting on February 23, 2011. The DRC was generally supportive of the project. The Planning Commission reviewed the project at their regularly scheduled meeting on April 6, 2011, and recommended approval to the City Council), with a new condition of approval (#4) which requires the applicant to work with planning staff to refine exterior color treatments and material textures to ensure an aesthetically rich and warm exterior appearance.

Community Input

The Applicant presented the Stage Two FDP design to the MacArthur BART Citizen's Planning Committee, the community organizafion tracking the progress of this project, on February 7, 2011.

KEY ISSUES AND IMPACTS

Staff has identified key issues that require further explanation to the City Council, as follows:

General Plan Analysis

Consistent with the approved PUD for the site, the proposed Stage Two FDP site is located in the Neighborhood Center Mixed Use (NCMU) land use designation of the Oakland General Plan, and is designated as a "Transit-Oriented Development District," as well. The intent of the NCMU designation is to "identify, create, maintain and enhance mixed use neighborhood commercial centers. These centers are typically characterized by smaller scale pedestrian-oriented, continuous street frontage with a mix of retail, housing, office, active open space, eating and drinking places, personal and business services, and small scale educational, cultural or entertainment uses. Future development within this classification should be commercial or mixed uses that are pedestrian-oriented and serve nearby neighborhoods, or urban residential with ground floor commercial." (Page 149, Land Use and Transportation Element of the General Plan). Stage Two is a high-density residential project, consistent with the intent and desired character of the NCMU land use designation, as it is part of a larger mixed-use development that will include up to 42,500 square feet of commercial development. The Stage Two FDP proposal is substantially consistent with the PUD approval and, as such, is consistent with the General Plan.

Zoning Analysis

The proposed Stage Two FDP is a phase of the PUD adopted in June 2008. The PUD approval included a rezone of the entire site to the S-15 Transit Oriented Development Zone (S-15 zone), and the adoption of design guidelines specific to the PUD. The intent of the S-15 zone is, "create, preserve and enhance areas devoted primarily to serve multiple nodes of transportation

and to feature high-density residential, commercial and mixed-use development to encourage a balance of pedestrian-oriented activities, transit opportunities, and concentrated development; and encourage a safe and pleasant pedestrian environment near transit stations by allowing a mixture of residential, civic, commercial, and light industrial activities, allowing for amenities such as benches, kiosks, lighting, and outdoor cafes; and by limiting conflicts between vehicles and pedestrians, and is typically appropriate around transit centers such as [BART] stations, AC Transit Centers and other transportation nodes. (Planning Code Sec. 17.100.010) As determined in 2008, the project is consistent with the S-15 zone. The current proposal is consistent with the 2008 approval and the PUD, and is therefore in compliance with the underlying zoning.

The applicant requests two minor variances: one to allow reduced dimensions for parking spaces and drive aisles, consistent with the S-12 Residential Parking Combining Zone regulations; and one to allow loading to be provided off-site from Internal Street. The parking variance allows the project to maximize the number of on-site parking spaces in an area where on-street parking is limited, thereby ensuring that the project does not significantiy contribute to the on-street parking shortage in the area. The loading variance allows the project to have a lower garage height than would otherwise be required; this would result in less grading and a ground floor that is close to the exterior grade, thereby providing greater public-private interface and opportunities for connection between the project and the public realm. Staff finds that both variances support design and other objectives for the PUD and neighborhood and recommends approval.

Conformance with adopted PUD

The proposed Stage Two FDP has not substantially changed from the adopted PUD. Staff has reviewed the changes from the PUD to the Stage Two FDP, and has determined that there are no substantial changes in terms of compliance with the PUD and consistency with the certified EIR. In all fundamental respects, the Stage Two project approved in the PUD remains the same: there are no new or changed uses; no new facilities; no change in the overall residential unit count; no change in the amount of retail/commercial space; no change in the community space; no change in the height or bulk controls; no change in the community benefits; and no change in the project staging. Although the parcel has shifted slightly in location and shape as a result of minor changes to the garage and street layout considered in the Stage One FDP and TTM8047, the site, size and shape of the parcel are generally the same as considered in the PUD, and the minor changes constitute adjustments and refinements related to implementation of the Transportation Demand Management Plan (TDM), as required as part of the Stage One FDP. The lot is the same size as previously envisioned in the PUD and has shifted east of the location envisioned in the PUD, from the west side of Internal Street (adjacent to the planned BART garage) to the east side of the street (across from and north of the planned BART garage). This minor change would not violate the Development Agreement. Consequently, these facts support a finding by the City that the proposed Stage Two FDP, including the changes and refinements described above, substantially conforms with the PUD and no PUD amendment is required.

Conformance with Design Guidelines

The Conditions of Approval for the project require consistency with the MacArthur Transit Village Design Guidelines. The portions of the Design Guidelines that are most relevant to the Stage Two FDP are cited and analyzed in the Findings (see ***Attachment A***: Planning Commission Report, dated April 6, 2011). Essentially, the project is within the height, bulk and massing envelope described in the PUD and includes the same affordable housing land use also envisioned in the PUD.

Compliance with Conditions of Approval

The MTV Project is required to meet the adopted conditions of approval over the course of project build-out, including construction-related conditions of approval that will apply prior to issuance of construction-related permits and prior to certificate of occupancy for the Stage Two project.

Design Evolution Based on Input by Key Decision-Makers

In response to comments received from the community and the DRC, the applicant has revised the project to include a redesign of the Apgar Street project entry and redesign of the northwest building comer. In addition, since DRC review, the Stage 1 FDP and VTTM were revised to vacate Apgar Street through to Telegraph Avenue, allowing for the existing street to be redesigned as an intentionally landscaped entry to the project as well as to the neighbors adjacent to Apgar Street.

The Apgar Street project entrance is redesigned to include a major entry feature that is a visual draw and is integral to the building design, providing a strong connection to the project from the street level. This revision provides a strong connection between Telegraph Avenue and the project as well as a strong east entry to the project, reducing the need for increased connectivity through the project from Apgar to Internal Street (beyond the visual connectivity already provided through the project).

The northwest comer has been redesigned to include a larger projected bay along the west façade of the building, and to increase the amount of glazing in the bay. Increasing the dimensions of the bay and the windows makes a greater visual statement at the comer and provides a greater sense of public-private interface. At the same time, the architectural plans have been corrected to indicate a planter at the ground level providing adequate separation between the street and the comer unit to preserve privacy.

Environmental Review

The MacArthur Transit Village Project Environmental hnpact Report [SCH No. 2006022075] is provided under separate cover to the City Council and is available to the public at the Planning Department offices and on the web at:

http://www2.oaklandnet.eom/Govemment/o/CEDA/o/PlanningZoning/DQWD008406 . Staff has determined through preparation of a memo/addendum to the EIR that no new information about the site, changes to the project, or circumstances under which the project would be undertaken have occurred that would require subsequent or supplemental environmental review for the Stage Two FDP. The CEQA memo/addendum is attached to this report (***Attachment A.B***: CEQA Memos).

The Surgery Center Letters

The City has received four letters (dated December 17 and December 21, 2010, March 15, 2011 and April 2011) from Holland & Knight, who represent Alta Bates Summit Medical Center Surgery Property Company LLC, The Surgery Center at Alta Bates Summit Medical Center, including Alta Bates Summit Medical Center, a Sutter Health affiliate (the Surgery Center). The letters raised concems about construction-related impacts and notice/coordination with respect to the Apgar Street vacation process. Although the City believes the current CEQA review adequate (see discussion below), the Developer/applicant voluntarily agreed to additional conditions of approval, which will further reduce the already less than significant impacts. The City Council adopted these conditions on the Stage One FDP on April 5th, and the Planning Commission recommended adoption on Stage Two FDP on April 6th (these are included in the conditions in Attachment A).

Nevertheless, the Surgery Center letters do not raise any issues or contain any new information requiring the City to prepare a supplemental or subsequent EIR for the MTV Project Stage Two FDP for the following reasons:

No Project Changes: The MTV Project has not been changed or modified to exclude the Surgery Center parcel. The MTV Project analyzed in the certified 2008 EIR and approved by the City is a phased development. The mixed-use building proposed for the Surgery Center parcel always has been in Phase 5, the final phase of development, for which a final development permit application is not required to be submitted until 2019. Thus, the Surgery Center parcel has not been expected or required to be included in the Phase Two FDP application or approval. The VTTM covers those portions of the MTV Project site controlled by the project sponsor. Although the Surgery Center parcel and one other MTV Project parcel (3901 Telegraph Ave.) are not included in the VTTM, the development of these parcels are in later Project phases and, if subdivision maps are required for the development of these parcels, the necessary subdivision maps will be submitted with (or before) the FDP applications for these later phases are filed. Additionally, future development of the Surgery Center parcel could occur within its existing boundaries and no additional subdivision map may be necessary. Consequently, the Stage Two FDP does not change the MTV Project to exclude the Surgery Center and thus no project change has occurred that would require additional environmental review under CEQA.

- No New Information: The EIR, which analyzed a phased buildout of the MTV Project, including the noise, vibration, and air quality impacts associated with construction activities, contemplated that the Surgery Center, which would not be removed until the final phase of development, could be operating during and subsequent to constmction of

the initial MTV Project phases. The Surgery Center's constmction concems could have been raised in 2008 and 2009 during the public review of the MTV Project EIR and the City's consideration of the initial Project approvals. Thus, these concems do not constitute new information that could not have been known when the EIR was certified. Consequently, the Surgery Center has not provided new information that would require additional environmental review under CEQA.

- Project Conditions/Mitigations Sufficient: The MTV Project conditions of approval and mitigation measures address constmction related air, noise, and vibration impacts on the surrounding area, including the Surgery Center parcel. The City's Standard Conditions of Approval (SCA) for dust control (COA-AIR 1) and constmction emissions (COA-AIR 2) will reduce the potential air quality impacts on uses adjacent to the constmction site. Additionally, in response to the Surgery Center's air quality health risk concems, LSA Associates prepared a health risk assessment to evaluate the constmction related dust and emissions on the Surgery Center (see ***Attachment A.B***: CEQA Memo, Exhibit C, Health Risk Assessment). The health risk assessment determined that the potential dust and diesel emissions impacts on the Surgery Center would be below the thresholds of significance. A site specific constmction noise plan has been prepared pursuant to COA-NOISE 5 (see ***Attachment A.B***: CEQA Memos, Exhibit D, Noise Reduction Plan). The analysis conducted for this plan confirms the EIR's conclusion that, with implementation of the City's SCAs and the noise control strategies provided for in the plan, constmction noise impacts on the Surgery Center will be less than significant. In accordance with COA-NOISE-6, Wilson Ihrig and Associates, a vibration expert has evaluated the constmction plan for areas near the Surgery Center and has confirmed that the vibration impacts will be less than significant based on the use of certain constmction techniques and timing restrictions (see ***Attachment A.B***: CEQA Memos, Exhibit E, Vibration Memorandum).

Consequentiy, there are no substantial project changes, no substantial changes in the project circumstances, and no new information of substantial importance, which could not have been known with the exercise of reasonable diligence when the EIR was certified, that would require major revisions of the certified 2008 EIR, because of a new significant effect or an increase in the severity of a previously identified significant effect. Under CEQA section 21166 and CEQA Guidelines sections 15162 and 15163, no further environmental review is required. Thus, in considering approval of the Stage Two FDP, the City should rely on the previously certified 2008 EIR.

PROJECT DESCRIPTION

The approved PUD for the project, as noted above, involves the demolition of the existing BART surface parking lots and all existing buildings on the project site to allow for the constmction of a new mixed-use, transit village development project. The phased project includes five new blocks that would accommodate up to 675 residential units (including 108 affordable units), 42,500 square feet of neighborhood-serving retail and commercial uses, 5,200 square feet of

community center space, and a 480-space parking garage for BART patrons. Parking for residential units would be provided within each individual building, and approximately 31 commercial parking spaces would be provided in Building A (to be located facing Telegraph Avenue and 40th Street). The transit village also includes creation of two new streets: Village Drive would provide an east/west connection between Telegraph Avenue and the BART Plaza and 40th Street, and Internal Street would provide a north/south connection from Village Drive to the southern edge of the project. The existing Frontage Road would be reconfigured to allow continued access by shuttie operators. New sidewalks, bicycle paths, and streetscape improvements would also be constmcted. See ***Attachment A.A:*** Project Plans.

As noted above, the current application is for the Stage Two FDP. The Stage 2 Final Development Permit application includes constmction of 90 dwelling units (89 units of affordable housing and one manager's unit) in a five-story building, and below-grade parking for 90 vehicles. The site is located on Parcel D of Tentative Tract Map 8047 (TTM8047), along Intemal Street and across from the planned BART garage. The project includes associated accessory uses (such as lobby, office, community room, laundry facilities) as well as required open space. (See ***Attachment A.A:*** Project Plans).

The project includes 90 residential units in a five-story building fronting Intemal Street. Unit types include 2 studios, 22-1 bedroom units, 29-2 bedroom units and 37-3 bedroom units. The garage is designed to include 90 parking spaces (although only 45 spaces are required). The applicant will seek a minor variance to provide loading off-site on Intemal Street, and to reduce the parking-related dimensional and ratio standards (consistent with the S-12 Residential Parking Combining Zone standards). The project includes 9,000 square feet of open space provided in two courtyards and private balconies, and exceeds the required minimum amount of open space.

EVALUATION OF PAST PERFORMANCE

The project is subject to the "Development Agreement by and between City of Oakland and MacArthur Transit Community Partners, LLC Regarding the Property and Project Known as 'MacArthur Transit Village'" (DA), adopted by the City Council on July 21, 2009. City staff most recently performed a DA Compliance review in September 2010 and found the project to be in compliance with the terms of the DA at that time.

SUSTAINABLE OPPORTUNITIES

Economic: The project would encourage economic revitalization of nearby commercial districts in the Telegraph Avenue and MacArthur Boulevard corridors by increasing the population in the immediate area thereby expanding the consumer base for neighborhood businesses. The project would also create temporary constmction-related work in the short-term which would create both immediate and secondary benefits for the local economy and workforce.

Environmental: The project is a compact, infill development in an already urbanized area thereby reducing the need for development in environmentally sensitive areas located at the edge of the city. In addition, the project will intensify development around the MacArthur BART station, improving the connection between land uses and public transit.

Social Equity: The VTTM and Stage One FDP consolidate BART parking and create infrastmcture that will allow development of affordable housing planned for Stage Two development.

DISABILITY AND SENIOR CITIZEN ACCESS

The proposed development would be required to comply with all applicable regulations conceming accessibility.

RECOMMENDATION(S) AND RATIONALE

Staff believes that the proposed project has been well designed and has substantially addressed the issues that have been raised throughout the review process. The FDP will consolidate BART parking in an attractive garage and prepare the larger PUD area for development of retail and high-density housing uses.

ACTION REQUESTED OF THE CITY COUNCIL

Based on the analysis contained within this and the previously prepared reports and elsewhere within the administrative record, staff believes that the proposed project is appropriate in this location and is an attractively designed project. The proposed project will further the overall objectives of the General Plan. Thus, staff recommends that the City Council:

1) Adopt the addendum to the EIR and find that, in accordance with CEQA Sections 15162 and 15163, no further environmental review is required, as set forth above and detailed in die attached CEQA memos (***Attachment A.B***);

2) Approve the proposed Stage Two FDP and variances, based on the findings and conditions of approval included in ***Attachment A*** to this report.

Respectfully submitted,

for
Walter S. Cohen, Director
Community and Economic Development Agency

Reviewed by:
Eric Angstadt, Deputy Director

Prepared by:
Catherine Payne, Planner III
Planning and Zoning Division

APPROVED AND FORWARDED TO THE CITY COUNCIL:

Office of the City Administrator

Attachment A: Revised and Approved Planning Commission Report, dated April 6, 2011, including attachments:

A. Project Plans

B. *March 29, 2011 and March 18, 2011 CEQA Memos*

Item: _____
CED Committee
May 10, 2011

Attachment A:

Revised and Approved Planning Commission Report, dated April 6, 2011

Case File No. PUDF10-304, V10323 **April 6, 2011**

REVISED AND APPROVED BY PLANNING COMMISSION ON APRIL 6, 2011

Location:	Parcel D of the MacArthur Transit Village (the area bounded by Highway 24 to the west, 40th Street to the north, Telegraph Avenue to the east, and West MacArthur Boulevard to the south).
Assessors Parcel Numbers:	Parcel D of TTM8047
Proposal:	Construct Stage ~~H~~Two of the MacArthur Transit Village project which includes redevelopment of the site with 90 affordable residential units consisting of 89 below-market-rate units and one manager's unit, 90 parking spaces, and usable open space. The applicant currently seeks approval of a Final Development Permit for the project, as well as variances for providing required loading off-site and reduced parking space dimensions.
Applicant:	BRIDGE Housing Corporation
Contact Person:	Robert Stevenson (415) 989-1111 x 7518
Owner:	BART
Planning Permits Required:	Final PUD for Stage II of project; Variances from on-site loading requirements and parking space dimension requirements.
General Plan:	Neighborhood Center Mixed Use
Zoning:	S-15 Transit-Oriented Development Zone
Environmental Determination:	Reliance on an Environmental Impact Report (EIR) certified in June 2008.
Historic Status:	There are no Potential Designated Historic Properties located on the project site.
Service Delivery District:	Service District 2
City Council District:	I
Date Filed:	December 15, 2010
Action to be Taken:	Recommendation to City Council
Staff Recommendation:	Recommend approval of Stage 2 FDP and variances to City Council.
Finality of Decision:	N/A; Recommendation to City Council
For Further Information:	Contact the case planner, Catherine Payne at (510) 238-6168 or at cpayne@oaklandnet.com

SUMMARY

BRIDGE Housing Corporation (the Applicant) seeks approval of the Stage 2 Final Development Permit (FDP) and related variances to loading and parking dimension requirements for the MacArthur Transit Village (MTV) project located in North Oakland. The MacArthur Transit Village Stage 2 (MTV2) project is proposed on Parcel D of the MacArthur Transit Village (the area bounded by Highway 24 to the west, 40th Street to the north, Telegraph Avenue to the east, and West MacArthur Boulevard to the south). The proposed project includes redevelopment of the site with 90 residential units consisting of 89 below-market-rate tmits and one manager's imit, 90 parking spaces, and usable open space. The conditions of approval for the MTV Planned Unh Development (PUD06058, approved on June 4, 2008) require City Council approval of the FDP; therefore, staff requests

CITY OF OAKLAND PLANNING COMMISSION

Case File: PUDF10-304, V10-323, TTM8047 (related to PUD06-058)
Applicant: West MacArthur Transit Community Partners (MTCP)
Address: Multiple parcels immediately adjacent to MacArthur BART station; on west side of Telegraph Ave. between 40th St. and W. MacArthur Blvd
Zone: S-15

REVISED AND APPROVED BY PLANNING COMMISSION ON APRIL 6, 2011

that the Planning Commission recommend approval of this application to the City Council.

PROJECT SITE AND SURROUNDING AREA

The project site is located in North Oakland, within the area bounded by 40th Street, Telegraph Avenue, West MacArthur Boulevard, and State Route 24. The project site includes the BART parking lot, the BART plaza, Frontage Road between West MacArthur Boulevard and 40th Street, and seven adjacent parcels. The project site includes the majority of the block on Telegraph Avenue between West MacArthur Boulevard and 40th Street; however, several parcels within this block are not included within the project site (see map on preceding page 2). There are a variety of land uses surrounding the site including residential, civic, and commercial uses, as well as State Route 24, and the BART tracks.

The project site includes Parcel D of the Tentative Tract Map 8047 (TTM8047), and is located on "Intemal Street" across from the planned BART garage. There are a variety of land uses surrounding the site including residential, civic, and commercial uses, as well as State Route 24, and the BART tracks.

BACKGROUND

The MacArthur Transit Village Project has been in development since 1993, with the involvement of the surrounding community and has been through several iterations. The current development team, MTCP, was selected through a Request for Proposals process in 2004. The PUD was approved in June 2008. The Design Review Committee of the Planning Commission (DRC) reviewed the Stage 2 proposal on February 23, 2011.

PUD

The Plaming Commission approved the MacArthur Transit Village PUD on June 4, 2008 (see Attachment C: June 4, 2008 Planning Commission Report). The PUD includes the entire 7.76-acre MTV site. The PUD establishes the approved land uses, site layout, density, bulk, massing, and design guidelines for the site. The PUD allows for 42,500 square feet of commercial space and up to 675 residential units, as well as additional open space and public infrastructure. Development of the PUD is phased to occur in five stages. On March 16, 2011 the Planning Commission recommended approval of Stage One and TTM 8047, which were approved by the City Council on April 5, 2011. (Stage One essentially includes construction of the replacement BART parking garage, site remediation, and development of site infrastructure (including streets). TTM8047 would create the parcels required for development of MTV Stages One and Two). The Applicant is now -applying for a FDP and variances for Stage Two development.

REVISED AND APPROVED BY PLANNING COMMISSION ON APRIL 6, 2011

Design Review Committee

The Design Review Committee of the Planning Commission (DRC) reviewed the project at their meeting on February 23, 2011 (see Attachment B: February 23, 2011 Design Review Committee Report). The DRC was generally supportive of the project. DRC comments are fully addressed in the Key Issues and Impacts section of this report.

Community Input

The Applicant presented the Stage Two FDP design to the MacArthur BART Citizen's Planning Committee, the community organization tracking the progress of this project, on February 7, 2011. The DRC held a public hearing for the FDP at their meeting on February 23, 2011.

PROJECT DESCRIPTION

The approved PUD for the project, as noted above, involves the demolition of the existing BART surface parking lots and all existing buildings on the project site to allow for the construction of a new mixed-use, transit village development project. The phased project includes five new blocks that would accommodate up to 675 residential units (including 108 affordable units), 42,500 square feet of neighborhood-serving retail and commercial uses, 5,200 square feet of community center space, and a 480-space parking garage for BART patrons. Parking for residential units would be provided within each individual building, and approximately 31 commercial parking spaces would be provided in Building A (to be located facing Telegraph Avenue and 40th Street). The transit village also includes creation of two new streets: Village Drive would provide an east/west connection between Telegraph Avenue and the BART Plaza and 40th Street, and Intemal Street would provide a north/south connection from Village Drive to the southern edge of the project. The existing Frontage Road would be reconfigured to allow continued access by shuttle operators. New sidewalks, bicycle paths, and streetscape improvements would also be constructed. See Attachment A.

REVISED AND APPROVED BY PLANNING COMMISSION ON APRIL 6, 2011

Stage 2 Final Development Permit

As noted above, the current application is for the Stage Two FDP. The Stage 2 Final Development Permit application includes construction of 90 units of affordable housing consisting of 89 below-market-rate units and one manager's unit in a ~~four~~five story building, and below-grade parking for 90 vehicles. The site is located on Parcel D of Tentative Tract Map 8047 (TTM8047), along Internal Street and across from the planned BART garage. The project includes associated accessory uses (such as lobby, office, community room, laundry facilities) as well as required open space. (See Attachment A: Project Plans).

The project includes 90 residential units in a ~~four~~five-story building fronting Internal Street. Unit types include 2 studios, 22-1 bedroom units, 29-2 bedroom units and 37-3 bedroom units. The garage is designed to include 90 parking spaces (although only 45 spaces are required). The applicant will seek a minor variance to provide loading off-site on Internal Street, and to reduce the parking-related dimensional and ratio standards (consistent with the S-12 Residential Parking Combining Zone standards). The project includes 9,000 square feet of open space provided in two courtyards and private balconies, and exceeds the required minimum amount of open space.

GENERAL PLAN ANALYSIS

Land Use and Transportation Element

Consistent with the approved PUD for the site, the proposed Stage Two FDP site is located in the Neighborhood Center Mixed Use (NCMU) land use designation of the Oakland General Plan, and is designated as a "Transit-Oriented Development District," as well. The intent of the NCMU designation is to "identify, create, maintain and enhance mixed use neighborhood commercial centers. These centers are typically characterized by smaller scale pedestrian-oriented, continuous street frontage with a mix of retail, housing, office, active open space, eating and drinking places, personal and business services, and small scale educational, cultural or entertainment uses. Future development within this classification should be commercial or mixed uses that are pedestrian-oriented and serve nearby neighborhoods, or urban residential with ground floor commercial." (Page 149, Land Use and Transportation Element of the General Plan). Stage Two is a high-density residential project, consistent with the intent and desired character of the NCMU land use designation, as it is part of a larger mixed-use development that will include up to 42,500 of commercial development. The Stage Two FDP proposal is substantially consistent with the PUD approval and, as such, is consistent with the General Plan.

REVISED AND APPROVED BY PLANNING COMMISSION ON APRIL 6, 2011

ZONING ANALYSIS

The proposed Stage Two FDP is a requirement of the PUD adopted in June 2008. The PUD approval included a rezone of the entire site to the S-15 Transit Oriented Development Zone (S-15 zone), and the adoption of design guidelines specific to the PUD. The intent of the S-15 zone is, "create, preserve and enhance areas devoted primarily to serve multiple nodes of transportation and to feature high-density residential, commercial and mixed-use development to encourage a balance of pedestrian-oriented activities, transit opportunities, and concentrated development; and encourage a safe and pleasant pedestrian environment near transit stations by allowing a mixture of residential, civic, commercial, and light industrial activities, allowing for amenities such as benches, kiosks, lighting, and outdoor cafes; and by limiting conflicts between vehicles and pedestrians, and is typically appropriate around transit centers such as [BART] stations, AC Transit Centers and other transportation nodes. (Planning Code Sec. 17.100.010) As determined in 2008, the project is consistent with the S-15 zone. The current proposal is consistent with the 2008 approval and the PUD, and is therefore in compliance with the underlying zoning (see Attachment C: June 4, 2008 Planning Commission Report).

The applicant requests two minor variances: one to allow reduced dimensions for parking spaces and drive aisles, consistent with the S-12 Residential Parking Combining Zone regulations; and one to allow loading to be provided off-site from Intemal Street. The parking variance allows the project to maximize the number of on-site parking spaces in an area where on-street parking is limited, thereby ensuring that the project does not significantly contribute to the on-street parking shortage in the area. The loading variance allows the project to have a lower garage height than would otherwise be required; this ~~results~~will result in less grading and a ground floor that is close to the exterior grade, thereby providing greater public-private interface and opportunities for connection between the project and the public realm. Staff finds that both variances support design and other objectives for the PUD and neighborhood and recommends approval.

ENVIRONMENTAL REVIEW

An EIR was certified by the Planning Commission for this project on June 4, 2008. The MacArthur Transit Village Project Environmental Impact Report [SCH No. 2006022075] is provided under separate cover to the Planning Commission and is available to the public at the Planning Department offices and on the web at: http://www2.oaklandnet.eom/Govemment/o/CEDA/o/PlanningZoning/DQWD008406 . Staff has determined through preparation of a memo/addendum to the EIR that no new information about the site, changes to the project, or circumstances under which the project would be undertaken have occurred that would require subsequent or supplemental environmental review

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for the Stage Two FDP. The CEQA memo/addendum is attached to this report (Attachment E: CEQA Memo, dated March 29, 2011).

The Surgery Center Letters

The City previously received two letters (dated December 17 and December 21, 2010) -from Holland & Knight, who represent Alta Bates Summit Medical Center Surgery Property Company LLC(the Surgery Center) expressing concems about the adequacy of CEQA review. The Surgery Center is located at 3875 Telegraph Avenue on a parcel that is in Phase 5 of the MTV Project. Although the letters were specific to the previously-approved-Stage One FDP and TTM8047, which the Planning Commission reviewed on November 3, 2010 and March 16, 2011 and recommended approval to the City Coimcil and the City Council is scheduled to consider on April 5, 2011, it is anticipated that similar issues may be raised for Stage Two FDP. The Surgery Center letters mistakenly state that the MTV Project has been changed to exclude the Surgery Center parcel; based on this change: (1) construction of the MTV Project will have significant noise, vibration, and air quality impacts on the operations, services, and patient care at the Surgery Center; and (2) the City should defer its approval of the MTV Project until these impacts on the Surgery Center are studied in a subsequent EIR. The Surgery Center letters do not raise any issues or contain any new information requiring the City to prepare a supplemental or subsequent EIR for the MTV Project for the following reasons:

- **No Project Changes:** The MTV Project has not been changed or modified to exclude the Surgery Center parcel. The MTV Project analyzed in the certified 2008 EIR and approved by the City is a phased development. The mixed-use building proposed for the Surgery Center parcel always has been in Phase 5, the final phase of development, for which a final development permit application is not required to be submitted until 2019. Thus, the Surgery Center parcel has not been expected or required to be included in the Phase 1 FDP application or approval. The VTTM covers those portions of the MTV Project site controlled by the project sponsor. Although the Surgery Center parcel and one other MTV Project parcel (3901 Telegraph Ave.) are not included in the VTTM, the development of these parcels are in later Project phases and, if subdivision maps are required for the development of these parcels, the necessary subdivision maps will be submitted with (or before) the FDP applications for these later phases are filed. Additionally, future development of the Surgery Center parcel could occur within its existing boundaries and no additional subdivision map may be necessary. Consequently, neither the Phase 1 FDP nor the VTTM, nor the current Stage Two FDP, -change the MTV Project to exclude the Surgery Center and thus no project change has occurred that would require additional environmental review under CEQA.

- **No New Information:** The EIR, which analyzed a phased buildout of the MTV Project, including the noise, vibration, and air quality impacts associated with construction activities, contemplated that the Surgery Center, which would not be removed until the final phase of development, could be operating during and subsequent to construction of

the initial MTV Project phases. The Surgery Center's construction concerns could have been raised in 2008 and 2009 during the public review of the MTV Project EIR and the City's consideration of the initial Project approvals. Thus, these concerns do not constitute new information that could not have been known when the EIR was certified. Consequently, the Surgery Center has not provided new information that would require additional environmental review under CEQA.

- **Project Conditions/Mitigations Sufficient:** The MTV Project conditions of approval and mitigation measures address construction related air, noise, and vibration impacts on the surrounding area, including the Surgery Center parcel. The City's Standard Conditions of Approval (SCA) for dust control (COA-AIR 1) and construction emissions (COA-AIR 2) will reduce the potential air quality impacts on uses adjacent to the construction site. Additionally, in response to the Surgery Center's air quality health risk concerns, LSA Associates prepared a health risk assessment to evaluate the construction related dust and emissions on the Surgery Center (see Attachment E: CEQA Memo, Exhibit C, Health Risk Assessment). The health risk assessment determined that the potential dust and diesel emissions impacts on the Surgery Center would be below the thresholds of significance. A site specific construction noise plan has been prepared pursuant to COA-NOISE 5 (see Attachment E: CEQA Memo, Exhibit D, Noise Reduction Plan). The analysis conducted for this plan confirms the EIR's conclusion that, with implementation of the City's SCAs and the noise control strategies provided for in the plan, construction noise impacts on the Surgery Center will be less than significant. In accordance with COA-NOISE-6, Wilson Ihrig and Associates, a vibration expert has evaluated the construction plan for areas near the Surgery Center and has confirmed that the vibration impacts will be less than significant based on the use of certain construction techniques and timing restrictions (see Attachment E: CEQA Memo, Exhibit E, Vibration Memorandum).

Consequently, there are no substantial project changes, no substantial changes in the project circumstances, and no new information of substantial importance, which could not have been known with the exercise of reasonable diligence when the EIR was certified, that would require major revisions of the certified 2008 EIR, because of a new significant effect or an increase in the severity of a previously identified significant effect. Under CEQA section 21166 and CEQA Guidelines sections 15162 and 15163, no further environmental review is required. Thus, in considering approval of the Stage Two FDP, the City should rely on the previously certified 2008 EIR.

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KEY ISSUES AND IMPACTS

Staff has identified a number of key issues that require further explanation to the Planning Commission, as follows:

Conformance with adopted PUD

The proposed Stage Two FDP has not substantially changed from the adopted PUD. Staff has reviewed the changes from the PUD to the Stage Two FDP, and has determined that there are no substantial changes in terms of compliance with the PUD and consistency with the certified EIR. In all fundamental respects, the Stage Two project approved in the PUD remains the same: there are no new or changed uses; no new facilities; no change in the overall residential unit count; no change in the amount of retail/commercial space; no change in the community space; no change in the height or bulk controls; no change in the community benefits; no change in the project site; and no change in the project staging. Although the parcel has shifted slightly in location and shape as a result of minor changes to the garage and street layout considered in the Stage One FDP and TTM8047, the site, size and shape of the parcel are generally the same as considered in the PUD, and the minor changes constitute adjustments and refinements related to implementation of the ~~TDM~~Transportation Demand Management Plan (TDMP), as required as part of the Stage One FDP. The lot is the same size as previously envisioned in the PUD and has shifted east of the location envisioned in the PUD, from the west side of Intemal Street (adjacent to the planned BART garage) to the east side of the street (across from and north of the planned BART garage). This minor change would not violate the Development Agreement. Consequently, these facts support a finding by the City that the proposed Stage Two FDP, including the changes and refinements described above, substantially conforms with the PUD and no PUD amendment is required.

Conformance with design guidelines

The Conditions of Approval for the project require consistency with the MacArthur Transit Village Design Guidelines. The portions of the Design Guidelines that are most relevant to the Stage Two FDP are cited and analyzed in the Findings, at the end of this report. Essentially, the project is within the height, bulk and massing envelope described in the PUD and includes the same affordable housing land use also enyisioned in the PUD.

Compliance with Conditions of Approval

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The -MTV Project is required to meet the adopted conditions of approval over the course of project build-out, including construction-related conditions of approval that will apply prior to issuance of construction-related permits and prior to certificate of occupancy for the Stage Two project.

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Design Review Committee

The Design Review Committee of the Planning Commission (DRC) reviewed the FDP application at their regularly scheduled meeting on Febmary 23, 2011. The DRC and public were generally supportive of the Stage Two FDP and made the following comments specific to design review (staff response in indented italics below comments, as appropriate):

Public Comments

- MTV should include extensive on- and off-site parking as area is overparked.
  The Stage Two FDP provides twice as much on-site parking as is required for the underlying zoning district. Generally, affordable housing projects are required to provide half as many parking spaces as there are units. In this case, the 90-unit project is required to provide 45 parking spaces and provides 90 parking spaces.

- Rat infestations are a problem in the area and should be addressed in design of project.
  Consistent with standard building code requirements, all vents, ducts and other building penetrations would be screened or otherwise treated to reduce the potential for infestations.

- Building and infrastmcture maintenance will be critical to success of the project over time.
  The Development Agreement and PUD conditions of approval require building and infrastructure maintenance into the future.

- The project will negatively impact auto-detailing business located at 3900 Telegraph Avenue.
  The Applicant, BART, and the Oakland Redevelopment Agency (ORA) continue to negotiate with the on-site auto-detailing business to relocate to the planned garage. The Stage Two FDP proposal would not directly affect the property in question.

DRC Comments

- Apgar Street should create a strong connection from Apgar Street through to Internal Street.
  Revisions to the project since DRC review include a redesign afithe Apgar Street project entry-as-well-as-the-inelusion-of-Apgar-Street-in-the-projeet-design. The Apgar Street project entrance is redesigned to include a major entry feature that is a visual draw and is integral to the building design, providing a strong connection to the project from the street level. In addition, since DRC review, the proposal-is for-Apgar-StrectStage 1 FDP and VTTM were revised to be-vaeatedvacate Apgar

Street through to Telegraph Avenue, allowing for the existing street to be redesigned as an intentionally landscaped entry to the project as well as to the neighbors adjacent to Apgar Street. These revisions will provide a strong connection between Telegraph Avenue and the project as well as a strong east entry to the project, reducing the need for increased connectivity through the project from Apgar to Internal Street (beyond the visual connectivity already provided through the project).

- Apgar Street should provide an attractive, intentional entry to the project from Telegraph Avenue.

  As noted above, revisions to the project since DRC review include a redesign of the Apgar Street project entry as well as the inclusion of Apgar Street in the project design. The Apgar Street project entrance is redesigned to include a major entry feature that is a visual draw and is integral to the building design, providing a strong connection to the project from the street level. In addition, since DRC review, the proposal is for Apgar Street Stage 1 FDP and VTTM were revised to be vacated vacate Apgar Street through to Telegraph Avenue, allowing for the existing street to be redesigned as an intentionally landscaped entry to the project as well as to the neighbors adjacent to Apgar Street. These revisions will provide a strong connection between Telegraph Avenue and the project as well as a strong east entry to the project, reducing the need for increased connectivity through the project from Apgar to Internal Street (beyond the visual connectivity already provided through the project).

- The building appears boxy, and risks having nondescript appearance.

  The project has a modern design with clean lines and minimal flourishes. However, the massing and details should ensure that the building does not appear plain or nondescript. The projected and recessed volumes, the prominent northwest corner element on Internal Street, the attractive and integrated street-level stoops, integrated trellis and planter box details, and the high-quality materials should ensure that the project has visual interest and is attractive.

- Trellises, recesses and projections reduce boxiness.

  As stated above, the project has d modern design with clean lines and minimal flourishes. However, the massing and details should ensure that the building does not appear plain or nondescript. The projected and recessed volumes, the prominent northwest corner element on Internal Street, the attractive and integrated street-level stoops, integrated trellis and planter box details, and the high-quality materials should ensure that the project has visual interest and is attractive.

- Stoops on west side are a positive.

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Staff believes that the stoops on both the north and the west sides of the building are key features of the project, in terms of supporting the public-private interface, supporting community building (from an architectural perspective), and providing ground-level details that can be appreciated by pedestrians visiting the neighborhood.

- Northwest corner should make more of a statement (and could be five stories tall).
  The northwest corner has been redesigned to include a larger projected bay along the west façade of the building, and to increase the amount of glazing in the bay. Increasing the dimensions of the bay and the windows makes a greater visual statement at the corner and provides a greater sense of public-private interface. At the same time, the architectural plans have been corrected to indicate a planter at the ground level providing adequate separation between the street and the corner unit to preserve privacy.

- Raise north-west corner floor height to provide privacy for residents.
  As noted above, the architectural plans have been corrected to indicate a planter at the ground level providing adequate separation between the street and the corner unit to preserve privacy. The planter achieves the same level of privacy that would be achieved by a grade change between the sidewalk and the ground-floor level.

- East-facing façade is not as strong as west-facing (primary entry) façade.
  The east-facing façade is not as strong as the west-facing façade. However, the east-facing façade is not located adjacent to a street and is only visible as part of a larger grouping of buildings west of Telegraph Avenue and north of West MacArthur Boulevard. The Apgar Street project entrance has been redesigned to be more prominent, inviting and attractive, and this is the most visible part of the eastern side of the project.

Design Evolution based on input by key decision-makers

In response to comments received from the community and the DRC, the applicant has revised the project to include a redesign of the Apgar Street project entry, ~~inclusion of Apgar Street in the project design,~~ and redesign of the northwest building corner.

~~The Apgar Street project entrance is redesigned to include a major entry feature that is a visual draw and is integral to the building design, providing a strong connection to the project from the street level.~~ In addition, since DRC review, the proposal ~~is for Apgar Street to be vacated~~ Stage 1 FDP and VTTM were revised to vacate Apgar Street through to Telegraph Avenue, allowing for the existing street to be redesigned as an intentionally landscaped entry to the project as well as to the neighbors adjacent to Apgar Street. ~~These revisions provide~~

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The Apgar Street project entrance is redesigned to include a major entry feature that is a visual draw and is integral to the building design, providing a strong connection to the project from the street level. This revision provides a strong connection between Telegraph Avenue and the project as well as a strong east entry to the project, reducing the need for increased connectivity through the project from Apgar to Internal Street (beyond the visual connectivity already provided through the project).

The northwest comer has been redesigned to include a larger projected bay along the west façade of the building, and to increase the amount of glazing in the bay. Increasing the dimensions of the bay and the windows makes a greater visual statement at the comer and provides a greater sense of public-private interface. At the same time, the architectural plans have been corrected to indicate a planter at the ground level providing adequate separation between the street and the comer unit to preserve privacy.

RECOMMENDATION

Staff believes that the proposed project has been well designed and has substantially addressed the issues that have been raised throughout the review process. The Stage Two FDP will provide well-designed and affordable high-density housing consistent with the terms of the adopted PUD.

Based on the analysis contained within this report and elsewhere within the administrative record, staff believes that the proposed project is appropriate in this location and is an attractively designed project. The proposed project will further the overall objectives of the General Plan. Thus, staff recommends that the Planning Commission:

1) Approve the addendum to the EIR and find that, in accordance with CEQA Guidelines Sections 15162 and 15163, no further environmental review is required, as set forth above and detailed in the attached CEQA memo;

2) Recommend approval of the proposed Stage Two FDP and variances to the City Council, based on the attached findings and subject to conditions of approval.

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Prepared by:

Catherine Payne, Planner III

Approved for forwarding to the
City Planning Commission by:

SCOTT MILLER
ZONING MANAGER

ERIC ANGSTADT
DEPUTY DIRECTOR, CEDA

Attachments:

A. Project Plans
B. February 23 Design Review Committee Report (and attachments)
C. June 4, 2008 Planning Commission Report (and attachments)
D. MacArthur Transit Village Project Environmental Impact Report (SCH No. 2006022075) (provided under separate cover to the Planning Commission and available to the public here: http://www2.oaklandnet.com/Government/o/CEDA/o/PlanningZoning/DOWD008406)
E. October ~~25~~10, 2010 and March 18, 2011 CEQA Memos

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FINDINGS FOR APPROVAL

The MacArthur Transit Village Stage Two Final Development Permit meets the required findings for compliance with the California Environmental Quality Act and Oakland Planning Code Sections 17.140.060 (Planning Commission Action for Final Planned Unit Development), 17.136.070.A (Regular Design Review Criteria for Residential Facilities), and 17.148.050 (Minor Variance from Zoning Limitations and Additional Criteria). Required findings are shown in bold type; explanations as to why these findings can be made are in normal type. The evidence supporting the project's conformance with the following findings is not limited to the discussion below.

CEQA-Related Findings

The City, based upon its independent review, consideration, and exercise of its independent judgment, hereby finds and determines on the basis of substantial evidence in the record that none of the circumstances necessitating preparation of additional CEQA review as specified in CEQA and the CEQA Guidelines, including without limitation Public Resources Code Section 21166 and CEQA Guidelines Sections 15162 and 15163, are present in that (a) there are no substantial changes to the project that would result in new significant environmental impacts or a substantial increase in the severity of impacts already identified in the 2008 MacArthur Transit Village Project EIR (2008 EIR); (b) there are no substantial changes in circumstances that would result in new significant environmental impacts or a substantial increase in the severity of impacts already identified in the 2008 EIR; and (3) there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the 2008 EIR was certified, which is expected to result in: (a) new significant environmental effects or a substantial increase in the severity of environmental effects already identified in the EIR; or (b) mitigation measures or alternatives which were previously determined not to be feasible would in fact be feasible, or which are considerably different from those recommended in the 2008 EIR, and which would substantially reduce significant effects of the project, but the project applicant declines to adopt them. Thus, in considering the approval of the Stage Two Final Development Permit, the City hereby relies on the 2008 EIR.

Section 17.140.060 (Planning Commission Action for Final Planned Unit Development):
The findings below apply to the Final Development Plan for MacArthur Transit Village Stage Two.

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The proposal conforms to all applicable criteria and standards and conforms in all substantial respects to the preliminary development plan, or, in the case of the design and arrangement of those portions of the plan shown in generalized, schematic fashion, it conforms to applicable design review criteria.

The proposed final development plan for Stage Two conforms to all applicable criteria and standards and is consistent with the preliminary development plan for the PUD, as follows:

Height, Bulk and Scale:

Guideline A6.1 Consistent with and in response to smaller residential blocks, the architecture of buildings facing the internal street (Block B, C and D) should address the internal street with a variety of massing, roof line and architecture.

The façade of the building facing internal streets includes recesses and projections that provide variety of massing and rooflines. The massing and rooflines are appropriately repetitious where they indicate stacked units (each vertical stack of units being articulated in the same way as the adjacent vertical stack of units). However, the recessed lobby and northwest corner tower provide variation, announce the building itself and the lobby as a form or architectural way-finding.

Guideline A6.2 Building frontages should relate to one another through the use of residential scale elements and articulation such as bay windows, balconies, stoops, as well as narrow vertical modulations – similar to urban row houses.

The proposed building includes recesses and projections, including bay windows, balconies and stoops organized in narrow vertical modulations, as noted above, that mimic the height, bulk and massing of urban row houses.

Guideline A6.3 The proposed roof form should be more varied and articulated than the mixed use building along Telegraph Avenue and 40th Street to respond to the residential nature of this street.

As noted above, the project includes projected bays, a recessed lobby and a corner tower feature that provide roofline variation consistent with the residential nature of Internal Street.

Guideline A6.4 The pattern of fenestration should also be designed to reflect a more residential scale.

The project window openings are of a residential scale. Conditions of approval provide an opportunity for the Planning Commission to specify any details, such as recess, trim, materials, and type.

Architectural Treatments:

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Guideline A6.5 Provide generously sized stoops and balconies at the ground level units to create a transition from the public street to the private realm of the residence and to enhance the sense of pedestrian activity on the street, support residential character and safety. These stoops can be designed uniquely to suit each architectural variation along the frontage.

The project includes stoops facing Internal Street and the north side of the property that are architecturally integrated into the building design.

Guideline A6.6 Provide variety of color and materials to further reinforce the finer grain residential scale and articulations.

The project includes a variety of colors and materials, including concrete, stucco and wood siding, with finer grain materials used on the courtyard sides of the building.

Guideline A6.7 Provide clearly defined residential lobbies, entries into residential courtyards and public uses by providing special canopies, signage, lighting and graphics. When possible, group entrances together to create a community activity node.

The project includes a clearly defined main lobby facing Internal Street, as well as stoops for ground-floor units facing Internal Street and the north side of the building. Courtyards are located internal to the project to provide a more intimate environment for residents.

Guideline A6.8 Provide quality durable material at all stoops, landscape walls and lobby entrances. Ground floor units shall have swinging front doors or French doors with some transparency rather than sliding patio doors.

Stoops are designed to reflect the overall architectural design of the building with concrete proposed as the stoop building material. Conditions of approval would ensure that all stoop entries will have swinging or French doors.

Guideline A6.9 Provide a minimum window recess of 2-3 inches for all windows at the groundfloor and upper levels.

Conditions of approval would ensure that all windows are appropriately recessed.

Guideline A6.10 Decorative lighting shall be incorporated seamlessly in the building design to enhance the architecture, promote pedestrian safety and support neighborhood security.

Conditions of approval would ensure that decorative lighting is incorporated seamlessly in the building design to enhance the architecture, promote pedestrian safety and support neighborhood security.

Planning Code Section 17.136.050A (Regular Design Review Criteria for Residential Facilities):

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1. That the proposed design will create a building or set of buildings that are well related to the surrounding area in their setting, scale, bulk, height, materials, and textures;

The proposed MacArthur Transit Village Stage Two FDP, as shown throughout the administrative record, is consistent with the adopted PUD and adopted Design Guidelines. The project is four stories with a below-grade garage, and includes three wings. The height, scale and massing of the project is consistent with the surrounding area, and would harmonize with the surrounding one- to four-story buildings in the area. The building wings reduce the scale and massing of the building to be consistent with the existing scale and massing of the surrounding neighborhood. The Stage Two FDP achieves the well-composed design originally approved in the PUD in 2008, as demonstrated in the Conformance With Design Guidelines section of the Planning Commission report, dated April 6, 2011 and Attachment A: Plans of said report.

2. That the proposed design will protect, preserve, or enhance desirable neighborhood characteristics;

The proposed MacArthur Transit Village Stage Two FDP, as shown throughout the administrative record, is consistent with the adopted PUD and adopted Design Guidelines. The project is four stories with a below-grade garage, and includes three wings. The height, scale and massing of the project is consistent with the surrounding area, and would harmonize with the surrounding one- to four-story buildings in the area. The building wings reduce the scale and massing of the building to be consistent with the existing scale and massing of the surrounding neighborhood. The project includes high-density housing, enhancing the high-density residential quality of the surrounding neighborhood and contributing to the neighborhood commercial land use synergy along Telegraph Avenue in the Temescal area.

3. That the proposed design will be sensitive to the topography and landscape.

The Stage Two FDP is located on a generally flat site in an urbanized area. The four-story building takes advantage of the relatively flat topography by providing sub-grade parking and front stoops for ground-level units. These are desirable features that reduce blight, encourage public-private project interface, and generally support community from an architectural perspective.

4. That, if situated on a hill, the design and massing of the proposed building relates to the grade of the hill.

The project is not situated on a hill and, therefore, this finding does not apply.

5. That the proposed design conforms in all significant respects with the

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Oakland Comprehensive Plan and with any applicable district plan or development control map which has been adopted by the City Council.

The proposed MacArthur Transit Village Stage Two FDP, as shown throughout the administrative record, is consistent with the adopted PUD and adopted Design Guidelines, and thereby with the General Plan. The Stage Two FDP achieves the well-composed design originally approved in the PUD in 2008, as demonstrated in the Conformance With Design Guidelines section of the Planning Commission report, dated April 6, 2011 and Attachment A: Plans of said report.

Section 17.148.050 (Minor Variance from Zoning Limitations and Additional Criteria):

1. That strict compliance with the regulations would deprive the applicant of privileges enjoyed by owners of similarly zoned property; or, as an alternative in the case of a minor variance, that such strict compliance would preclude an effective design solution fulfilling the basic intent of the applicable regulation.

The proposed project is part of a planned transit village intended to enhance the surrounding neighborhood. The project includes two minor variances: a variance from dimensional standards for on-site parking spaces and drive aisles, consistent with the S-12 Residential Parking Combining Zone regulations; and a variance from on-site loading requirements with a provision for loading from the private Internal Street fronting the project.

- Parking Variance: Relaxation of dimensional standards for parking spaces and drive aisles is consistent with development in transit-rich areas and encourages use of smaller cars while de-emphasizing parking lots as a major land use. In addition, relying on an increased percentage of compact spaces and smaller parking space and drive aisle dimensions, the project is able to maximize provision of on-site parking, thereby reducing any effect on limited off-site parking in the area.
- Loading Variance: Allowing off-site loading allows for a lower garage height and ensures that the lowest living level of the project can be at or near grade, providing a strong connection between the private and public realms and providing a richer public experience of the project.

2. That the variance, if granted, will not adversely affect the character, livability, or appropriate development of abutting properties or the surrounding area, and will not be detrimental to the public welfare or contrary to adopted plans or development policy.

The proposed variances enhance the character and livability of the project and surrounding area by providing more on-site parking spaces in a smaller area and allowing a lower garage height than would otherwise be required to providing on-site loading.

- Parking Variance: Relaxation of dimensional standards for parking spaces and drive aisles is consistent with development in transit-rich areas and encourages use of smaller cars while de-emphasizing parking lots as a major land use.
- Loading Variance: Allowing off-site loading allows for a lower garage and ensures that the lowest living level of the project can be at or near grade, providing a strong connection between the private and public realms and providing a richer public experience of the project.

3. That the variance, if granted, will not adversely affect the character, livability, or appropriate development of abutting properties or the surrounding area, and will not be detrimental to the public welfare or contrary to adopted plans or development policy;

- Parking Variance: Relaxation of dimensional standards for parking spaces and drive aisles encourages use of smaller cars while de-emphasizing parking lots as a major land use. In addition, relying on an increased percentage of compact spaces and smaller parking space and drive aisle dimensions, the project is able to maximize provision of on-site parking, thereby reducing any effect on limited off-site parking in the area. This design protects the already limited availability of on-street parking in the surrounding neighborhood and thus enhancing the character and livability of the surrounding area.
- Loading Variance: Allowing off-site loading allows for a lower garage and building height and ensures that the lowest living level of the project can be at or near grade, providing a strong connection between the private and public realms and providing a richer public experience of the project, thereby enhancing the character and livability of the neighborhood.

4. That the variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties or inconsistent with the purposes of the zoning regulations;

- Parking Variance: Relaxation of dimensional standards for parking spaces and drive aisles is consistent with development in transit-rich areas and encourages use of smaller cars while de-emphasizing parking lots as a major land use, consistent with the objectives of the Planning Code and General Plan for this transit node. Minor variances of this type are not unusual, and, as stated above, promote the purposes of the zoning regulations.
- Loading Variance: Allowing off-site loading allows for a lower garage and ensures that the lowest living level of the project can be at or near grade, providing a strong connection between the private and public realms and providing a richer public experience of the project. Loading would be provided adjacent to the site, on a private street and not affecting public on-street parking, and would be as usable as on-site

loading. Minor variances of this type are not unusual, and, as stated above, promote the purposes of the zoning regulations.

5. That the elements of the proposal requiring the variance (e.g., elements such as buildings, walls, fences, driveways, garages and carports, etc.) conform with the regular design review criteria set forth in the design review procedure at Section 17.136.050.

- Parking Variance: Relaxation of dimensional standards for parking spaces and drive aisles is consistent with development in transit-rich areas and with the S-17 district regulations applicable to transit-rich areas. The project otherwise complies with the design review findings required of the project, as demonstrated throughout these findings.
- Loading Variance: Allowing off-site loading allows for a lower garage and ensures that the lowest living level of the project can be at or near grade, providing a strong connection between the private and public realms and providing a richer public experience of the project, consistent with the design review finings, as demonstrated throughout these findings.

6. For proposals involving one or two residential dwelling units on a lot: That, if the variance would relax a regulation governing maximum height, minimum yards, maximum lot coverage or building length along side lot lines, the proposal also conforms with at least one of the following criteria:

a. The proposal when viewed in its entirety will not adversely impact abutting residences to the side, rear, or directly across the street with respect to solar access, view blockage and privacy to a degree greater than that which would be possible if the residence were built according to the applicable regulation and, for height variances, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height; or

b. Over sixty (60) percent of the lots in the immediate vicinity are already developed and the proposal does not exceed the corresponding as-built condition on these lots and, for height variances, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height. The immediate context shall consist of the five closest lots on each side of the project site plus the ten closest lots on the opposite side of the street (see illustration I-4b); however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any decision on any variance.

This project involves 90 units. Therefore, this finding does not apply to the project.

CONDITIONS OF APPROVAL for PUDF10-304

The proposal is hereby approved subject to the following Conditions of Approval:

STANDARD CONDITIONS:

The proposal is hereby approved subject to the following Conditions of Approval:

1. Effective Date, Expiration, and Extensions

a. Ongoing

The effective date, expiration, and extensions of the approval of the Final Development Permit shall be consistent with the Development Agreement by and between City of Oakland and MacArthur Transit Partners, LLC Regarding the Property and Project Known as "MacArthur Transit Village" (DA) Section 3.3.3, adopted July 21, 2009 by the Oakland City Council.

b. Ongoing

Unless a different termination date is prescribed, this Approval shall expire two (2) calendar years from the approval date, unless within such period all necessary permits for construction or alteration have been issued, or the authorized activities have commenced in the case of a permit not involving construction or alteration. Upon written request and payment of appropriate fees submitted no later than the expiration date of this permit, the Director of City Planning or designee may grant an extension of this date. Expiration of any necessary building permit for this project may invalidate this Approval if the said extension period has also expired.

2. Scope of This Approval

a. Ongoing

The property shall and constructed in accordance with the approved Vesting Tentative Tract Map dated February 28, 2011, and the approved Stage Two Final Development Permit, as amended by these Conditions of Approval. The proposal is approved pursuant to the Planning Code only and shall comply with all other applicable codes, requirements, regulations and guidelines, including but not limited to those imposed by the City's Building Services Division, Fire Marshal, and Public Works Agency. The proposal shall specifically comply with the conditions required by the Planning Division, as attached to these conditions of approval.

3. Conditions of Approval for Project (Case File No. PUD060058)

a. Ongoing

All Condhions of Approval, Standard Conditions of Approval, and Mitigation Measures for the Project (Case File No. PUD060058), including the Mitigation Monitoring and Reporting Program {"Previous Conditions"), are hereby incorporated herein by reference as if fully set forth herein, except that to the extent there are any conflicts between the conditions imposed by this approval and the Previous Conditions, the conditions imposed by this approval shall control.

4) The applicant shall work with staff to refine exterior color treatments and material textures to ensure an aesthetically rich and warm exterior appearance.

5. The following conditions have been voluntarily agreed to by the project sponsor pursuant to discussions with the representatives of the Alta Bates Summit Surgery Center and are not intended to be, nor are they, mitigation measures for any element of the MacArthur Transit Village Project under the California Environmental Quality Act. Rather, these additional conditions will further reduce the construction related impacts that the Project EIR describes as less than significant for purposes of the California Environmental Quality Act. These conditions shall apply only for so long as the Alta Bates Summit Surgery Center is in operation at its current location on Telegraph Avenue between Apgar and 39th Streets.

A. The following updated and additional City Standard Conditions of Approval ("SCA") shall apply to each Final Development Plan for the MacArthur Transit Village Project:

1) Construction-Related Air Pollution Controls (Dust and Equipment Emissions)

Ongoing throughout demolition, grading, and/or construction
During construction, the project applicant shall require the construction contractor to implement all of the following applicable measures recommended by the Bay Area Air Quality Management District (BAAQMD):

BASIC

a) Water all exposed surfaces of active construction areas at least twice daily (using reclaimed water if possible). Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible.
b) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
c) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
d) Pave all roadways, driveways, sidewalks, etc. as soon as feasible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
e) Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).
f) Limit vehicle speeds on unpaved roads to 15 miles per hour.
g) Idling times shall be minimized either by shutting equipment off when not is use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code of Regulations. Clear signage to this effect shall be provided for construction workers at all access points.
h) All construction equipment shall be maintained 0.and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be rurning in proper condition prior to operation.

i) Post a publicly visible sign that includes the contractor's name and telephone number to contact regarding dust complaints. When contacted, the contractor shall respond and take corrective action within 48 hours. The telephone numbers of contacts at the City and the BAAQMD shall also be visible. This information may be posted on other required on-site signage.

ENHANCED: All "Basic" controls listed above plus the following controls:

i) All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.
k) All excavation, grading, and demolition activities shall be suspended when average wind speeds exceed 20 mph.
l) Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
m) Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for one month or more).
n) Designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.
o) Install appropriate wind breaks (e.g., trees, fences) on the windward side(s) of actively disturbed areas of the construction site to minimize wind blown dust. Wind breaks must have a maximum 50 percent air porosity.
p) Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.
q) The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.
r) All trucks and equipment, including tires, shall be washed off prior to leaving the site.
s) Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel.
t) Minimize the idling time of diesel-powered construction equipment to two minutes.
u) The project applicant shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 20 percent NOx reduction and 45 percent particulate matter (PM) reduction compared to the most recent California Air Resources Board (CARB) fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as they become available.
v) Use low VOC (i.e., ROG) coafings beyond the local requirements (i.e., BAAQMD Regulation 8, Rule 3: Architectural Coatings).

w) All construction equipment, diesel trucks, and generators shall be equipped with Best Available Control Technology for emission reductions of NOx and PM.

x) Off-road heavy diesel engines shall meet the CARB's most recent certification standard.

2) 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.

B. The following Project Specific Conditions of Approval shall apply to each Final Development Plan for the MacArthur Village Project:

1) The project applicant shall implement all of the plans and recommendations described in the following reports prepared for the project attached as Attachment C (CEQA Memo) to the City Council's Agenda Report dated April 5, 2011, copies of which are on file with the City Planning Department: (i) LSA Associates, Inc. dated March 11, 2011 regarding air quality, (ii) LSA Associates, Inc. dated March 11, 2011 regarding noise, and (iii) Wilson Ihrig & Associates dated March 10, 2011 regarding vibration. To the extent this section B.1 conflicts with section B.4 below, the provisions of section B.4 shall be controlling. The recommendations in these reports include without limitation:

Vibration

(a) The contractors shall implement the Construction Equipment Schedule elements described in the March 10, 2011 letter report prepared by Wilson Ihrig & Associates, attached as Exhibit H to the March 14, 2011 Memorandum from Urban Planning Partners to Eric Angstadt and Catherine Payne and included in the Agenda Report for the April 5, 2011 City Council hearing on the Stage 1 FDP (PUDF10097) and VTTM (8047).

(b) Vibration monitoring shall be conducted at the Surgery Center to document the baseline conditions during operations prior to construction and to monitor the vibration at the facilities during the key periods of construction that are subject to vibration to verify that construction-related vibration is not exceeding the FTA category 1 criterion. The key periods of construction would occur when the vibrating roller compactors, vibrating plate compactors, jumping jack, or other equipment that generates vibration are in operation adjacent to the Surgery Center.

Noise

(c) Prior to initiation of on-site construction-related earthwork activities, a minimum 8-foot high temporary sound barrier shall be erected along the project property line abutting the residential sensitive land sues that are adjacent to the construction site on MacArthur Boulevard and Telegraph Avenue.

(d) Prior to initiation of on-site construction-related earthwork activities, a minimum 8-foot high temporary soumd barrier shall be erected along the project property line abutting the Surgery Center that is adjacent to the construction site on Telegraph Avenue.

(e) The temporary sound barriers shall be constructed with a minimum surface weight of 4 pounds per square foot and shall be constructed so that vertical or horizontal gaps are eliminated; these temporary barriers shall remain in place through the construction phase in which heavy equipment, such as excavators, dozers, scrapers, loaders, rollers, pavers, and dump trucks are operating within 150 feet of the edge of the construction site by adjacent sensitive land uses.

(f) Whenever feasible, the project contractor shall encourage implementation of the following strategies throughout all phases of construction; use of smaller or quieter equipment; use of electric equipment in lieu of gasoline or diesel powered equipment; turn off all idling equipment when anticipated to not be in use for more than 5 minutes; minimize drop height when loading excavated materials onto trucks; minimize drop height when umloading or moving materials on-site; and sequence noisy activities to coincide with noisiest ambient hours.

(g) Noise monitoring is required for all construction activities that would be considered extreme noise generators, activities that would result in noise levels in excess of 90 dBA L_{max} as measured at the receiving property. Construction activities could exceed these levels at the residential land uses that border the construction site on MacArthur Boulevard and Telegraph Avenue. Pursuant to SCA NOI-5(e), noise monitoring to measure the effectiveness of noise attenuation measures shall be conducted as follows;

Noise measurements shall be conducted on a weekly basis during the phases associated with the anticipated activities for the months of May, June, and September and shall be conducted by a qualified acoustical consultant.

These measurements shall be taken during mid-morning and mid-afternoon hours when background noise levels are anticipated to be lowest so as to try to capture noise from only construction noise sources.

These measurements shall be taken at distances greater than 10 feet from the temporary soumd barriers on the receptor property in order to determine the effectiveness of the soumd barrier.

If exceedances are identified, then the on-site construction manager shall be notified and the equipment use shall be adjusted so that noise levels are reduced.

2) The temporary sound barrier to be erected by the project applicant along the project property

line abutting the adjacent surgery center property shall be a minimum of 8 feet high.

3) *Prior to issuance of a demolition, grading or building permit.* The project applicant shall retain a structural engineer or other appropriate professional to determine threshold levels of vibration and cracking that could damage buildings adjacent to the project site and design means and methods of construction that shall be utilized to not exceed the thresholds.

4) The noise and vibration reduction plan for each phase of the project prepared pursuant to SCA NOI-5 shall also:

(i) include documentation of the following:

- existing baseline conditions at the anticipated construction monitoring locations near the adjacent surgery center, supported by measurements of ambient noise and vibration levels near the adjacent surgery center over a 6-day continuous period (Monday-Saturday);
- characterization of the existing vibration environment within representative vibration sensitive spaces at the adjacent surgery center to confirm whether the FTA Category 1 criterion is applicable for these interior spaces, or whether a higher threshold is more appropriate. This characterization will be supported by measurements of the existing ambient vibration levels over a 48-hour continuous period measured during the work week (M-F). If the existing environment is comparable or less than the FTA Category 1 threshold, then the construction work will be limited by the FTA Category 1 criterion. If it is determined that the existing ambient environment exceeds the FTA Category 1 criterion, then site specific criteria will be developed based on the characteristics of the measured environment, including the maximum vibration levels and the measured frequency of occurrence of vibration levels;
- vibration testing to determine how groundborne vibration will propagate from the construction area (based upon simulated construction activities testing) to the surgery center building and anticipated construction monitoring locations. This information will be used to determine the vibration level offset between outdoor construction monitoring locations and the vibration experienced at the interior of the building, to refine the calculations previously done to determine the site-specific vibration from construction, to determine the types of construction activity for which monitoring is required and to determine applicable distances for monitoring purposes pursuant to item (v) below; and
- All such noise and vibration testing and determinations of baselines and monitoring locations near the adjacent surgery center shall be coordinated with the surgery center or its designee.

(ii) include appropriate measures to ensure that the project construction and operations comply with the City's noise and vibration performance standards in Section 17.120.050 of the Oakland Planning Code, the City's vibration performance standards in Section 17.120.060 of the Oakland Planning Code, and the vibration criteria confirmed above, as measured at the monitoring locations specified in (v);

(iii) provide that all noise and vibration compliance monitoring be performed by one or more qualified consultants;

(iv) prohibit the use of pile driving as part of the construction of the BART Parking Garage and construction on Parcel D;

(v) require noise and vibration measurements, for compliance purposes, to be performed for a minimum of 48 hours during a continuous period each week during the conduct of construction activities for which monitoring is required as identified pursuant to the pre-vibration testing protocol under item (i) above within applicable distances from the façade of the surgery center building nearest to the construction activity as such distances are identified as part of such testing protocol.. Such measurements shall be made at the nearest façade or at an equivalent distance from the construction activity to the nearest façade as determined appropriate by the qualified acoustical consultant in order to accurately determine noise and vibration levels at the nearest façade of the surgery center from project-related construction activities; and

(vi) require a copy of the City approved noise and vibration plan to be provided to the designated representative of the adjacent surgery center.

5) The special inspection deposit required pursuant to SCA Noise-5 shall also include an amount sufficient to ensure compliance with project conditions of approval governing air quality.

6) Prior to the start of construction activities, the project applicant shall designate an on-site complaint and enforcement manager, with supervisory authority with respect to construction activity, who shall immediately respond to any complaints or concerns raised by the designated representative of the adjacent surgery center related to air quality, noise, vibration, or any other aspect of project construction activities, and provide to the surgery center representative the contact information for such complaint and enforcement manager.

7) Project applicant shall promptly provide to the designated representative of the adjacent surgery center copies of all noise, vibration and air quality monitoring reports required by all project conditions of approval, including, without limitation, all monitoring reports required pursuant to project specific condition 4 above, and the recommendations in the following reports: (i) LSA Associates, Inc. dated March 11, 2011 regarding air quality, (ii) LSA Associates, Inc. dated March 11, 2011 regarding noise, and (iii) Wilson Ihrig & Associates dated March 10, 2011 regarding vibration. If any such report indicates that the project is not in compliance with any such mitigation measures or conditions of approval or if the project is otherwise not in compliance therewith, the project applicant shall immediately cease the activity causing such non-compliance and take such other measures that may be necessary to prevent the recurrence of such non-compliance.

8) The project applicant shall not restrict, block, relocate, modify, or otherwise hinder vehicular and pedestrian access (ingress and egress) to the adjacent surgery center property from its existing driveways and sidewalks access points on Apgar Street and 39th Street both during and after construction of the project without 48 hours advance notice to the surgery center. In no event shall such access be disrupted for more than two days in any M-F period, except for improvements to Apgar Street or 39th Street. For any period during which the 39the Street parking areas in the Surgery Center property are rendered inaccessible, project applicant shall provide an equal number of substitute parking spaces in the BART parking lot area, and/or the new BART parking garage, as close as feasible to

the Surgery Center and at no cost to the Surgery Center. The applicant shall coordinate temporary disruptions to the surgery center's vehicular and pedestrian access points and shall maintain one point of access via Apgar Street or Telegraph Street at all times.

9) The applicant's contractors will limit idling, loading or staging on Apgar Street, 39th Street, and Telegraph Avenue adjacent to the property and provide the surgery center at least 48 hours notice of such planned activity.

City of Oakland Planning Commission
April 6, 2011
Agenda Item #5: PUDF10-304, V10323

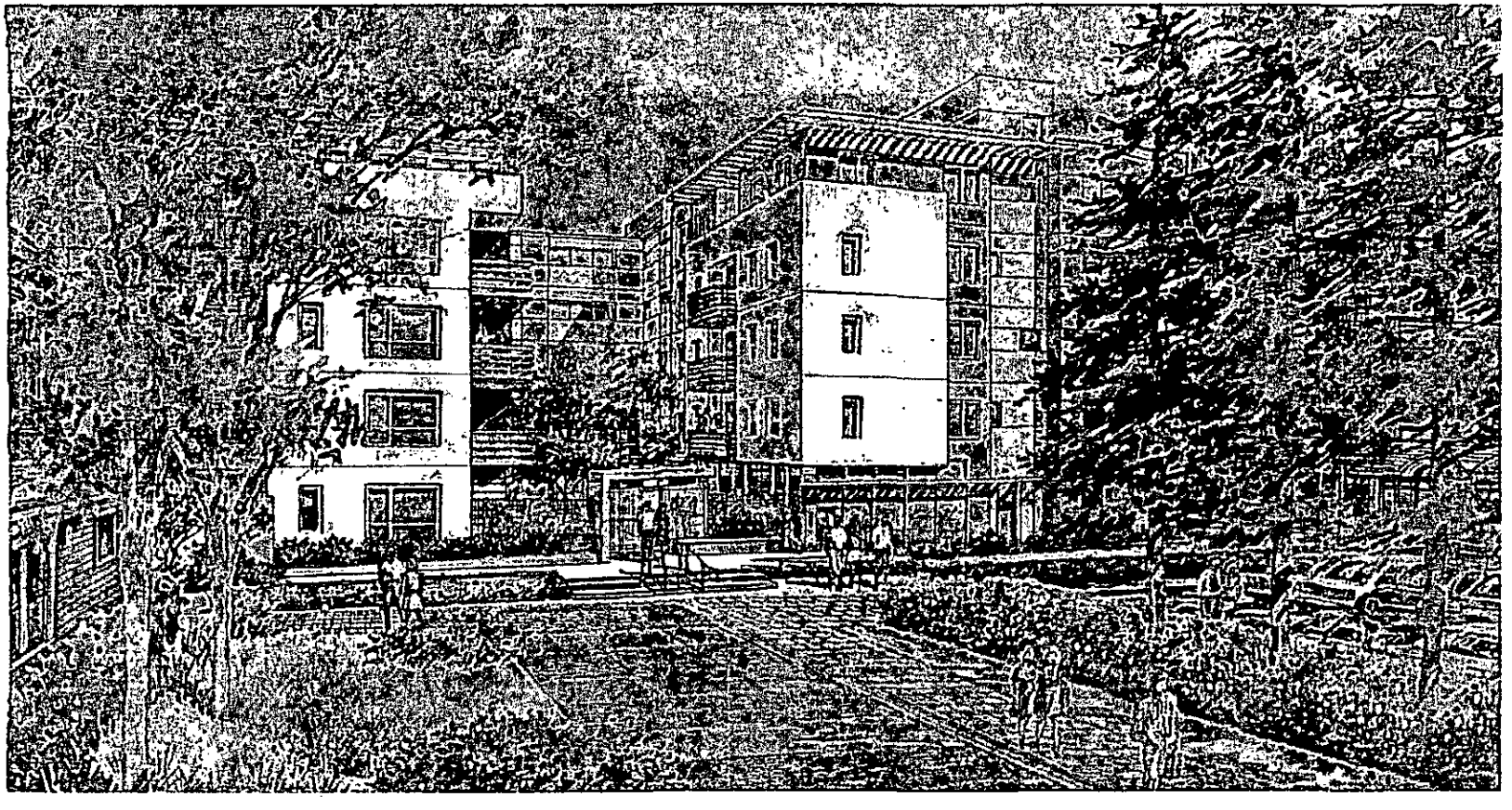
Attachment A: Project Plans

MTVD *FINAL DEVELOPMENT PLAN*

MACARTHUR TRANSIT VILLAGE - BLOCK D | INTERNAL VIEW

OAKLAND, CA | DECEMBER 15, 2010 | DRIDGE; SAN FRANCISCO, CA 3/18/11 FDP REVISION #2

VAN METER
WILLIAMS
POLLACK LLP



MTVD *FINAL DEVELOPMENT PLAN*

MACARTHUR TRANSIT VILLAGE - BLOCK D | APGAR/ TELEGRAPH VIEW

OAKLAND, CA | DECEMBER 15, 2010 | JOB NO. SAN FRANCISCO, CA 94611 FDP REVISION #2

VAN METER WILLIAMS POLLACK LLP

APPLICABLE CODES

ALL WORK SHALL BE IN CONFORMANCE WITH ALL APPLICABLE FEDERAL, STATE, COUNTY AND CITY ORDINANCES (IF CONFLICTS OCCUR THE MORE STRINGENT REGULATION GOVERNS) REQUIREMENTS AS ESTABLISHED BY STATE AND LOCAL FIRE MARSHALS AND THE RULES AND REGULATIONS OF THE UTILITY COMPANIES SERVING THIS PROJECT.

2007 EDITION OF THE CALIFORNIA CODE OF REGULATIONS - TITLE 24 (CA BUILDING STANDARDS CODE)

PART 2 - CALIFORNIA BUILDING CODE [CBC]	2007 EDITION (TAKEN FROM 2006 IBC)
PART 3 - CALIFORNIA ELECTRICAL CODE	2007 EDITION (TAKEN FROM 2005 NEC)
PART 4 - CALIFORNIA MECHANICAL CODE	2007 EDITION (TAKEN FROM 2006 UMC)
PART 5 - CALIFORNIA PLUMBING CODE	2007 EDITION (TAKEN FROM 2006 UPC)
PART 6 - CALIFORNIA ENERGY CODE	2005 CALIFORNIA ENERGY CODE
PART 7 - CALIFORNIA ELEVATOR SAFETY CODE	2007 EDITION
PART 9 - CALIFORNIA FIRE CODE	2007 EDITION (TAKEN FROM 2006 UFC)

OAKLAND MUNICIPAL CODE	2008 EDITION
TITLE 15 - BUILDING AND CONSTRUCTION	CHAPTER 15.04 - AMENDMENTS TO THE 2007 CA CODE OF REGULATIONS PARTS 2, 3, 4, AND 5
TITLE 17 - PLANNING	CHAPTER 17.28 - R-70 HIGH DENSITY RESIDENTIAL ZONE REGULATIONS
	CHAPTER 17.97 - S-15 TRANSIT ORIENTED DEVELOPMENT ZONE REGULATIONS
TITLE 18 - SUSTAINABILITY	CHAPTER 18.02 - SUSTAINABLE GREEN BUILDING REQUIREMENTS FOR PRIVATE DEVELOPMENT

* ALL RESIDENTIAL UNITS ARE GOVERNED BY CHAPTER 11A & THE FAIR HOUSING ACT. ALL COMMON AREAS ARE GOVERNED BY CHAPTER 11B & ADAAG

CONSTRUCTION CLASSIFICATION

CONSTRUCTION TYPES	
R-2 5 STORIES	TYPE III A (CBC TABLE 601)
S-2 BASEMENT	TYPE I A (CBC 509.2)

CONSTRUCTION FIRE RESISTIVE REQUIREMENTS	
EXTERIOR BEARING WALLS	2-HR RATED CONSTRUCTION (CBC TABLE 601) FIRE TREATED WOOD ALLOWED IN UP TO 2-HR WALL PER 602.3
EXTERIOR NON-BEARING WALLS	1-HR RATED CONSTRUCTION IF < 30' FROM PROPERTY LINE (CBC TABLES 601 & 602)
	NON RATED IF 30' OR GREATER FROM PROPERTY LINE (CBC TABLES 601 & 602)
STRUCTURAL FRAME	1-HR RATED CONSTRUCTION (CBC TABLE 601)
INTERIOR BEARING WALLS	1-HR RATED CONSTRUCTION (CBC TABLE 601)
INTERIOR NON-BEARING WALLS	NON-RATED (CBC TABLE 601)
FLOOR CONSTRUCTION & SUPPORTING BEAMS AND JOISTS	1-HR RATED CONSTRUCTION (CBC TABLE 601)
ROOF CONSTRUCTION & SUPPORTING BEAMS AND JOIST	1-HR RATED CONSTRUCTION (CBC TABLE 601)
FIRE WALL	3-HR RATED CONSTRUCTION (CBC TABLE 705.4)
OCCUPANCY SEPARATION R-2 TO S-2	1-HR RATED CONSTRUCTION (CBC TABLE 508.3.3)
DWELLING UNIT / TENANT SEPARATION WALLS & FLOORS WITHIN R-2	1-HR RATED CONSTRUCTION (CBC 708.3, 711.3)
CORRIDORS WALLS & FLOORS WITHIN R-2	1-HR RATED CONSTRUCTION (CBC 708.3, 711.3, 1017.1)
INTERIOR STAIRS	2-HR RATED CONSTRUCTION (CBC 707.4, 509.2.2)
ELEVATOR	2-HR RATED CONSTRUCTION (CBC 707.4, 509.2.2)
ENCLOSED ELEVATOR LOBBIES NOT REQ'D IN BLDGS PROTECTED BY SPRINKLER SYST. (CBC 707.14.1.4)	
SHAFT ENCLOSURES	1-HR RATED WHERE CONNECTING < 4 STORIES (CBC 707.4)
	2-HR RATED WHERE CONNECTING 4 OR MORE STORIES (CBC 707.4)
	3-HR RATED AT R-2 TO S-2 OCCUPANCY SEPARATION
INCIDENTAL USE AREAS	
FURNACE ROOM (W/ EQUIP > 400,000 BTU/HR)	1-HR RATED CONSTRUCTION (PER CBC TABLE 508.2)
BOILER ROOM (W/ EQUIP > 15 PSI OR 10 HORSEPOWER)	1-HR RATED CONSTRUCTION (PER CBC TABLE 508.2)
LAUNDRY ROOM (OVER 100 SQFT)	1-HR RATED CONSTRUCTION (PER CBC TABLE 508.2)
STORAGE ROOM (OVER 100 SQFT)	1-HR RATED CONSTRUCTION (PER CBC TABLE 508.2)
TRASH ROOMS (OVER 100 SQFT)	1-HR RATED CONSTRUCTION (PER CBC TABLE 508.2, 707.13.3)

OCCUPANCY CLASSIFICATION & EXITING

FLOOR / ROOM DESIGNATION	OCCUPANCY GROUP (CBC Chapter 3)	LOAD FACTOR (CBC Table 1004.1.1)	FLOOR AREA (Gross Area per CBC 1002)	OCCUPANT LOAD (Floor area / Load factor)	MAX LOAD FOR 1 EXIT (CBC Table 1015.1)	EGRESS INCHES (CBC Table 1005.1) STAIRWAY	OTHER	EXITS REQUIRED FROM SPACE
GARAGE LEVEL PARKING	S-2	200	29,910	150.0	29	30	23	2
GARAGE LEVEL ELEC. ROOM	S-2 INCIDENTAL USE	300	0	0.0	29	0	0	1
GARAGE LEVEL MAINTENANCE	S-2 INCIDENTAL USE	300	0	0.0	29	0	0	1
GARAGE LEVEL UTILITY/STORAGE	S-2 INCIDENTAL USE	300	0	0.0	29	0	0	1
GARAGE LEVEL UTILITY/STORAGE	S-2 INCIDENTAL USE	300	0	0.0	29	0	0	1
TOTAL			29,910	150.0				
LEVEL ONE RESIDENTIAL	R-2	200	20,085	101.0	10	7	16	2
LEVEL ONE COMMUNITY ROOM	R-2 ACCESSORY	1	0	0.0	10	0	0	2
LEVEL ONE STORAGE	R-2 ACCESSORY	300	0	0.0	10	0	0	1
LEVEL ONE RESTROOM	R-2 ACCESSORY	200	0	0.0	10	0	0	1
LEVEL ONE LAUNDRY	R-2 INCIDENTAL USE	200	0	0.0	10	0	0	1
LEVEL ONE OFFICE	R-2 ACCESSORY	100	0	0.0	10	0	0	1
LEVEL ONE JANITOR	R-2 ACCESSORY	300	0	0.0	10	0	0	1
LEVEL ONE TRASH	R-2 INCIDENTAL USE	200	0	0.0	10	0	0	1
LEVEL ONE EGRESS COMPONENTS	R-2 ACCESSORY	200	0	-	-	-	-	-
TOTAL			20,085	101.0				
LEVEL TWO RESIDENTIAL	R-2	200	21,694	108.0	10	22	17	2
LEVEL TWO JANITOR	R-2 ACCESSORY	300	0	0.0	10	0	0	1
LEVEL TWO MECHANICAL	R-2 ACCESSORY	300	0	0.0	10	0	0	1
LEVEL TWO TRASH	R-2 INCIDENTAL USE	200	0	0.0	10	0	0	1
LEVEL TWO EGRESS COMPONENTS	R-2 ACCESSORY	200	0	-	-	-	-	-
TOTAL			21,694	108.0				
LEVEL THREE RESIDENTIAL	R-2	200	21,694	108.0	10	22	17	2
LEVEL THREE MECHANICAL	R-2 ACCESSORY	300	0	0.0	10	0	0	1
LEVEL THREE LAUNDRY	R-2 INCIDENTAL USE	200	0	0.0	10	0	0	1
LEVEL THREE TRASH	R-2 INCIDENTAL USE	200	0	0.0	10	0	0	1
LEVEL THREE EGRESS COMPONENTS	R-2 ACCESSORY	200	0	-	-	-	-	-
TOTAL			21,694	108.0				
LEVEL FOUR RESIDENTIAL	R-2	200	21,694	108.0	10	22	17	2
LEVEL FOUR JANITOR	R-2 ACCESSORY	300	0	0.0	10	0	0	1
LEVEL FOUR MECHANICAL	R-2 ACCESSORY	300	0	0.0	10	0	0	1
LEVEL FOUR TRASH	R-2 INCIDENTAL USE	200	0	0.0	10	0	0	1
LEVEL FOUR EGRESS COMPONENTS	R-2 ACCESSORY	200	0	-	-	-	-	-
TOTAL			21,694	108.0				
LEVEL FIVE RESIDENTIAL	R-2	200	19,717	99.0	10	20	15	2
LEVEL FIVE MECHANICAL	R-2 ACCESSORY	300	0	0.0	10	0	0	1
LEVEL FIVE LAUNDRY	R-2 INCIDENTAL USE	200	0	0.0	10	0	0	1
LEVEL FIVE TRASH	R-2 INCIDENTAL USE	200	0	0.0	10	0	0	1
LEVEL FIVE EGRESS COMPONENTS	R-2 ACCESSORY	200	0	-	-	-	-	-
TOTAL			19,717	99.0				

TOTAL BUILDING (GROSS) AREA (PER CBC 1002) = 134,888

OPENING PROTECTIONS

BUILDING ELEVATION	LABELED IN DIAGRAM	DISTANCE FROM PROPERTY LINE	MAX. ALLOWABLE AREA OF EXT. WALL OPENINGS Unprotected	Protected	ELEVATION AREA	AREA OF EXTERIOR WALL OPENINGS	OPENING AS % OF EXTERIOR WALL
PARCEL D							
WEST	-	33' TO CL STREET	45%	no limit	- sqft	- sqft	-
NORTH	-	20' TO PL	25%	75%	- sqft	- sqft	-
EAST	-	10'	10%	25%	- sqft	- sqft	-
SOUTH	-	10'	10%	25%	- sqft	- sqft	-
TYPICAL COURTYARD	-	11'	25%	75%	- sqft	- sqft	-

Per CBC 704.8.1 [illegible] 903.3.1.1 [illegible]

ALLOWABLE AREA

OCCUPANCY GROUP TYPE		BASIC ALLOWABLE AREA (CBC Table 503 TYPE IIIA)	FRONTAGE INCREASE - ALLOW AREA (CBC 506.2)	SPRINKLER SYST. - ALLOW AREA (CBC 506.3)	TOTAL AREA MODIFICATION (CBC 506.1.1, CBC 506.4)
R-2	IIIA	24,000 sf	If = (607/1006-0.25) x (27.78/30) = 0.2357		Aa = (24,000 + (24,000 x 0.2357) + (0)) = [illegible] sf/story
TOTAL R2					TOTAL AREA MODIFICATION (29,658)3 = 58,316 SF PER BLDG
S-2	IA	CONSIDERED A BASEMENT & NOT INCLUDED IN TOTAL ALLOWABLE AREA (CBC 506.1.1)			UNLIMITED

ALLOWABLE STORIES

BUILDING / ZONE DESIGNATION	OCCUPANCY GROUP	BASIC ALLOW STORIES (CBC Table 503)	SPRINKLERED ALLOWABLE STORIES (CBC Table 503, 504.2)	MAX. HEIGHT (CBC Table 503, 504.2)	PROVIDED STORIES	ACTUAL HEIGHT
RESIDENTIAL	R-2 (TYPE IIIA)	4 STORIES	5 STORIES	85	5 PLUS BASEMENT	55' + MECHANICAL

FIRE SPRINKLER REQUIREMENTS

SPRINKLER SYSTEM NOTES ARE FOR REFERENCE ONLY. SPRINKLER SYSTEM SHALL BE DESIGN / BUILD AND DRAWINGS SHALL BE SUBMITTED BY SPRINKLER SUBCONTRACTOR UNDER SEPARATE PERMIT.

APPROVED AUTOMATIC SPRINKLER SYSTEM REQUIRED THROUGHOUT PER NFPA 13 REQUIREMENTS.

OTHER CODE PROVISIONS

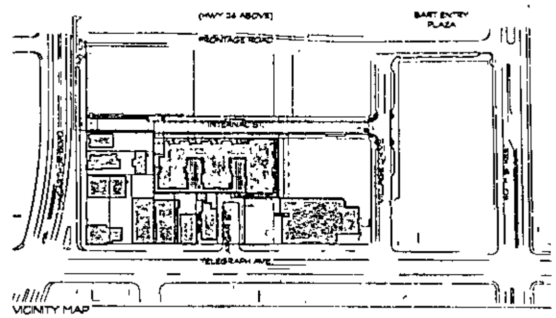
AT LEAST 1 STAIRWAY SHALL EXTEND TO ROOF EXCEPT WHERE ROOF SLOPE EXCEEDS 4:12 (CBC 1009.11)

WINDOWS IN HABITABLE ROOMS SHALL HAVE A MINIMUM NET GLAZED AREA OF 8% OF THE FLOOR AREA. (CBC 1205.2) THE MINIMUM OPENABLE AREA TO BE 4% OF THE FLOOR AREA. (CBC 1203.4.1)

FIRE EXTINGUISHERS SHALL BE MOUNTED IN COMMON AREAS, CORRIDORS, PATH OF EXIT TRAVEL AT OR LESS THAN 75' FROM ANY LOCATION OR 1 FIRE EXTINGUISHER EVERY 3,000 SF, WHICHEVER RESULTS IN A HIGHER COUNT. SEE PLANS FOR LOCATIONS.

UNIT ENTRY DOORS NOT LOCATED ALONG AN ACCESSIBLE PATH OF TRAVEL, DOES NOT SWING OUT OVER THE STEP AND IS NOT REQUIRED AS A MEANS OF EGRESS, MAY HAVE A VERTICAL STEP AT THE DOOR THRESHOLD UP TO 7.75" (CBC 1008.1.6 EXCEPTION)

AREA OF REFUGE 1 SPACE PER AREA IS ALLOWED IF OCCUPANT LOAD IS LESS THAN 200 ON FLOOR BEING SERVED PER ENFORCING AGENCY APPROVAL. (CBC 1007.6.1)



VICINITY MAP

PROJECT DATA

SITE AREA

34,107.24	SF
0.78	ACRE

UNIT COUNT

2	STUDIO
22	1 BEDROOM
29	2 BEDROOM
37	3 BEDROOM
90	TOTAL

DENSITY 115 DU/ACRE

BUILDING AREA

RESIDENTIAL	104,978	SF
GARAGE	29,910	SF
	134,888	SF

PLANNING DATA

TITLE 17 - OAKLAND PLANNING CODE	CHAPTER 17.28 - R-70 HIGH DENSITY RESIDENTIAL ZONE REGULATIONS
	CHAPTER 17.97 - S-15 TRANSIT ORIENTED DEVELOPMENT ZONE REGULATIONS
PRIMARY ZONING DESIGNATION	S-15 TOD ZONE

USABLE OPEN SPACE

REQUIRED	75 SF per unit	PER Title 17 sec 17.97.110 (ORDINANCE NO. 12883 C.M.S.)
TOTAL	6,750 SF	
PROVIDED	2,998.6 SF	PRIVATE USABLE OPEN SPACE (BALCONIES)
	253.0 SF	PUBLIC GROUND-FLOOR PLAZA
	5,745.9 SF	COURTYARDS
TOTAL	8,998.5 SF	

PARKING

REQUIRED	0.5 spaces per unit	PER Title 17 sec 17.116.060
TOTAL	45 spaces	
PROVIDED	90 spaces	1:1 RATIO WITH ALTERNATIVE BAY SIZES

BIKE PARKING

REQUIRED	1 space per 4 units	LONG TERM
	1 space per 20 units	SHORT TERM
TOTAL (PROVIDED)	23 spaces	LONG TERM
	5 spaces	SHORT TERM

S-15 TOD Zone: Primary zoning designation.

S-15 Open Space: 75 SF per unit. [illegible]

S-15 17.97.160 0' Minimum Rear Yard 10' Minimum

S-15 17.97.150 Maximum heights (Assume CDA permits 45-70 Max)

* DRAWING INCLUDED
- DRAWING NOT INCLUDED

		PLANNING DEPARTMENT (PDP)	PLANNING RESUBMITTAL (FDP)
GENERAL			
A0.00	COVER SHEET / PERSPECTIVE	*	*
A0.01	COVER SHEET / PERSPECTIVE	-	*
A0.10	DRAWING INDEX / PROJECT DIRECTORY/PROJECT DATA / CODE ANALYSIS	*	*
A0.30	EXISTING SITE PHOTOS	*	*
A0.40	MASTERPLAN COMPLIANCE DIAGRAMS	*	*
CIVIL			
C0.1	TOPOGRAPHIC AND TREE SURVEY	*	*
C1.01	GRADING AND DRAINAGE PLAN	*	*
C4.01	UTILITY PLAN	*	*
ARCHITECTURAL			
SITE PLANS, SECTIONS & DETAILS			
A1.10	SITE PLAN	*	*
BUILDING PLANS, SECTIONS & ELEVATIONS			
A3.10	GARAGE LEVEL - FLOOR PLAN	*	*
A3.11	LEVEL 1 - FLOOR PLAN	*	*
A3.12	LEVEL 2 - FLOOR PLAN	*	*
A3.13	LEVEL 3 - FLOOR PLAN	*	*
A3.14	LEVEL 4 - FLOOR PLAN	*	*
A3.15	LEVEL 5 - FLOOR PLAN	*	*
A3.16	BLDG 1 - ROOF PLAN	*	*
A5.10	SECTION / ELEVATIONS/ MATERIALS KEY	*	*
A5.11	SECTION / ELEVATIONS	*	*
A5.12	PERSPECTIVE VIGNETTES	*	*
LANDSCAPE			
L1.01	MATERIALS PLAN	*	*
L1.02	PLANTING PLAN	*	*

VAN METER WILLIAMS POLLACK LLP

☐ CIVIL ENGINEER
BKF [illegible]

☐ STRUCTURAL ENGINEER

☐ ELECTRICAL ENGINEER

☐ MECHANICAL ENGINEER

☐ LANDSCAPE ARCHITECT
PGA Design [illegible]

DATE	REVISIONS
2/02/10	FDP REVISION #1

Project
MacArthur Transit Village - Block D
Oakland, CA, 94609

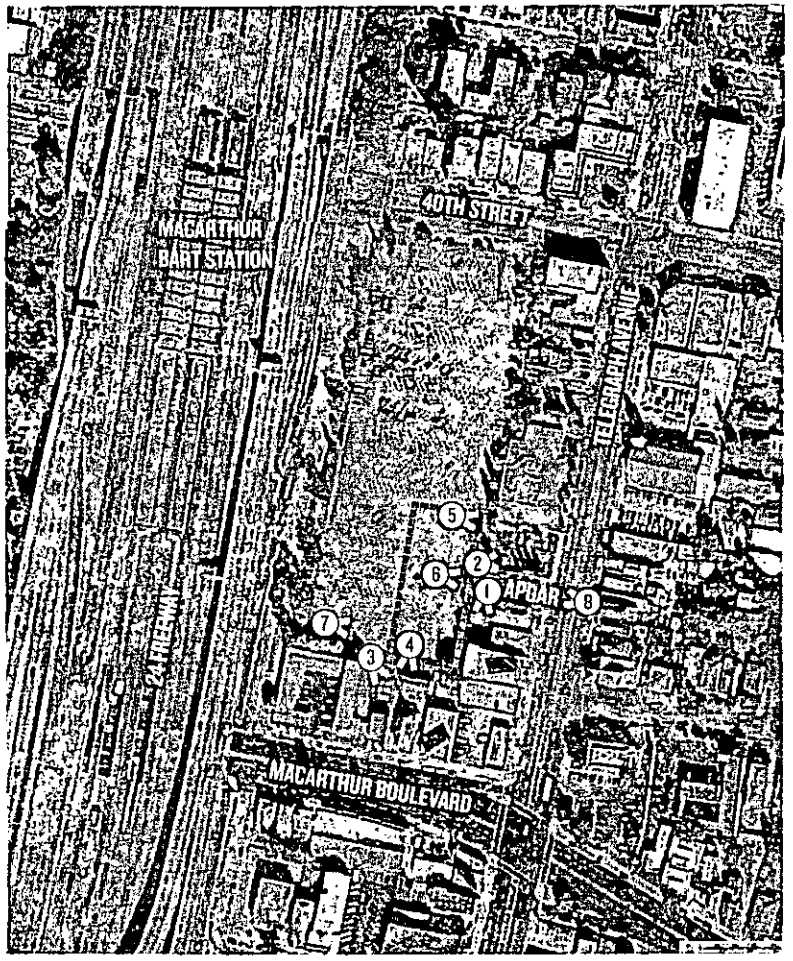
Client
BRIDGE Housing
345 Spear Street, Suite 700
San Francisco, CA 94105

Drawing Index/ Project Directory/ Project Data/ Code Analysis

Job: [illegible]
Scale: AS NOTED
Date: 12/15/09

A0.10

Final Development Plan



Aerial Site Map and Context

1. 3833 Telegraph (rear)

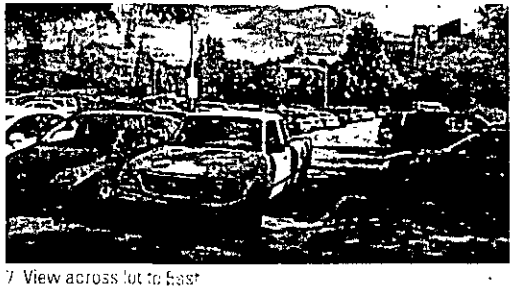
4. 514 West Macarthur Blvd

5. Trees at property line

2. 3875 Telegraph Ave. (parking)

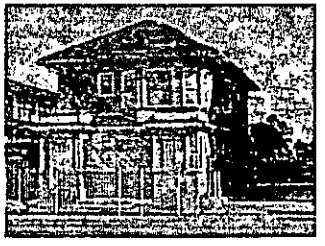
6. View down Apgar to Telegraph

3. Buildings to the South

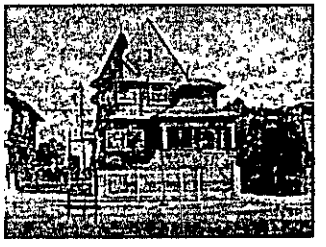


7. View across lot to East

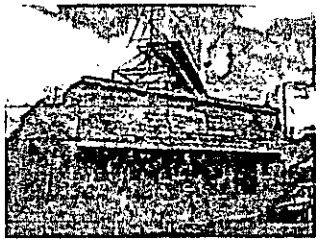
8. 3833-3875 Telegraph Ave.



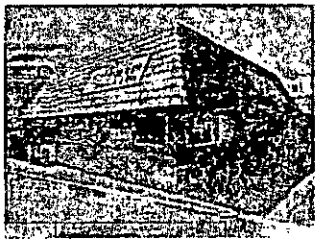
518 West Macarthur Blvd



514 West Macarthur Blvd.



510 West Macarthur Blvd.



3875 Telegraph Ave.

VAN METER WILLIAMS POLLACK LLP

CIVIL ENGINEER
BASELINE

STRUCTURAL ENGINEER

ELECTRICAL ENGINEER

MECHANICAL ENGINEER

LANDSCAPE ARCHITECT
PGA Design

DATE | REVISIONS

Project:
MacArthur Transit Village - Block D

Oakland, CA. 94609

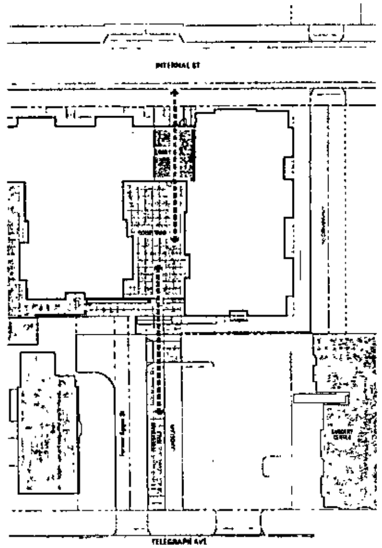
Client:
BRIDGE Housing

Existing Site Photos

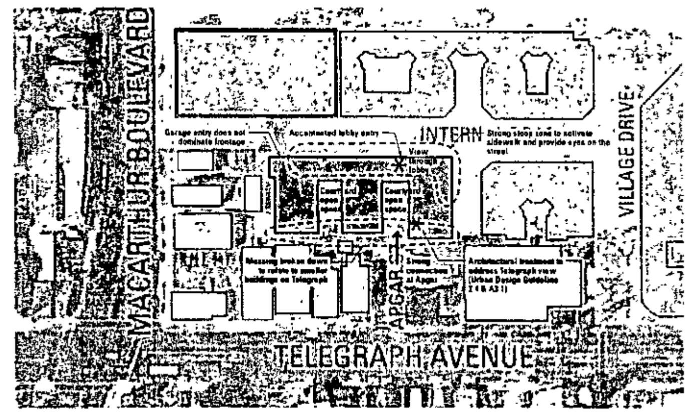
Job #: 804
Scale: AS NOTED
Date: 02/19/10

A0.30

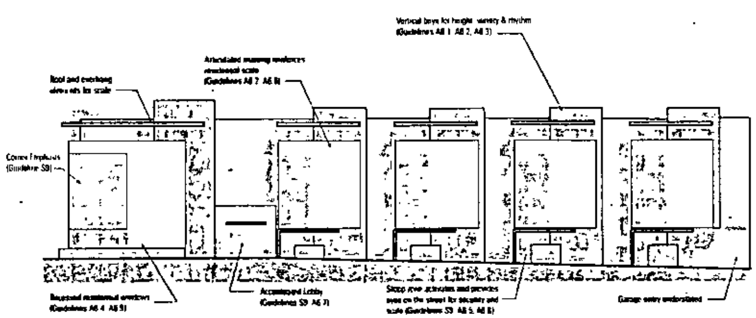
Final Development Plan



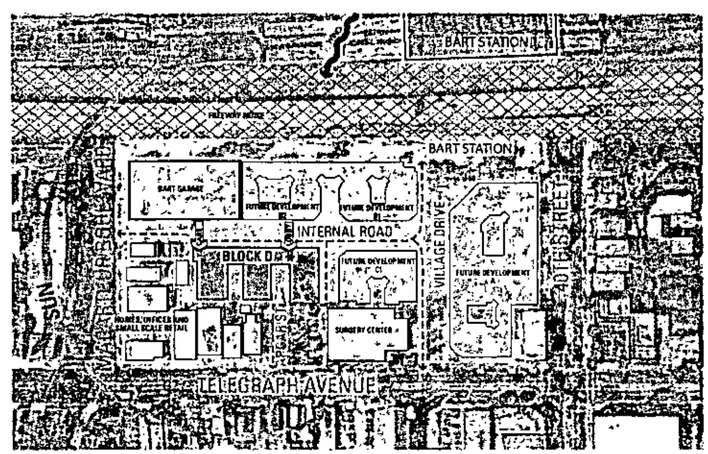
ALIGNMENT DIAGRAM (4/A0.40)



SITE DIAGRAM (2/A0.40)



DESIGN GUIDELINE COMPLIANCE - INTERNAL DRIVE (3/A0.40)



VICINITY DIAGRAM (1/A0.40)

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☐ CIVIL ENGINEER

☐ STRUCTURAL ENGINEER

☐ ELECTRICAL ENGINEER

☐ MECHANICAL ENGINEER

☐ LANDSCAPE ARCHITECT

DATE	REVISIONS
2/07/11	FDP REVISION #1
3/28/11	FDP REVISION #2

Project:

MacArthur Transit Village - Block D

Oakland, CA, 94609

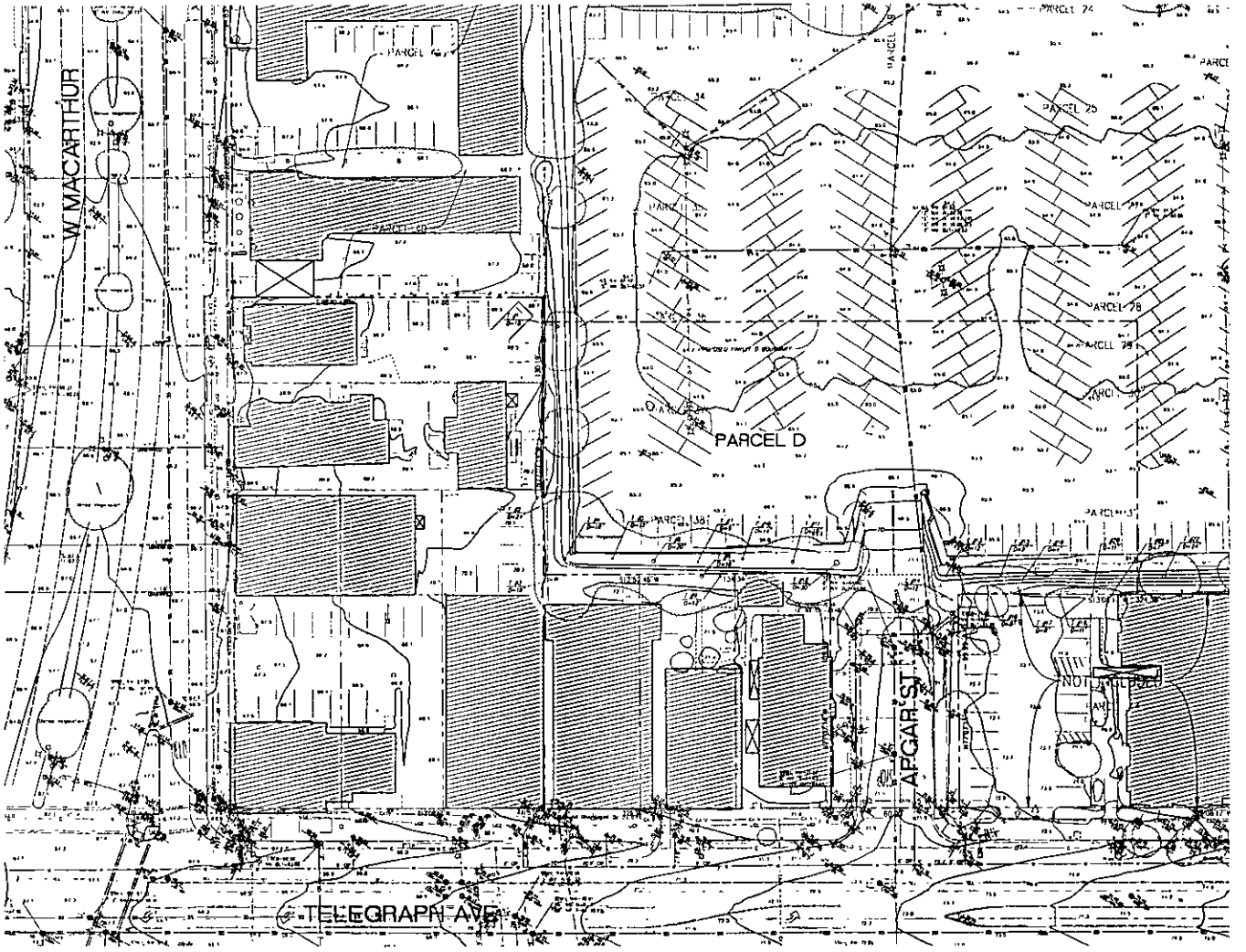
Client:

BRIDGE Housing

Master Plan Compliance Diagrams

A0.40

Final Development Plan



TOPOGRAPHIC & TREE SURVEY

1"=20'

TOPOGRAPHIC SURVEY

EXISTING BOUNDARY

VAN METER WILLIAMS POLLACK LLP

[ ] CIVIL ENGINEER
SANDIS

[ ] STRUCTURAL ENGINEER

[ ] ELECTRICAL ENGINEER

[ ] MECHANICAL ENGINEER

[ ] LANDSCAPE ARCHITECT
PGA Design

DATE | REVISIONS

Project:
MacArthur Transit Village - Block D

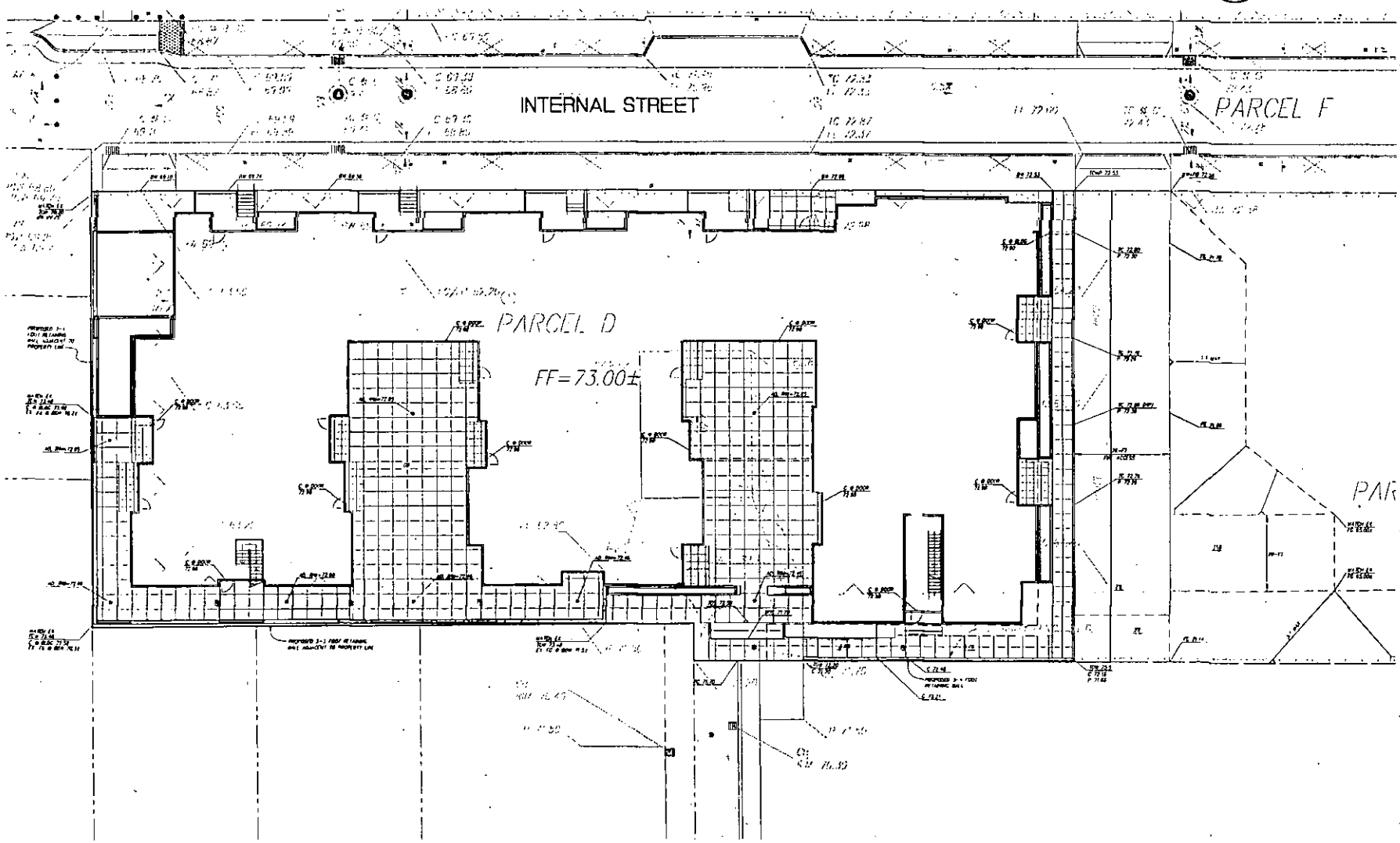
Oakland, CA, 94609

Client:
BRIDGE Housing

TOPOGRAPHIC & TREE SURVEY

Date: 12/15/10
Final Development Plan

C0.11



GRADING & DRAINAGE PLAN

1"=20'

COORDINATION NOTES

GENERAL NOTES

POST CONSTRUCTION STORM WATER MANAGEMENT NOTES

VAN METER WILLIAMS POLLACK LLP

CIVIL ENGINEER
SANDIS
1721 Broadway, Suite 201
Oakland, Ca 94612
510 873 8866

STRUCTURAL ENGINEER
MURPHY BURR CURRY
85 Second Street, Suite 301
San Francisco, Ca 94105
415 546 0411

ELECTRICAL ENGINEER
F.W. Associates, Inc.
300 Franklin Street, Suite 100
Oakland, Ca 94607
510 763 7575

MECHANICAL ENGINEER
MK2 Engineering, Inc.
1478 Second Street
Napa, Ca 94559
707 257 1918

LANDSCAPE ARCHITECT
PGA Design
464 19th Street
Oakland, Ca 94612
510 465 1184

DATE	REVISIONS
2/07/11	FDP REVISION #1
5/16/11	FDP REVISION #2

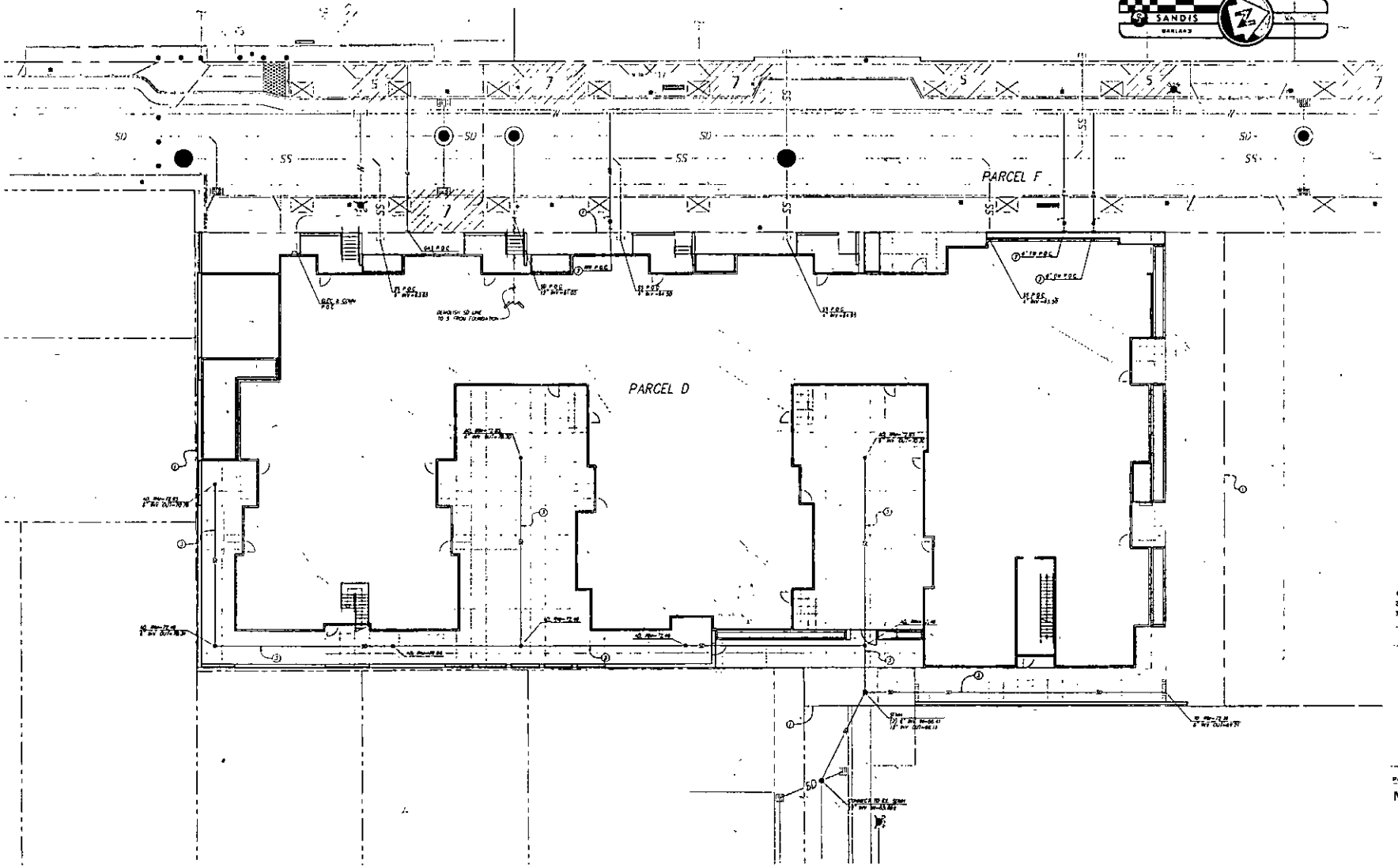
Project:
MacArthur Transit Village - Block D

Oakland, CA, 94609

Client:
BRIDGE Housing
345 Spear Street, Suite 700
San Francisco, CA 94105

GRADING & DRAINAGE PLAN

Job: 1014
Scale: 1"=20'
Date: 12/15/10
C3.01
Final Development Plan



SHEET NOTES

1. [illegible]
2. [illegible]
3. [illegible]

GENERAL NOTES

1. [illegible]

C5.01 UTILITY PLAN AND PROFILE

1"=20'

VAN METER WILLIAMS POLLACK LLP

CIVIL ENGINEER
SANDIS
1731 Broadway, Suite 300
Oakland, CA 94612
510.873.8866

[ ] STRUCTURAL ENGINEER
MURPHY BURR CURRY
[illegible]

[ ] ELECTRICAL ENGINEER
F.W. Associates, Inc.
[illegible]

[ ] MECHANICAL ENGINEER
MK2 Engineering, Inc.
[illegible]

[ ] LANDSCAPE ARCHITECT
PGA Design
[illegible]

DATE	REVISIONS
2/07/11	FDP REVISION #1
5/16/11	FDP REVISION #2

Project:
MacArthur Transit Village - Block D

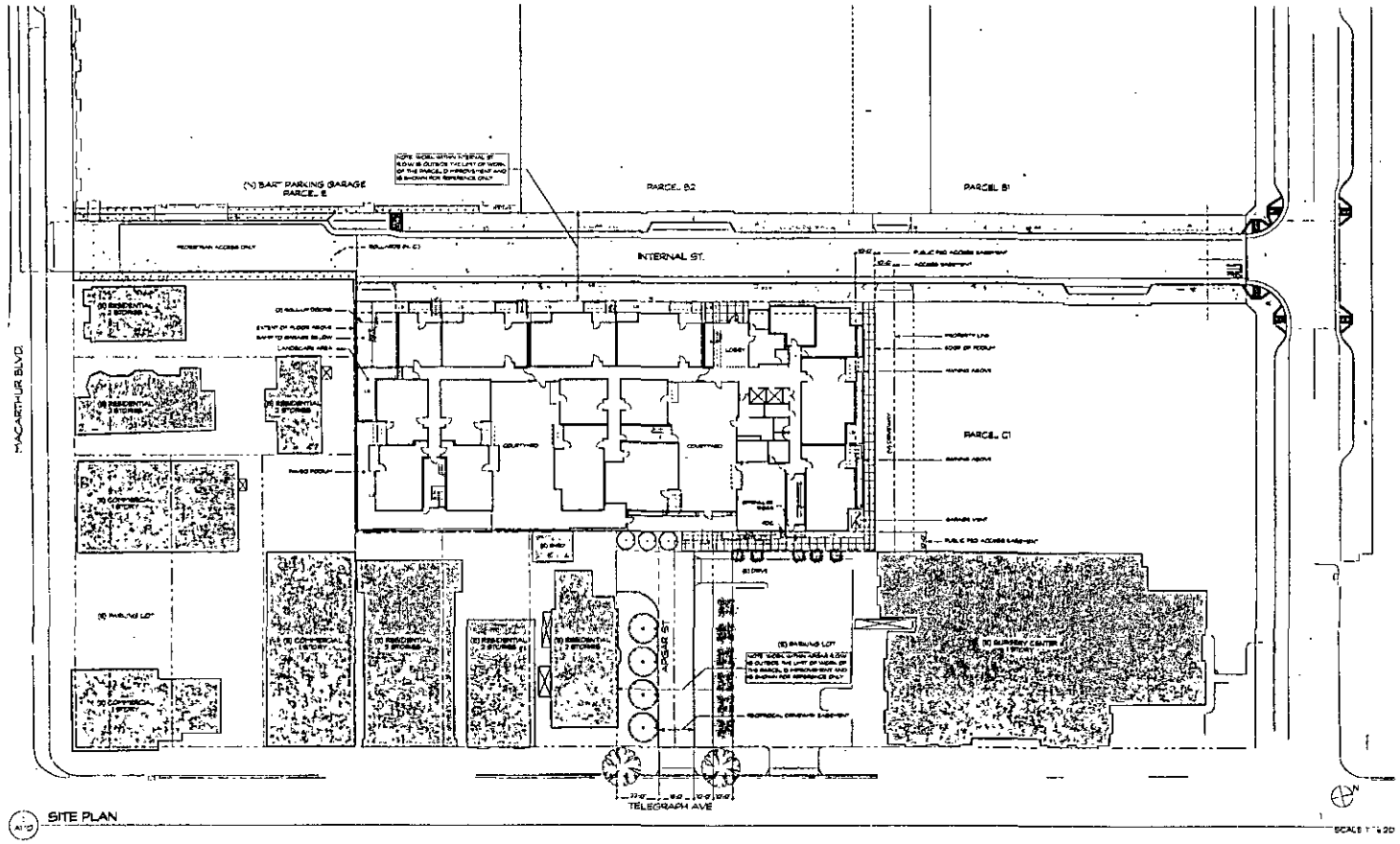
Oakland, CA, 94609

Client:
BRIDGE Housing
345 Spear Street, Suite 700
San Francisco, CA 94105

UTILITY PLAN

Job#: 1014
Scale: 1"=20'
Date: 12/15/10
Final Development Plan

C4.01



SITE PLAN

SCALE 1" = 20'

VAN METER WILLIAMS POLLACK LLP

MacArthur Transit Village - Block B

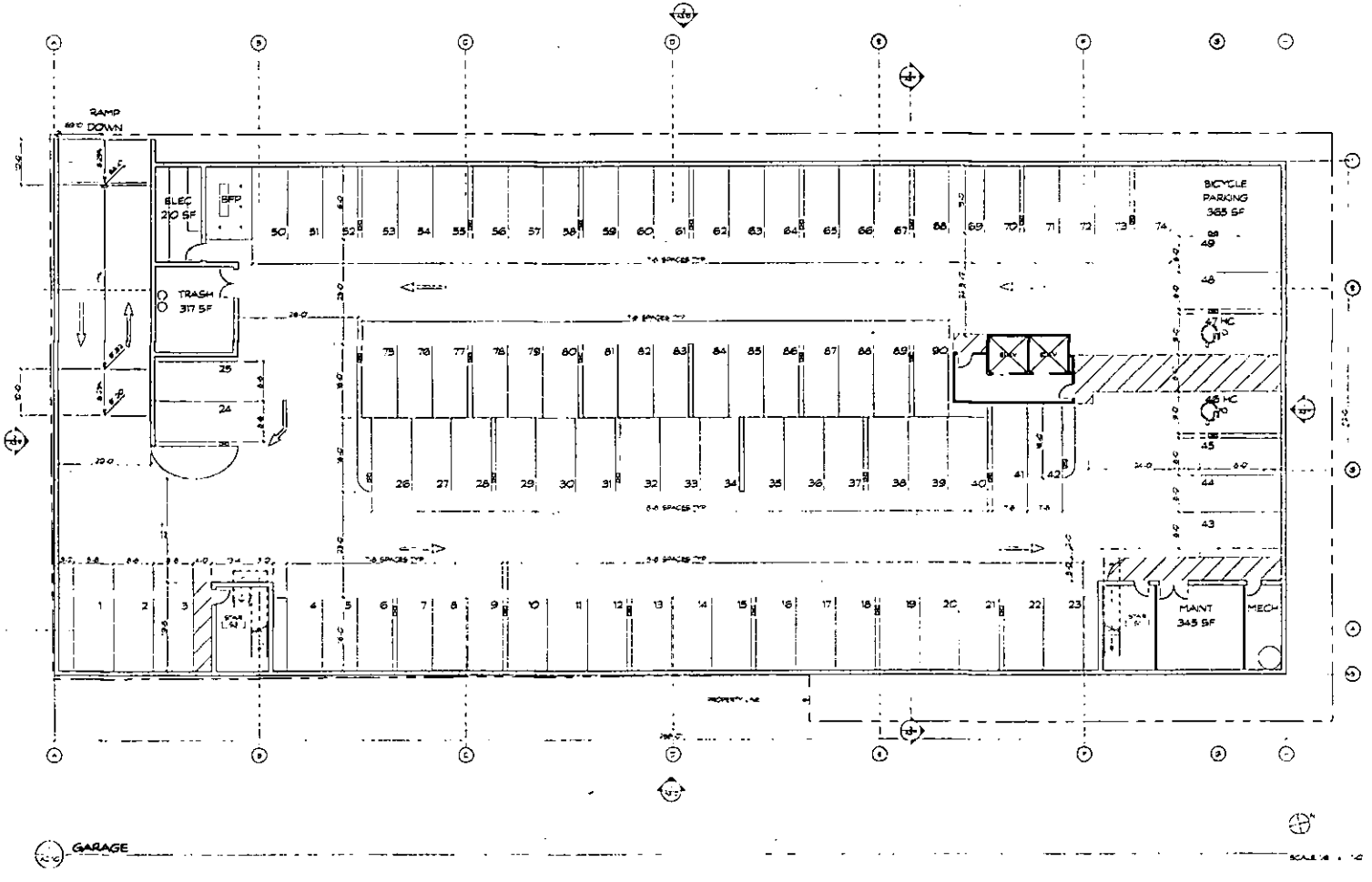
Oakland, CA, 94609

BRIDGE Housing

Site Plan

A1.10

Final Development Plan



VAN METER
WILLIAMS
POLLACK LLP

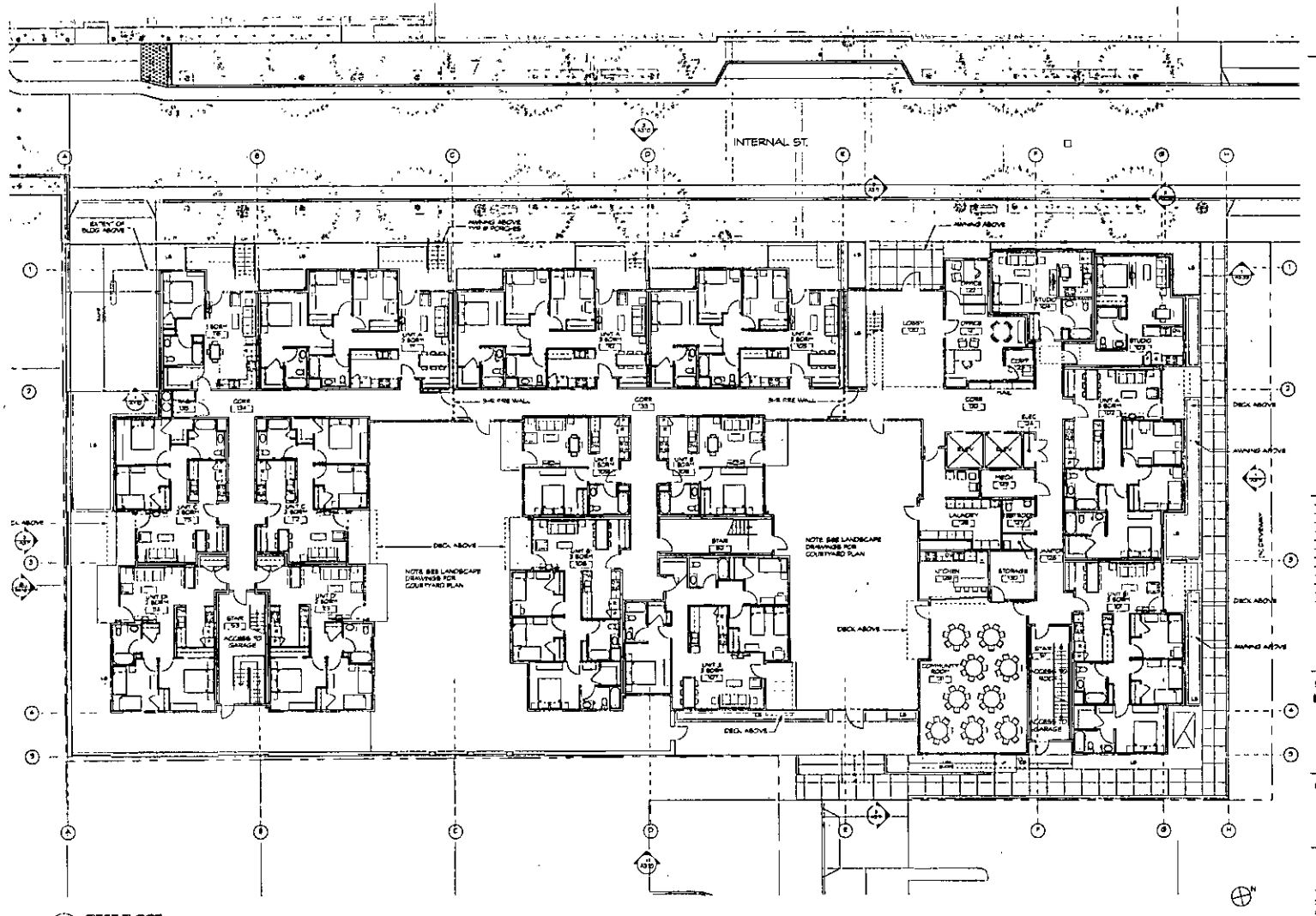
MacArthur Transit Village - Block D

Oakland, CA 94609

BRIDGE Housing

Garage Level - Floor Plan

A2.10



FIRST FLOOR

SCALE: 1/8" = 1'-0"

VAN METER WILLIAMS POLLACK LLP

Project:
MacArthur Transit Village - Block D

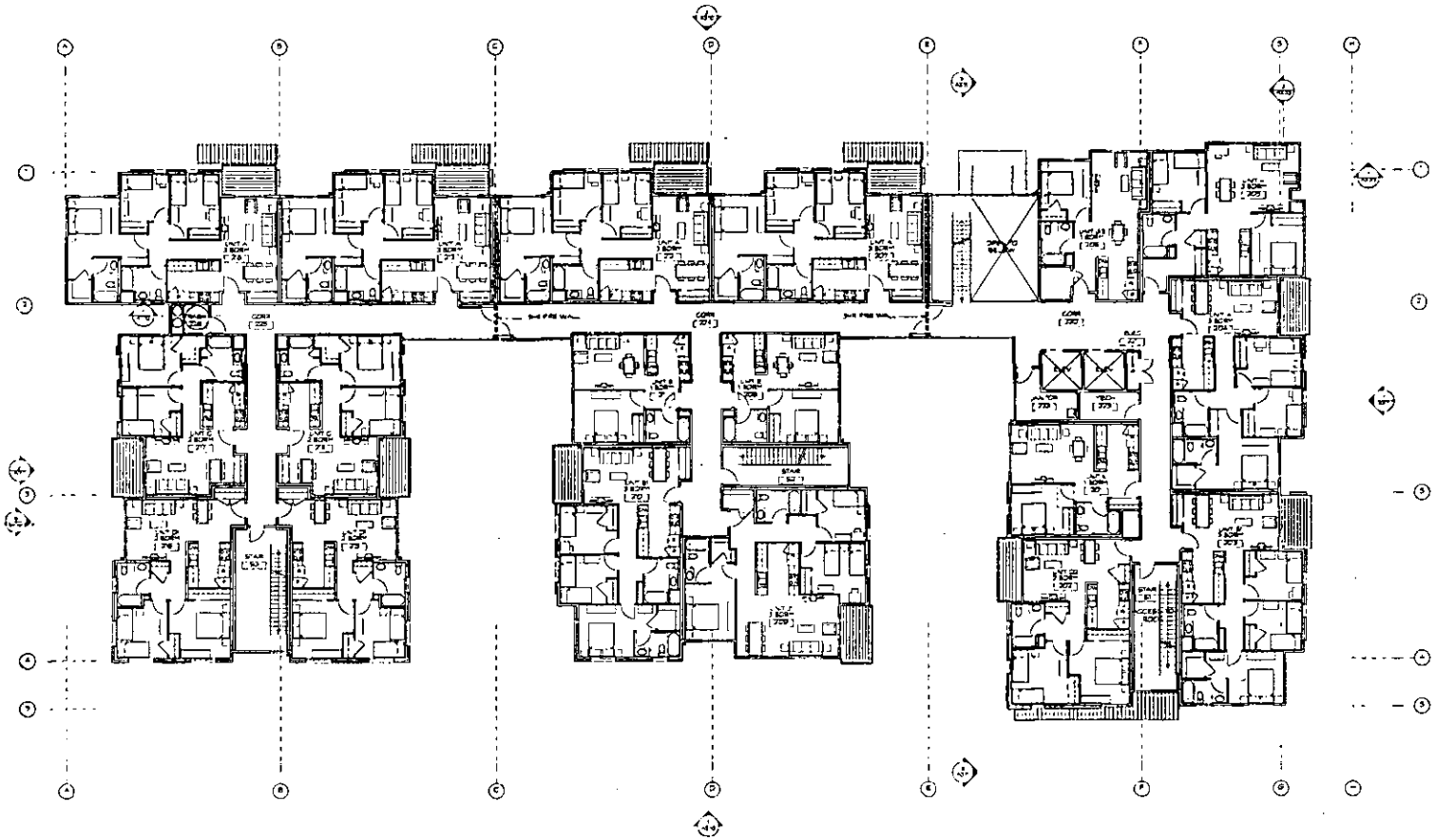
Oakland, CA, 94609

Client:
BRIDGE Housing

Level 1 - Floor Plan

A2.11

Final Development Plan



SECOND FLOOR

VAN METER WILLIAMS POLLACK LLP

MacArthur Transit Village - Block O

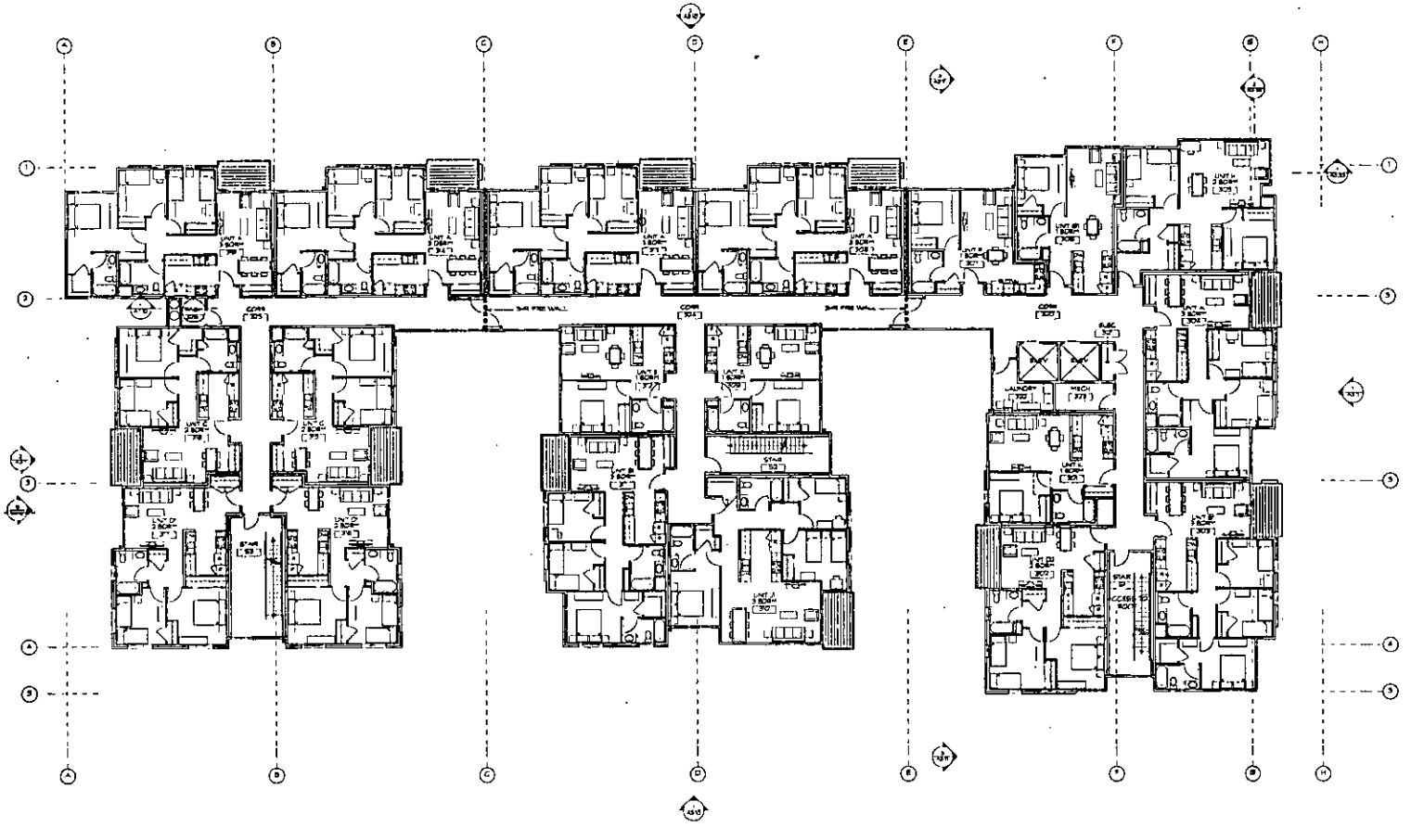
Oakland, CA 94608

BRIDGE Housing

Level 2 - Floor Plan

A2.12

Final Development Plan



THIRD FLOOR

SCALE: 1/8" = 1'-0"

VAN METER WILLIAMS POLLACK LLP

MacArthur Transit Village - Block D

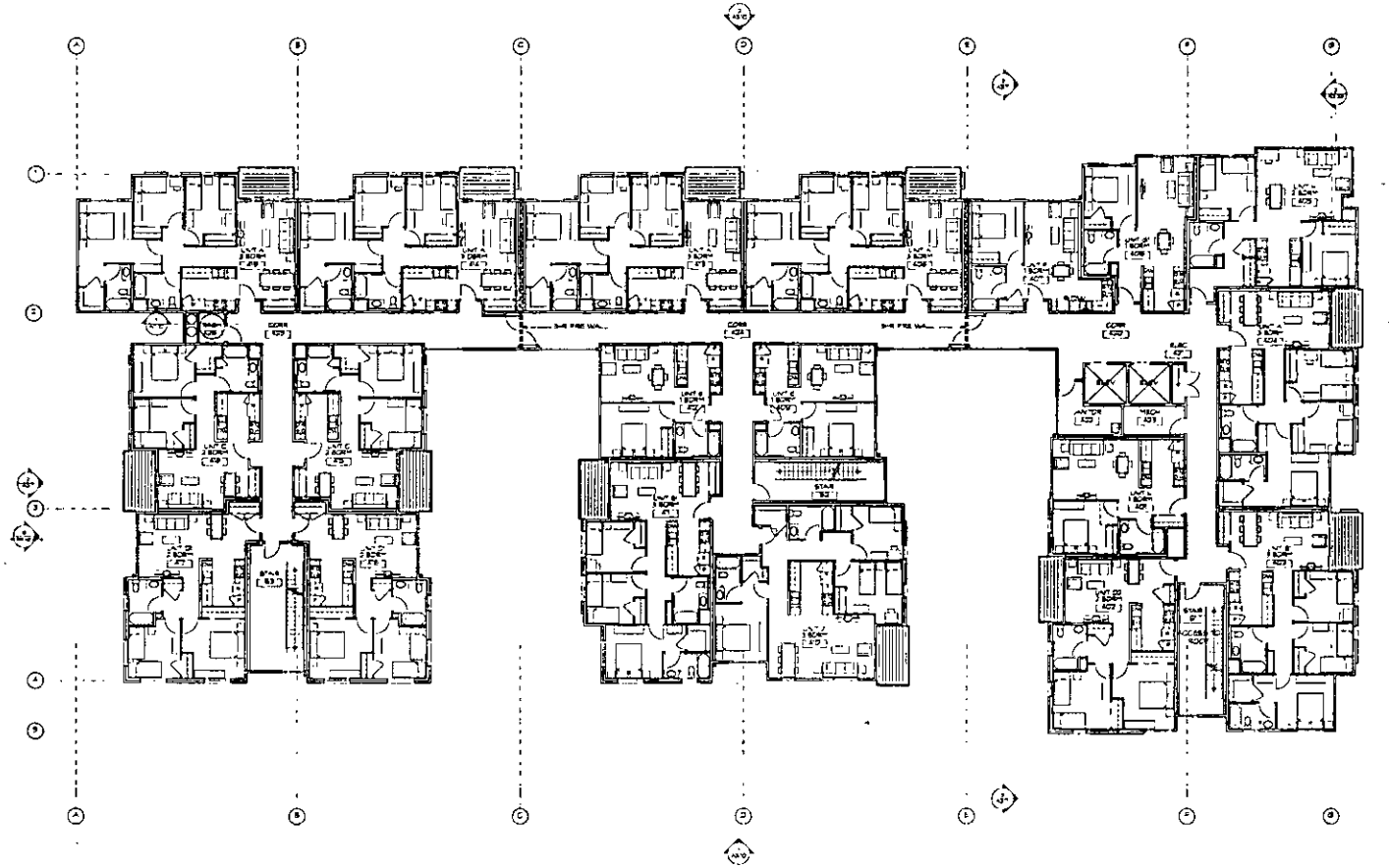
Oakland, CA, 94609

BRIDGE Housing

Level 3 - Floor Plan

A2.13

Final Development Plan



FOURTH FLOOR

SCALE: 1/8" = 1'-0"

VAN METER WILLIAMS POLLACK LLP

MacArthur Transit Village - Block D

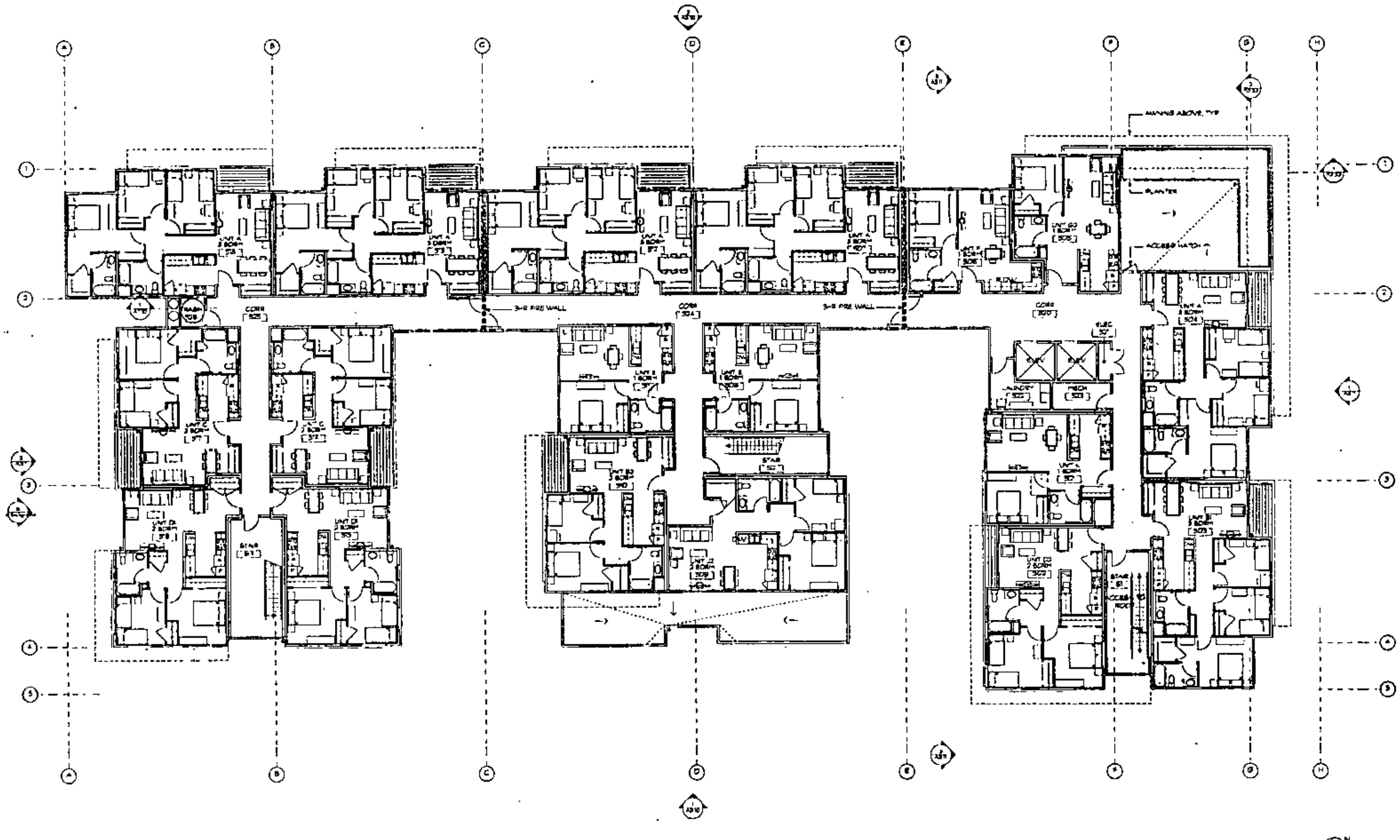
Oakland, CA. 94608

BRIDGE Housing

Level 4 - Floor Plan

A2.14

Final Development Plan



FIFTH FLOOR

VAN METER
WILLIAMS
POLLACK LLP

MacArthur Transit Village - Block D

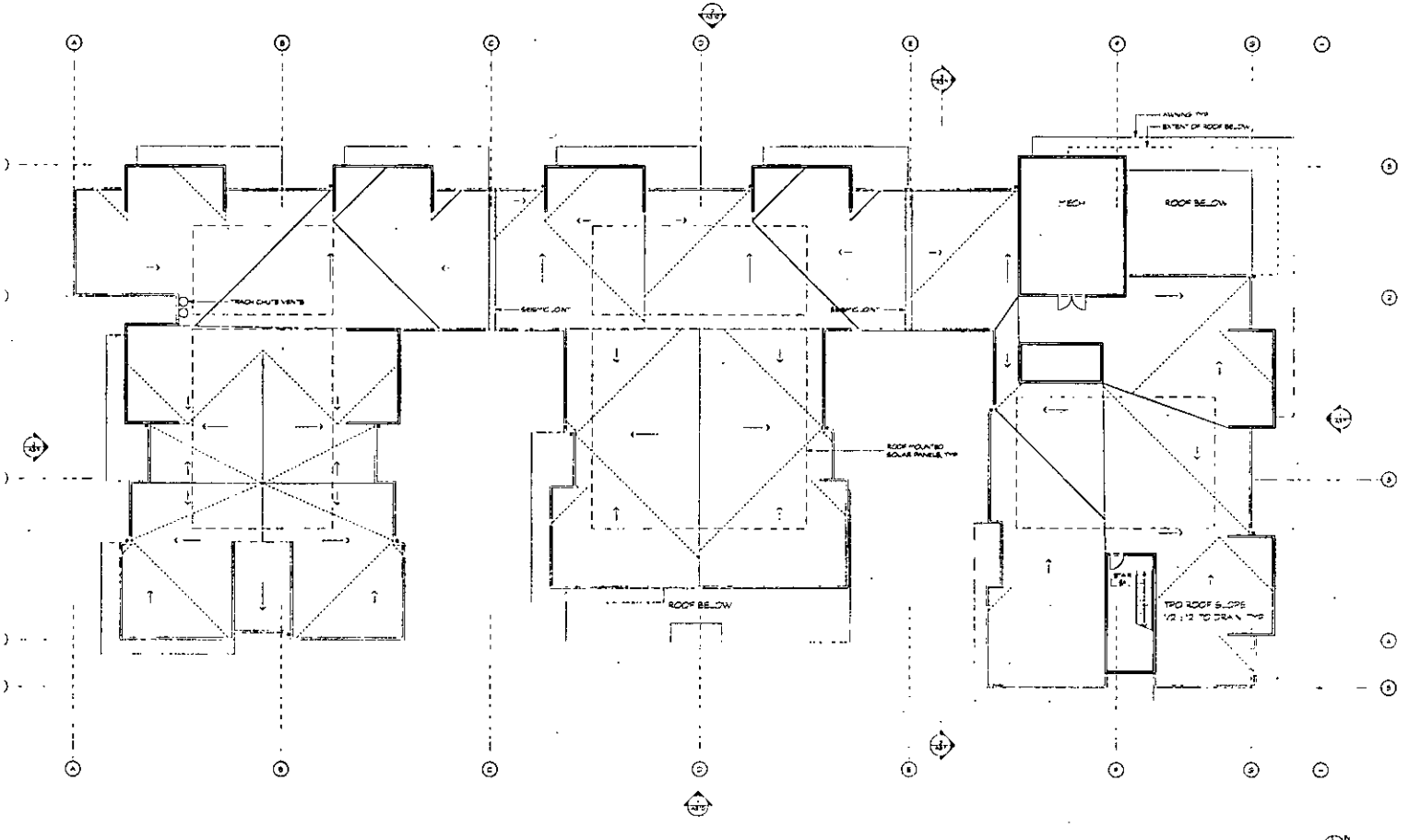
Oakland, CA

BRIDGE Housing

Level 5 - Floor Plan

A2.15

Final Development Plan



1 ROOF

VAN METER WILLIAMS POLLACK LLP

MacArthur Transit Village - Block D

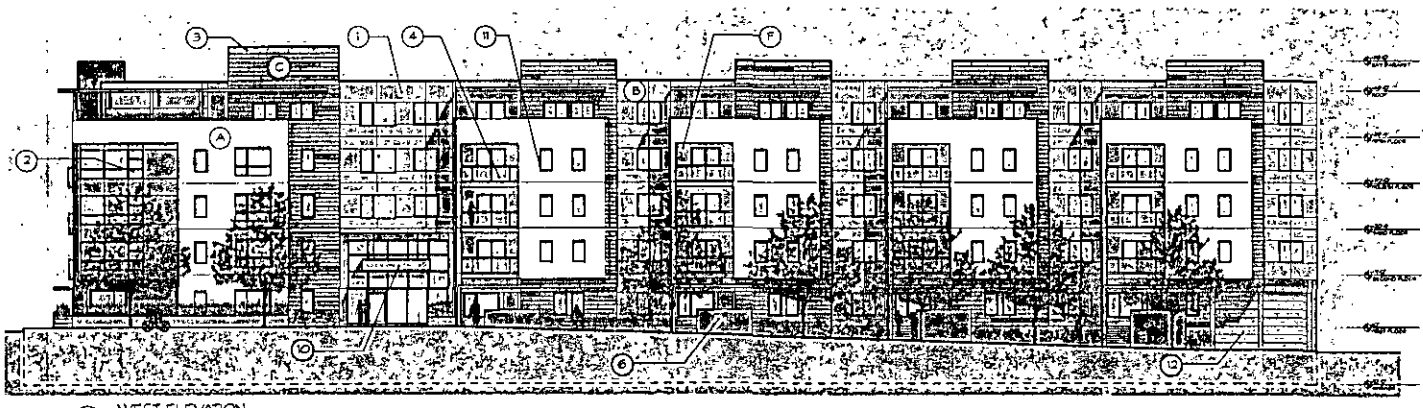
Oakland, CA, 94609

BRIDGE Housing

Roof Plan

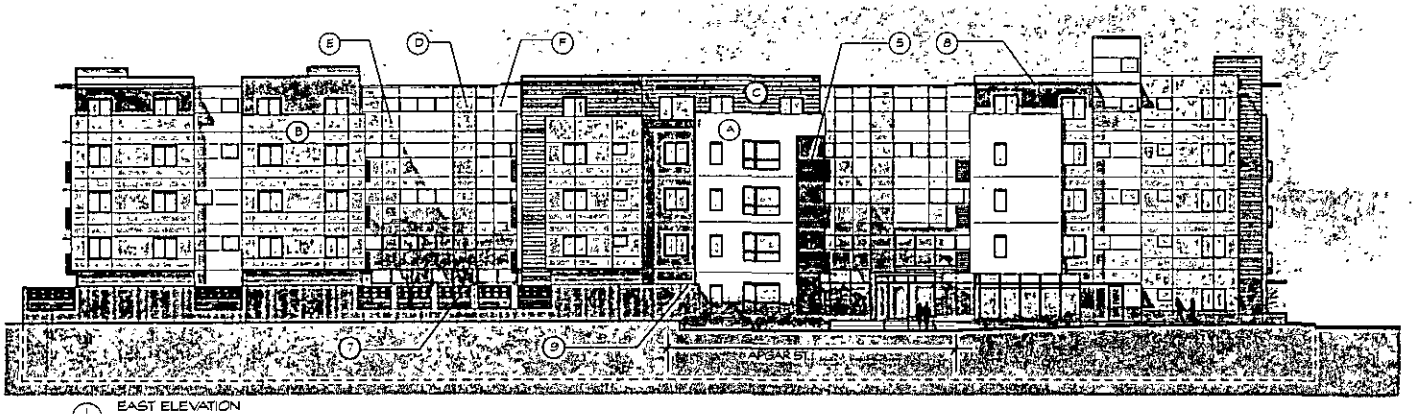
A2.16

Final Development Plan



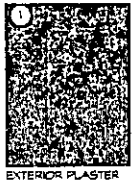
WEST ELEVATION

SCALE: 1/8" = 1'-0"

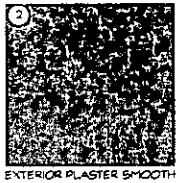


EAST ELEVATION

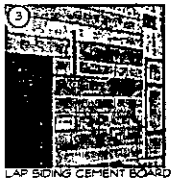
SCALE: 1/8" = 1'-0"



EXTERIOR PLASTER
LIGHT SAND FINISH



EXTERIOR PLASTER SMOOTH
STEEL TROWEL TYP



LAP SIDING CEMENT BOARD
VARIEGATED COLORS

STEEL RAILING WITH STEEL
PANEL SYSTEM

STEEL RAILING WITH
WOOD PANEL SYSTEM

CONCRETE WITH FORM
LINER TEXTURE PAINTED

STEEL AND WOOD
FENCING AND GATES

8. STEEL AWNING SYSTEM
9. STEEL TRELLIS SYSTEM
10. STEEL AND GLASS ENTRY CANOPY
11. ALUMINUM WINDOW
12. SECTIONAL ALUMINUM GARAGE DOOR
13. ELEVATOR OVERIDE
14. MECHANICAL PENTHOUSE

VAN METER
WILLIAMS
POLLACK LLP

Project
MacArthur Transit Village -
Block D

Oakland, CA 94609

Client
BRIDGE Housing

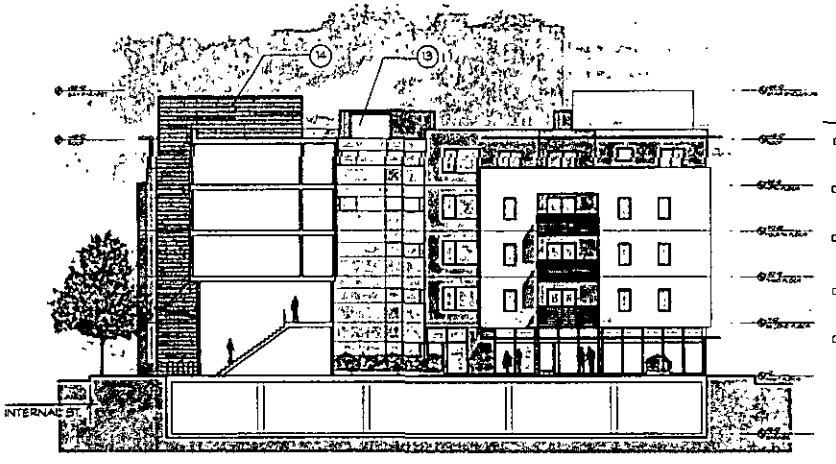
Sections/ Elevations/
Materials Key

A3.10

COLOR PALETTE

A. PANEL COLOR - ICI PAINTS # AC096- DEL MAR SHORES (OFF WHITE)
B. BAY COLOR - ICI PAINTS # A1833- FOREST BLACK (DARK GREY)
C. BASE COLOR - ICI PAINTS # A131- OLD MONTEREY (LIGHT GREY)
D. ACCENT - ICI PAINTS # AC497- SPANISH HOLLOW (ORANGE RED)
E. ACCENT - ICI PAINTS # AC661- CITRUS SUNBURST (LIME GREEN)
F. ACCENT - ICI PAINTS # AC830- CHEERS (YELLOW)

SEE SHEET A3.10 FOR ADDRESS KEYNOTES

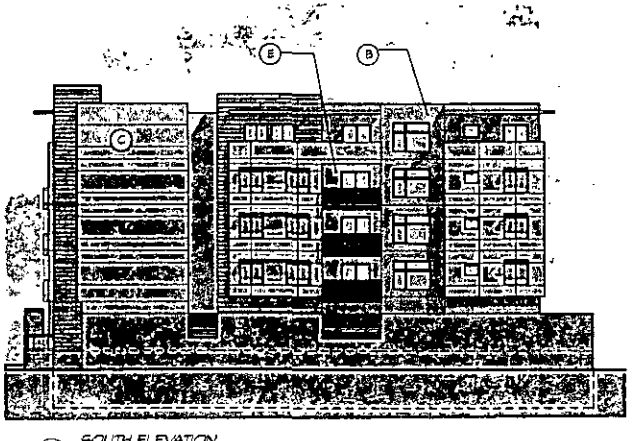


1 A3.11 SECTION THROUGH LOBBY & COURTYARD

SCALE: 1/8" = 1'-0"

1 A3.11 NORTH ELEVATION

SCALE: 1/8" = 1'-0"



1 A3.11 SOUTH ELEVATION

SCALE: 1/8" = 1'-0"

VAN METER WILLIAMS POLLACK LLP

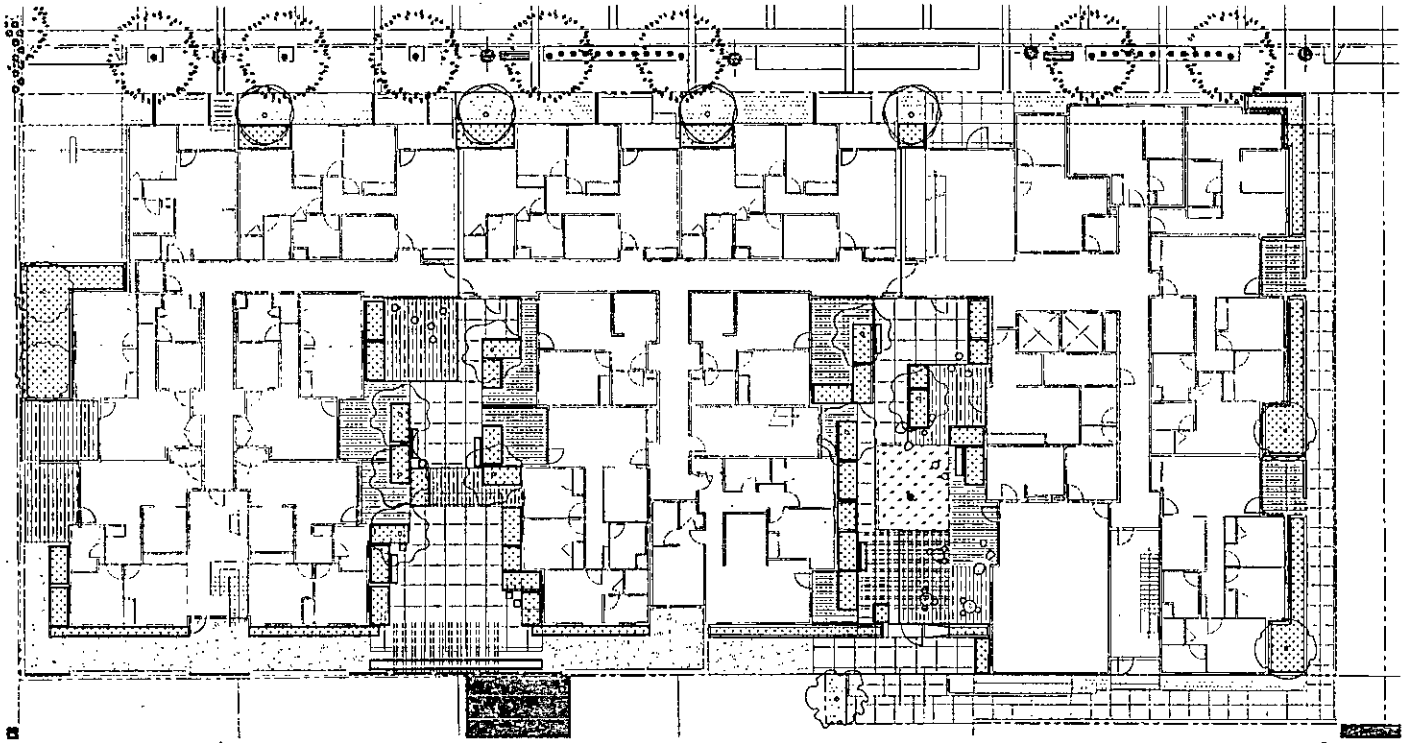
Project:
MacArthur Transit Village - Block O

Owner:
BRIDGE Housing

Sections/ Elevations

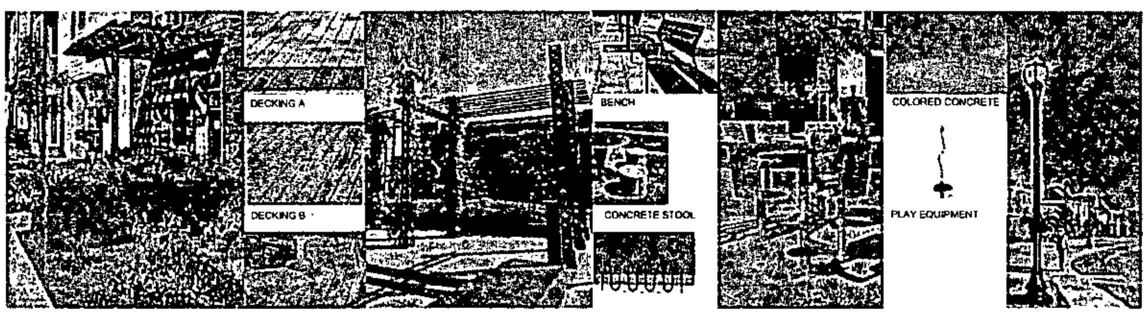
A3.11

Final Development Plan



COURTYARDS
SCALE: 1/8" = 1'-0"

MATERIAL LEGEND



VAN METER WILLIAMS POLLACK

- ☐ CIVIL ENGINEER
- ☐ STRUCTURAL ENGINEER
- ☐ ELECTRICAL ENGINEER
- ☐ MECHANICAL ENGINEER
- ☐ LANDSCAPE ARCHITECT

DATE | REVISIONS

Project:
MacArthur Transit Village - Block D

Oakland, CA

Client:
BRIDGE Housing

Materials Plan

L1.01

Final Development Plan

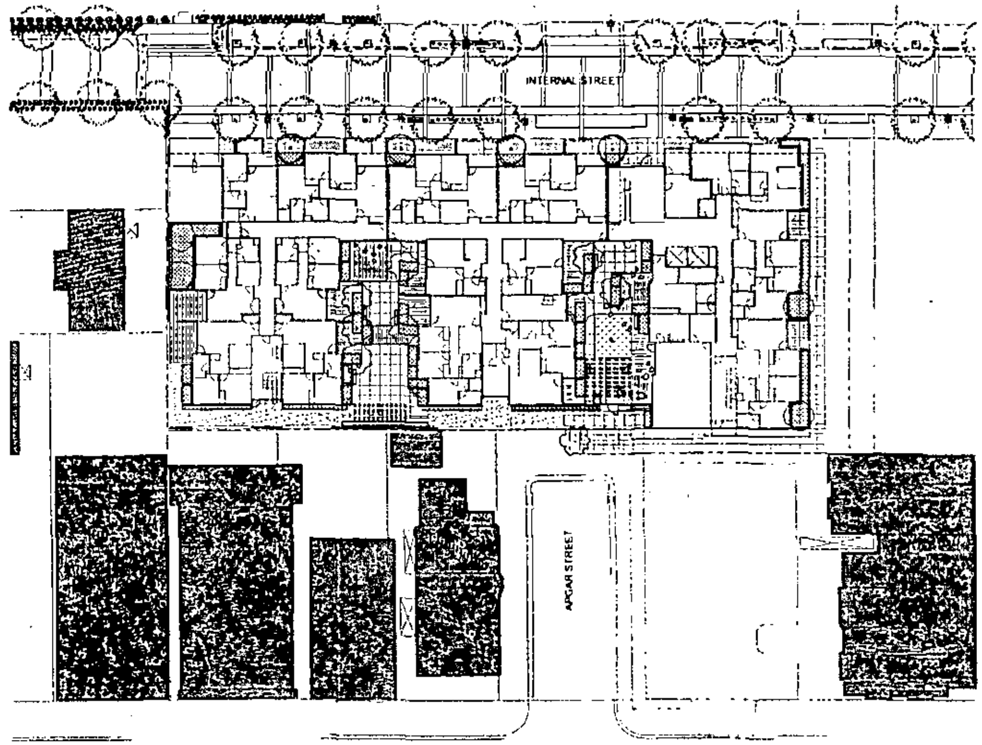
PLANT LEGEND

SYMBOL	BOTANICAL NAME	COMMON NAME	COMMENTS	WATER USE
TREES				
	[illegible] VARIEGATA	[illegible]-LEAF AZARA	[illegible] OPEN BRANCHING HABIT, TINY [illegible] EVERGREEN LEAVES WITH CREAM [illegible]	MEDIUM
	CERCIS OCCIDENTALIS	WESTERN REDBUD	NATIVE OPEN BRANCHING HABIT, LIGHT GREEN DECIDUOUS FOLIAGE, MAGENTA SPRING FLOWERS	LOW
	GINKGO BILOBA	MAIDENHAIR TREE	OPEN BRANCHING HABIT, LIME GREEN LEAVES, YELLOW FALL FOLIAGE	MEDIUM
	LAGERSTROEMIA [illegible]	CRAPE MYRTLE	LAVENDER FLOWERS, ORANGE FALL FOLIAGE	LOW
	LAURUS NOBILIS 'SARATOGA'	GRECIAN LAUREL	[illegible] EVERGREEN AROMATIC LEAVES	LOW
TALL SHRUBS				
	DODONAEA VISCOSA 'PURPUREA'	PURPLE HOPSEED BUSH	COLUMNAR HABIT WITH BRONZE-PURPLE FOLIAGE	LOW
	NANDINA DOMESTICA	HEAVENLY BAMBOO	TALL BAMBOO-LIKE CANE STEMS WITH LACY RED-TINGED FOLIAGE	LOW
	WESTRINGIA FRUTICOSA	COAST ROSEMARY	BLUE-GRAY EVERGREEN FOLIAGE, BLUE FLOWERS	LOW
LOW SHRUBS				
	AGAVE ATTENUATA	FOXTAIL AGAVE	BLUE GRAY SUCCULENT	LOW
	CARPENTERIA CALIFORNICA	BUSH ANEMONE	NATIVE	LOW
	HELICTOTRICHON SEMPERVIRENS	BLUE OAT GRASS	BLUE GRAY GRASS	LOW
GROUNDCOVER				
	POLYSTICHUM MUNITUM	WESTERN SWORD FERN	NATIVE EVERGREEN FERN	LOW (SHADE)
	MAHONIA REPENS	CREEPING HOLLY GRAPE	NATIVE CREEPING GROUNDCOVER WITH YELLOW SPRING FLOWERS AND RED FALL FOLIAGE	LOW
	SEDUM SPATHULIFOLIUM 'PURPUREUM'	STONECROP	NATIVE TRAILING SUCCULENT WITH PURPLE TINGED ROSETTES	LOW

ALL PLANTS ARE LOW MAINTENANCE, LOW WATER USE SPECIES FROM MEDITERRANEAN CLIMATE ZONES. SOURCE OF WATER USE DATA: WUCOLS UNLESS OTHERWISE NOTED [illegible]

IRRIGATION NOTES

1. THE IRRIGATION SYSTEM WILL USE A COMBINATION OF HIGH EFFICIENCY, LOW FLOW TECHNOLOGIES. ALL SPECIFIED EQUIPMENT WILL BE COMMERCIAL GRADE, AND WILL CONFORM TO CITY OF OAKLAND STANDARDS. THE IRRIGATION SYSTEM DESIGN WILL BE COMPLIANT WITH BAY FRIENDLY GUIDELINES, [illegible] SECTION 31 REQUIREMENTS, AND CALIFORNIA'S MODEL WATER CONSERVATION ORDINANCE. CONTROL OF THE SYSTEM WILL BE AN 'SMART' CONTROLLER CAPABLE OF REAL-TIME SCHEDULE ADJUSTMENT BASED ON WEATHER DATA. THE SYSTEM WILL BE DESIGNED FOR MINIMAL MAINTENANCE BURDEN, AND WILL SPECIFY A HAND-HELD REMOTE FOR THE USE OF MAINTENANCE PERSONNEL.



1 L2.0 **SITE PLANTING**

CERCIS OCCIDENTALIS | GINGKO BILOBA | LAGERSTROEMIA

NANDINA DOMESTICA | AGAVE ATTENUATA | MAHONIA REPENS

VAN METER WILLIAMS POLLACK

Project: MacArthur Transit Village - Block D

Oakland, CA 94609

Client: BRIDGE Housing

Planting Plan

L2.01

Final Development Plan

City of Oakland Planning Commission
April 6, 2011
Agenda Item #5: PUDF10-304, V10323

Attachment B: March 29, 2011 and March 18, 2011 CEQA Memos

URBAN PLANNING PARTNERS INC.

350 FRANK OGAWA PLAZA
5TH FLOOR
OAKLAND, CA 94612
510.251.8210
WWW.UP-PARTNERS.COM

MEMORANDUM

DATE: MARCH 29, 2011

TO:
Catherine Payne
Planner III
CEDA Planning and Zoning Division

FROM:
Lynette Dias, AICP
Principal

RE: CEQA Compliance for MacArthur BART Transit Village Stage[1] 2 FDP

In accordance with the Conditions of Approval for the MacArthur Bart Transit Village Preliminary Planned Unit Development and the terms of the Development Agreement, the City is in receipt of an application for a Final Development Permit for Stage Two (Stage Two FDP) proposed on Parcel D of the MacArthur Transit Village project site. The key purpose of this review is to determine whether the environmental effects of the Stage Two FDP are adequately analyzed in the 2008 Certified Environmental Impact Report (EIR) prepared for the project. As described below, this approval was considered in the EIR and as proposed would not result in new or more severe environmental impacts beyond those identified in the EIR. As a result, the City does not need to prepare a Subsequent or Supplemental EIR to satisfy the environmental review requirements of CEQA. This EIR remains adequate for the proposed Stage Two FDP.

The discussion below summarizes the following items: (1) overview of project approvals and environmental review; (2) relationship of the proposed Stage Two FDP with the approved Preliminary PUD/PDP and the project analyzed in the EIR; and (3) findings that the Stage Two FDP falls within the scope of the EIR and does not trigger the conditions described in CEQA Guidelines Section 15162 and Section 15163 calling for preparation of subsequent or supplemental environmental review.

Project Approvals and Environmental Review

The City has taken several actions to review and plan for the future development of the MacArthur BART Transit Village. These include, without limitation: (1) certified an EIR, (SCH No.

[1] The EIR and other project related materials also refers to the application as the "Phase 2" applications. "Stage" and "Phase" have the same meaning in reference to the MTV Project phasing.

2006022075) on July 1, 2008; (2) approved Ordinance No. 12883 C.M.S. amending Section 17.97.170 of the Oakland Planning Code related to the minimum usable open space requirements in the S-15 zone and rezoning the Project Site to S-15 Transit-Oriented Development Zone on July 1, 2008; (3) adopted and approved a Preliminary Planned Unit Development (Preliminary PUD/PDP) permit on July 1, 2008 to allow development of 624 to 675 residential units, 42,500 square feet of neighborhood-serving retail and commercial uses (including 7,000 square feet of live/work units), a 5,000 square feet community center use, and parking garage for BART patrons ; (4) adopted and approved a major conditional use permit to exceed parking requirements and to allow off-street parking for non-residential uses on July 1, 2008; (5) approved preliminary design review for the Preliminary PUD/PDP on July 1, 2008; and (6) approved Ordinance No. 12959 C.M.S on July 21, 2009 enacting a Development Agreement. The Planning Commission has also reviewed the Stage One FDP and Vesting Tentative Tract Map (VTTM) on November 3, 2010 and March 16, 2011 and recommended approval to the City Council. The City Council will consider approval of the Stage One FDP and VTTM on April 5, 2011.

The Development Agreement and PUD, which were both considered in the EiR, anticipate that the City will timely consider additional future approvals, including, without limitation, Final PUD (FDP) permits for each of the Project Stages, a vesting tentative map, final design review, tree removal, and conditional use permits.

The phasing plan included in the Development Agreement provided for five separate development phases each having its own schedule for submission of a final development plan (FDP) and target approval date: (1) Phase 1 consisting of the new BART garage on block E, site remediation, BART plaza improvements, internal Drive, Frontage Road improvements, and a portion of Village Drive; (2) Phase 2 consisting of the affordable rental development on block D; (3) Phase 3 consisting of the mixed-use market rate development on block A; (4) Phase 4 consisting of the mixed-use market rate development on block B; and (5) Phase 5 consisting of the mixed use market rate development on block C, which includes the Surgery Center parcel.

The Stage Two FDP project plans, dated March 16, 2011, were submitted by the project applicant in accordance with the MTV project approvals and the Development Agreement phasing provisions. The Stage Two FDP includes 90 affordable rental residential units, 90 parking spaces, and usable open space. City staff reviewed the Stage Two plans and found the proposal to be in substantial conformance with the approved PUD and its Conditions of Approval and the terms of the Development Agreement.

Urban Planning Partners reviewed the Stage Two plans and found that there are no substantial project changes, no substantial changes in the project circumstances, and no new information of substantial importance, which could not have been known with the exercise of reasonable diligence when the EiR was certified, that would require major revisions of the certified 2008 EiR, because of a new significant effect or an increase in the severity of a previously identified

significant effect. Under CEQA section 21166 and CEQA Guidelines sections 15162 and 15163, no further environmental review is required.

A summary of the relationship of these approvals relative to the Preliminary PUD/PDP approval and the certified EIR is provided below.

Relationship to approved Preliminary PUD/PDP

City staff evaluated the proposed Stage Two FDP and found that in all fundamental respects the Stage Two FDP is in substantial compliance with the project approved in the PUD. The April 2, 2011 Planning Commission Staff Report finds that there are no new or changed uses; no new facilities; no change in the overall residential unit count; no change in the amount of retail/commercial space; no change in community space; no change in the height or bulk controls; no change in the community benefits; and no change in project staging. The changes in the location of Parcel D are a result of minor changes to the garage (e.g., parcel adjustment, realignment of Internal Street) required to implement the terms of the Draft Traffic Demand Management Plan (TDMP) included in the Preliminary PUD/PDP approval. Additionally, none of the changes would violate the Development Agreement. The April 2, 2011 Staff Report also concludes that the facts described in the report support a finding by the City that the Stage Two FDP, including the refinements summarized above and described in the Staff Report, substantially conforms to the Preliminary PUD/PDP.

Relationship to EIR

The Stage Two FDP is within the scope of the project evaluated in the EIR and would not trigger any new significant impacts or a substantial increase in the severity of previously identified impacts. The MacArthur Transit Village project analyzed in the certified EIR consisted of a new BART parking garage; improvements to the BART Plaza; up to 675 residential units (both market-rate and affordable); up to 44,000 square feet of commercial space (including live/work units); 5,000 square feet of community center or childcare space; approximately 1,000 structured parking spaces, including the 300 space BART parking garage (which was increased to 480 spaces pursuant to the Conditions of Approval); approximately 30-45 on-street parking spaces, pedestrian and bicycle friendly internal streets and walkways; improvements to the Frontage Road; a new internal street, Village Drive, located between Frontage Road and Telegraph Avenue; two new traffic signals at the intersections of Village Drive/Telegraph Avenue and West MacArthur Boulevard/Frontage Road; a rezoning of the Project site to S-15, and a text amendment to the S-15 zone. Multiple FDPs were contemplated in the EIR (See Draft EIR, pages 72-74) to implement the Preliminary PUD/PDP.

For Building D, the project considered in the EIR included a 5-story building located immediately north of the parking structure and west of Internal Street. The building was 124,300 square feet and would accommodate 90 affordable units and include a below-grade podium parking structure. The Stage Two FDP building is also 5 stories with a below-grade parking structure. It is

a 134,868 square feet which Is approximately 10,000 square feet larger than the building considered In the 2008 EIR. This slight increase In the building size would not result in any new or substantially greater impacts than what was considered In the 2008 EIR particularly as the there is no Increase in the number of units and the overall development will be limited to a maximum of 675 residential units.

The conceptual plan included In the 2008 EIR showed Building D west of Internal Street. The shift in the location of Building D is necessary to accommodate refinements to the parking structure that were necessary to implement TDMP. The proposed shift would not change any of the 2008 EIR findings as development of a very similar density and scale has always been contemplated on this portion of the MTV project site. Figure III-3, Conceptual site Plan, in the 2008 EIR shows the subject portion of the site (Parcel D), being developed with Building C which included a 6-story building with a below-grade podium parking structure. The Stage Two proposal would result in less Intense development on this portion of the site as the proposed structure is only 5 stories. The 2008 EIR also specifically recognized and considered that the phasing was conceptual and that parcels may be developed out of sequence.

The MTV Project conditions of approval and mitigation measures detailed in the 2008 EIR and the adopted Mitigation Monitoring and Reporting Program will adequately address significant impacts identified for the MTV project In the 2008 EIR. No new significant impacts or a substantial increase in the severity of previously Identified impacts would occur with the development of Building D as the proposal substantially conforms to the project considered and analyzed in the 2008 EIR. Consequently, there are no substantial project changes, no substantial changes in the project circumstances, and no new information of substantial importance that would require major revisions of the certified 2008 EIR, because of a new significant effect or an Increase in the severity of a previously identified significant effect. Under CEQA section 21166 and CEQA Guidelines sections 15152 and 15163, no further environmental review Is required. Thus, in considering approval of the Stage Two FDP, the City should rely on the previously certified 2008 EIR.

During the City's review of the Stage One FDP and VTTM, Holland & Knight, who represent Alta Bates Summit Medical Center Surgery Property Company LLC(the Surgery Center) submitted three letters to the City expressing concerns about the adequacy of CEQA review.

The Surgery Center Is located at 3875 Telegraph Avenue on a parcel that is in Stage Five of the MTV Project. Although the letters were specific to the previously approved Stage One FDP and TTM8047, It is anticipated that similar issues may be raised for Stage Two FDP. The Surgery Center letters mistakenly state that the MTV Project has been changed to exclude the Surgery Center parcel; based on this change: (1) construction of the MTV Project will have significant noise, vibration, and air quality impacts on the operations, services, and patient care at the Surgery Center; and (2) the City should defer its approval of the MTV Project until these impacts

on the Surgery Center are studied in a subsequent EIR. The Surgery Center letters do not raise any issues or contain any new information requiring the City to prepare a supplemental or subsequent EIR for the MTV Project for the reasons summarized in the staff report and detailed in the Memorandum from Urban Planning Partners to Eric Angstadt and Catherine Payne, dated March 18, 2011, regarding Response to Letters Received Regarding the MacArthur Transit Village Stage One Final Development Plan Permit and Vesting Tentative Track Map 8047. (Attached as Exhibit A)

Conclusion

As discussed above, the development proposed in the Stage Two FDP application was considered in the EIR as it is in conformance with the approved PUD. The refinements incorporated into the application represent no change in development Intensity or significant physical changes on the MacArthur Transit Village site from the project analyzed in the EIR. Therefore, these changes would not result In new or more severe impacts (or require new or significantly altered mitigation measures) beyond those already identified in the EIR. The EIR is adequate and no subsequent or supplemental environmental review.

The following discussion summarizes the reasons why no supplemental or subsequent CEQA review is necessary pursuant to CEQA Guidelines Section 15162 and the City can rely on the previously certified EIR.

Substantial Changes to the Project. The refinements to the project are minor and necessary to accommodate the reconfiguration of the garage and the shift of Internal Street which were considered as part of the Stage One FDP and VTTM and such refinements were necessary to implement the Conditions of Approval of the Preliminary PUD/PDP as discussed in the Preliminary PUD/PDP and Phase 1 and VTTM Substantial Conformance Memo, dated October 26, 2010. The shift In the location of Building D and other minor refinements would not result in new significant environmental impacts or a substantial increase In the severity of impacts already Identified in the 2008 EIR. Therefore, the proposed changes to the project are considered minor refinements, not substantial changes.

Project Circumstances. Since certification of the EIR, conditions In and around the MacArthur Transit Village have not changed and thus Implementation of the project (including the proposed refinements) would not result in new significant environmental effects or a substantial increase In the severity of environmental effects already identified in the 2008 EIR. No substantial changes in noise levels, air quality, traffic, or other conditions have occurred within and around the project site since certification of the EIR.

New Information. No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the 2008 EIR

was certified, has been identified which is expected to result in: 1) new significant environmental effects or a substantial increase in the severity of environmental effects already Identified in the EIR; or 2) mitigation measures or alternatives which were previously determined not to be feasible would in fact be feasible, or which are considerably different from those recommended in the 2008 EIR, and which would substantially reduce significant effects of the project, but the project applicant declines to adopt them.

As described previously, changes to the proposed project would not result in significant environmental effects (including effects that would be substantially more severe than impacts identified In the 2008 EIR). Existing regulations (Including City General Plan policies and ordinances In the Municipal Code) and mitigation measures included in the 2008 EIR would be adequate to reduce the impacts resulting from implementation of changes to the proposed project to less-than-slgnificant levels.

Attachment

Exhibit A: Response to Letters Received Regarding the MacArthur Transit Village Stage One Final Development Plan Permit and Vesting Tentative Track Map 8047.

EXHIBIT A

URBAN PLANNING PARTNERS INC.
350 FRANK OGAWA PLAZA
5TH FLOOR
OAKLAND, CA 94612
510.251.8210
WWW.UP-PARTNERS.COM

MEMORANDUM

DATE: MARCH 18, 2011

TO:
Eric Angstadt and Catherine Payne
CEDA, City of Oakland
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612-2032

FROM:
Lynette Dias, AICP

RE: Response to Letters Received Regarding the MacArthur Transit Village Stage One Final Development Plan Permit and Vesting Tentative Track Map 8047.

A. EXECUTIVE SUMMARY AND OVERVIEW

1. The Surgery Center Letters

The City has received two letters (dated December 17 and December 21, 2010) from Holland & Knight, who represent Alta Bates Summit Medical Center Surgery Property Company LLC, The Surgery Center at Alta Bates Summit Medical Center, including Alta Bates Summit Medical Center, a Sutter Health affiliate (the Surgery Center). The Surgery Center is located at 3875 Telegraph Avenue on a parcel that is in Phase 5 of the MacArthur Transit Village Project (MTV Project). (See, MTV Project Site Location and Illustrative Plans, Exhibit A.) The Surgery Center letters mistakenly state that: the MTV Project has been changed to exclude the Surgery Center parcel; based on this change: (1) construction of the MTV Project will have significant noise, vibration, and air quality impacts on the operations, services, and patient care at the Surgery Center; and (2) the City Council should defer its approval of the MTV Project's Phase 1 Final Development Permit (FDP), Vesting Tentative Track Map (VTTM), and other entitlements until these impacts on the Surgery Center are studied in a subsequent EIR.

2. Summary Conclusion: No Additional Environmental Review Is Required

The Surgery Center letters do not raise any issues or contain any new information requiring the City to prepare a supplemental or subsequent EIR for the MTV Project Phase 1 FDP and VTTM for the following reasons:

- No Project Changes: The MTV Project has not been changed or modified to exclude the Surgery Center parcel. The MTV Project analyzed in the 2008 EIR and approved by the City is a phased development. The mixed-use building proposed for the Surgery Center parcel has always been in Phase 5, the final phase of development, for which a final development permit application is not required to be submitted until 2019. Thus, the Surgery Center parcel has not been expected or required to be included in the Phase 1 FDP application or approval. The VTTM covers those portions of the MTV Project site controlled by the project sponsor. Although the Surgery Center parcel and one other MTV Project parcel (3901 Telegraph Avenue) are not included in the VTTM, the development of these parcels are in later Project phases and, if subdivision maps are required for the development of these parcels, the necessary subdivision maps will be submitted with (or before) the FDP applications for these later phases are filed. Additionally, future development of the Surgery Center parcel could occur within its existing boundaries and no additional subdivision map may be necessary. Consequently, neither the Phase 1 FDP nor the VTTM change the MTV Project to exclude the Surgery Center and thus no project change has occurred that would require additional environmental review under CEQA.

- No New Information: The EIR, which analyzed a phased buildout of the MTV Project, including the noise, vibration, and air quality impacts associated with construction activities, contemplated that the Surgery Center, which would not be removed until in the final phase of development, could be operating during and subsequent to construction of the initial MTV Project phases. The Surgery Center's construction concerns could have been raised in 2008 and 2009 during the public review of the MTV Project EIR and the City's consideration of the initial Project approvals. Thus, these concerns do not constitute new information that could not have been known when the EIR was certified. Consequently, the Surgery Center has not provided new information that would require additional environmental review under CEQA.

- Project Conditions/Mitigations Sufficient: The MTV Project conditions of approval and mitigation measures address construction related air, noise, and vibration impacts on the surrounding area, including the Surgery Center parcel. The City's Standard Conditions of Approval (SCA) for dust control (COA-AIR 1) and construction emissions

(COA-AIR 2) will reduce the potential air quality impacts on uses adjacent to the construction site (see Exhibit B, Referenced Conditions of Approval). Additionally, in response to the Surgery Center's air quality health risk concerns, LSA Associates prepared a health risk assessment to evaluate the construction related dust and emissions on the Surgery Center (see Exhibit C, Health Risk Assessment). The health risk assessment determined that the potential dust and diesel emissions impacts on the Surgery Center would be below the thresholds of significance. A site specific construction noise plan has been prepared pursuant to COA-NOISE 5 (see Exhibit D, Noise Reduction Plan). The analysis conducted for this plan confirms the EIR's conclusion that, with Implementation of the City's SCAs and the noise control strategies provided for in the plan, construction noise impacts on the Surgery Center will be less than significant. In accordance with COA-NOISE-6, Wilson Ihrig and Associates, a vibration expert has evaluated the construction plan for areas near the Surgery Center and has confirmed that the vibration impacts will be less than significant based on the use of certain construction techniques and timing restrictions (see Exhibit E, Vibration Memorandum).

Consequently, there are no substantial project changes, no substantial changes in the project circumstances, and no new information of substantial importance, which could not have been known with the exercise of reasonable diligence when the EIR was certified, that would require major revisions of the 2008 EIR, because of a new significant effect or an increase in the severity of a previously identified significant effect. Under CEQA section 21166[1] and CEQA Guidelines section 15162[2], no further environmental review is required. Thus, in considering approval of the Phase 1 FDP and VTTM, the City should rely on the previously certified 2008 EIR.

[1] CEQA section 21166 provides that when an environmental impact report has been prepared for a project, no subsequent or supplemental environmental impact report shall be required by the lead agency unless one or more of the following events occurs: (a) substantial changes are proposed in the project which will require major revisions of the EIR; (b) substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions of the EIR; (c) new information, which was not known and could not have been known at the time the EIR was certified as complete, becomes available.

[2] CEQA Guideline section 15162 provides that the only substantial changes in a project or the project circumstances that would result in new or more severe significant environmental impacts triggers preparation of a subsequent or supplemental EIR. Additionally, new information only triggers preparation of a subsequent or supplement EIR if it could not have been known with the exercise of reasonable diligence when the original EIR was certified and would result in new or more severe significant effects or new information about mitigation measures or alternatives that are rejected.

3. MacArthur Transit Village Project Approvals and Current Applications

In July of 2008, the City Council approved the MTV Project. The MTV Project is the phased buildout of a new mixed-use transit village development located at the existing MacArthur BART station. The MTV Project consists of up to 675 residential units (market-rate and affordable), 42,500 square feet of retail and commercial uses, a 5,000 square foot community center use, a 480 space BART parking garage, and a number of Infrastructure improvements. The MTV Project site Includes the existing BART surface parking lots and several private lots on West MacArthur Boulevard and Telegraph Avenue, including 3875 Telegraph Avenue, which is the location of the Surgery Center. The City prepared and certified an EIR (the 2008 EIR) that evaluated the potential impacts of the phased buildout of the MTV Project. The 2008 MTV Project approvals Include a rezoning of the MTV Project site; a planned unit development permit (PUD), which Includes a preliminary development plan (PDP); design review; a major conditional use permit; and the associated conditions of approval that include, design guidelines, a draft traffic demand management program, and a mitigation monitoring and reporting program (collectively, "the MTV Project approvals").

In July of 2009, the City Council approved a Development Agreement for the MTV Project, which included a phasing plan generally consistent with the 2008 approvals (see Exhibit F, Development Agreement, Section 3.3.3). The phasing plan provided for five separate development phases each having its own schedule for submission of a final development plan (FDP) and target approval date: (1) Phase 1 consisting of the new BART garage on block E, site remediation, BART plaza improvements, Internal Drive, Frontage Road improvements, and a portion of Village Drive; (2) Phase 2 consisting of the affordable rental development on block D; (3) Phase 3 consisting of the mixed-use market rate development on block A; (4) Phase 4 consisting of the mixed-use market rate development on block B; and (5) Phase 5 consisting of the mixed use market rate development on block C, which includes the Surgery Center parcel. The FDP and other necessary applications for Phase 5 may be submitted up to ten years from July 7, 2009 (i.e., July 2019), the date of the Owner Participation Agreement approval, per Development Agreement, Section 3.3.3.

In accordance with the MTV Project approvals and the Development Agreement phasing provisions, the Phase/Stage 1[3] FDP includes the new BART parking garage and the project site infrastructure improvements required to be included in Phase 1. The project sponsor also has submitted a VTTM for those parcels in the MTV Project site controlled by the project sponsor.

[3] The City also refers to the application as the "Stage 1" applications. "Stage" and "Phase" have the same meaning in reference to the MTV Project phasing.

The MTV Project parcels not included in the VTTM, the Surgery Center parcel and the 3901 Telegraph Avenue parcel, will be included in future phases and if any subdivision maps are required in connection with development on these parcels, the appropriate maps will be filed with the final development permit applications as required by Condition of Approval No. 26 (see Exhibit B, Referenced Conditions of Approval). The project sponsor has filed the FDP application for the Phase/Stage 2 development on parcel D and that application is under review by the City staff.

B. RESPONSES TO COMMENTS

The following analysis provides responses to each comment raised in the Surgery Center's December 21, 2010 letter.[4] The responses are keyed to each comment included in the Surgery Center letter (see Exhibit G, letter with enumerated comments).

Comment 1 – MTV Project

The Surgery Center asserts that the MTV Project has been changed to delete the Surgery Center site. Additionally, the Surgery Center asserts that the Staff Report contains inconsistent project descriptions.

Response 1. The MTV Project has not changed to exclude the Surgery Center parcel. The MTV Project has always been proposed, analyzed in the 2008 EIR, and approved as a phased project. The Phase/Stage 1 FDP under consideration by the City Council simply represents the first phase of the MTV Project. The 2008 EIR, the MTV PUD, and the MTV Development Agreement all describe a phased project and establish requirements related to the phased final applications. The Surgery Center parcel is located in block C of the MTV Project site (see Exhibit A). The development on block C is designated as Phase 5 and the final applications for block C are not expected to be pursued for several years. Consequently, there is no reason or requirement to include the development proposed for the Surgery Center parcel in the Phase/Stage 1 FDP application.

The MTV Project phasing description in the EIR and the phasing requirements in the Conditions of Approval and Development Agreement are summarized below.

[4] All of the points raised in the Surgery Center December 17, 2010 letter are covered in greater detail in the December 20, 2010 letter.

2008 EIR

The 2008 EIR states the following:

> The project would be constructed over approximately seven years (see Table III-3)[5]. The phasing program discussed below is conceptual in that phasing is expected to occur sequentially; however, some phases could occur concurrently, or phasing may occur out of sequence depending on market conditions. (p.68)

Table III-3 Phasing Schedule

Phase	Schedule
BART Plaza Improvements	2009
Site Remediation and Demolition	2009
BART Parking Structure (Building E)	2009
Affordable Development (Building D)	2009
Building B	2010
Building A	2012
Building C [Surgery Center]	2014

Source: MTCP, 2007.

The 2008 EIR described the buildout of the MTV Project as occurring in five phases. (Draft EIR, p.70.) Phase I included the BART garage (block/building E), site remediation, and certain site infrastructure Improvements. The Phase 1 FDP application is consistent with the Phase I description in the 2008 EIR. The phasing schedule included the development proposed for the Surgery Center parcel (block/building C) in the final phase. Thus, the 2008 EIR did not anticipate that the Surgery Center parcel development would be included in the Phase/Stage 1 FDP. The Phase 1 FDP is consistent with the 2008 EIR MTV Project and phasing description.

[5] This buildout estimate was later extended to ten years in the DeVelopment Agreement.

Conditions of Approval for the MTV Project

The City Council adopted final Conditions of Approval in connection with its July 1, 2008 approval of the MTV Project. Condition No. 2 (Effective Date, Expiration, Extensions and Extinguishment) addresses phasing/staging of the MTV Project (see Exhibit B, Referenced Conditions of Approval). This condition states that the submittal of "Final Development Plans (FDPs) shall be permitted in five (5) stages over a 10 year time period." The description of the Phase/Stage 1 FDP includes the new BART parking garage, site remediation, internal Drive, the Frontage Road improvements, and a portion of Village Drive. (Condition 2.(a)(i).) The Phase/Stage 1 FDP meets the requirements of this condition.

Under Condition of Approval No. 2, the development approved for block C, which includes the Surgery Center parcel, is designated Phase/Stage 5. The FDP for Phase/Stage 5 is required to be submitted to the Planning Department for review and processing within 10 years from the date of the PUD approval. (Condition No. 2.(a)(v).) Thus, the development on the Surgery Center parcel is not required to be a part of the Phase/Stage 1 FDP. Condition No. 2 confirms that: (a) the MTV Project was approved as a phased development; (b) the MTV Project approvals do not require development of the Surgery Center parcel to be included in the Phase/Stage 1 FDP; and (c) development on, and the submittal of the FDP for, the Surgery Center parcel is not expected or required for a number of years.

Although Condition of Approval No. 2 allows the project sponsor discretion to substitute different blocks/buildings in the Phase/Stage 3, 4, and 5 applications, the Phase/Stage 1 and 2 applications must be processed in accordance with the terms of the condition. (Condition No. 2(c).) This provision reflects the City's policy determination regarding the importance of proceeding with the Phase/Stage 1 and 2 improvements early in the development phasing. Additionally, Condition No. 2 provides that the phasing timeframes prescribed in the Development Agreement would supersede this condition. (Condition No. 2(e).) The Development Agreement phasing provisions are discussed below.

Condition of Approval No. 26 (Subdivision Maps) states that the FDP for each development phase must be accompanied by the required subdivision map necessary to subdivide the property (see, Exhibit B, Referenced Conditions of Approval). The VTTM under consideration by the City Council covers all of the MTV Project parcels that are under the project sponsor's control. At the time the FDP for the Surgery Center parcel is pursued, a determination will be made as to whether a subdivision map is required. Development on the Surgery Center parcel, however, may not require a new subdivision map or an amendment of the VTTM. The project sponsor's current MTV Project site plan shows that the existing Surgery Center parcel

configuration would accommodate the planned development (see Exhibit A, MTV Project Illustrative Plans).

Development Agreement

Section 3.3.3 of the Development Agreement adopted by the City Council details the requirements for the MTV Project phasing (see, Exhibit A, MTV Project Illustrative Plans). Consistent with the 2008 EIR and the Conditions of Approval, Section 3.3.3 provides for a five-phase development plan. Pursuant to Section 3.3.3, the Phase/Stage 1 FDP includes the BART parking garage, site remediation, BART plaza improvements, Internal Drive, the Frontage Road improvements and a portion of Village Drive. In compliance with the Development Agreement, the project sponsor timely submitted the FDP for Phase/Stage 1 together with the necessary VTTM. The FDP applications for the remaining four project phases are required to be submitted over approximately ten years. The Phase/Stage 5 Surgery Center parcel FDP application is not required until 2019. Thus, the Phase/Stage 1 FDP and the VTTM are consistent with the phasing requirements of the Development Agreement. The submittal of the FDP application for, and development of, the Surgery Center parcel are not required for many years.

Phase/Stage 1 FDP and VTTM

The Phase/Stage 1 FDP does not include the development planned for the Surgery Center parcel because It is not part of the Phase/Stage 1 development. It is neither necessary nor required by any of the MTV Project approvals for the development of Phase 1 to include the development on the Surgery Center parcel. The VTTM does not include the Surgery Center parcel because the project sponsor does not yet control the Surgery Center parcel. These circumstances are not project changes. As anticipated by the 2008 EIR, the MTV Project Conditions of Approval, and the Development Agreement, it is expected that the project sponsor will proceed with the FDPs for future phases and, if necessary, subdivision maps or VTTM amendments, in accordance with the Project phasing schedule and following any necessary acquisition of the parcels included in these future phases.

Consistent Project Description

The Surgery Center letter states that the City Staff Report contains an inconsistent Project description. This comment misinterprets the Staff Report. The Surgery Center's assessor parcel number is listed as part of the overall MTV Project site approved in the PUD (and other MTV Project approvals) and the parcel Is shown as part of the MTV Project site on the zoning map included In the Staff Report. This information confirms that the Surgery Center parcel remains a part of the MTV Project, even though it is not Included in the Phase/Stage 1 FDP and the VTTM.

The Surgery Center letter also characterizes one of the Project modifications as "not requiring

acquisition of 3875 Telegraph Avenue (the Surgery Center property)." Again, this comment misinterprets the Staff Report. The Staff Report lists the Phase/Stage 1 refinements that have occurred between the PUD/preliminary development plan approval and the FDP in the context of demonstrating that the FDP substantially conforms to the PUD/preliminary development plan. One of the changes listed is the minor shift in the location of a portion of Village Drive in order to align Village Drive with the existing 39th Street. The City Council Staff Report, dated December 14, 2010, states (p.5):

- Village Drive, has been shifted to line up with the 39th Street right-of-way and to allow the Stage One VTTM to move forward prior to the acquisition of the Surgery Center property.

Although it was originally anticipated that a portion of Village Drive would require use of a portion of the Surgery Center parking area, the original alignment of Village Drive did not require demolition of the Surgery Center building. Moreover, the realignment of Village Drive to avoid the Surgery Center parking area does not preclude acquisition of the Surgery Center parcel and its development in Phase/Stage 5 consistent with Project described in the 2008 EIR, the MTV Project approvals, and the Development Agreement. The Staff Report analysis confirms that the Phase/Stage 1 project refinements reflected in the FDP and VTTM are in substantial conformance with the PUD/preliminary development plan and do not constitute substantial changes or substantial new information that would require revisions to the 2008 EIR. Shifting Village Drive allows acquisition of the Surgery Center parcel after the Phase/Stage 1 approvals; it does not remove Phase/Stage 5 and the development of the Surgery Center parcel from the MTV Project. As shown in the discussion above, Phase/Stage 5 is not anticipated to be developed for quite a few years and there is no reason or obligation to include the development of Phase/Stage 5 or the Surgery Center parcel in the Phase/Stage 1 final approvals.

In summary, the MTV Project has not been changed to exclude the development of the Surgery Center parcel. The development of this parcel is just not part of the Phase/Stage 1 FDP or the VTTM.

Comment 2 – Analysis of Impacts on the Surgery Center

The comment states that, because the project has been changed to exclude the Surgery Center, the EIR did not evaluate project's Impacts on the continued operation of the Surgery Center.

Response 2. The 2008 EIR described the MTV Project as a phased development and described the proposed five development phases. (See, Response 1.). The 2008 EIR assumed demolition of the Surgery Center at the time the Surgery Center parcel would be developed, which was

projected to occur In the final, fifth phase of the MTV Project. The illustrative phasing schedule included in the 2008 EIR showed development of the Surgery Center property in 2014. The 2008 EIR fully considered the construction and operational environmental impacts of the MTV Project on the surrounding area, which, during the first phases of buildout, would include the Surgery Center parcel.

The MTV Project phasing has remained consistent: this is a five phase project and the development on the Surgery Center is part of Phase/Stage 5, which is not expected or required to be Initiated for a number of years. No provision In any of the MTV Project approvals requires the Phase/Stage 1 FDP or the initial VTTM to Include the Phase/Stage 5 development proposed for the Surgery Center parcel. Abiding by the approved phasing plan does not mean that the Surgery Center parcel has been excluded from the MTV Project. The facts do not support the Surgery Center's assertion that the project has changed. Consequently, there is no substantial project change that would trigger the potential for new environmental review.

Additionally, the concerns now raised by the Surgery Center about its ongoing operations is not new Information of substantial importance that could not have been known at the time the 2008 EIR was certified. The 2008 EIR plainly analyzed a phased project with development on the Surgery Center parcel In the final phase. The construction and operational impacts of the MTV Project on surrounding uses were fully assessed in the 2008 EIR. Additionally, the EIR included an alternative (Alternative 3, "Mitigated Reduced Building/Site Alternative") that examined the construction and operational impacts of a project without the Surgery Center site. Thus, the Surgery Center was aware that the first phases of the MTV Project or the Implementation of Alternative 3 would involve construction activities adjacent to its site. All of the concerns raised in the Surgery Center letter were known and could have been raised in 2008. The Surgery Center could have, but did not, raise its concerns at the time the City certified the 2008 EIR. The Surgery Center's December 2010 comments on the 2008 EIR do not meet the CEQA definition of new information of substantial importance that was not known, or could not have been known with the exercise of due diligence, at the time the EIR was certified. (*CEQA Guidelines* section 15162.)

In light of these facts, the 2008 EIR remains valid and no longer subject to challenge. The City filed the following Notices of Determination for the MTV Project: (1) July 16, 2008 – NOD for the MTV Project approvals; (2) July 10, 2009 – NOD for the Owner Participation Agreement; (3) July 23, 2009 – NOD for Development Agreement. No legal challenge to the 2008 EIR was filed. The time to do so has long expired.

Moreover, as part of the City staff review of the Phase/Stage 1 FDP and the VTTM, the staff considered the differences between the approved PUD/preliminary development plan and the Phase/Stage 1 FDP and the VTTM to determine whether any additional environmental review

would be required pursuant to CEQA and the CEQA Guidelines. The staff found that no subsequent or supplemental environmental review was necessary, because the minor refinements to the site plan, some of which implemented Conditions of Approval, did not constitute substantial changes in the project, substantial changes to the project circumstances, or new information of substantial importance that would result in any new significant impacts or a substantial increase in the severity of impacts already identified in the 2008 EIR. See Approved November 3, 2010 Planning Commission Report (revised on 11/13/10).

Comment 3 – Notice to the Surgery Center

The comment states that the project sponsor has "unilaterally, and without prior notice" to the Surgery Center changed the project and additional environmental review should be required to consider noise, vibration, dust and diesel particulate matter.

Response 3. The MTV Project has not been changed to exclude the Surgery Center (see discussion above pp 1-10). The Surgery Center owners have known about the MTV Project for several years and were informed that the project sponsor was proceeding with the first phase of development. The project sponsor has provided documentation that since 2008 the project sponsor and the Surgery Center owners have met and corresponded a number of times to discuss the project sponsor's acquisition of the Surgery Center parcel (see Exhibit H, Summary of Negotiations with the Surgery Center).

With respect to the Phase/Stage 1 FDP and the VTTM, the documentation provided by the project sponsor shows that a representative of the Surgery Center attended the April 21, 2010 community presentation by the project sponsor at which the Phase/Stage 1 FDP and construction schedule were reviewed. On June 2, 2010, the project sponsor sent a letter to the Surgery Center to provide an update on the Phase/Stage 1 FDP and the anticipated dates for City hearings on the plan. This letter specifically described the realignment of Village Drive to allow Phase/Stage 1 to proceed without acquiring the right to use a portion of the Surgery Center parcel. The letter also reiterated that the Surgery Center parcel continued to be included as part of the MTV Project and is shown on block C-3 in the current MTV Project illustrative Plan, which reflects the FDP plans for Phases 1 and 2 (see Exhibit A). Representatives of the project sponsor also met with the Surgery Center owners on December 1, 2010 to discuss the MTV Project status and the continued interest in the acquisition.

See responses to the Surgery Center Letter Attachments A and B below regarding noise, vibration, and dust and diesel particulate matter.

Comment **4** – Surgery Center **O**perations

This comment provides information regarding the Surgery Center's operations, services, and patient care, which it characterizes as "uniquely sensitive receptors."

Response **4.** The 2008 EIR noise and air quality analyses considered the category of sensitive receptors, which includes residences and hospitals among other uses. To the extent that a surgery center also could be considered a sensitive receptor, it would be covered by the requirements in the City's standard conditions of approval and imposed on the MTV Project to reduce construction noise, vibration, and air quality impacts on these uses.[6] See responses to the Surgery Center Letter Attachments A and B below regarding noise, vibration, and dust and diesel particulate matter.

Comment **5** – Surgery Center Parcel and the Phase/Stage 1 Applications

This comment states that the project sponsor has acknowledged that the Surgery Center has been removed from the Project and dismisses the Project's impacts on the Surgery Center.

Response **5.** This comment misinterprets the information it quotes from the **O**ctober 26, 2010 memorandum from Art May to Catherine Payne. First, as discussed above (**R**esponse 1), the MTV Project has not been changed to remove the Surgery Center parcel. In fact, the memorandum quoted in the Surgery Center letter states the project sponsor expects to include the Surgery Center parcel in an amended VTTM when the project sponsor gains control of the Surgery Center parcel. Nothing is this statement "acknowledges" or implies that the project sponsor has amended the MTV Project to delete Phase/Stage 5 and the development of the Surgery Center parcel. This memorandum merely acknowledges that the Surgery Center parcel is not necessary for the Phase/Stage 1 FDP and the initial VTTM. Second, the memorandum does not dismiss the MTV Project impacts on the Surgery Center. Instead, the quoted sentence from the memorandum means that the Phase/Stage 1 development will not require the use of any portion of the Surgery Center parcel and in this sense will not affect the Surgery Center. The main point of the quoted statement is that the construction of the Phase/Stage 1 development is not dependent on acquisition of the Surgery Center site.

[6] The standard conditions of approval were formally adopted by the Oakland City Council in November 2008 to reduce potential impacts of projects, Ordinance No. 12899 C.M.S., November 3, 2008. However, the standard conditions of approval were used by the City prior to formal adoption and those related to noise were approved by the Council several years prior to the adoption of the standard conditions of approval.

Comment 6 – Construction Impacts

This comment states that because the Surgery Center has been removed from the MTV Project it will be affected by the construction impacts on its patients, employees, operations, and equipment from noise, vibration, dust and diesel particulate, and fumes.

Response 6. As discussed above, the Surgery Center has not been removed from the MTV Project and no additional CEQA analysis is warranted on this basis. (See, Responses 1 and 2 above.) The 2008 EIR covered the construction impacts of the MTV Project. The 2008 EIR analyzed the MTV Project as a phased project, with the Surgery Center site development in the final phase. Consequently, the construction Impacts from the early development phases on sites included in later development phases were considered in the construction impact analysis. Additionally, the EIR included Alternative 3, a project without the Surgery Center site. This alternative included an evaluation of construction impacts.

To respond to the concerns raised by the Surgery Center, the project sponsor retained LSA Associates and Wilson Ihrig and Associates to (1) prepare a health risk assessment to evaluate the air quality (dust and diesel emission) concerns; (2) prepare the construction noise plan required by the COA-NOISE-5 and evaluate whether the measures included in this plan would ensure that the construction noise would meet City requirements; and (3) evaluate the vibration concerns and recommend any necessary vibration reduction strategies pursuant to COA-NOISE-6. These analyses confirm the EIR's determination that project construction activities undertaken pursuant to the City's Standard Conditions of Approval would not result in significant adverse air quality, noise, or vibration impacts. The LSA Associates and Wilson Ihrig and Associates analyses are discussed in detail below in Responses to the Attachment A and B of the December 21, Surgery Center letter.

In order to provide the City Council with additional information about the potential impacts of construction projects adjacent to medical facilities, we reviewed two EIRs recently certified by the City for new hospitals/medical centers, both of which involve construction activities adjacent to existing hospitals: the Alta Bates Summit Medical Center, Summit Campus Seismic Upgrade and Master Plan EIR (ABSMC EIR) and the Kaiser Permanente Oakland Medical Center Master Plan Project EIR (Kaiser EIR). These hospitals are significantly larger than the Surgery Center, provide more medical services and have more equipment than the Surgery Center, and, unlike the Surgery Center, operate 24 hours a day and accommodate short-term and long-term patient stays.

Construction Air Quality Comparison: Both the ABSMC EIR and the Kaiser EIR relied solely on the City's SCAs to mitigate potential construction air quality impacts. The air quality SCAs included in

the MTV 2008 EIR require more stringent mitigation of dust and equipment emissions than the SCAs Included in the ABSMC EIR and the Kaiser Medical Center EIR.

Construction *Noise* Comparison: The less-than-significant noise finding in the MTV 2008 EIR is consistent with the findings included in the ABSMC EIR and the Kaiser EIR. Both of the ABSMC and Kaiser projects proposed the use of heavy construction equipment immediately adjacent to existing hospital uses. The Kaiser EIR considers the use of pile drivers and the ABSMC EIR considers the use of drilled piles, which would be installed (for both projects) immediately adjacent to existing hospital facilities. The noise SCAs included in the MTV EIR are identical to those Included in the ABSMC EIR and slightly more restrictive than those Included in the Kaiser EIR, which Charles M. Salter Associates (noise consultant for Kaiser EIR) found to be adequate to reduce the construction noise Impacts to a less-than-significant level. The Surgery Center has not identified any unique circumstances of the Surgery Center or the MTV Project would necessitate mitigation beyond what is required by the SCAs and was found to adequately mitigate the construction noise impacts for the ABMSC or the Kaiser projects.

Construction *Vibration* Comparison: The less-than-significant vibration impact finding in the MTV 2008 EIR is consistent with the findings in the ABSMC EIR and the Kaiser EIR. Neither the ABSMC EIR nor the Kaiser EIR identified any vibration impacts and both projects Include construction activities that are significantly more Intense than the MTV Project. The ABSMC EIR states: "since the proposed project would not include any vibration-causing activity aside from that associated with construction and motor vehicles, it can be assumed that no impact would occur with regard to criterion 6) [vibration]. (Draft EIR page 4.5-12). The Kaiser EIR noise and vibration analysis is silent on the topic.

Comment **7 –** Environmental Review for the Stage **O**ne **FDP** and VTTM

The comment asserts that a subsequent EIR must be prepared to analyze the impact of the "modified" project on the Surgery Center, the new circumstance of the continued operation of the Surgery Center, and the new Information regarding the removal of the Surgery Center from the project.

Response **7.** See Responses 1 and 2 above. The Surgery Center is not being removed from the MTV project. Thus, this is not a substantial change to the MTV Project. The continued operation of the Surgery Center until Phase 5 is proposed for development was assumed in the 2008 EIR. Thus, this is not a substantial change with respect to the circumstances under which the project is undertaken. Because the Surgery Center is not being removed from the MTV Project, this is

not new information. Therefore, none of the CEQA Guidelines 15162 criteria for subsequent environmental review are triggered and no subsequent EIR is required.

Comment 8 – Substantial Conformance with Preliminary Development Plan Approval

The comment asserts that because the Surgery Center has been removed from the MTV Project, the Phase/Stage 1 FDP is not in substantial conformance with the approved preliminary development plan. Additionally, the comment asserts that the City cannot make the required findings for a PUD approval.

Response 8. As explained above, the Surgery Center has not been removed from the MTV Project. City staff evaluated the Phase/Stage 1 FDP application and found it substantially conforms to the approved PUD/preliminary development plan (see Approved November 3, 2010 Planning Commission Report (revised on 11/3/10). The PUD for the MTV Project was approved in 2008. This approval and its findings are no longer subject to challenge.

Comment 9 – Approval the Stage One VTTM

The comment asserts that the City cannot approve the VTTM because the Project is likely to cause serious public health and safety problems related to significant impacts on patients at the Surgery Center and the City's SCAs are not adequate.

Response 9. Please refer to Air Quality Master Response to Attachment A, Illingworth & Rodkin, letter dated December 21, 2010, below, which demonstrate that the approval of the VTTM will not cause any public health or safety problems for the Surgery Center patients.

Attachment A: Illingworth & Rodkin, letter dated December 21, 2010

This letter details the Surgery Center's specific air quality concerns. The letter presents concerns regarding acute impacts from increased dust and increased exposure to diesel particulate matter that would result based on the assertion that the MTV Project has been changed to eliminate the Surgery Center site and construction will occur immediately adjacent to the Surgery Center.

The following analysis provides a Master Response to the air quality issues raised.

Air Quality Master Response

As discussed above, the MTV Project has not been changed to eliminate the Surgery Center site. This comment also incorrectly states that the 2008 EIR did not identify any sensitive receptors adjacent to the Project and did not address localized impacts from construction equipment exhaust. The 2008 EIR air quality analysis identifies sensitive receptors and provides an analysis of construction-related air quality impacts.

The 2008 EIR states that the MTV Project would contribute to regional ozone emissions in the form of emissions from construction vehicles and would contribute to particulate matter emissions through construction vehicle emissions and the disturbance of soil within the project site during the construction period (p. 245). Additionally, an estimate of the construction emissions was prepared based on preliminary construction plans using the URBEMIS 2007 model. Table IV.D-6 (Draft EIR, p. 247) shows the construction emission model results.[7] The temporary construction-period air quality impacts (for all pollutants) were found to be less-than-significant with the implementation of both the City's air quality SCAs, including the standard and enhanced measures for dust control and the construction equipment measures (listed as listed as COA AIR-1 and AIR-2 in the 2008 EIR).

The MTV Project's potential effects on sensitive receptors are addressed on page 246 of the Draft EIR under subsection (5) "Exposure of sensitive receptors to substantial pollutant concentrations." The section describes sensitive receptors as facilities that house or attract children, the elderly, and people with illnesses or others who are especially sensitive to the effects of air pollutants. Hospitals, schools, convalescent facilities, and residential areas are cited as examples of sensitive receptors. The 2008 EIR finds that construction of the project would temporarily increase localized emissions and that construction-period air quality impacts (for all pollutants), including impacts to sensitive resources, would be less-than-significant with implementation of the SCAs for dust control and construction equipment measures. (Draft EIR page 246.)

Although no new analysis is warranted under CEQA, a health risk assessment was undertaken to address the Surgery Center's concerns and confirm the EIR's finding that no significant impacts related to construction air quality concerns would occur (see, Health Risk Assessment, Exhibit C). The analysis considered a detailed construction equipment schedule for Phases 1 and 2 that was

[7] Since the certification of the 2008 EIR, the Bay Area Air Quality Management District (BAAQMD) has adopted new CEQA thresholds for construction emissions. None of the results listed in Table IV.D-6 exceed the new BAAQMD thresholds for construction emissions. BAAQMD CEQA Guidelines (June 2010), p.2-6. However, those guidelines do not apply here because the City commenced review of the Phase 1 FDP and the VTTM applications, including a review under CEQA to determine if any of the factors under CEQA Guidelines sections 15162 or 15163 were implicated CEQA review of Phase 1 commenced prior to February 2010.

provided by the project sponsor (see Exhibit I, Construction Equipment Schedule, dated January 28, 2011). The findings from this health risk assessment are summarized below.

A health risk assessment (HRA) was conducted to assess health related air quality impacts from construction on patients and workers at the Surgery Center. The HRA assessed the impacts from the Phase/Stage 1 FDP and the Phase/Stage 2 FDP construction activities, because the project sponsor has submitted to the City the Phase/Stage 2 FDP application. Using the detailed construction schedule and equipment list provided by the Keystone Development Group and a combination of the California Air Resources Board's URBEMIS 2007 and HARP models, a detailed HRA was developed. The URBEMIS 2007 model was used to translate the construction details into pollutant emissions rates. These emissions were then assigned locations on the MTV Project site corresponding with the construction phasing plan and within those areas, placed closer to the Surgery Center to maximize the predicted impact. The HARP model was then used to combine these emissions and local meteorological conditions into an air dispersion model to predict pollutant concentrations and corresponding health risk levels. To insure completeness, the health risk levels were determined not only for the patients and workers at the Surgery Center, but also for the residences adjacent to the project site. It is standard HRA methodology to assess only the outdoor risk levels, since the amount of protection afforded by buildings varies substantially. It is probable that the Surgery Center provides above average protection to patients and workers inside the building, however, this HRA does not attempt to quantify that protection.

The primary health concern is the short-term acute affects from the exhaust of the heavy-duty construction equipment operating in close proximity to the Surgery Center. However, there is also a longer term exposure to the workers at the Surgery Center, and possibly to patients of the Surgery Center. Although the Surgery Center does not have inpatient accommodations, this HRA includes the expected carcinogenic and chronic health risks to a patient staying not only overnight but doing so for the entire construction period. It is assumed that the workers stay 8 hours per day on average and continue to work at the Surgery Center for the entire construction period. The HRA conservatively assumes that doctors, nurses, and patients spend all day outside on the side of the Surgery Center building nearest to the construction activities. Based on these conservative assumptions, Table 1 shows the HRA results. The BAAQMD additionally requires that the long-term carcinogenic health risk results have age factors applied to account for the range of age groups in the general population. Table 2 shows the age groups, their adjustment factors, and the adjusted carcinogenic health risk level for someone staying at the Surgery Center for the full construction period, 24 hours a day or for residents of the nearby homes.

Table 1: Inhalation Health Risks from Construction Operations

Risk Category	Carcinogenic Inhalation Health Risk	Chronic Inhalation Health Index	Acute Inhalation Health Index	Threshold Exceeded
2-Year Patient Risks	0.24 in 1 million	0.0061	0.04	No
Worker Risks	0.047 in 1 million	0.0061	0.04	No
Residential Risks	0.24 in 1 million	0.0061	0.04	No
BAAQMD Threshold	10 in 1 million	1	1	

Source: LSA Associates, Inc., January 2011

Table 2: 70-Year Carcinogenic Age Group Adjustment

Risk Group	ASF	Duration	Carcinogenic Inhalation Health Risk
3rd Trimester to age 2 years	10	2.25/70	0.077 in a million
age 2 years to age 16 years	3	14/70	0.14 in a million
age 16 to 70 years	1	54/70	0.20 in a million
Adjusted 70 year lifetime risk			0.41 in a million
BAAQMD Threshold			10 in a million
Threshold Exceeded			No

Source: LSA Associates, Inc., January 2011

As shown on Tables 1 and 2 for both patients and workers at the Surgery Center, as well as nearby residents, construction operations would result in a maximum health risk level that is below the BAAQMD's criterion of significance (10 in 1 million) for cancer health effects and for chronic or acute health risks. While the Surgery Center patients may be uniquely sensitive to air pollution, these health risk levels are substantially below the BAAQMD's thresholds of significance, making it unlikely that anyone, even uniquely sensitive individuals, would experience a negative health effect.

Historically, the BAAQMD has used the criterion of 10 in 1 million to determine the risk for point sources such as emissions from industrial facilities. This threshold was developed for these kinds of emissions sources that operate continuously for decades. Applying this threshold to a relatively brief event, such as the construction of this project, is very conservative. Additionally, the BAAQMD has documented that the best management approach to fugitive dust emissions from construction activities is an effective approach that reduces fugitive dust from 30 percent to more than 90 percent. Through the City's SCA, which are listed as COA AIR-1 and AIR-2 in the

2008 EIR, the MTV Project must implement best management practices to reduce fugitive dust emissions.

Attachment B: Charles M Salter Associates, letter dated December 21, 2010

This letter details the Surgery Center's specific construction noise and vibration concerns and asserts that the project would result in potentially significant noise and vibration impacts. The concerns presented are based on the incorrect assertion that the MTV Project has been changed to eliminate the Surgery Center site.

Noise Master Response

The 2008 EIR, Section IV.E-7, Noise, includes a discussion of potential effects associated with sensitive receptors during both construction and operation periods and assumes that pile driving may be necessary. The analysis assumes that the MTV Project will be built in five phases, over a seven-year period (page 299) and that the Surgery Center property would be the last phase (page 70). Page 299 of Section IV.E-7, Noise, states:

> *Construction of the project is to occur over a seven-year period, beginning in 2009. During this period, a wide variety of construction remediation and demolition equipment would be used and materials would be transported to and from the site during each development phase.*

The 2008 EIR evaluated the increase In traffic flow on local streets associated with the transport of workers, equipment, and materials to and from the project site. The 2008 EIR found that the increase in traffic flow on the surrounding roads due to construction traffic would be minimal, but there would be short-term intermittent high noise levels associated with trucks arriving to and departing from the project site.

The 2008 EIR also evaluated noise generated by heavy equipment operating on the project site, including the potential for pile driving. The 2008 EIR found that construction-related noise associated with typical construction equipment would be 91 dBA Lmax at a distance of 50 feet and that sensitive land uses (or sensitive receptors) would be located within 50 feet of construction. For pile driving on the MTV Project site, the 2008 EIR found that sensitive receptors located within 50 feet of the MTV Project site could be exposed to maximum noise levels of up to 93 dBA Lmax. (Draft EIR p. 299)

The analysis found that the MTV Project construction-related noise effects would be reduced to less than significant with implementation of the City's SCAs for construction noise which are included In the 2008 EIR as: COA NOISE-1: Days/Hours of Construction Operation; COA NOISE-2:

Noise Control; COA NOISE-3: Noise Complaint Procedures; and COA NOISE-5: Pile Driving and Other Extreme Noise Generators.

As part of the process of preparing for construction of Phase/Stage 1 and Phase/Stage 2 and in compliance with COA NOISE-5, the project applicant retained an acoustical consultant to prepare a final noise plan based on the FDP submittal that details a set of site specific noise attenuation measures to ensure that maximum feasible noise attenuation will be achieved.[8] The plan (see Exhibit D) considers both Phase/Stage 1 and Phase/Stage 2 of the MTV Project and the associated construction equipment schedules provided by the project sponsor (see Exhibit I, Construction Equipment Schedule, dated January 28, 2011). The plan confirms that noise levels from construction activities would be reduced consistent with the requirements of COA-NOISE-5 with implementation of the noise conditions, including the best management practices outlined in COA NOISE 2 and the use of temporary sound walls in certain areas, consistent with the types of measures listed in the COA-NOISE-5, which states:

> *The noise reduction plan shall include, but not be limited to, an evaluation of implementing the following measures. These attenuation measures shall include as many of the following control strategies as applicable to the site and construction activity:*
>
> a) *Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings;*
> b) *Implement "quiet" pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;*
> c) *Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;*
> d) *Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for example, and implement such measure if such measures are feasible and would noticeably reduce noise impacts; and*
> e) *Monitor the effectiveness of noise attenuation measures by taking noise measurements.*

The noise reduction plan includes the following requirements, which will reduce the projected worst case hourly average construction noise levels at the closest receptor sites:

(1) Prior to initiation of on-site construction-related earthwork activities, a minimum 8-foot high temporary sound barrier shall be erected along the project property line abutting the residential sensitive land uses that are adjacent to the construction site on MacArthur Boulevard and Telegraph Avenue.

[8] Consistent with the requirements of COA-NOISE-5, which requires a noise plan that includes a set of site-specific noise attenuation measures based on the project's final design plans be submitted to the City for review and approval prior to the commencement of construction, the project sponsor will prepare and submit subsequent noise reduction plans for future phases once final design plans are available and construction is planned to commence.

(2) Prior to initiation of on-site construction-related earthwork activities, a minimum 6 foot high temporary sound barrier shall be erected along the project property line abutting the outpatient Surgery Center.

(3) These sound barriers shall be constructed with a minimum surface weight of 4 pounds per square foot and shall be constructed so that vertical and horizontal gaps are eliminated. These temporary barriers shall remain in place through the construction phase in which heavy equipment, such as excavators, dozers, scrapers, loaders, rollers, pavers, and dump trucks are operating within 150 feet of the edge of the construction site and the adjacent sensitive land uses.

These noise reduction strategies will ensure that construction noise during the loudest periods of construction for the Phase/Stage 1 and Phase/Stage 2 FDPs will be reduced as required by COA-NOISE-5. In addition, the Project contractor must also comply with all of the other noise reduction strategies in the COA-NOISE-1,-2,-3, and -4, which will further reduce construction noise impacts in the Project vicinity. The noise reduction plan also includes requirements for monitoring construction noise through measurements and for adjusting equipment use if the monitoring identifies construction noise that exceeds the City's thresholds.

Construction Vibration Master Response

The 2008 EIR acknowledged that construction activities could cause ground-borne vibration in the Project vicinity (see Draft EIR p. 300). Under the City's significance criteria, temporary vibration from construction work is not considered significant. The City's Standard Condition of Approval for vibration (listed as COA-NOISE-6, Vibration Adjacent Historic Structures, in the 2008 EIR) requires the project applicant to retain an appropriate professional to determine threshold levels of vibration that could damage nearby buildings and design means and methods of construction that would not exceed the thresholds.

Pursuant to the SCA, to respond to the Surgery Concerns, and to confirm that no significant impacts related to vibration would result from the MTV Project construction using the FTA criteria referenced by the Surgery Center, the project sponsor retained Wilson, Ihrig and Associates (WIA), experts in vibration analysis, to analyze the Construction Equipment Schedule (see Exhibit I) for Phases 1 and 2 (see Exhibit E, Vibration Memorandum). As part of the Construction Equipment Schedule, the Project Sponsor has committed to the use of reduced-vibratory construction methods, which would reduce the vibration generated by the construction activities to below the FTA thresholds proposed by the Surgery Center.

The WIA analysis confirms that anticipated vibration from construction activities for Phase 1 and 2 of the MTV Project would not exceed the FTA Category 1 criterion, which applies to buildings where vibration would interfere with Interior operations, at the Surgery Center.

Pursuant to the SCA (see COA NOISE-6 In 2008 EIR), WIA recommends that (1) the contractors implement the Construction Equipment Schedule elements detailed in Exhibit I; and (2) vibration monitoring be conducted at the Surgery Center to document the baseline conditions during operations prior to construction and to monitor the vibration at the facilities during the key periods of construction that are subject to vibration to verify that construction-related vibration is not exceeding the FTA category 1 criterion. The key periods of construction would occur when the equipment discussed above are in operation (e.g., vibratory roller compactor, vibrating plate compactors, and/or jumping jack). As part of compliance with COA NOISE-6, the project sponsor will be required to comply with these recommendations which will ensure the impact remains less than significant.

Conclusion

The Surgery Center letters do not raise any issues or contain any new information requiring the City to prepare a supplemental or subsequent EIR for the MTV Project Phase 1 FDP and VTTM as described in the Executive Summary above.

Exhibits

Exhibit A, MTV Project Site Location and Illustrative Plans
Exhibit B, Referenced Conditions of Approval
Exhibit C, Health Risk Assessment
Exhibit D, Noise Reduction Plan
Exhibit E, Vibration Memorandum
Exhibit F, Development Agreement, Section 3.3.3
Exhibit G, December 21 Letter from Surgery Center with comments enumerated
Exhibit H, Summary of Negotiations with the Surgery Center
Exhibit I, Construction Equipment Schedule

Exhibit A- Project Site Area and Surgery Center Location

EXHIBIT A

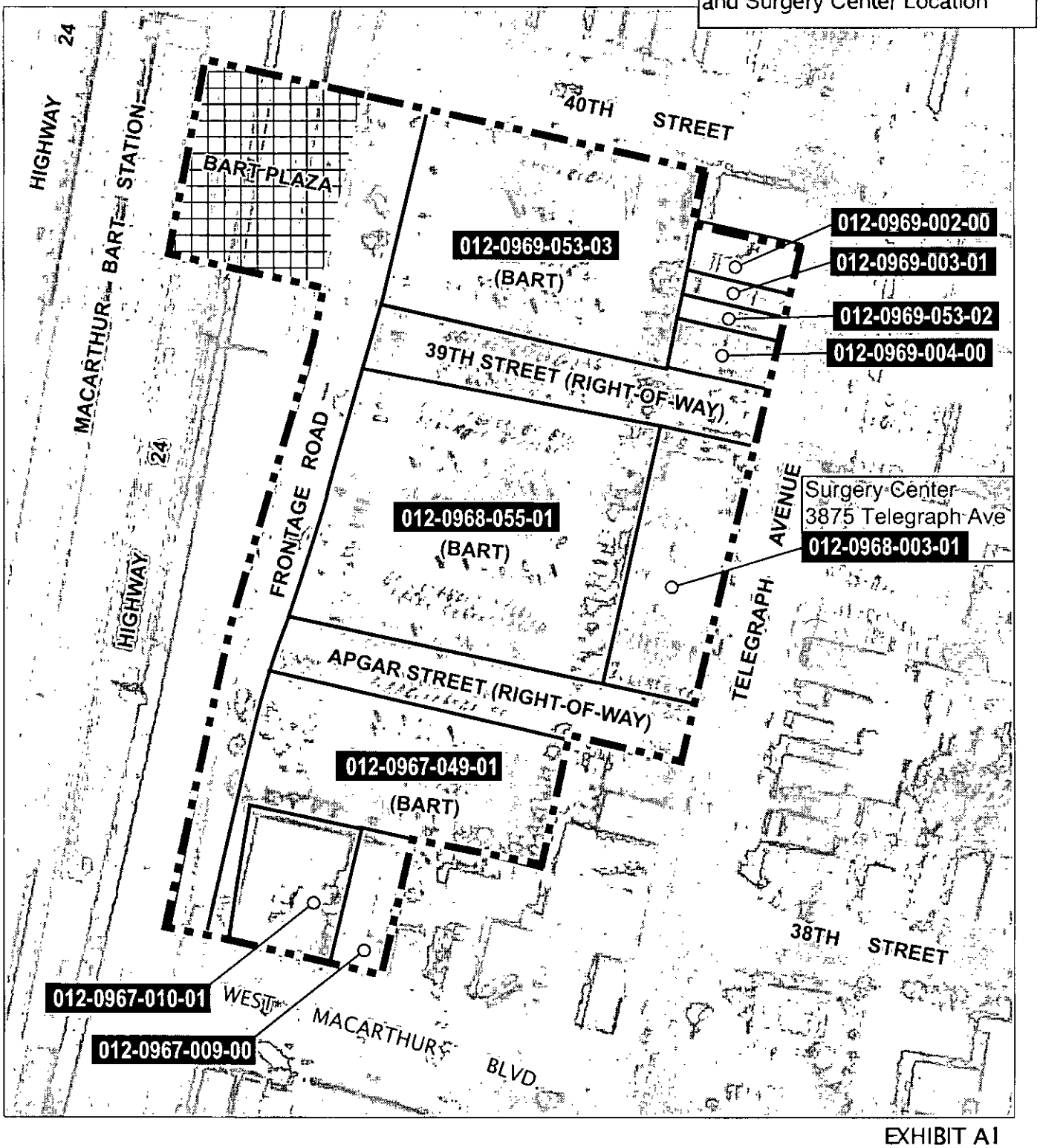


EXHIBIT A1

Legend

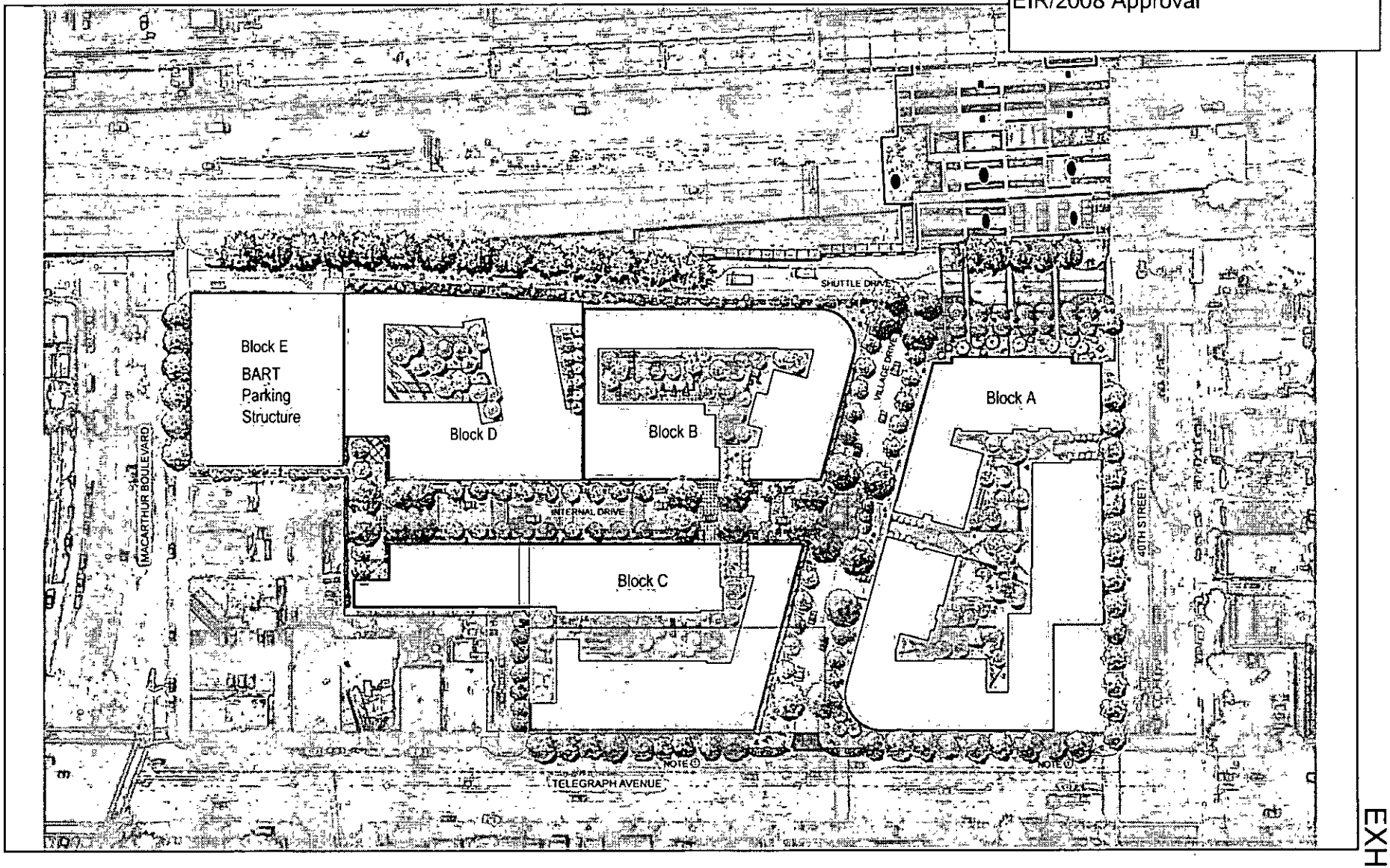
- Project site
- BART Plaza
- Parcel lines

0 75 150 feet

MacArthur Transit Village Project Site

SOURCE: CITY OF OAKLAND, 2006.

Exhibit A-2: Illustrative Plan from EIR/2008 Approval



Surgery Center Parcel

EXHIBIT A

MacArthur Village Project EIR
Illustrative Site Plan 2008

SOURCE: MACARTHUR TRANSIT COMMUNITY PARTNERS,LLC, 2007.

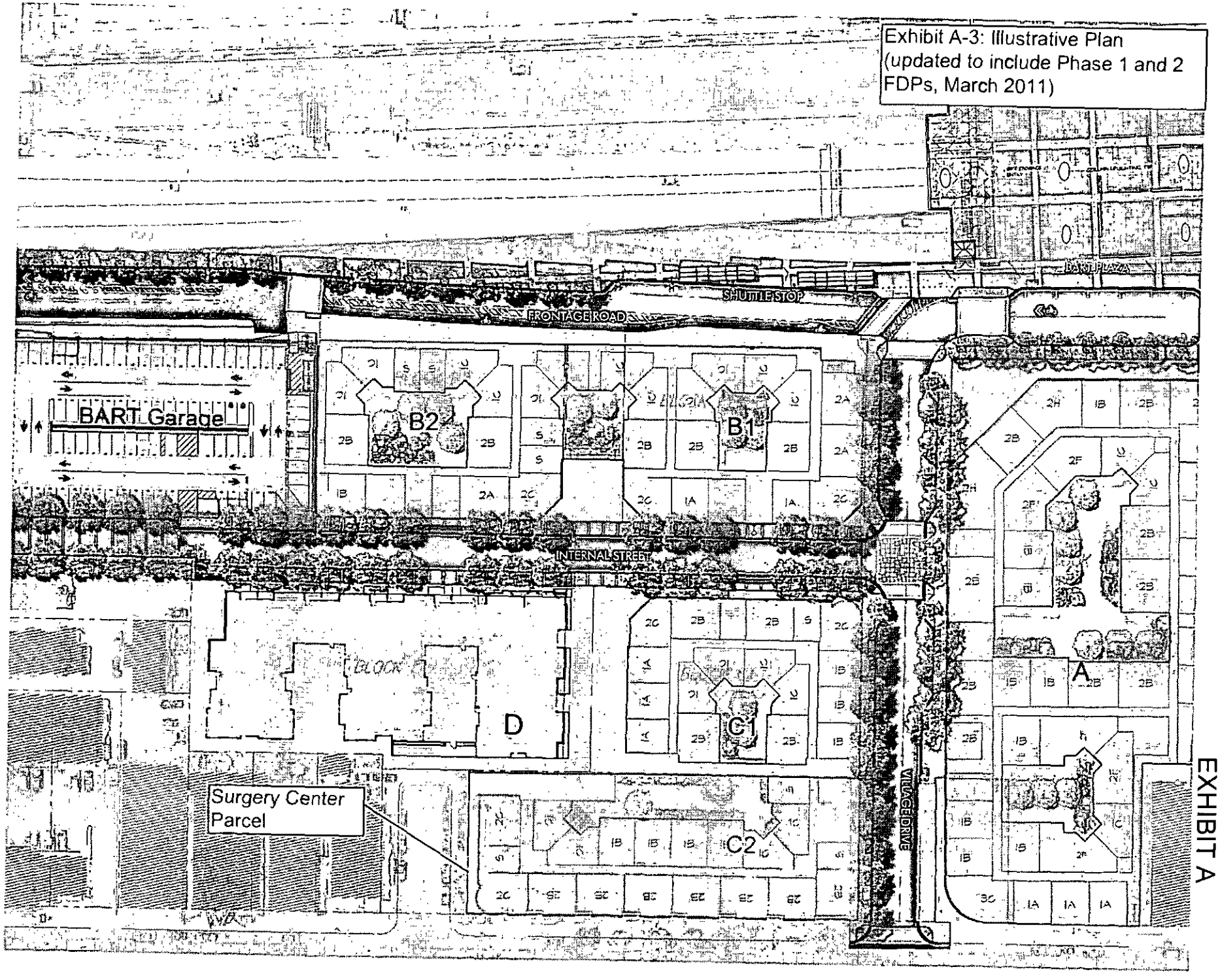


Exhibit A-3: Illustrative Plan
(updated to include Phase 1 and 2 FDPs, March 2011)
FRONTAGE ROAD
SHUTTLE STOP
BART PLAZA
BART Garage
B2
B1
INTERNAL STREET
D
C1
C2
A
VILLAGE DRIVE
Surgery Center Parcel

EXHIBIT A

Note: This exhibit only includes pages with conditions of approval referenced in the Surgery Center Letters Response Memorandum. See November 3, Planning Commission Report, dated November 3, 2010 (as amended and approved by the Planning Commission on 11/13/10)

EXHIBIT B

CONDITIONS OF APPROVAL FOR THE MACARTHUR TRANSIT VILLAGE PROJECT

Part 1: General Conditions of Approval

1. Approved Use

Ongoing

a) The project shall be constructed and operated in accordance with the authorized use as described in the application materials, staff report, and the plans submitted on May 28, 2008, and as amended by the following conditions. Any additional uses or facilities other than those approved with this permit, as described in the project description and the approved plans will require a separate application and approval. Any deviation from the approved drawings, Conditions of Approval or use shall require prior written approval from the Director of City Planning or designee. The project may however increase the number of permitted residential dwelling units up to a maximum of 675 dwelling units, as analyzed in the MacArthur Transit Village Project EIR provided that a) the ratio of affordable units (20% of market rate units) is maintained; and the resulting project design with the additional units shall conform in all major respects with the approved Preliminary Development Plan.

b) This action by the City Planning Commission ("this Approval") includes the approvals set forth below. This Approval includes:

i. Planned Unit Development (PUD), under Oakland Planning Code Chapters 17.122 and 17.140;

ii. Major Conditional Use Permit (CUP), under Oakland Planning Code Chapter 17.134; and

iii. Design Review, under Oakland Planning Code Chapter 17.136

c) This Approval shall not become effective unless the proposed legislative actions (rezoning and text amendment) occur as stated in Condition of Approval 20.

2. Effective Date, Expiration, Extensions and Extinguishment

Ongoing

Unless a different termination date is prescribed, this Approval shall expire two years from the approval date, unless within such period all necessary permits for construction of Stage 1 (the BART Parking Garage) have been issued. Upon written request and payment of appropriate fees submitted no later than the expiration date of this permit, the Director of City Planning or designee may grant two one-year extensions of this date, with additional extensions subject to approval by the approving body. Expiration of any necessary building permit for this project may invalidate this Approval if the said extension period has also expired. These time periods are "tolled" due to litigation challenging this approval and thus such time shall not be counted toward expiration of this approval. The Preliminary Development Plan Approval for the Planned Unit Development Permit shall expire June 4, 2018 and all Final Development Plan phases shall be reviewed and approved by that date (see below for details on FDP Staging).

Notwithstanding, the timeframes provided for in this Condition no. 2 the project sponsor shall, if feasible, make reasonable effort to proceed with all phases of the project as expeditiously as possible, and have the full build out of the project be completed as early as possible.

FDP Staging

Submittal of Final Development Plans (FDPs) shall be permitted in five (5) stages over a 10 year time period from the date of this approval, as detailed below.

(a) Each stage of FDP is described below:

i. Stage 1. Stage 1 FDP for the project will include the construction of Building E, the replacement BART parking garage, site remediation, Internal Drive, the Frontage Road improvements, and the portion of Village Drive that extends from the Frontage Road to the Internal Drive. Stage 1 FDP shall be submitted to the Planning Department for review and processing and the project applicant shall make regular and consistent progress toward approval of Stage 1 FDP within 1 year from the date of this approval. If approved, construction associated with Stage 1 FDP shall commence in earnest by not later than 2 years from the date of Stage 1 FDP approval.

ii. Stage 2. Stage 2 FDP for the project will include construction of Building D, consisting of a minimum of 90 below market rate rental units. Stage 2 FDP shall be submitted to the Planning Department for review and processing and the project applicant shall make regular and consistent progress toward approval of Stage 2 FDP within 3 years from the date of this approval. If approved, construction associated with Stage 2 FDP shall commence in earnest by not later than 2 years from the date of Stage 2 FDP approval.

iii. Stage 3. Stage 3 FDP for the project will include construction of Building A, consisting of up to 240 ownership residential units and 26,000 square feet of commercial space. All street improvements, including the completion of Village Drive and any new traffic signals required by the project, will be completed in this phase. This phase will also include the completion of a public plaza directly across Frontage Road from the existing BART Plaza. Stage 3 FDP shall be submitted to the Planning Department for review and processing and the project applicant shall make regular and consistent progress toward approval of Stage 3 FDP within 3 years from the date of this approval. If not feasible, Stage 3 FDP approval may be delayed up to a year. If approved, construction associated with Stage 3 FDP shall commence in earnest not later than 2 years from the date of Stage 3 FDP approval.

iv. Stage 4. Stage 4 FDP for the project will include the construction of Building B, consisting of up to 150 ownership residential units and 5,500 square feet of commercial space. Stage 4 FDP shall be submitted to the Planning Department for review and processing and the project applicant shall make regular and consistent progress toward approval of Stage 4 FDP within 8 years from the date of this approval. If approved, construction

associated with Stage 4 FDP shall commence in earnest not later than 2 years from the date of Stage 4 FDP approval.

v. Stage 5. Stage 5 FDP for the will include the construction of Building C, consisting of up to 195 ownership residential units and 12,500 square feet of commercial space. This phase will also include the construction of a community center use on the ground floor of Building C. Stage 5 FDP shall be submitted to the Planning Department for review and processing 10 years from the date of this approval. If approved, construction associated with Stage 5 FDP shall commence in earnest not later than 2 years from the date of Stage 5 FDP approval.

(b) For purposes of this conditions, the term "commence in earnest" shall mean to initiate activities based on a City-issued building permit and other necessary permit (s) and diligently prosecute such permit(s) in substantial reliance thereon and make regular and consistent progress toward the completion of construction and the issuance of final certificate of occupancy, including successful completion of building inspections to keep the building permit and other permits active without the benefit of extension.

(c) Provided that Stage 1 and 2 FDPs are approved in accordance with the above time frames, the Developer shall have the discretion to change which buildings (A, B, or C) are constructed in which Stages (3, 4 or 5) provided that the FDP submittal dates for these stages remain the same. All other modifications to FDP staging shall be subject to review and approval by the Planning Commission.

(d) FDP Stages may be combined and reviewed prior to the outlined time frames. If each stage of FDP is not submitted/completed within the time frames outlined above, the PDP shall be considered null and void.

(e) If, subsequent to this approval, a Development Agreement for this project is adopted by the City, the phasing and construction timeframes prescribed within the Development Agreement shall supersede this condition of approval and govern construction phasing for the project.

3. Scope of This Approval; Major and Minor Changes

Ongoing

The project is approved pursuant to the Planning Code only. Minor changes to approved plans may be approved administratively by the Director of City Planning or designee. Major changes to the approved plans shall be reviewed by the Director of City Planning or designee to determine whether such changes require submittal and approval of a revision to the approved project by the approving body or a new, completely independent permit.

4. Conformance to Approved Plans; Modification of Conditions or Revocation

Ongoing

a) Site shall be kept in a blight/nuisance-free condition. Any existing blight or nuisance shall be abated within 60-90 days of the project sponsor obtaining site control, unless an earlier date is specified elsewhere.

b) The City of Oakland reserves the right at any time during construction to require certification by a licensed professional that the as-built project conforms to all applicable zoning requirements, including but not limited to approved maximum heights and minimum setbacks. Failure to construct the project in accordance with approved

accordance with the California Air Resources Board and the Office of Environmental Health and Hazard Assessment for exposure to vehicular exhaust from roadways, the project sponsor has agreed to incorporate into the project a mechanical ventilation system that meets the efficiency standard of the MERV 13 for those units with windows fronting the freeway or Frontage Road. The ventilations shall be subject to review and approval by the City's Building Services Division. Appropriate maintenance, operation and repair materials will be furnished to project residents.

25. Components of Final Development Plans.
Prior to approval of Any Final Development Plans
In accordance with the Planning Code Chapter 17.140, each stage of FDP shall:
(a) Conform to all major respects with the approved Preliminary Development Plan received by the Planning Division on May 28, 2008, and included as Exhibit F;

(b) Comply with development standards of the S-15 Zone, except and modified for building height as bonus for the Planned Unit Development and shown In the Preliminary Development Plan;

(c) Be consistent with the MacArthur Transit Village Design Guidelines included in these conditions as Exhibit C-3;

(d) Include all information included in the preliminary development plan plus the following:
i. the location of water, sewerage, and drainage facilities;
ii. detailed building floor plans, elevations and landscaping plans;
iii. the character and location of signs;
iv. plans for street improvements; and
v. grading or earth-moving plans.

(e) Be sufficiently detailed to indicate fully the ultimate operation and appearance of the development stage including the quality of exterior materials and windows; and

(f) Include copies of legal documents required for dedication or reservation of group or common spaces, for the creation of nonprofit homes' association, or for performance bonds, shall be submitted with each Final Development Plan.

26. Subdivision Maps
Prior to final approval of Each Final Development Plan
Final Development Plans shall be accompanied by subdivision maps as required to subdivide the property. The subdivision maps shall be reviewed and processed in accordance with Title 17, Subdivisions, of the City of Oakland Municipal Code and the Subdivision Map Act.

27. Final Development Review and Approval by City Council.
Prior to final approval of Any Final Development Plan
All Final Development Plan(s) shall be subject to review and recommendation by the Planning Commission's Design Review Committee and Planning Commission, with final approval by the City Council.

28. Minimum Setback to Buildings Adjacent to Project Site.
Prior to issuance of a building permit
All buildings within the project shall maintain a minimum 5 foot setback, except at the ground level, to existing buildings adjacent to the project site. The 5 foot minimum setback will ensure a minimum setback of 9 feet from the south windows located in the building light

Mitigation Monitoring and Reporting Program

Standard COA/MM	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/ Initials
D. AIR QUALITY					
COA AIR-1: Dust Control. Prior to *issuance of a demolition, grading, or building permit.* During construction, the project applicant shall require the construction contractor to implement the following measures required as part of BAAQMD basic and enhanced dust control procedures required for construction sites. These include: BASIC (Applies to ALL construction sites) a) Water all active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible. b) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer). c) Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites. d) Sweep daily (with water sweepers using reclaimed water if possible) all paved access roads, parking areas and staging areas at construction sites. e) Sweep streets (with water sweepers using reclaimed water if possible) at the end of each day if visible soil material is carried onto adjacent paved roads. f) Limit the amount of the disturbed area at any one time, where feasible.	Ongoing throughout demolition, grading, and/or construction	City of Oakland, CEDA, Building Services Division	• Make regular visits to the project site to ensure that all dust-control mitigation measures are being implemented. • Verify that a designated dust control coordinator is on-call during construction periods.		

EXHIBIT A

Mitigation Monitoring and Reporting Program

Standard COA/MM	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/ Initials
g) Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.					
h) Pave all roadways, driveways, sidewalks, etc. as soon as feasible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.					
i) Replant vegetation in disturbed areas as quickly as feasible.					
j) Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).					
k) Limit traffic speeds on unpaved roads to 15 miles per hour.					
l) Clean off the tires or tracks of all trucks and equipment leaving any unpaved construction areas.					
ENHANCED (All "Basic" Controls listed above plus the following if the construction site is greater than 4 acres)					
a) All "Basic" controls listed above, plus:					
b) Install sandbags or other erosion control measures to prevent silt runoff to public roadways.					
c) Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for one month or more).					
d) Designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such person shall be provided to the BAAQMD prior to the start of construction as well as posted on-site over the duration of construction.					
e) Install appropriate wind breaks at the construction site to minimize wind blown dust.					

EXHIBIT A

Mitigation Monitoring and Reporting Program

Standard COA/MM	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/ Initials
COA 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 "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) shall be performed for such equipment used continuously during the construction period.	Prior to issuance of a demolition, grading, or building permit; and ongoing throughout construction	City of Oakland, CEDA, Building Services Division	Verify that all construction equipment meets mitigation measures.		
E. NOISE AND VIBRATION					
COA NOISE-1: Days/Hours of Construction Operation. Ongoing throughout demolition, grading, and/or construction. The project applicant shall require construction contractors to limit standard construction activities as follows: a) Construction activities are limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, except that pile driving and/or other extreme noise generating activities greater than 90 dBA limited to between 8:00 a.m. and 4:00 p.m. Monday through Friday.	Ongoing throughout demolition, grading, and/or construction	City of Oakland, CEDA, Building Services Division	Make regular visits to the construction site to ensure that construction activities are restricted the hours designated in COA NOISE-1.		

EXHIBIT A

Mitigation Monitoring and Reporting Program

Standard COA/MM	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/ Initials
b) Any construction activity proposed to occur outside of the standard hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case-by-case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened and such construction activities shall only be allowed with the prior written authorization of the Building Services Division.					
c) Construction activity shall not occur on Saturdays, with the following possible exceptions: • Prior to the building being enclosed, requests for Saturday construction for special activities (such as concrete pouring which may require more continuous amounts of time), shall be evaluated on a case-by-case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened. Such construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division. • After the building is enclosed, requests for Saturday construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division, and only then within the interior of the building with the doors and windows closed.					
d) No extreme noise generating activities (greater than 90 dBA) shall be allowed on Saturdays, with no exceptions.					

EXHIBIT A

Mitigation Monitoring and Reporting Program

Standard COA/MM	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/ Initials
e) No construction activity shall take place on Sundays or Federal holidays. f) Construction activities include but are not limited to: truck idling, moving equipment (including trucks, elevators, etc.) or materials, deliveries, and construction meetings held on-site in a non-enclosed area.					
COA NOISE-2: Noise Control. Ongoing throughout demolition, grading, and/or construction. To reduce noise impacts due to construction, the project applicant shall require construction contractors to implement a site-specific noise reduction program, subject to city review and approval, which includes the following measures: a) Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible). b) Except as provided herein, impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used if such jackets are commercially available, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever such procedures are available and consistent with construction procedures.	Ongoing throughout demolition, grading, and/or construction	City of Oakland, CEDA, Building Services Division	• Verify that a site-specific noise reduction program has been prepared and implemented. • Make regular visits to the construction site to ensure that noise from construction activities is appropriately controlled.		

EXHIBIT A

Mitigation Monitoring and Reporting Program

Standard COA/MM	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/ Initials
c) Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or use other measures as determined by the City to provide equivalent noise reduction d) The noisiest phases of construction shall be limited to less than 10 days at a time. Exceptions may be allowed if the City determines an extension is necessary and all available noise reduction controls are implemented.					
COA NOISE-3: Noise Complaint Procedures. Ongoing throughout demolition, grading, and/or construction. Prior to the issuance of each building permit, along with the submission of construction documents, the project applicant shall submit to the City Building Services Division a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include: a) A procedure and phone numbers for notifying the City Building Services Division staff and Oakland Police Department; (during regular construction hours and off-hours); b) A sign posted on-site pertaining with permitted construction days and hours and complaint procedures and who to notify in the event of a problem. The sign shall also include a listing of both the City and construction contractor's telephone numbers (during regular construction hours and off-hours); c) The designation of an on-site construction complaint and enforcement manager for the project;	Submit list prior to the issuance of a building permit; Ongoing throughout demolition, grading, and/or construction	City of Oakland, CEDA, Building Services Division	Verify the implementation of the list of measures to respond to and track complaints pertaining to construction noise.		

EXHIBIT A

Mitigation Monitoring and Reporting Program

Standard COA/MM	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/ Initials
d) Notification of neighbors and occupants within 300 feet of the project construction area at least 30 days in advance of extreme noise generating activities about the estimated duration of the activity; and e) A preconstruction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise measures and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.					
COA NOISE-4: Interior Noise. *Prior to issuance of a building permit.* If necessary to comply with the interior noise requirements of the City of Oakland General Plan Noise Element and achieve an acceptable interior noise level, noise reduction in the form of sound-rated assemblies (i.e., windows, exterior doors, and walls) shall be incorporated into project building design, based upon recommendations of a qualified acoustical engineer. Final recommendations for sound-rated assemblies will depend on the specific building designs and layout of buildings on the site and shall be determined during the design phase; however, the following sound-rated assembly recommendations, based on the conceptual project layout and design (described in Chapter III, Project Description) should be included in the final study and will be included in the Standard Condition of Approval: An alternate form of ventilation, such as air conditioning systems, shall be included in the design for all units located within 659 feet of the centerline of SR-24, or within 153 feet of the centerline of 40th Street, or within 166 feet of the centerline of MacArthur Boulevard to ensure that widows can remain closed for prolonged periods of time to meet the interior noise standard and Uniform Building Code Requirements.	Submit noise recommend-ations prior to the issuance of a building permit for each phase of construction containing residential units Implement recommend ations according to timeframes outlined in plan	City of Oakland, CEDA, Building Services Division	Verify that appropriate sound-rated assemblies to reduce noise levels have been incorporated into the project building design.		

EXHIBIT A

Mitigation Monitoring and Reporting Program

Standard COA/MM	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/ Initials
All residential building façades directly exposed to and within 240 feet of the centerline of SR-24 must be constructed to meet the interior DNL 45 dB requirement; this likely could be achieved with an overall STC-30 rating with windows having a minimum STC-34 rating. This could be achieved with a typical 1-inch insulated glazing assembly, possibly with one light being laminated (or other appropriate example assembly). Quality control must be exercised in construction to ensure all air-gaps and penetrations of the building shell are controlled and sealed.					
COA NOISE-5: Pile Driving and Other Extreme Noise Generators. Ongoing throughout demolition, grading, and/or construction. To further reduce potential pier drilling, pile driving and/or other extreme noise generating construction impacts greater than 90 dBA, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted for review and approval by the City to ensure that maximum feasible noise attenuation will be achieved. This plan shall be based on the final design of the project. A third-party peer review, paid for by the project applicant, may be required to assist the City in evaluating the feasibility and effectiveness of the noise reduction plan submitted by the project applicant. The criterion for approving the plan shall be a determination that maximum feasible noise attenuation will be achieved. A special inspection deposit is required to ensure compliance with the noise reduction plan. The amount of the deposit shall be determined by the Building Official and the deposit shall be submitted by the project applicant concurrent	Submit plan prior commencing construction activities involving pile driving or other extreme noise generators; Implement measures according to timeframes outlined in the plan	City of Oakland, CEDA, Building Services Division	• Verify that a plan for reducing extreme noise generating construction impacts has been prepared. • Verify that the plan will achieve the maximum feasible noise attenuation. • Verify that a special inspection deposit has been submitted.		

EXHIBIT A

Mitigation Monitoring and Reporting Program

Standard COA/MM	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/ Initials
with submittal of the noise reduction plan. The noise reduction plan shall include, but not be limited to, an evaluation of implementing the following measures. These attenuation measures shall include as many of the following control strategies as applicable to the site and construction activity: a) Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings; b) Implement "quiet" pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions; c) Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site; d) Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for example, and implement such measure if such measures are feasible and would noticeably reduce noise impacts; and e) Monitor the effectiveness of noise attenuation measures by taking noise measurements.					

EXHIBIT A

Mitigation Monitoring and Reporting Program

Standard COA/MM	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/ Initials
COA NOISE-6: Demolition/Construction Adjacent to Historic Structures. The project applicant shall retain a structural engineer or other appropriate professional to determine threshold levels of vibration and cracking that could damage the buildings adjacent to the project site and design means and methods of construction that shall be utilized to not exceed the thresholds. Additionally, the project applicant shall submit a demolition plan for review and approval so as not to unduly impact neighboring property improvements particularly 505 40th Street. Neighboring property improvements within 10 of the project boundary shall be indicated on the demolition plan. The method of protection for any improvements within 5 feet of the project boundary shall be specifically addressed in the demolition plan. The applicant shall submit such engineering report and demolition plan and means of compliance with the engineering recommendations to the City (CEDA Building Services) for review and approval and implement the approved plan. f)	Prior to the issuance of a demolition, grading, or building permit for building A	City of Oakland, CEDA, Building Services Division	Verify that a structural engineer or other appropriate professional has determined the means and methods of construction will not exceed threshold levels of vibration that may damage buildings adjacent to the project site.		

EXHIBIT A

EXHIBIT A

LSA

LSA ASSOCIATES, INC.
20 EXECUTIVE PARK, SUITE 200 · 949.553.0666 TEL
IRVINE, CALIFORNIA 92614 949.553.8076 FAX

BERKELEY FRESNO RIVERSIDE
CARLSBAD PALM SPRINGS ROCKLIN
FORT COLLINS POINT RICHMOND SAN LUIS OBISPO
SOUTH SAN FRANCISCO

MEMORANDUM

DATE: March 11, 2011

TO: Joe McCarthy, Project Manager, and Art May, Development Director, MacArthur Transit Community Partners

FROM: Tony Chung and Ronald Bmgger, LSA Associates, Inc.

SUBJECT: Response to Holland & Knight Comment Letter on the EIR for the MacArthur Transit Village Project in the City of Oakland, California.

LSA Associates, Inc. (LSA) has reviewed the comment letter provided by Holland & Knight dated December 21, 2010 on the MacArthur Transit Village Project. Although none of the criteria have been met or circumstances have occurred under CEQA Guidelines section 15162 that would require any additional environmental review with respect to the Project, we have prepared an analysis, including a health risk assessment, responding to the contentions in this letter. The scope of this analysis was to evaluate the air quality impacts associated with construction of the Phase 1 and Phase 2 Final Development Plans of the MacArthur Transit Village project (Phase 1 and 2 FDPs)[1] based on the Construction Equipment Schedule, dated January 28, 2011.

In summary our analysis demonstrates (1) as stated in the Project EIR, the City's Standard Conditions of Approval with respect to dust and diesel emissions will mitigate potential impacts on the Surgery Center; and (2) the project construction would not create a health risk for patients and employees of the Surgery Center. Our responses are provided below.

Comment: The Surgery Center states that the following impacts will occur from Project construction:

- Dust and diesel pardculate matter impacts on respiratory and cardiovascular patients uniquely sensitive to air pollution.
- Dust contamination of sterile medical devices, and
- Diesel particulate matter and fume impacts on patients and employees at the Surgery Center, including headaches and nausea.

LSA Response: The MacArthur Transit Village EIR correctly analyzed the dust and diesel particulate matter emissions associated with Project construction. The Project is subject to the City's Standard Conditions of Approval for dust (SCA-AIR-l) and constmction equipment (SCA-AIR2), which are designed lo reduce any potential impacts to a less-than-significant level. The requirements of these Standard Conditions of Approval are consistent with the Bay Area Air Quality Management District's (BAAQMD) basic and enhanced construction mitigation measures that were in effect when the EIR was published and remain generally consistent with the BAAQMD's basic and additional construction

[1] These are the two FDPs applications currently on file with the City and the two construction phases of the MacArthur Transit Village Project that arc anticipated to overlap to somc extent and occur within the next two years. Consequently the effects of both of these construction phases arc considered in this analysis.

mitigation measures in the 2010 BAAQMD CEQA Guidelines (page 2-6). Additionally, the Project EIR quantified the estimated construction emissions based on the phased construction schedule in Table IV.D-6 (EIR p.247). This Table confirms that the Project's unmitigated construction emissions are below the BAAQMD's 2010 CEQA Guidelines threshold's of significance for construction emissions. Consequently, there is no evidence to suggest that the Surgery Center would experience any significant adverse impacts related to dust and diesel emissions from the Project construction. The potential dust and diesel particulate matter emissions from the Project construction will be significantly reduced and controlled through implementation of SCA-AIR-1 and SCA-AIR-2. These conditions of approval protect the Surgery Center.

A health risk assessment (HRA) was conducted to more precisely assess the air quality impacts from construction on the project site to patients and workers at the Surgery Center. Using the detailed Construction Equipment Schedule, dated January 28, 2011, provided by the MacArthur Transit Community Partners (MTCP) and a combination of the California Air Resources Board's URBEMIS 2007 and HARP models, a very detailed HRA was developed. The URBEMIS 2007 model was used to translate the construction details into pollutant emissions rates. These emissions were then assigned locations on the project site corresponding with the construction phasing plan and within those areas, placed closer to the Surgery Center to maximize the predicted impact. The HARP model was then used to combine these emissions and local meteorological conditions into an air dispersion model to predict pollutant concentrations and corresponding health risk levels. It is standard HRA methodology to assess only the outdoor risk levels, since the amount of protection afforded by buildings vary substantially. It is probable that the Surgery Center provides above average protection to patients and workers within, however, this HRA does not attempt to quantify that protection. Thus, this HRA assumes that the exposure occurs for the standard California-recommended 24 hours per day, 7 days per week, 240 days per year.

The primary health concern is the short-term acute affects from the exhaust of the heavy-duty construction equipment operating in close proximity to the Surgery Center. However, there is also the potential for a longer term exposure to the workers at the Surgery Center, and possibly to patients of the Surgery Center. The Surgery Center currently provides ambulatory care, performing outpatient surgeries and nursing care. It does not have inpatient accommodations. However, since this project has no control over how the Surgery Center operates, this HRA also includes the predicted carcinogenic and chronic health risks to a patient staying not only overnight, but doing so for the entire construction period. It is assumed that the Surgery Center workers stay 8 hours per day on average and continue to work at the Surgery Center for the entire construction period. To insure completeness, the health risk levels were determined not only for the patients and workers at the Surgery Center, but also for the homes surrounding the project site. Again, the HRA assumes the doctors, nurses and patients all spend all day outside on the side of the Surgery Center building nearer to the construction activities. Table 1 shows the HRA results.

Table 1: Inhalation Health Risks from Construction Operations

Risk Category	Carcinogenic Inhalation Health Risk	Chronic Inhalation Health Index	Acute Inhalation Health Index	Threshold Exceeded ?
2-Year Patient Risks	0.24 in 1 million	0.0061	0.040	No
Worker Risks	0.047 in 1 million	0.0061	0.040	No
Residential Risks	0.24 in 1 million	0.0061	0.040	No
BAAQMD Threshold	10 in 1 million	1	1	

Source: LSA Associates, Inc., February 2011

The BAAQMD additionally requires that the long-term carcinogenic health risk results have age factors applied to account for the range of age groups in the general population. Table 2 shows the age groups, their adjustment factors, and the adjusted carcinogenic health risk level for someone staying at the Surgery Center for the full construction period 24 hours a day or for residents of the nearby homes.

Table 2: 70-Year Carcinogenic Age Group Adjustment

Risk Group	ASF	Duration	Carcinogenic Inhalation Health Risk
3rd Trimester to age 2 years	10	2.25/70	0.077 in a million
age 2 years to age 16 years	3	14/70	0.14 in a million
age 16 to 70 years	1	54/70	0.20 in a million
Adjusted 70 year lifetime risk			0.41 in a million
BAAQMD Threshold			10 in a million
Threshold Exceeded ?			No

Source: LSA Associates, Inc., February 2011

This HRA completely assessed health risk levels; however, there is no quantitative method to predict fume impacts. Since there is a correlation between pollutant concentrations and the resulting odor, it is logical to conclude that since the HRA shows very low concentrations of pollutants there will not be a odor impact.

CONCLUSIONS

As shown in Tables 1 and 2 for both patients and workers at the Surgery Center, as well as to nearby residents, construction operations would result in a maximum health risk level that is below the BAAQMD's criterion of significance for cancer health effects (10 in 1 million), and for chronic or acute health risks. While the Surgery Center patients may be uniquely sensitive to air pollution, these health risk levels are substantially below the BAAQMD thresholds of significance, making it unlikely that anyone, even uniquely sensitive individuals, would experience a negative health effect.

Historically, the BAAQMD has used the criterion of 10 in 1 million to determine the risk for point sources such as emissions from industrial facilities. This threshold was developed for these kinds of emissions sources that operate continuously for decades. Applying this threshold to a relatively brief event, such as the construction of this project, is very conservative. Additionally, the BAAQMD has documented that the average ambient air in the San Francisco Bay area has pollutant levels such that everyone living there has a carcinogenic health risk of 602 in 1 million.[2] The increase in health risk to the patients and workers at the Surgery Center is so small that no real difference would be detectable.

[2] Bay Area Air Quality Management District. 2004. *Toxic Air Contaminant Control Program, Annual Report 2002*. June.

Dust control is a major concern of the BAAQMD for all construction operations. As described on page D-47 of the BAAQMD CEQA Guidelines: "For fugitive dust emissions, the BAAQMD recommends following the current best management practices approach which has been a pragmatic and effective approach to the control of fugitive dust emissions. Studies have demonstrated (Western Regional Air Partnership, U.S.EPA) that the application of best management practices at construction sites have significantly controlled fugitive dust emissions. Individual measures have been shown to reduce fugitive dust by anywhere from 30 percent to more than 90 percent. In the aggregate best management practices will substantially reduce fugitive dust emissions from construction sites. These studies support staff's rceommendafion that projects implementing construction best management practices will reduce fugitive dust emissions to a less than significant level." This project is committed to follow all best management practices to minimize fugitive dust impacts.

Whether a particular odor is objectionable can be very subjective. Odors rarely have direct health impacts, but they can be very unpleasant and can lead to anger and concern over possible health effects among the public. The current BAAQMD odor impact threshold is five confirmed complaints per year over a three year period. This project will be sensitive to odor complaints and make all efforts to minimize odor impacts.

Attachment: HRA Worksheets and modeling files

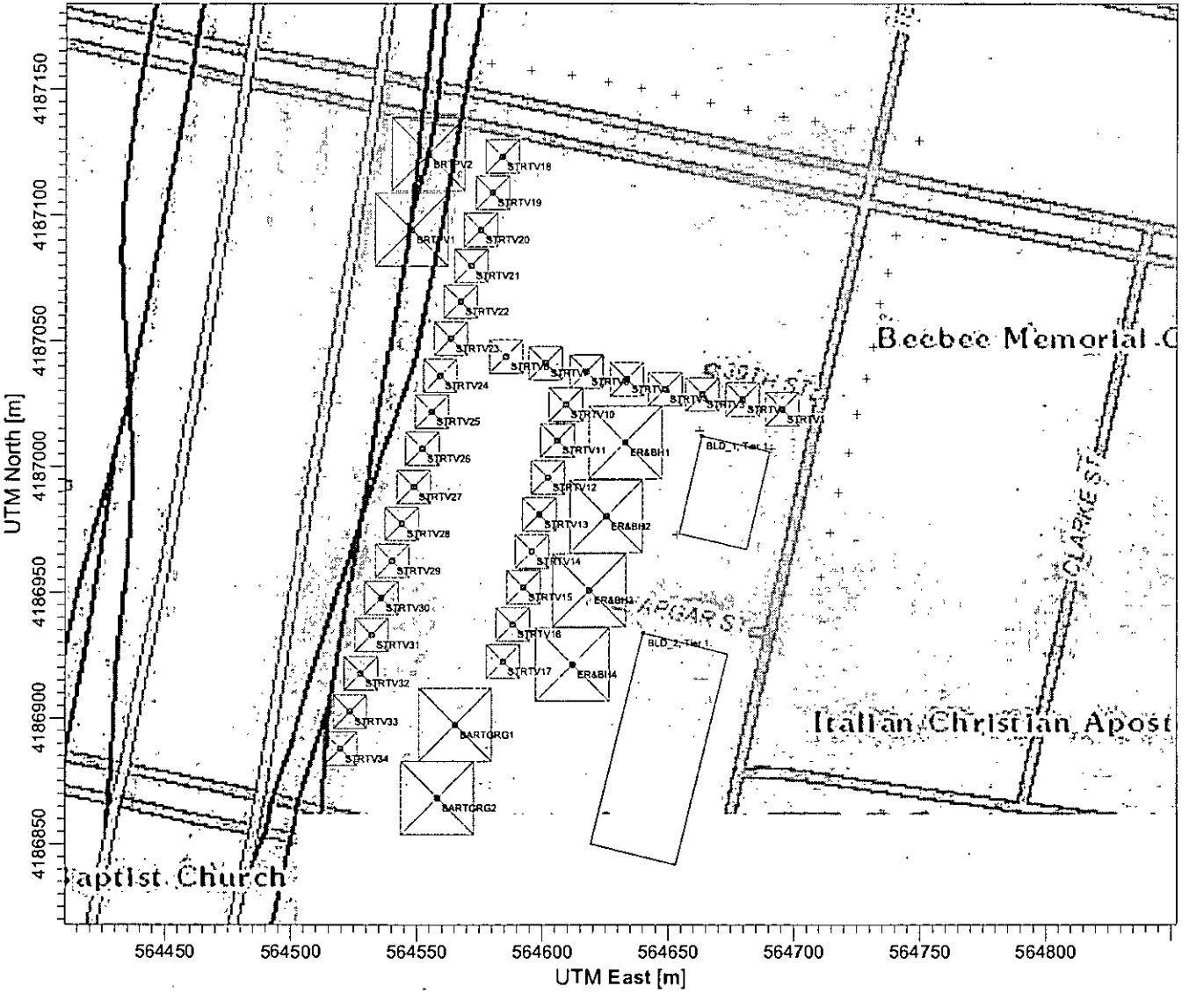
EXHIBIT A

HRA Worksheets and Modeling Files

EXHIBIT C

PROJECT TITLE:

MacArthur BART HEALTH RISK ASSESSMENT
Construction Emissions



COMMENTS:

Green pluses represent receptors, large blue rectangles represent buildings, squares with cross inside represent volume sources

SOURCES:

41

RECEPTORS:

25

COMPANY NAME:

LSA Associates, Inc.

MODELER:

Ronald Brugger

DATE:

2/11/2011

SCALE: 1:2,492

0 0.05 km

LSA

PROJECT NO.:

MTC1101

AERMOD View - Lakes Environmental Software

P:\MTC1101\Modeling\MacBExh.isc

EXHIBIT A

EXHIBIT C

```
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** ISC8T3 Input Produced by:
** AERMOD View Ver. 6.7.1
** Lakes Environmental Software Inc.
** Date: 1/31/2011
** File: P:\MTC1101\Modeling\MacBExh.INP
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**
**
**************************************
** ISCST3 Control Pathway
**************************************
**
**
CO STARTING
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   TITLETWO Construction Emissions
   MODELOPT DFAULT CONC  URBAN
   AVERTIME 1 PERIOD
   POLLUTID OTHER
   TERRHGTS ELEV
   RUNORNOT RUN
   ERRORFIL P:\MTC1101\Modeling\MacBExh.err
CO FINISHED
**
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** ISCST3 Source Pathway
**************************************
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   LOCATION STRTV3 VOLUME 564663.360 4187028.711 24.000
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   LOCATION STRTV4 VOLUME 564648.616 4187030.784 24.000
** DESCRSRC Street Volume 4
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   LOCATION STRTV7 VOLUME 564601.141 4187041.147 23.630
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** DESCRSRC Parcel E - Volume 2
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EXHIBIT A

EXHIBIT C

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** DESCRSRC BART Plaza - Volume 2
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EXHIBIT A

EXHIBIT C

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SRCGROUP ER&BH4 ER&BH4
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SRCGROUP ER&BH2 ER&BH2
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EXHIBIT A

EXHIBIT C

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   DISCCART    564695.44   4187139.02   25.26
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   UAIRDATA 23230 1978 OAKLAND/WSO_AP 569300.00 4172700.00
ME FINISHED
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EXHIBIT A

EXHIBIT C

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PLOTFILE PERIOD STRTV10 PE00G0I0.PLT
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EXHIBIT A

EXHIBIT C

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   PLOTFILE PERIOD STRTV8 PE00G041.PLT
OU FINISHED
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** Project Parameters
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** PROJCTN  CoordinateSystemUTM
** DESCPTN  UTM: Universal Transverse Mercator
** DATUM    North American Datum 1983
** DTMRGN   CONUS
** UNITS    m
** ZONE     10
**
```

EXHIBIT A

EXHIBIT C

LSA Associates, Inc.

URBEMIS 2007 Annual Construction Emissions Rates

MTC1101

				PM10 Exhaust	ROG
2011				0.210069899	0.777930779
	Demolition 03/03/2011-03/31/2011	Motel Demo	BART Garage	0.011815347	0.024744268
	Mass Grading 04/01/2011-05/31/2011	Environmental Remediation	ER&BH	0.031206026	0.063550874
	Mass Grading 05/01/2011-05/31/2011	BART Garage - Earthwork	BART Garage	0.005756416	0.010915693
	Trenching 06/01/2011-06/30/2011	BART Garage - Piles	BART Garage	0.008540256	0.016372634
	Trenching 06/01/2011-08/31/2011	BART Garage - Grade Beams / Pile Caps	BART Garage	0.029798098	0.047941697
	Demolition 07/01/2011-08/31/2011	Frontage Road - Demo & Earthwork	Street Vols 18-34	0.017847907	0.035941638
	Trenching 08/01/2011-09/30/2011	Frontage Road - Utilities	Street Vols 18-34	0.006552109	0.01258851
	Asphalt 09/01/2011-12/31/2011	BART Garage - Vertical Concrete	BART Garage	0.054765691	0.07922191
	Demolition 09/01/2011-09/30/2011	BART Plaza - Demo	BART Plaza	0.006802976	0.013167806
	Asphalt 10/01/2011-10/31/2011	BART Plaza - Concrete	BART Plaza	0.002212237	0.006062875
	Asphalt 10/01/2011-11/30/2011	Frontage Road - Paving & Sidewalks	Street Vols 18-34	0.017414164	0.031185679
	Trenching 10/01/2011-11/30/2011	W. MacArthur - Utilities	Street Vols 18-34	0.006260904	0.012029021
	Coating 11/01/2011-03/31/2012	BART Garage - Exterior Skin	BART Garage	0.000142053	0.399894425
	Fine Grading 11/01/2011-11/30/2011	BRiDGE - Earthwork	ER&BH	0.006486542	0.013681873
	Asphalt 12/01/2011-02/28/2012	BRiDGE - Concrete	ER&BH	0.002151591	0.004280295
	Asphalt 12/01/2011-12/31/2011	W. MacArthur - Concrete	Street Vols 18-34	0.002317581	0.006351583
2012				0.09	1.10
	Asphalt 12/01/2011-02/28/2012	BRiDGE - Concrete	ER&BH	0.004216838	0.00847455
	Coating 11/01/2011-03/31/2012	BART Garage - Exterior Skin	BART Garage	0.000210533	0.885031083
	Demolition 01/01/2012-01/31/2012	BART Plaza - Demo	BART Plaza	0.006742369	0.013505804
	Asphalt 02/01/2012-02/28/2012	BART Plaza - Concrete	BART Plaza	0.002146619	0.006132647
	Building 02/01/2012-03/31/2012	BART Garage - Sitework	BART Garage	0.024589458	0.077750154
	Fine Grading 04/01/2012-05/31/2012	Internal Streets & Village - Earthwork	Street Vols 1-16	0.016886366	0.033507655
	Trenching 09/01/2012-11/30/2012	Internal Streets & Village - Utilties	Street Vols 1-16	0.031723811	0.060486488
	Asphalt 11/01/2012-01/30/2013	Internal Streets & Village - Paving & Sidewall	Street Vols 1-16	0.005711218	0.01110517
2013				0.00	0.01
	Asphalt 11/01/2012-01/30/2013	Internal & Village - Paving & Sidewalks	Street Vols 1-16	0.003006187	0.00589604
			total	0.305303299	1.87982036938142

EXHIBIT A

EXHIBIT C

MTC1101

LSA Associates, Inc.

Translating Base PM10 and ROG Emissions Rates to Toxic Compound Emissions Rates

Construction Area	Number of modeling sources	URBEMIS PM10 tons/year	URBEMIS ROG tons/year	Years of Construction
BART Garage	2	0.135617852	1.541871863	2
EvRem & BRiDGE	4	0.044060998	0.089987592	2
BART Plaza	2	0.017904201	0.038869131	2
Internal Street	16	0.057327581	0.110995353	2
Frontage Rd	17	0.050392666	0.09809643	2
	41	0.305303299	1.879820369	

Annual Emissions (lb/year)

	PM10	1,3-butadiene	acetaldehyde	benzene	ethylbenzene	formaldehyde	methanol	mek	naphthalene	styrene	toluene	xylene
BART Garage	3.875	8.37E-02	3.24	0.882	0.134	6.48	0.0132	0.651	0.0374	0.0256	0.649	0.269
EvRem & BRiDGE	0.629	2.44E-03	0.0945	0.0257	0.00392	0.189	3.86E-04	0.019	0.00109	7.46E-04	0.0189	0.00785
BART Plaza	0.512	2.11E-03	0.0817	0.0222	0.00339	0.163	3.33E-04	0.0164	9.44E-04	6.44E-04	0.0164	0.00679
Internal Street	0.205	7.53E-04	0.0291	0.00793	0.00121	0.0583	1.19E-04	0.00586	3.37E-04	2.30E-04	0.00584	0.00242
Frontage Rd	0.169	6.26E-04	0.0242	0.0066	0.00101	0.0485	9.89E-05	0.00487	2.80E-04	1.91E-04	0.00486	0.00201

	Construction days/year	Construction hours/day
BART Garage	250	8
EvRem & BRiDGE		
BART Plaza		
Internal Street		
Frontage Rd		

Hourly Emissions (lb/hr)

	PM10	1,3-butadiene	acetaldehyde	benzene	ethylbenzene	formaldehyde	methanol	mek	naphthalene	styrene	toluene	xylene
BART Garage	1.94E-03	4.19E-05	1.62E-03	4.41E-04	6.70E-05	3.24E-03	6.60E-06	3.26E-04	1.87E-05	1.28E-05	3.25E-04	1.35E-04
EvRem & BRiDGE	3.15E-04	1.22E-06	4.73E-05	1.29E-05	1.96E-06	9.45E-05	1.93E-07	9.50E-06	5.45E-07	3.73E-07	9.45E-06	3.93E-06
BART Plaza	2.56E-04	1.06E-06	4.09E-05	1.11E-05	1.70E-06	8.15E-05	1.67E-07	8.20E-06	4.72E-07	3.22E-07	8.20E-06	3.40E-06
Internal Street	1.02E-04	3.77E-07	1.46E-05	3.97E-06	6.05E-07	2.92E-05	5.95E-08	2.93E-06	1.69E-07	1.15E-07	2.92E-06	1.21E-06
Frontage Rd	8.47E-05	3.13E-07	1.21E-05	3.30E-06	5.05E-07	2.43E-05	4.95E-08	2.44E-06	1.40E-07	9.55E-08	2.43E-06	1.01E-06

Speciation Profile #815	
1,3-butadiene	0.0019
acetaldehyde	0.07353
benzene	0.02001
ethylbenzene	0.00305
formaldehyde	0.14714
methanol	0.0003
mek	0.01477
naphthalene	0.00085
styrene	0.00058
toluene	0.01473
xylene	0.00611

From the ARB website: Speciation Profiles Used in ARB Modeling
http://www.arb.ca.gov/ei/speciate/dnldopt.htm#specprof
downloaded 10/14/2010

EXHIBIT A

EXHIBIT C

This file: P:\MTC1101\Modeling\Rep_Can_70yr_Inh_AllRec_AllSrc_AllCh_ByRec_Site.txt

Created by HARP Version 1.4d Build 23.09.07
Uses ISC Version 99155
Uses BPIP (Dated: 04112)
Creation date: 2/1/2011 1:11:46 PM

EXCEPTION REPORT
(there have been no changes or exceptions)

INPUT FILES:
Source-Receptor file: P:\MTC1101\Modeling\MACBEXH.SRC
Averaging period adjustment factors file: not applicable
Emission rates file: EmRates.ems
Site parameters file: P:\MTC1101\Modeling\project.sit

Coordinate system: UTM NAD83

Screening mode is OFF

Exposure duration: 70 year (adult resident)
Analysis method: 80th Percentile Point Estimate (inhalation pathway only)
Health effect: Cancer Risk
Receptor(s): All
Sources(s): All
Chemicals(s): All

SITE PARAMETERS

Inhalation only. Site parameters not applicable.

CHEMICAL CROSS-REFERENCE TABLE AND BACKGROUND CONCENTRATIONS

CHEM	CAS	ABBREVIATION	POLLUTANT NAME	BACKGROUND (ug/m^3)
0001	9901	DieselExhPM	Diesel engine exhaust, particulate matter (Diesel PM)	0.000E+00
0002	106990	1,3-Butadiene	1,3-Butadiene	0.000E+00
0003	75070	Acetaldehyde	Acetaldehyde	0.000E+00
0004	71432	Benzene	Benzene	0.000E+00
0005	100414	Ethyl Benzene	Ethyl benzene	0.000E+00
0006	50000	Formaldehyde	Formaldehyde	0.000E+00
0007	67561	Methanol	Methanol	0.000E+00
0008	78933	MEK	Methyl ethyl ketone (2-Butanone)	0.000E+00
0009	91203	Naphthalene	Naphthalene	0.000E+00
0010	100425	Styrene	Styrene	0.000E+00
0011	108883	Toluene	Toluene	0.000E+00
0012	1330207	Xylenes	Xylenes (mixed)	0.000E+00

CHEMICAL HEALTH VALUES

CHEM	CAS	ABBREVIATION	CancerPF(Inh) (mg/kg-d)^-1	CancerPF(Oral) (mg/kg-d)^-1	ChronicREL(Inh) ug/m^3	ChronicREL(Oral) mg/kg-d	AcuteREL ug/m^3
0001	9901	DieselExhPM	1.10E+00	*	5.00E+00	*	*
0002	106990	1,3-Butadiene	6.00E-01	*	2.00E+01	*	*
0003	75070	Acetaldehyde	1.00E-02	*	1.40E+02	*	4.70E+02
0004	71432	Benzene	1.00E-01	*	6.00E+01	*	1.30E+03
0005	100414	Ethyl Benzene	8.70E-03	*	2.00E+03	*	*
0006	50000	Formaldehyde	2.10E-02	*	9.00E+00	*	5.50E+01
0007	67561	Methanol	*	*	4.00E+03	*	2.80E+04
0008	78933	MEK	*	*	*	*	1.30E+04
0009	91203	Naphthalene	1.20E-01	*	9.00E+00	*	*
0010	100425	Styrene	*	*	9.00E+02	*	2.10E+04
0011	108883	Toluene	*	*	3.00E+02	*	3.70E+04
0012	1330207	Xylenes	*	*	7.00E+02	*	2.20E+04

EMISSIONS DATA SOURCE: Emission rates loaded from file: P:\MTC1101\Modeling\ExEmRates2.ems

EXHIBIT A

EXHIBIT C

EMISSION RATES HAVE BEEN MANUALLY EDITED BY USER
CHEMICALS ADDED OR DELETED:
  ADDED DieselExhPM
  ADDED 1,3-Butadiene 9901
  ADDED Acetaldehyde 106990
  ADDED Benzene 75070
  ADDED Ethyl Benzene 71432
  ADDED Formaldehyde 100414
  ADDED Methanol 50000
  ADDED MEK 67561
  ADDED Naphthalene 78933
  ADDED Styrene 91203
  ADDED Toluene 100425
  ADDED Xylenes 108883

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV1 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.205	1.02e-4
106990	1,3-Butadiene	1		7.53e-4	3.77e-7
75070	Acetaldehyde	1		0.0291	4.16e-5
71432	Benzene	1		7.93e-3	3.97e-6
100414	Ethyl Benzene	1		0.00121	6.05e-7
50000	Formaldehyde	1		0.0583	2.92e-5
67561	Methanol	1		1.19e-4	5.95e-8
78933	MEK	1		0.00586	2.93e-6
91203	Naphthalene	1		3.37e-4	1.69e-7
1D0425	Styrene	1		2.30e-4	1.15e-7
108883	Toluene	1		0.00584	2.92e-6
1330207	Xylenes	1		0.D0242	1.21e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV2 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.205	1.02e-4
106990	1,3-Butadiene	1		7.53e-4	3.77e-7
75070	Acetaldehyde	1		0.0291	4.16e-5
71432	Benzene	1		7.93e-3	3.97e-6
100414	Ethyl Benzene	1		0.00121	6.05e-7
50000	Formaldehyde	1		0.0583	2.92e-5
67561	Methanol	1		1.19e-4	5.95e-3
78933	MEK	1		0.00586	2.93e-6
91203	Naphthalene	1		3.37e-4	1.69e-7
100425	Styrene	1		2.30e-4	1.15e-7
108883	Toluene	1		0.00584	2.92e-6
1330207	Xylenes	1		0.00242	1.21e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV3 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.205	1.02e-4
106990	1,3-Butadiene	1		7.53e-4	3.77e-7
75070	Acetaldehyde	1		0.029i	4.16e-5
71432	Benzene	1		7.93e-3	3.97e-6
100414	Ethyl Benzene	1		0.00121	6.05e-7
50000	Formaldehyde	1		0.0583	2.92e-5
67561	Methanol	1		1.19e-4	5.95e-8
78933	MEK	1		0.00586	2.93e-6
91203	Naphthalene	1		3.37e-4	1.69e-7
100425	Styrene	1		2.30e-4	1.15e-7
108883	Toluene	1		0.00584	2.92e-6
1330207	Xylenes	1		0.00242	1.21e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV4 STACK 1 EMS (lbs/yr)

EXHIBIT A

EXHIBIT C

SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.205	1.02e-4
106990	1,3-Butadiene	1		7.53e-4	3.77e-7
75070	Acetaldehyde	1		0.0291	4.16e-5
71432	Benzene	1		7.93e-3	3.97e-6
100414	Ethyl Benzene	1		0.00121	6.05e-7
50000	Formaldehyde	1		0.0583	2.92e-5
67561	Methanol	1		1.19e-4	5.95e-8
78933	MEK	1		0.00586	2.93e-6
91203	Naphthalene	1		3.37e-4	1.69e-7
100425	Styrene	1		2.30e-4	1.15e-7
108883	Toluene	1		0.00584	2.92e-6
1330207	Xylenes	1		0.00242	1.21e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV5 STACK 1 EMS (lbs/yr)

SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.205	1.02e-4
106990	1,3-Butadiene	1		7.53e-4	3.77e-7
75070	Acetaldehyde	1		0.0291	4.16e-5
71432	Benzene	1		7.93e-3	3.97e-6
100414	Ethyl Benzene	1		0.00121	6.05e-7
50000	Formaldehyde	1		0.0583	2.92e-5
67561	Methanol	1		1.19e-4	5.95e-8
78933	MEK	1		0.00586	2.93e-6
91203	Naphthalene	1		3.37e-4	1.69e-7
100425	Styrene	1		2.30e-4	1.15e-7
108883	Toluene	1		0.00584	2.92e-6
1330207	Xylenes	1		0.00242	1.21e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV6 STACK 1 EMS (lbs/yr)

SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.205	1.02e-4
106990	1,3-Butadiene	1		7.53e-4	3.77e-7
75070	Acetaldehyde	1		0.0291	4.16e-5
71432	Benzene	1		7.93e-3	3.97e-6
100414	Ethyl Benzene	1		0.00121	6.05e-7
50000	Formaldehyde	1		0.0583	2.92e-5
67561	Methanol	1		1.19e-4	5.95e-8
78933	MEK	1		0.00586	2.93e-6
91203	Naphthalene	1		3.37e-4	1.69e-7
100425	Styrene	1		2.30e-4	1.15e-7
10B883	Toluene	1		0.00584	2.92e-6
1330207	Xylenes	1		0.00242	1.21e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV7 STACK 1 EMS (lbs/yr)

SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.205	1.02e-4
106990	1,3-Butadiene	1		7.53e-4	3.77e-7
75070	Acetaldehyde	1		0.0291	4.16e-5
71432	Benzene	1		7.93e-3	3.97e-6
100414	Ethyl Benzene	1		0.00121	6.05e-7
50000	Formaldehyde	1		0.0583	2.92e-5
67561	Methanol	1		1.19e-4	5.95e-8
78933	MEK	1		0.00586	2.93e-6
91203	Naphthalene	1		3.37e-4	1.69e-7
100425	Styrene	1		2.30e-4	1.15e-7
108883	Toluene	1		0.00584	2.92e-6
1330207	Xylenes	1		0.00242	1.21e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV8 STACK 1 EMS (lbs/yr)

SOURCE MULTIPLIER=1

EXHIBIT A

EXHIBIT C

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.205	1.02e-4
106990	1,3-Butadiene	1		7.53e-4	3.77e-7
75070	Acetaldehyde	1		0.0291	4.16e-5
71432	Benzene	1		7.93e-3	3.97e-6
100414	Ethyl Benzene	1		0.00121	6.05e-7
50000	Formaldehyde	1		0.0583	2.92e-5
67561	Methanol	1		1.19e-4	5.95e-8
78933	MEK	1		0.00586	2.93e-6
91203	Naphthalene	1		3.37e-4	1.69e-7
100425	Styrene	1		2.30e-4	1.15e-7
108883	Toluene	1		0.00564	2.92e-6
1330207	Xylenes	1		0.00242	1.21e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=I NAME=ER&BH1 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.629	3.15e-4
106990	1,3-Butadiene	1		2.44e-3	1.22e-6
75070	Acetaldehyde	1		0.0945	4.73e-5
71432	Benzene	1		0.0257	1.29e-5
100414	Ethyl Benzene	1		0.00392	1.96e-6
50000	Formaldehyde	1		0.189	9.45e-5
67561	Methanol	1		3.85e-4	1.93e-7
78933	MEK	1		0.019	9.50e-6
91203	Naphthalene	1		0.00109	5.45e-7
100425	Styrene	1		7.46e-4	3.72e-7
108883	Toluene	1		0.0189	9.45e-6
1330207	Xylenes	1		0.00785	3.93e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=ER&BH4 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.629	3.15e-4
106990	1,3-Butadiene	1		2.44e-3	1.22e-6
75070	Acetaldehyde	1		0.0945	4.73e-5
71432	Benzene	1		0.0257	1.29e-5
100414	Ethyl Benzene	1		0.00392	1.96e-6
50000	Formaldehyde	1		0.189	9.45e-5
67561	Methanol	1		3.86e-4	1.93e-7
78933	MEK	1		0.019	9.50e-6
91203	Naphthalene	1		0.00109	5.45e-7
100425	Styrene	1		7.46e-4	3.72e-7
108883	Toluene	1		0.0189	9.45e-6
1330207	Xylenes	1		0.00785	3.93e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=ER&BH3 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.629	3.15e-4
106990	1,3-Butadiene	1		2.44e-3	1.22e-6
75070	Acetaldehyde	1		0.0945	4.73e-5
71422	Benzene	1		0.0257	1.29e-5
100414	Ethyl Benzene	1		0.00392	1.96e-6
50000	Formaldehyde	1		0.189	9.45e-5
67561	Methanol	1		3.86e-4	1.93e-7
78933	MEK	1		0.019	9.50e-6
91203	Naphthalene	1		0.00109	5.45e-7
1D0425	Styrene	1		7.46e-4	3.72e-7
108883	Toluene	1		0.0189	9.45e-6
1330207	Xylenes	1		0.00785	3.93e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=ER&BH2 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)

EXHIBIT A

EXHIBIT C

9901	DieselExhPM	1	0.629	3.15e-4
106990	1,3-Butadiene	1	2.44e-3	1.22e-6
75070	Acetaldehyde	1	0.0945	4.73e-5
71432	Benzene	1	0.0257	1.29e-5
100414	Ethyl Benzene	1	0.00392	1.96e-6
50000	Formaldehyde	1	0.189	9.45e-5
67561	Methanol	1	3.86e-4	1.93e-7
78933	MEK	1	0.019	9.50e-6
91203	Naphthalene	1	0.00109	5.46e-7
100425	Styrene	1	7.46e-4	3.72e-7
108853	Toluene	1	0.0189	9.45e-6
1330207	Xylenes	1	0.00785	3.93e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=BARTGRG2 STACK 1 EMS (lbs/yr)
SOUROE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		3.875	1.94e-3
106990	1,3-Butadiene	1		8.37e-2	4.19e-5
75070	Aoetaldehyde	1		3.24	1.62e-3
71432	Benzene	1		0.882	4.41e-4
100414	Ethyl Benzene	1		0.134	6.70e-5
50000	Formaldehydo	1		6.48	3.24e-3
67561	Methanol	1		0.0132	6.60e-6
78933	MEK	1		0.651	3.26e-4
91203	Naphthalene	1		0.0374	1.87e-5
100425	Styrene	1		0.0266	1.28e-5
108883	Toluene	1		0.649	3.25e-4
1330207	Xylenes	1		0.269	1.35e-4

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=BARTGRG1 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DiesolExhPM	1		3.875	1.94e-3
106990	1,3-Butadiene	1		8.37e-2	4.19e-5
7507D	Acetaldehyde	1		3.24	1.62e-3
71432	Benzene	1		0.882	4.41e-4
100414	Ethyl Benzene	1		0.134	6.70e-5
50000	Formaldehyde	1		6.48	3.24e-3
67561	Methanol	1		0.0132	6.60e-6
78933	MEK	1		0.651	3.26e-4
91203	Naphthalene	1		0.0374	1.87e-5
100425	Styrene	1		0.0256	1.28e-5
108883	Toluene	1		0.649	3.25e-4
1330207	Xylenos	1		0.269	1.35e-4

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV10 STACK 1 EMS (lbs/yr)
SODRCE MULTIPLIER=1

OAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.205	1.02e-4
106990	1,3-Butadiene	1		7.53e-4	3.77e-7
75070	Aoetaldehyde	1		0.0291	4.16e-5
71432	Benzene	1		7.93e-3	3.97e-6
100414	Ethyl Benzene	1		0.00121	6.05e-7
50000	Formaldehyde	1		0.0583	2.92e-5
67561	Methanol	1		1.19e-4	5.95o-8
78933	MEK	1		0.00586	2.93e-6
91203	Naphthalene	1		3.37e-4	1.69e-7
100425	Styrene	1		2.30e-4	1.15e-7
108883	Toluene	1		0.00584	2.92e-6
1330207	Xylenes	1		0.00242	1.21e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV11 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ASBREV	MULTIPLIER	BG (ug/m^3)	AVRO (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.205	1.02e-4

EXHIBIT A

EXHIBIT C

106990	1,3-Butadiene	1		7.53e-4	3.77e-7
75070	Acetaldehyde	1		0.0291	4.16e-5
71432	Benzene	1		7.93e-3	3.97e-6
100414	Ethyl Benzene	1		0.00121	6.05e-7
50000	Formaldehyde	1		0.0583	2.92e-5
67561	Methanol	1		1.19e-4	5.95e-8
78933	MEK	1		0.00586	2.93e-6
91203	Naphthalene	1		3.37e-4	1.69e-7
100425	Styrene	1		2.30e-4	1.15e-7
108883	Toluene	1		0.00584	2.92e-6
1330207	Xylenes	1		0.00242	1.21e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV12 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (ibs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.205	1.02e-4
106990	1,3-Rutadiene	1		7.53e-4	3.77e-7
75070	Acetaldehyde	1		0.0291	4.16e-5
71432	Benzene	1		7.93e-3	3.97e-6
100414	Ethyl Benzene	1		0.00121	6.05e-7
50000	Formaldehyde	1		0.0583	2.92e-5
67561	Methanol	1		1.19e-4	5.95e-8
78933	MEK	1		0.00586	2.93e-6
91203	Naphthalene	1		3.37e-4	1.69e-7
100425	Styrene	1		2.30e-4	1.15e-7
108883	Toluene	1		0.00584	2.92e-6
1330207	Xylenes	1		0.00242	1.21e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV13 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.205	1.02e-4
106990	1,3-Butadiene	1		7.53e-4	3.77e-7
75070	Acetaldehyde	1		0.0291	4.16e-5
71432	Benzene	1		7.93e-3	3.97e-6
100414	Ethyl Benzene	1		0.00121	6.05e-7
50000	Formaldehyde	1		0.0583	2.92e-5
67561	Methanol	1		1.19e-4	5.95e-8
78933	MEK	1		0.00586	2.93e-6
91203	Naphthalene	1		3.37e-4	1.69e-7
100425	Styrene	1		2.30e-4	1.15e-7
108883	Toluene	1		0.00584	2.92e-6
1330207	Xylenes	1		0.00242	1.21e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV14 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.205	1.02e-4
106990	1,3-Butadiene	1		7.53e-4	3.77e-7
75070	Acetaldehyde	1		0.0291	4.16e-5
71432	Benzene	1		7.93e-3	3.97e-6
100414	Ethyl Benzene	1		0.00121	6.05e-7
50000	Formaldehyde	1		0.0583	2.92e-5
67561	Methanol	1		1.19e-4	5.95e-6
78933	MEK	1		0.00586	2.93e-6
91203	Naphthalene	1		3.37e-4	1.69e-7
100425	Styrene	1		2.30e-4	1.15e-7
108883	Toluene	1		0.00584	2.92e-6
1330207	Xylenes	1		0.00242	1.21e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV1S STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.205	1.02e-4
106990	1,3-Butadiene	1		7.53e-4	3.77e-7

EXHIBIT A

EXHIBIT C

75070	Acetaldehyde	1		0.0291	4.16e-5
71432	Benzene	1		7.93e-3	3.97e-6
100414	Ethyl Benzene	1		0.00121	6.05e-7
50000	Formaldehyde	1		0.0583	2.92e-5
67561	Methanol	1		1.19e-4	5.95e-8
78933	MEK	1		0.00586	2.93e-6
91203	Naphthalene	1		3.37e-4	1.69e-7
100425	Styrene	1		2.30e-4	1.15e-7
108883	Toluene	1		0.00584	2.92e-6
1330207	Xylenes	1		0.00242	1.21e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV16 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.205	1.02e-4
106990	1,3-Butadiene	1		7.53e-4	3.77e-7
75070	Acetaldehyde	1		0.0291	4.16e-5
71432	Benzene	1		7.93e-3	3.97e-6
100414	Ethyl Benzene	1		0.00121	6.05e-7
50000	Formaldehyde	1		0.0583	2.92e-5
67561	Methanol	1		1.19e-4	5.95e-8
78933	MEK	1		0.00586	2.93e-6
91203	Naphthalene	1		3.37e-4	1.69e-7
100425	Styrene	1		2.30e-4	1.15e-7
108883	Toluene	1		0.00584	2.92e-6
1330207	Xylenes	1		0.00242	1.21e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV17 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.205	1.02e-4
106990	1,3-Butadiene	1		7.53e-4	3.77e-7
75070	Acetaldehyde	1		0.0291	4.16e-5
71432	Benzene	1		7.93e-3	3.97e-6
100414	Ethyl Benzene	1		0.00121	6.05e-7
50000	Formaldehyde	1		0.0583	2.92e-5
67561	Methanol	1		1.19e-4	5.95e-8
78933	MEK	1		0.00586	2.93e-6
91203	Naphthalene	1		3.37e-4	1.69e-7
100425	Styrene	1		2.30e-4	1.15e-7
108883	Toluene	1		0.00584	2.92e-6
1330207	Xylenes	1		0.00242	1.21e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=BRTPV1 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.512	2.56e-4
106990	1,3-Butadiene	1		2.11e-3	1.06e-6
75070	Acetaldehyde	1		0.0817	4.09e-5
71432	Benzene	1		0.0222	1.11e-5
100414	Ethyl Benzene	1		0.00339	1.70e-6
50000	Formaldehyde	1		0.163	8.15e-5
67561	Methanol	1		3.33e-4	1.67e-7
78933	MEK	1		0.0164	8.20e-6
91203	Naphthalene	1		9.44e-4	4.72e-7
100425	Styrene	1		6.44e-4	3.22e-7
108883	Toluene	1		0.0164	8.20e-6
1330207	Xylenes	1		0.00679	3.40e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=BRTPV2 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.512	2.56e-4
106990	1,3-Butadiene	1		2.11e-3	1.06e-6
75070	Acetaldehyde	1		0.0617	4.09e-5

EXHIBIT A

EXHIBIT C

71432	Benzene	1		0.0222	1.11e-5
100414	Ethyl Benzene	1		0.00339	1.70e-6
50000	Formaldehyde	1		0.163	8.15e-5
67561	Methanol	1		3.33e-4	1.67e-7
78933	MEK	1		0.0164	8.20e-6
91203	Naphthalene	1		9.44e-4	4.72e-7
100425	Styrene	1		6.44e-4	3.22e-7
108883	Toluene	1		0.0164	8.20e-6
1330207	Xylenes	1		0.00679	3.40e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV18 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.169	8.48e-5
106990	1,3-Butadiene	1		6.26e-4	3.13e-7
75070	Acetaldehyde	1		0.0242	1.21e-5
71432	Benzene	1		0.0066	3.30e-6
100414	Ethyl Benzene	1		0.00101	5.05e-7
50000	Formaldehyde	1		0.0485	2.43e-5
67561	Methanol	1		9.89e-5	4.95e-3
78933	MEK	1		0.00487	2.44e-6
91203	Naphthalene	1		2.80e-4	1.40e-7
100425	Styrene	1		1.91e-4	9.55e-8
108883	Toluene	1		0.00486	2.43e-6
1330207	Xylenes	1		0.00201	1.01e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV19 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.169	8.48e-5
106990	1,3-Butadiene	1		6.26e-4	3.13e-7
75070	Acetaldehyde	1		0.0242	1.21e-5
71432	Benzene	1		0.0066	3.30e-6
100414	Ethyl Benzene	1		0.00101	5.05e-7
50000	Formaldehyde	1		0.0485	2.43e-5
67561	Methanol	1		9.S9e-5	4.95e-8
78933	MEK	1		0.00487	2.44e-6
91203	Naphthalene	1		2.80e-4	1.40e-7
100425	Styrene	1		1.91e-4	9.55e-8
108883	Toluene	1		0.00486	2.43e-6
1330207	Xylenes	1		0.00201	1.01e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV20 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.169	8.48e-5
106990	1,3-Butadiene	1		6.26e-4	3.13e-7
75070	Acetaldehyde	1		0.0242	1.21e-5
71432	Benzene	1		0.0066	3.30e-6
100414	Ethyl Benzene	1		0.00101	5.05e-7
50000	Formaldehyde	1		0.0485	2.43e-6
67561	Methanol	1		9.89e-5	4.95e-8
78933	MEK	1		0.00487	2.44e-6
91203	Naphthalene	1		2.80e-4	1.40e-7
100425	Styrene	1		1.91e-4	9.55e-8
108883	Toluene	1		0.00486	2.43e-6
1330207	Xylenes	1		0.00201	1.01e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV21 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.169	8.48e-5
106990	1,3-Butadiene	1		6.26e-4	3.13e-7
75070	Acetaldehyde	1		0.0242	1.21e-5
71432	Benzene	1		0.0066	3.30e-6

EXHIBIT A

EXHIBIT C

100414	Ethyl Benzene	1		0.00101	5.05e-7
50000	Formaldehyde	1		0.0485	2.43e-5
67561	Methanol	1		9.39e-5	4.95e-S
78933	MEK	1		0.00487	2.44e-6
91203	Naphthalene	1		2.80e-4	1.40e-7
100425	Styrene	1		1.91e-4	9.55e-8
108883	Toluene	1		0.00486	2.43e-6
1330207	Xylenes	1		0.00201	1.01e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV22 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.169	8.48e-5
106990	1,3-Butadiene	1		6.26e-4	3.13e-7
75070	Acetaldehyde	1		0.0242	1.21e-5
71432	Benzene	1		0.0066	3.30e-6
100414	Ethyl Benzene	1		0.00101	5.05e-7
50000	Formaldehyde	1		0.0485	2.43e-5
67561	Methanol	1		9.89e-5	4.95e-8
78933	MEK	1		0.00487	2.44e-6
91203	Naphthalene	1		2.30e-4	1.40e-7
100425	Styrene	1		1.91e-4	9.55e-8
108883	Toluene	1		0.00486	2.43e-6
1330207	Xylenes	1		0.00201	1.01e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV23 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.169	8.48e-5
106990	1,3-Butadiene	1		6.26e-4	3.13e-7
75070	Acetaldehyde	1		0.0242	1.21e-5
71432	Benzene	1		0.0066	3.30e-6
100414	Ethyl Benzene	1		0.00101	5.05e-7
50000	Formaldehyde	1		0.0485	2.43e-5
67561	Methanol	1		9.89e-5	4.95e-8
78933	MEK	1		0.00487	2.44e-6
91203	Naphthalene	1		2.80e-4	1.40e-7
100425	Styrene	1		1.91e-4	9.55e-8
108883	Toluene	1		0.00486	2.43e-6
1330207	Xylenes	1		0.00201	1.01e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV24 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.169	8.48e-5
106990	1,3-Butadiene	1		6.26e-4	3.13e-7
75070	Acetaldehyde	1		0.0242	1.21e-5
71432	Benzene	1		0.0066	3.30e-6
100414	Ethyl Benzene	1		0.00101	5.05e-7
50000	Formaldehyde	1		0.0485	2.43e-5
67561	Methanol	1		9.89e-5	4.95e-8
78933	MEK	1		0.00487	2.44e-6
91203	Naphthalene	1		2.80e-4	1.40e-7
100425	Styrene	1		1.91e-4	9.55e-8
108883	Toluene	1		0.00486	2.43e-6
1330207	Xylenes	1		0.00201	1.01e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV25 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.169	8.48e-5
106990	1,3-Butadiene	1		6.26e-4	3.13e-7
75070	Acetaldehyde	1		0.0242	1.21e-5
71432	Benzene	1		0.0066	3.30e-6
100414	Ethyl Benzene	1		0.00101	5.05e-7

EXHIBIT A

EXHIBIT C

50000	Formaldehyde	1	0.0485	2.43e-5
67561	Methanol	1	9.89e-5	4.95e-8
78933	MEK	1	0.00487	2.44e-6
91203	Naphthalene	1	2.80e-4	1.40e-7
100425	Styrene	1	1.91e-4	9.55e-8
108883	Toluene	1	0.00486	2.43e-6
1330207	Xylenes	1	0.00201	1.01e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV26 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.169	8.48e-5
106990	1,3-Butadiene	1		6.26e-4	3.13e-7
75070	Acetaldehyde	1		0.0242	1.21e-5
71432	Benzene	1		0.0056	3.30e-6
100414	Ethyl Benzene	1		0.00101	5.05e-7
50000	Formaldehyde	1		0.D4B5	2.43e-5
67561	Methanol	1		9.89e-5	4.95e-8
78933	MEK	1		0.00487	2.44e-6
91203	Naphthalene	1		2.80e-4	1.40e-7
100425	Styrene	1		1.91e-4	9.55e-8
108383	Toluene	1		0.00486	2.43e-6
1330207	Xylenes	1		0.00201	1.01e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV27 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.169	8.4Se-5
106990	1,3-Butadiene	1		6.26e-4	3.13e-7
75070	Acetaldehyde	1		0.0242	1.21e-5
71432	Benzene	1		0.0066	3.30e-6
100414	Ethyl Benzene	1		0.0010i	5.05e-7
50000	Formaldehyde	1		0.0485	2.43e-5
67561	Methanol	1		9.89e-5	4.95e-8
78933	MEK	1		0.00487	2.44e-6
91203	Naphthalene	1		2.80e-4	1.40e-7
100425	Styrene	1		1.91e-4	9.55e-8
108883	Toluene	1		0.00486	2.43e-6
1330207	Xylenes	1		0.00201	1.01e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV28 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.169	8.48e-5
106990	1,3-Butadiene	1		6.26e-4	3.13e-7
75070	Acetaldehyde	1		0.0242	1.21e-5
71432	Benzene	1		0.0066	3.30e-6
100414	Ethyl Benzene	1		0.00101	5.05e-7
50000	Formaldehyde	1		0.0485	2.43e-5
67561	Methanol	1		9.89e-5	4.95e-8
78933	MEK	1		0.00487	2.44e-6
91203	Naphthalene	1		2.80e-4	1.40e-7
100425	Styrene	1		1.91e-4	9.55e-8
108383	Toluene	1		0.00486	2.43e-6
1330207	Xylenes	1		0.00201	1.01e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV29 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.169	8.48e-5
106990	1,3-Butadienc	1		6.26e-4	3.13e-7
75070	Acetaldehyde	1		0.0242	1.21e-S
71432	Benzene	1		0.0066	3.30e-6
100414	Ethyl Benzene	1		0.00101	5.05e-7
50000	Formaldehyde	1		0.0485	2.43e-5

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67561	Methanol	1	9.89e-5	4.95e-3
78933	MEK	1	0.00487	2.44e-6
91203	Naphthalene	1	2.80e-4	1.40e-7
100425	Styrene	1	1.91e-4	9.55e-3
108883	Toluene	1	0.00486	2.43e-6
1330207	Xylenes	1	0.00201	1.01e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV30 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.169	8.48e-5
106990	1,3-Butadiene	1		6.26e-4	3.13e-7
75070	Acetaldehyde	1		0.0242	1.21e-5
71432	Benzene	1		0.0066	3.30e-6
100414	Ethyl Benzene	1		0.00101	5.05e-7
50000	Formaldehyde	1		0.0485	2.43e-5
67561	Methanol	1		9.89e-5	4.95e-6
78933	MEK	1		0.00487	2.44e-6
91203	Naphthalene	1		2.80e-4	1.40e-7
100425	Styrene	1		1.91e-4	9.55e-8
108883	Toluene	1		0.00486	2.43e-6
1330207	Xylenes	1		0.0020I	1.0ie-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV31 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.169	8.48e-5
105990	1,3-Butadiene	1		6.26e-4	3.13e-7
75070	Acetaldehyde	1		0.0242	1.2ie-5
71432	Benzene	1		0.0066	3.30e-6
100414	Ethyl Benzene	1		0.00101	5.05e-7
50000	Formaldehyde	1		0.0485	2.43e-5
67561	Methanol	1		9.89e-5	4.95e-8
78933	MEK	1		0.00487	2.44e-6
91203	Naphthalene	1		2.80e-4	1.40e-7
100425	Styrene	1		1.91e-4	9.55e-8
108883	Toluene	1		0.00486	2.43e-6
1330207	Xylenes	1		0.00201	1.01e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV32 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.169	B.48e-5
106990	1,3-Butadiene	1		6.26e-4	3.13e-7
75070	Acetaldehyde	1		0.0242	1.21e-5
71432	Benzene	1		0.0066	3.30e-6
100414	Ethyl Benzene	1		0.00101	5.05e-7
50000	Formaldehyde	1		0.0485	2.43e-5
67561	Methanol	1		9.89e-5	4.95e-8
78933	MEK	1		0.00487	2.44e-6
91203	Naphthalene	1		2.80e-4	1.40e-7
100425	Styrene	1		1.91e-4	9.55e-8
108883	Toluene	1		0.00486	2.43e-6
1330207	Xylenes	1		0.00201	1.01e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV33 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.169	8.48e-5
106990	1,3-Butadiene	1		6.26e-4	3.13e-7
75070	Acetaldehyde	1		0.0242	1.21e-5
71432	Benzene	1		0.0066	3.30e-6
100414	Ethyl Benzene	1		0.00101	5.05e-7
50000	Formaldehyde	1		0.0485	2.43e-5
67551	Methanol	1		9.89e-5	4.95e-8

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78933	MEK	1	0.00487	2.44e-6
91203	Naphthalene	1	2.80e-4	1.40e-7
100425	Styrene	1	1.91e-4	9.55e-8
108883	Toluene	1	0.00486	2.43e-6
1330207	Xylenes	1	0.00201	1.01e-6

EMISSIONS FOR FACILITY FAC=1 DEV=' PRO=' STK=1 NAME=STRTV34 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.169	8.48e-5
106990	1,3-Butadiene	1		6.26e-4	3.13e-7
75070	Acetaldehyde	1		0.0242	1.21e-5
71432	Benzene	1		0.0066	3.30e-6
100414	Ethyl Benzene	1		0.00101	5.05e-7
50000	Formaldehyde	1		0.0485	2.43e-5
67561	Methanol	1		9.39e-5	4.95e-3
78933	MEK	1		0.00487	2.44e-6
91203	Naphthalene	1		2.80e-4	1.40e-7
100425	Styrene	1		1.91e-4	9.55e-8
108883	Toluene	1		0.00486	2.43e-6
1330207	Xylenes	1		0.00201	1.01e-6

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Receptor Number	70-Year Adult Carcinogenic Risk # in a million	40-Year Worker Carcinogenic Risk # in a million	Chronic Hazard Index	Acute Hazard Index	UTM Coordinates Easting	UTM Coordinates Northing
1	0.24	0.047	0.0061	0.037	564,662	4,187,014
2	0.20	0.040	0.0054	0.040	564,653	4,186,973
3	0.16	0.031	0.0041	0.029	564,691	4,187,007
4	0.028	0.0055	0.00075	0.015	564,579	4,187,160
5	0.027	0.0054	0.00073	0.015	564,595	4,187,157
6	0.026	0.0051	0.0007	0.014	564,611	4,187,155
7	0.025	0.0050	0.00068	0.014	564,626	4,187,153
8	0.024	0.0047	0.00064	0.013	564,639	4,187,150
9	0.022	0.0044	0.00061	0.013	564,652	4,187,148
10	0.021	0.0042	0.00058	0.012	564,666	4,187,145
11	0.020	0.0039	0.00054	0.012	564,681	4,187,142
12	0.019	0.0037	0.00051	0.011	564,695	4,187,139
13	0.018	0.0035	0.00049	0.011	564,708	4,187,137
14	0.017	0.0033	0.00047	0.010	564,722	4,187,135
15	0.016	0.0031	0.00044	0.0095	564,749	4,187,130
16	0.025	0.0049	0.00068	0.012	564,740	4,187,092
17	0.030	0.0060	0.00083	0.013	564,737	4,187,077
18	0.037	0.0073	0.0010	0.014	564,734	4,187,065
19	0.050	0.0099	0.0014	0.016	564,731	4,187,048
20	0.067	0.013	0.0018	0.018	564,729	4,187,035
21	0.089	0.018	0.0024	0.020	564,725	4,187,021
22	0.093	0.018	0.0025	0.021	564,722	4,187,006
23	0.086	0.017	0.0024	0.022	564,718	4,186,990
24	0.083	0.016	0.0023	0.023	564,715	4,186,974
25	0.084	0.017	0.0024	0.024	564,711	4,186,956

EXHIBIT A

LSA

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RIVERSIDE
ROCKLIN
SAN LUIS OBISPO
S. SAN FRANCISCO

EXHIBIT D

March 11, 2011

Mr. Joe McCarthy
MacArthur Transit Community Partners, LLC
345 Spear Street, Suite 700
San Francisco, CA 94105

Subject: Construction Noise Reduction Plan for Phase 1 and 2 FDPs of the MacArthur Transit Village Project in Oakland, California

Dear Mr. McCarthy:

LSA Associates, Inc. (LSA) is pleased to submit this construction period Noise Reduction Plan for Phase 1 and Phase 2 Final Development Plans of the MacArthur Transit Village Project (Phase 1 and 2 FDPs)[1] in the City of Oakland (City), California. This report fulfills the requirements of the City's Standard Conditions of Approval NOISE-5 for the preparation of a site-specific Noise Reduction Plan, summarizes the results of the construction noise impact modeling and analysis for Phase 1 and 2 FDPs, and provides recommended feasible strategies to reduce construction noise impacts.

PURPOSE AND SCOPE

Noise impacts from implementation of the project were analyzed in the MacArthur Transit Village Project EIR dated January 2008. This Noise Reduction Plan for construction noise impacts has been prepared to meet the requirements of the City of Oakland's Standard Condition of Approval NOISE-5. The purpose of the Noise Reduction Plan is to demonstrate how noise associated with potential pier drilling and other extreme noise generators and construction activities associated with implementation of Phase 1 and 2 FDPs of the MacArthur Transit Village Project can be further reduced to ensure that maximum feasible noise attenuation is achieved. This Noise Reduction Plan summarizes the applicable noise limits, provides projected noise levels from construction activities, and outlines strategies consistent with the City's Standard Conditions of Approval to reduce construction noise levels to meet City standards.

For reference, the City's Standard Conditions of Approval that are applicable to this analysis are listed in Table 2 of this report. Per Condition NOISE-5, if any extreme noise generating construction activity will exceed 90 dBA L_{max}, a set of site-specific noise attenuation measures shall be prepared by a qualified acoustical consultant. The condition requires a plan for such measures that is based on the final design of the project be submitted for review and approval by the City prior to commencement of construction.

[1] These are the two FDPs applications currently on file with the City and the two construction phases of the MacArthur Transit Village Project that are anticipated to overlap to some extent and occur within the next two years. Consequently, the effects of both of these construction phases are considered in this analysis.

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NOISE TERMINOLOGY

Several noise measurement scales exist which are used to describe noise in a particular location. A *decibel* (dB) is a unit of measurement which indicates the relative intensity of a sound. The 0 point on the dB scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Changes of 3.0 dB or less are only perceptible in laboratory environments. Audible increases in noise levels generally refer to a change of 3.0 dB or more, as this level has been found to be barely perceptible to the human ear in outdoor environments. Sound levels in dB are calculated on a logaritlimic basis. An increase of 10 dB represents a 10-fold increase in acoustic energy, while 20 dB is 100 times more intense, 30 dB is 1,000 times more intense. Each 10-dB increase in sound level is perceived as approximately a doubling of loudness. Sound intensity is normally measured through the *A-weighted sound level* (dBA). This scale gives greater weight to the frequencies of sound to which the human ear is most sensitive.

Noise impacts can be described in three categories. The first is audible impacts, which refers to increases in noise levels noticeable to humans. Audible increases in noise levels generally refer to a change of 3.0 dB or greater, since this level has been found to be barely perceptible in exterior environments. The second category, potentially audible, refers to a change in the noise level between 1.0 and 3.0 dB. This range of noise levels has been found to be noticeable only in laboratory environments. The last category is changes in noise level of less than 1.0 dB, which are inaudible to the human ear. Only audible changes in existing ambient or background noise levels are considered potentially significant.

As noise spreads from a source, it loses energy so that the farther away the noise receiver is from the noise source, the lower the perceived noise level would be. Geometric spreading causes the sound level to attenuate or be reduced, resulting in a 6-dB reduction in the noise level for each doubling of distance from a single point source of noise to the noise sensitive receptor of concern. There are many ways to rate noise for various time periods, but an appropriate rating of ambient noise affecting humans also accounts for the annoying effects of sound. Equivalent continuous sound level (L_{eq}) is the total sound energy of time-varying noise over a sample period. However, the predominant rating scales for human communities in the State of California are the L_{eq} and community noise equivalent level (CNEL) or the day-night average level (L_{dn}) based on A-weighted decibels (dBA). CNEL is the time-varying noise over a 24-hour period, with a 5 dBA weighting factor applied to the hourly L_{eq} for noises occurring from 7:00 p.m. to 10:00 p.m. (defined as relaxation hours) and a 10 dBA weighting factor applied to noise occurring from 10:00 p.m. to 7:00 a.m. (defined as sleeping hours). L_{dn} is similar to the CNEL scale but without the adjustment for events occurring during the evening hours. CNEL and L_{dn} are within one dBA of each other and are normally exchangeable. The noise adjustments are added to the noise events occurring during the more sensitive hours.

Other noise rating scales of importance when assessing the annoyance factor include the maximum noise level (L_{max}), which is the highest exponential time-averaged sound level that occurs during a stated time period. The noise environments discussed in this analysis are specified in terms of maximum levels denoted by L_{max} for short-term noise impacts. L_{max} reflects peak operating conditions and addresses the annoying aspects of intermittent noise.

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NOISE SENSITIVE RECEPTORS

Noise sensitive receptors are defined in the City's Noise Element as land uses whose purpose and function can be disrupted or jeopardized by noise. Sensitive receptors include residences, schools, churches, hospitals, elderly care facilities, hotels and libraries and certain types of passive recreational open space. Understandably, noise is of special concern when it occurs near sensitive receptors.[2]

The closest sensitive receptors to the proposed construction site are the residential land uses located on MacArthur Boulevard that border the southern boundary of the construction site and the residential land uses on Telegraph Avenue that border the eastern boundary of the construction site. Although outpatient surgery centers are not specifically identified by the City as noise sensitive uses, this analysis treats the surgery center on Telegraph Avenue as a sensitive receptor. These three sensitive land use areas have been evaluated for potential noise impacts from construction activities associated with implementation of Phase 1 and 2 FDPs.

PROJECTED CONSTRUCTION NOISE IMPACTS

Construction noise impacts have been projected for Phase 1 and 2 FDPs based on project specific phasing and construction equipment details provided by the project construction engineer as part of the Construction Equipment Schedule dated January 28, 2011. The construction noise calculation spreadsheets are provided as Attachment A of this report. The Construction Equipment Schedule is provided in Attachment B. A surumary of the projected noise levels is shown in Table 1.

Noise levels were calculated for each of the three months with the highest number of pieces of equipment scheduled to be used (May, June, and September of 2011). Both the maximum noise level, L_{max} and the worst case hourly average noise level $L_{eq}(h)$ were calculated for the three nearest sensitive land uses identified above. The calculated noise levels from construction activities have been made using the following formula:

$$L_{eq}(h) = E.L. + 10Log(U.F.) - 20Log(D/50) - 10Log(D/50) - A_{shielding}$$

Where:
E.L. = reference equipment noise emission level (based on L_{max} at 50 feet)
U.F. = equipment usage factor (percent in use per typical hour as a fraction of 100 percent)
D = distance between source and receiver in feet
G = ground effects constant
$A_{shielding}$ = attenuation provided by intervening barriers

The calculations use the general noise reference levels for each identified piece of construction equipment listed in Chapter 9 of the FHWA's Highway Construction Noise Handbook. The usage factor for the worst case hour calculation assumes that all pieces of equipment that would be used during that month would be operating at their full capacity during a typical hour. Those pieces of equipment that would be operating on-site, such as the 2000 Cat 330B Excavator, are assumed to operate 100 percent of the hour, while equipment that would never operate on-site for a full-hour in sequence,

[2] City of Oakland, 2005. *City of Oakland General Plan Noise Element.* June.

such as dump trucks which will only operate while arriving and leaving the site, are assumed to operate a maximum of a half-hour.

Anticipated construction activities for the months of May and June 2011 are projected to result in noise levels in excess of 90 dBA L_{max} at the residential land uses on MacArthur Boulevard that border the construction site. In addition, for the month of May, the anticipated construction activities are also projected to exceed 90 dBA L_{max} at the residential land uses on Telegraph Avenue that border the construction site. As shown in Table 1, projected construction noise levels at the surgery center land use would reach up to 89 dBA L_{max}.

The projected worst case hourly average $L_{eq}(h)$ noise levels for anticipated construction activities would range up to 73 dBA $L_{eq}(h)$ at the closest residential land uses, and up to 67 dBA $L_{eq}(h)$ at the surgery center.

However, implementation of the noise reduction strategies outlined in the Standard Conditions of Approval would reduce these potential construction-related noise levels. In particular, compliance with Condition NOISE-5a, erection of temporary sound barriers along the property lines of impacted sensitive receptors would reduce these impacts. Therefore, the following site-specific noise reduction strategies shall be implemented as part of Phase 1 and 2 FDPs:

- Prior to initiation of on-site construction-related earthwork activities, a minimum 8 foot high temporary sound barrier shall be erected along the project property line abutting the residential sensitive land uses that are adjacent to the construction site on MacArthur Boulevard and Telegraph Avenue. The location of the temporary sound barriers is shown in Figure 1.
- Prior to initiation of on-site construction-related earthwork activities, a minimum 6 foot high temporary sound barrier shall be erected along the project property line abutting the outpatient surgery center land uses that is adjacent to the construction site on Telegraph Avenue.
- These temporary sound barriers shall be constructed with a minimum surface weight of 4 pounds per square foot and shall be constructed so that vertical or horizontal gaps are eliminated; these temporary barriers shall remain in place through the construction phase in which heavy construction equipment, such as excavators, dozers, scrapers, loaders, rollers, pavers, and dump trucks, are operating within 150 feet of the edge of the construction site by adjacent sensitive land uses.

Implementation of these site-specific noise reduction strategies are anticipated to reduce construction noise levels by a minimum of 8 dBA at the residential land uses on MacArthur Boulevard and Telegraph Avenue, and by a minimum of 5 dBA at the outpatient surgery center land use (see Table 1).

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Table 1: Summary of Projected Construction Noise Levels

Receptor	Phase Month	Noise Levels Prior to Implementation of Noise Reduction Strategies (dBA)		Noise Levels With Implcmentation of Noise Reduction Strategies (dBA)	
		L_{max} [a]	$L_{eq}(h)$	L_{max}	$L_{eq}(h)$ [b]
Residential on MacArthur Boulevard	May 2011	92	69	84	61
	June 2011	92	73	84	65
	September 2011	89	69	81	61
Residential on Telegraph Avenue	May 2011	92	70	84	62
	June 2011	78	65	70	57
	September 2011	78	62	70	54
Surgery Center on Telegraph Avenue	May 2011	89	67	84	62
	June 2011	74	60	69	55
	September 2011	71	61	66	56

[a] Projected L_{max} is the loudest value.

[b] Includes shielding reduction calculation for use of temporary sound barriers.

Source: LSA Associates, Inc. 2011

EXHIBIT A

LSA

FIGURE 1

N

0 150 300
FEET

Project Site

6 Foot High Temporary Sound Barrier

8 Foot High Temporary Sound Barrier

MacArthur Transit Village Project

Noise Reduction Plan

Temporary Sound Barrier Locations

SOURCES: GOOGLE EARTH, OCTOBER 2009; LSA ASSOCIATES, INC., 2011.

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STANDARD CONDITIONS OF APPROVAL REQUIREMENTS

The City's Standard Conditions of Approval are summarized in Table 2. The table describes how applicable conditions will be implemented into Phase 1 and 2 FDPs.

Table 2: Applicable Standard Conditions of Approval

SCA Number[a]	Requirement	Implementation Action
NOISE-1	Days/Hours of Construction Operation. *Ongoing throughout demolition, grading, and/or construction.* The project applicant shall require construction contractors to limit standard construction activities as follows:	Will be complied with.
1a	Construction activities are limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, except that pile driving and/or other extreme noise generating activities greater than 90 dBA limited to between 8:00 a.m. and 4:00 p.m. Monday through Friday.	Will be complied with.
1b	Any construction activity proposed to occur outside of the standard hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case-by-case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened and such construction activities shall only be allowed with the prior written authorization of the Building Services Division.	Will be complied with.
1c	Construction activity shall not occur on Saturdays, with the following possible exceptions: • Prior to the building being enclosed, requests for Saturday construction for special activities (such as concrete pouring which may require more continuous amounts of time), shall be evaluated on a case-by-case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened. Such construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division. • After the building is enclosed, requests for Saturday construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division, and only then within the interior of the building with the doors and windows closed	Will be complied with.
1d	No extreme noise generating activities (greater than 90 dBA) shall be allowed on Saturdays, with no exceptions.	Will be complied with.
1e	No construction activity shall take place on Sundays or Federal holidays	Will be complied with.
1f	Construction activities include but are not limited to: truck idling, moving equipment (including trucks, elevators, etc.) or materials, deliveries, and construction meetings held on-site in a non-enclosed area.	Will be complied with.
1g	Applicant shall use temporary power poles instead of generators where feasible.	Will be complied with.
NOISE-2	Noise Control. *Ongoing throughout demolition, grading, and/or construction.* To reduce noise impacts due to construction, the project applicant shall require construction contractors to implement a site-specific noise reduction program, subject to city review and approval, which includes the following measures:	This report is submitted.
2a	Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible).	Will be complied with.
2b	Except as provided herein, impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used if such jackets are commercially	Will be complied with.

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	available, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever such procedures are available and consistent with construction procedures.	
2c	Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or use other measures as determined by the City to provide equivalent noise reduction.	Will be complied with.
2d	The noisiest phases of construction shall be limited to less than 10 days at a time. Exceptions may be allowed if the City determines an extension is necessary and all available noise reduction controls are implemented.	The strategies included in the plan will ensure that all feasible noise reduction controls will be implemented per Condition NOISE-5.
NOISE-3	Noise Complaint Procedures. *Ongoing throughout demolition, grading, and/or construction.* Prior to the issuance of each building permit, along with the submission of construction documents, the project applicant shall submit to the City Building Services Division a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include:	Will be complied with.
3a	A procedure and phone numbers for notifying the City Building Services Division staff and Oakland Police Department; (during regular construction hours and off-hours) shall be submitted to the Building Services Division.	Will be complied with.
3b	A sign posted on-site pertaining with permitted construction days and hours and complaint procedures and who to notify in the event of a problem. The sign shall also include a listing of both the City and construction contractor's telephone numbers (during regular construction hours and off-hours).	Will be complied with.
3c	The designation of an on-site construction complaint and enforcement manager for the project.	Will be complied with.
3d	Notification of neighbors and occupants within 300 feet of the project construction area at least 30 days in advance of extreme noise generating activities about the estimated duration of the activity.	Will be complied with. [b]
3e	A preconstruction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise measures and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.	Will be complied with.
NOISE-5	Pile Driving and Other Extreme Noise Generators. *Ongoing throughout demolition, grading, and/or construction.* To further reduce potential pier drilling, pile driving and/or other extreme noise generating construction impacts greater than 90 dBA, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted for review and approval by the City to ensure that maximum feasible noise attenuation will be achieved. This plan shall be based on the final design of the project. A third-party peer review, paid for by the project applicant, may be required to assist the City in evaluating the feasibility and effectiveness of the noise reduction plan submitted by the project applicant. The criterion for approving the plan shall be a determination that maximum feasible noise attenuation will be achieved. A special inspection deposit is required to ensure compliance with the noise reduction plan. The amount of the deposit shall be determined by the Building Official, and the deposit shall be submitted by the project applicant concurrent with submittal of the noise reduction plan.	This report is submitted.
5a	Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings.	Will be complied with.
5b	Implement "quiet" pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions	Torque down or auger cast piles are planned to be used.
5c	Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site.	Not anticipated
5d	Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for	With implementation of reduction measures

EXHIBIT A

EXHIBIT D

	example, and implement such measure if such measures are feasible and would noticeably reduce noise impacts.	impacts are not anticipated.
5e	Monitor the effectiveness of noise attenuation measures by taking noise measurements.	Will be complied with.

[a] The SCA Number equates to the numbering found in the Conditions of Approval for the MacArthur Transit Village Project, as approved by Planning Commission action on June 4, 2008 and subsequently amended by City Council action on July 7, 2008.

NOISE REDUCTION PLAN

Site-Specific Strategies. Projected construction noise levels could result in noise levels that exceed 90 dBA L_{max}. In order to reduce construction noise levels to the maximum extent feasible pursuant to Condition NOISE-5 for identified impacted land uses, the following site-specific noise reduction strategies shall be implemented as part of Phase 1 and 2 FDPs:

- Prior to initiation of on-site construction-related earthwork activities, a minimum 8-foot high temporary sound barrier shall be erected along the project property line abutting the residential sensitive land uses that are adjacent to the construction site on MacArthur Boulevard and Telegraph Avenue. The location of the temporary sound barriers is shown in Figure 1.
- Prior to initiation of on-site construction-related earthwork activities, a minimum 6-foot high temporary sound barrier shall be erected along the project property line abutting the outpatient surgery center land uses that is adjacent to the construction site on Telegraph Avenue.
- These temporary sound barriers shall be constructed with a minimum surface weight of 4 pounds per square foot and shall be constructed so that vertical or horizontal gaps are eliminated; these temporary barriers shall remain in place through the construction phase in which heavy construction equipment, such as excavators, dozers, scrapers, loaders, rollers, pavers, and dump trucks, are operating within 150 feet of the edge of the construction site by adjacent sensitive land uses.

These noise reduction strategies will reduce construction noise during the loudest periods of construction for Phase 1 and 2 FDPs as shown in Table 1.

Standard Conditions of Approval. In addition to these site-specific noise reduction strategies, the project contractor shall comply with all the general noise reduction strategies of Conditions NOISE-1, -2, -3, and -5 listed in Table 2 of this report. Implementation of these strategies will further reduce construction noise impacts in the project vicinity.

Supplemental Noise Reduction Strategies. Further noise reduction could be achieved with implementation of the following supplemental noise reduction strategies.

Whenever feasible, the project contractor shall encourage implementation of the following strategies throughout all phases of construction:

- Use smaller or quieter equipment;
- Use electric equipment in lieu of gasoline or diesel powered equipment;
- Turn off all idling equipment when anticipated to not be in use for more than 5 minutes;
- Minimize drop height when loading excavated materials onto trucks;

- Minimize drop height when unloading or moving materials on-site; and
- Sequence noisy activities to coincide with noisiest ambient hours.

NOISE MONITORING PLAN

Noise monitoring is required for all constmction activities that would be considered extreme noise generators, activities that would result in noise levels in excess of 90 dBA L_{max} as measured at the receiving property. As noted previously, anticipated constmction activities for the months of May and June 2011 could result in noise levels in excess of 90 dBA L_{max} at the residential land uses on MacArthur Boulevard that border the constmction site. The anticipated constmction activities for the month of May may also exceed 90 dBA L_{max} (without implementation of recommended strategies) at the residential land uses on Telegraph Avenue that border the constmction site. Therefore, a noise monitoring program is required to monitor the noise levels at these potentially impacted sensitive receptor locations.

In addition to monitoring for exceedances of the maximum noise level threshold, Condition NOISE-5e requires noise monitoring to measure the effectiveness of noise attenuation measures. The noise monitoring effort shall be conducted as follows:

- Noise measurements shall be conducted on a weekly basis during the phases associated with the anticipated activities for the months of May, June, and September, and shall be conducted by a qualified acoustical consultant or a person trained by such a qualified consultant.
- These measurements shall be taken during mid-moming and mid-aftemoon hours when background noise levels are anticipated to be lowest so as to try to capture noise from only constmction noise sources.
- The measurements shall be taken at distance greater than 10 feet from the temporary sound barriers on the receptor property in order to determine the effectiveness of the sound barrier.
- If exceedances are identified, then the on-site construction manager shall be notified and the equipment use shall be adjusted so that noise levels are reduced.

CONCLUSION

With implementation of the site-specific noise reduction strategies outlined above, noise impacts from project-related constmction activities would be reduced at impacted land uses. In addition, further noise reduction will be achieved with implementation of the strategies listed in the Standard Conditions of Approval and the supplemental noise reduction strategies outlined in this report. Furthermore, implementation of the noise monitoring program will ensure that potential noise impacts are monitored and action taken if exceedances are identified.

This report meets the requirements of Condition of Approval NOISE-5 for a site-specific noise reduction plan for Phase I and 2 FDPs.

EXHIBIT A

EXHIBIT D

Thank you for requesting LSA's services for this task.

Sincerely,
LSA ASSOCIATES, INC.

David Clore, AICP
Principal-in-Charge

Philip Ault, LEED-AP
Noise & Air Quality Speeialist/Project Manager

Attachments:

Attachment A - Constmction Noise Calculation Tables
Attachment B - Construction Equipment Schedule and Key

ATTACHMENT A:
CONSTRUCTION NOISE CALCULATION TABLES

EXHIBIT D

Phase work for May 2011: Environmental Remediation and Bart Garage Earthwork

Receptor: Residential on MacArthur Boulevard

		Reference (dBA) 50 ft	Noise Level Calculation Prior to Implementation of Noise Attenuation Requirements								
			Usage	Distance to Receptor		Ground	Shielding	Calculated (dBA)			
		Lmax	factor	Closest	Average	Effect	(dBA)	Lmax	Leq	0.1*Leq	antiLog
A	2000 Cat 330B Excavator	81	1	50	100	0.52		66.98118	6.598117698	4990197.084	
B	2005 Linkbelt 330 LX Excavator	81	1	50	120	0.52		65.436975	71.41868	7.141867671	13863333.5
C	2006 Bobcat S300 Skid steer	79									
D	Xtreme XFR-1245 Forklift	75									
E	Delmag RH26	88									
F	Drill Head Motor	88									
G	TEREX Back Hoe Loader	88									
H	48 meter Putzmeister Boom Pump	84									
J1	1999 Mack Dump truck	88	0.5	50	100	0.52		88	70.97088	7.097087702	12505115.36
J2	1999 Mack Dump truck	84	0.5	30	120	0.52		92.436975	75.40838	7.540837675	34740928.83
K	Fork Lift - Hyster H80XL	75									
M	Ingersoll Rand Compressor	85									
N	Link Belt 75 ton hydro	76									
P	JLG 600 series - 60 ft boom	75									
Q	Delivery Stake Truck - F-450 Super Duty	85									
R	Pecco PH 6000	75									
S	Ditchwitch 1030 trencher	80									
T	TEREX Back Hoe Loader	88									
U	Hitachi Excavator - EX-550LC-5	91									
V	Dynapac (jumping jack) - LT7000	87									
W	STIHL - cut-off saw	70	0.5	30	120	0.52		74.436975	57.40838	5.740837675	550601.8613
X	Lincoln Commander 500 welder	73									
Y	Concrete walk behind saw -EDCO SS-20	90									
Z1	SAKAI - dirt roller	80	1	50	100	0.52		80	65.36119	6.598117698	3863854.44
Z2	SAKAI - dirt roller	80	1	30	120	0.52		84.436975	70.41868	7.041867671	11012037.23
AA	McNeilus Ready-mix Concrete truck	79									
AB	Cement Finisher - Multiquip	80									
AC	John Deere Skip loader - 210LE	88									
AD	Caterpillar grader - 140H	85									
AE	CAT 966F wheel loader	88									
AF	Water truck - Sterling LT8500	85	0.5	50	100	0.52		85	67.97088	6.797087702	6267404.173
AG	CAT D8R - diesel - Bull Dozer	88									
AH	CAT 1055D paver	77	0.5	50	100	0.52		77	69.97088	6.997087702	993316.6208

	Distance to receptor:	Closest	Average				
Environmental Remediation		50	100	Lmax*	92	Sum	88886489.1
BART Garage Earthwork		30	120			Sum/12	7407207.425
						10*Log(Sum)	68.69654508
						Leq(h)	69

*Calculated Lmax is the Loudest value.

		Noise Level Calculation with Noise Attenuation Requirements Implemented									
		Usage	Distance to Receptor		Ground	Shielding	Calculated (dBA)				Attenuation technique
		factor	Closest	Average	Effect	(dBA)	Lmax	Leq	0.1*Leq	antiLog	implemented
A	2000 Cat 330B Excavator	1	50	100	0.52	8	73	58.98118	5.898117698	790892.9387	Temporary 8 ft sound barrier
B	2005 Linkbelt 330 LX Excavator	1	30	120	0.52	8	77.43697	68.41868	6.841867671	2197190.289	Temporary 8 ft sound barrier
C	2006 Bobcat S300 Skid steer										
D	Xtreme XFR-1245 Forklift										
E	Delmag RH26										
F	Drill Head Motor										
G	TEREX Back Hoe Loader										
H	48 meter Putzmeister Boom Pump										
J1	1999 Mack Dump truck	0.5	50	100	0.52	8	80	62.97088	6.297087702	1981927.22	Temporary 8 ft sound barrier
J2	1999 Mack Dump truck	0.5	30	120	0.52	8	84.43697	67.40838	6.740837675	5506018.813	Temporary 8 ft sound barrier
K	Fork Lift - Hyster H80XL										
M	Ingersoll Rand Compressor										
N	Link Belt 75 ton hydro										
P	JLG 600 series - 60 ft boom										
Q	Delivery Stake Truck - F-450 Super Duty										
R	Pecco PH 6000										
S	Ditchwitch 1030 trencher										
T	TEREX Back Hoe Loader										
U	Hitachi Excavator - EX-550LC-5										
V	Dynapac (jumping jack) - LT7000										
W	STIHL - cut-off saw	0.5	30	120	0.52	8	66.43697	49.40838	4.940837675	87264.51418	Temporary 8 ft sound barrier
X	Lincoln Commander 500 welder										
Y	Concrete walk behind saw -EDCO SS-20										
Z1	SAKAI - dirt roller	1	50	100	0.52	9	72	57.98118	5.798117996	626226.5919	Temporary 8 ft sound barrier
Z2	SAKAI - dirt roller	1	30	120	0.52	8	78.43697	62.41868	6.241867671	1746290.284	Temporary 8 ft sound barrier
AA	McNeilus Ready-mix Concrete truck										
AB	Cement Finisher - Multiquip										
AC	John Deere Skip loader - 210LE										
AD	Caterpillar grader - 140H										
AE	CAT 966F wheel loader										
AF	Water truck - Sterling LT8500	0.5	50	100	0.52	8	77	59.97088	5.997087702	993316.6208	Temporary 8 ft sound barrier
AG	CAT D8R - diesel - Bull Dozer										
AH	CAT 1055D paver	0.5	50	100	0.52	8	69	51.97088	5.197087702	157430.075	Temporary 8 ft sound barrier

Lmax*	84	Sum	14087559.15		
		Sum/12	1173963.262		
		10*Log(Sum)	60.69654508		
		Leq(h)	81		

*Calculated Lmax is the Loudest value.

Phase work for June 2011: Piles and Grade Beams/Pile Caps

Receptor: Residential on MacArthur Boulevard

		Reference (dBA) 50 ft	Noise Level Calculation Prior to Implementation of Noise Attenuation Requirements								
			Usage	Distance to Receptor		Ground	Shielding	Calculated (dBA)			
		Lmax	factor	Closest	Average	Effect	(dBA)	Lmax	Leq	0.1*Leq	antiLog
A	2000 Cat 330B Excavator	81									
B	2005 Linkbelt 330 LX Excavator	81									
C	2006 Bobcat S300 Skid steer	79									
D1	Xtreme XFR-1245 Forklift	75	1	30	120	0.52		79.436975	65.41868	6.541867671	3482311.932
E	Delmag RH28	88	1	30	120	0.52		88.436975	74.41868	7.441967671	27680998.89
F	Drill Head Motor	84	1	30	120	0.52		88.436975	74.41868	7.441867671	27660986.89
G	TEREX Back Hoe Loader	88	1	30	120	0.52		92.436975	78.41868	7.841967671	69481257.66
H1	48 meter Putzmeister Boom Pump	84	1	30	120	0.52		88.436975	74.41868	7.441967671	27660986.89
J	1998 Mack Dump truck	88	0.5	30	120	0.52		92.436975	75.40838	7.540837675	34740928.83
K	Fork Lift - Hyster H80XL	75									
M	Ingersoll Rand Compressor	85									
N	Link Belt 75 ton hydro	76									
P	JLG 600 series - 60 ft boom	75									
Q	Delivery Stake Truck - F-450 Super Duty	85	0.5	30	120	0.52		89.436975	72.40838	7.240837675	17411559.68
R	Pecco PH 6000	75									
S	Ditchwitch 1030 trencher	80									
T	TEREX Back Hoe Loader	88									
U	Hitachi Excavator - EX-550LC-5	81									
V	Dynapac (jumping jack) - LT7000	87									
W	STIHL - cut-off saw	70									
X	Lincoln Commander 500 welder	73	0.5	30	120	0.52		77.436975	60.40838	6.040837675	1098595.144
Y	Concrete walk behind saw -EDCO SS-20	90									
Z1	SAKAI - dirt roller	80									
Z2	SAKAI - dirt roller	80									
AA1	McNeilus Ready-mix Concrete truck	79	0.5	30	120	0.52		83.436975	66.40838	6.640837675	4373586.046
AA2	McNeilus Ready-mix Concrete truck	79	0.5	30	120	0.52		83.436975	66.40838	6.640837675	4373586.046
AB	Cement Finisher - Multiquip	80									
AC	John Deere Skip loader - 210LE	88									
AD	Caterpillar grader - 140H	85									
AE	CAT 966F wheel loader	88									
AF	Water truck - Sterling LT8500	85									
AG	CAT D8R - diesel - Bull Dozer	88									
AH	CAT 1055D paver	77									

	Distance to receptor:	Closest	Average				
BART Garage Piles, Grade Beams/Pile Caps		30	120	Lmax*	92	Sum	217944488
						Sum/12	18162040.5
						10*Log(Sum)	72.58166864
						Leq(h)	73

*Calculated Lmax is the Loudest value.

		Noise Level Calculation with Noise Attenuation Requirements Implemented									
		Usage	Distance to Receptor		Ground	Shielding	Calculated (dBA)				Attenuation technique
		factor	Closest	Average	Effect	(dBA)	Lmax	Leq	0.1*Leq	antiLog	implemented
A	2000 Cat 330B Excavator										
B	2005 Linkbelt 330 LX Excavator										
C	2006 Bobcat S300 Skid steer										
D1	Xtreme XFR-1245 Forklift	1	30	120	0.52	6	71.43697	57.41868	5.741867671	551909.2474	Temporary 8 ft sound barrier
E	Delmag RH28	1	30	120	0.52	8	80.43697	68.41868	6.841867671	4383970.962	Temporary 8 ft sound barrier
F	Drill Head Motor	1	30	120	0.52	8	80.43697	68.41868	6.841867671	4383970.962	Temporary 8 ft sound barrier
G	TEREX Back Hoe Loader	1	30	120	0.52	6	84.43697	70.41868	7.041867671	11012037.23	Temporary 8 ft sound barrier
H1	48 meter Putzmeister Boom Pump	1	30	120	0.52	8	80.43697	66.41868	6.641867671	4383970.962	Temporary 8 ft sound barrier
J	1998 Mack Dump truck	0.5	30	120	0.52	8	84.43697	67.40838	6.740837675	5506018.813	Temporary 8 ft sound barrier
K	Fork Lift - Hyster H80XL										
M	Ingersoll Rand Compressor										
N	Link Belt 75 ton hydro										
P	JLG 600 series - 60 ft boom										
Q	Delivery Stake Truck - F-450 Super Duty	0.5	30	120	0.52	8	81.43697	64.40838	6.440837675	2759548.237	Temporary 8 ft sound barrier
R	Pecco PH 6000										
S	Ditchwitch 1030 trencher										
T	TEREX Back Hoe Loader										
U	Hitachi Excavator - EX-550LC-5										
V	Dynapac (jumping jack) - LT7000										
W	STIHL - cut-off saw										
X	Lincoln Commander 500 welder	0.5	30	120	0.52	8	69.43697	52.40838	5.240837675	174115.5966	Temporary 8 ft sound barrier
Y	Concrete walk behind saw -EDCO SS-20										
Z1	SAKAI - dirt roller										
Z2	SAKAI - dirt roller										
AA1	McNeilus Ready-mix Concrete truck	0.5	30	120	0.52	8	75.43697	58.40838	5.840837675	693186.675	Temporary 8 ft sound barrier
AA2	McNeilus Ready-mix Concrete truck	0.5	30	120	0.52	9	75.43697	58.40838	5.840837675	693186.675	Temporary 8 ft sound barrier
AB	Cement Finisher - Multiquip										
AC	John Deere Skip loader - 210LE										
AD	Caterpillar grader - 140H										
AE	CAT 966F wheel loader										
AF	Water truck - Sterling LT8500										
AG	CAT D8R - diesel - Bull Dozer										
AH	CAT 1055D paver										

Lmax*	84	Sum	34541873.22		
		Sum/12	2878489.435		
		10*Log(Sum)	64.5916464		
		Leq(h)	65		

*Calculated Lmax is the Loudest value.

EXHIBIT A

EXHIBIT D

Phase work for Sept 2011: Grade Beams/Pile Caps, Vertical Concrete, Utilities, BART Plaza

Receptor: Residential on MacArthur Boulevard

		Reference (dBA) 50 ft Lmax	Noise Level Calculation Prior to Implementation of Noise Attenuation Requirements: Usage factor	Distance to Receptor: Closest	Distance to Receptor: Average	Ground Effect	Shielding (dBA)	Calculated (dBA): Lmax	Calculated (dBA): Leq	0.1*Leq	antiLog
A	2000 Cat 330B Excavator	81									
B1	2005 Linkbelt 330 LX Excavator	81	1	175	196	0.52		70.118639	66.10517	6.61051719	4078657 056
B2	2005 Linkbelt 330 LX Excavator	81	1	590	720	0.52		59 56236	51.80927	5.18092652	151679.3713
B3	2005 Linkbelt 330 LX Excavator	81	1	155	205	0.52		71.172766	65.55785	6.555784681	3595710.192
C1	2006 Bobcat S300 Skid steer	79	1	175	195	0.62		68.118639	64.10517	6.41051719	2573458.625
C2	2006 Bobcat S300 Skid steer	79	1	590	720	0.52		57 56236	49 80927	4.98092652	95703.21334
C3	2006 Bobcat S300 Skid steer	79	1	155	205	0.52		69.172766	63.55735	6.355784691	2268739.754
D	Xtreme XFR-1245 Forklift	75	1	30	120	0.52		79.436975	65.41868	6.5418676T1	3482311.932
E	Delmag RH26	84									
F	Drill Head Motor	84									
G1	TEREX Back Hoe Loader	88	1	590	720	0.52		66.56236	58.80927	5.88092652	760197.6451
G2	TEREX Back Hoe Loader	88	1	155	205	0 52		78.172766	72.55785	7.255764681	18021240.44
H1	48 meter Putzmeister Boom Pump	84	1	30	120	0 52		88.436975	74.41869	7.441867671	27660986.89
J1	1999 Mack Dump truck	88	0 5	590	720	0 52		66.56236	55.79897	5.579896524	380098 8225
J2	1999 Mack Dump truck	88	0 5	155	205	0.52		76.172766	89.54755	6.954754685	9010620.22
K	Fork Lid - Hyster H80XL	75	1	30	120	0 52		79.436975	65.41866	6 541867671	3482311.932
M1	Ingersoll Rand Compressor	85	1	175	195	0 52		74.118639	70.10517	7.01051719	10245123.32
M2	Ingersoll Rand Compressor	85	1	590	720	0.52		63 56236	55.80927	5 58092652	381001.3547
M3	Ingersoll Rand Compressor	85	1	155	205	0 52		75.172766	69.55765	6.955784681	9032015.642
N	Link Belt 75 ton hydro	76									
P	JLG 600 series - 60 ft boom	75									
Q1	Delivery Stake Truck - F-450 Super Duty	85	0.5	30	120	0.52		89.436975	72.40838	7.240837675	17411559.66
Q2	Delivery Stake Truck - F-450 Super Duty	85	0 5	30	120	0 52		89.436976	72.40838	7.240837675	17411559.66
Q3	Delivery Stake Truck - F-450 Super Duty	85	0.5	175	195	0.52		74.118539	67.09487	6.709487195	5122681.653
R	Pecco PH 6000	75									
S	Ditchwitch 1030 trencher	80									
T	TEREX Back Hoe Loader	88									
U	Hitachi Excavator - EX-550LC-5	91									
V	Dynapac (jumping jack) - LT7000	87	0.5	175	195	0 52		76.118639	69.08487	6.909487195	8118713.102
W1	STIHL - cut-off saw	70	0 5	175	195	0 52		59.118639	52.09487	5.209497195	161989.623
W2	STIHL - cut-off saw	70	0 5	590	720	0 52		48 58236	37.79897	3.779896524	6024.190363
W3	STIHL - cut-off saw	70	0 5	155	205	0 52		60.172766	61 54755	5.154754685	142608.7065
X	Lincoln Commander 500 welder	73									
Y	Concrete walk behind saw -EDCO SS-20	90									
Z	SAKAI - dirt roller	80									
AA1	McNeilus Ready-mix Concrete truck	79	0 5	30	123	0 52		83.436975	66.40638	6 540637875	4373586.046
AA2	McNeilus Ready-mix Concrete truck	79	0.5	30	120	0.52		83.436975	66.40838	6 540837675	4373586.046
AA3	McNeilus Ready-mix Concrete truck	79	0 5	175	195	0.52		68.118639	61.09497	6.109487195	1286729.313
AB	Cement Finisher - Multiquip	80									
AC	John Deere Skip loader - 210LE	88									
AD	Caterpillar grader - 140H	85									
AE	CAT 966F wheel loader	86									
AF	Water truck - Sterling LT8500	85									
AG	CAT D8R - diesel - Bull Dozer	88									
AH	CAT 10550 paver	77									

Distance to receptor:	Closest	Average				
			Lmax*	89	Sum	90940289.26
BART Garage Grade Beams/Pile Caps, Vertical Concrete	30	120			Sum/12	7578357.438
Frontage Road Utilities	175	345			10*Log(Sum)	68.79575085
Bart Plaza Demo	590	720			Leq(h)	89
W MacArthur Demo	155	205				

*Calculated Lmax b therLoudest value.

	Noise Level Calculation with Noise Attenuation Requirements implemented: Usage factor	Distance to Receptor: Closest	Distance to Receptor: Average	Ground Effect	Shielding (dBA)	Calculated (dBA): Lmax	Calculated (dBA): Leq	0.1*Leq	antiLog	Attenuation technique implemented
B1	1	175	195	0.52	8	62.11864	58.10517	5.61051719	646423 5803	Temporary 8 ft sound barrier
B2	1	590	720	0.52	6	51.56236	43.80927	4.38092652	24039.5603	Temporary 8 ft sound barrier
B3	1	155	205	0 52	8	63.17277	57.55785	5.765784681	569881.6605	Temporary 8 ft sound barrier
C1	1	175	195	0.52	8	60.11864	56.10517	5 51051719	407865.7056	Temporary 8 ft sound barrier
C2	1	590	720	0.62	6	49.56236	41.80927	4.18092652	15167.93713	Temporary 8 ft sound barrier
C3	1	156	205	0.52	6	61.17277	55.55765	5.555784681	359571.0192	Temporary 8 ft sound barrier
D	1	30	120	0 52	8	71.43697	57.41868	5.741867671	551909.2474	Temporary 8 ft sound barrier
G1	1	590	720	0.52	8	58 56236	50.80927	5.06092652	120483.2073	Temporary 8 ft sound barrier
G2	1	155	205	0 52	8	70.17277	64 55785	6.455784681	2856174.129	Temporary 8 ft sound barrier
H1	1	30	120	0 52	9	80.43697	66.41868	6.541867671	4383970.982	Temporary 8 ft sound barrier
J1	0 5	590	720	0.52	6	58 56236	47.79897	4.779696524	60241.60363	Temporary 8 ft sound barrier
J2	0.5	155	205	0.52	8	70.17277	61 54755	8.154754685	1426087.065	Temporary 8 ft sound barrier
K	1	30	120	0.52	8	71.43697	57.41868	5.741867671	551909.2474	Temporary 8 ft sound barrier
M1	1	175	195	0 52	8	66.11864	62.10517	6.21051719	1623742.62	Temporary 8 ft sound barrier
M2	1	590	720	0.52	8	55.56236	47.80927	4.78092652	60384.64535	Temporary 8 ft sound barrier
M3	1	155	205	0.52	8	67.17277	61.55785	6.155784681	1431478.011	Temporary 8 ft sound barrier
Q1	0.5	30	120	0.52	8	81.43697	84.40838	6.440837675	2759548.237	Temporary 8 ft sound barrier
Q2	0 5	30	120	0.52	8	81.43697	64.40838	6.440837575	2759546.237	Temporary 8 ft sound barrier
Q3	0 5	175	195	0.52	8	66.11854	59.09487	5.909487195	811971.3102	Temporary 8 ft sound barrier
V	0 5	175	195	0 52	8	68.11864	61.09487	6.109487195	1286729.313	Temporary 8 ft sound barrier
W1	0 5	175	195	0 52	8	51.11884	44.09487	4.409487195	25673.62507	Temporary 8 ft sound barrier
W2	0 5	590	720	0 52	6	40 56236	29.79897	2.979896524	954.765075	Temporary 8 ft sound barrier
W3	0 5	155	205	0 52	8	52.17277	43 54755	4.354754685	22633.65467	Temporary 8 ft sound barrier
AA1	0 5	30	120	0 52	9	75.43697	58.40838	5.840837675	693166.675	Temporary 8 ft sound barrier
AA2	0 5	30	120	0 52	6	75.43697	59.40838	5.840837675	693166 575	Temporary 8 ft sound barrier
AA3	0.5	175	195	0 52	8	60.11664	53.09487	5.309487195	203932.8528	Temporary 8 ft sound barrier

Lmax*	81	Sum	14413064 54
		Sum/12	1201088.711
		10*Log(Sum)	60.79575085
		Leq(h)	61

*Calculated Lmax is the Loudest value.

P:\MTC1101 MacArthur BART Tech Studies\Background\Const Noise Modeling\Manual Calculation(full hour operation).xls

EXHIBIT A

EXHIBIT D

Phase work for May 2011: Environmental Remediation and Bart Garage Earthwork

Receptor: Residential on Telegraph

		Reference (dBA) 50 ft	Noise Level Calculation Prior to Implementation of Noise Attenuation Requirements								Noise Level Calculation with Noise Attenuation Requirements Implemented								
			Usage	Distance to Receptor		Ground	Shielding	Calculated (dBA)			Usage	Distance to Receptor		Ground	Shielding	Calculated (dBA)			Attenuation technique
		Lmax	factor	Closest	Average	Effect	(dBA)	Lmax	Leq	0.1*Leq	antiLog	factor	Closest	Average	Effect	(dBA)	Lmax	Leq	0.1*Leq	antiLog	implemented
A	2000 Cat 330B Excavator	81	1	30	105	0.43		85.43697499	73.17007114	7.317007	20749475.05	1	30	105	0.43	8	77.43697	65.17007	6.517007	3286570	Temporary 8 ft sound barrier
B	2005 Linkbelt 330 LX Excavator	81	1	155	250	0.43		71.17276612	64.01502889	6.401503	2520593.95	1	155	250	0.43	8	63.17277	56.01503	5.601503	398487.2	Temporary 8 ft sound barrier
C	2006 Bobcat S300 Skid steer	79																			
D	Xtreme XFR-1245 Forklift	75																			
E	Delmag RH26	84																			
F	Drill Head Motor	84																			
G	TEREX Back Hoe Loader	88																			
H	48 meter Putzmeester Boom Pump	84																			
J1	1999 Mack Dump truck	88	0.5	30	105	0.43		92.43697499	77.15977118	7.715977	51996860	0.5	30	105	0.43	8	84.43697	69.15977	6.915977	8240947	Temporary 8 ft sound barrier
J2	1999 Mack Dump truck	88	0.5	155	250	0.43		78.17276612	68.00472894	6.800473	6316447.544	0.5	155	250	0.43	8	70.17277	60.00473	6.000473	1001089	Temporary 8 ft sound barrier
K	Fork Lift - Hyster H80XL	75																			
M	Ingersoll Rand Compressor	85																			
N	Link Belt 75 ton hydro	76																			
P	JLG 600 series - 60 ft boom	75																			
Q	Delivery Stake Truck - F-450 Super Duty	85																			
R	Pecco PH 6000	75																			
S	Ditchwitch 1030 trencher	80																			
T	TEREX Back Hoe Loader	88																			
U	Hitachi Excavator - EX-550LC-5	81																			
V	Dynapac (jumping jack) - LT7000	87																			
W	STIHL - cut-off saw	70	0.5	155	250	0.43		60.17276612	50.00472894	5.000473	100108.9471	0.5	155	250	0.43	8	52.17277	42.00473	1.200473	15866.2	Temporary 8 ft sound barrier
X	Lincoln Commander 500 welder	73																			
Y	Concrete walk behind saw -EDCO SE-20	90																			
Z1	SAKAI - dirt roller	80	1	50	105	0.43		80	72.17007114	7.217007	16461893.89	1	50	105	0.43	8	72	64.17007	6.417007	2612204	Temporary 8 ft sound barrier
Z2	SAKAI - dirt roller	80	1	155	250	0.43		70.17276612	63.01502889	6.301503	2002178.943	1	155	250	0.43	8	62.17277	55.01503	5.501503	317324	Temporary 8 ft sound barrier
AA	McNeilus Ready-mix Concrete truck	79																			
AB	Cement Finisher - Multiquip	80																			
AC	John Deere Skip loader - 210LE	88																			
AD	Caterpillar grader - 140H	85																			
AE	CAT 966F wheel loader	88																			
AF	Water truck - Sterling LT8500	85	0.5	30	105	0.43		88.43697493	74.15977118	7.415977	26060162.42	0.5	30	105	0.43	8	81.43697	66.15977	6.615977	4130257	Temporary 8 ft sound barrier
AG	CAT D8R - diesel - Bull Dozer	88																			
AH	CAT 1055D paver	77	0.5	30	105	0.43		81.43697499	66.15977118	6.615977	4130257.401	0.5	30	105	0.43	8	73.43697	58.15977	5.815977	654601.7	Temporary 8 ft sound barrier

	Distance to receptor:	Closest	Average		Lmax*			Sum	13035978.1		Lmax*	84		Sum	20660347
Environmental Remediation		30	105					Sum/12	1086164.85					Sum/12	1721696
BART Garage Earthwork		155	250				10*Log(Sum):		70.3595837				10*Log(Sum):		82.35956
								Leq(h)	70					Leq(h)	82

*Calculated Lmax is the Loudest value.

*Calculated Lmax is the Loudest value.

Phase work for June 2011: Piles and Grade Beams/Pile Caps

Receptor: Residential on Telegraph

		Reference (dBA) 50 ft	Noise Level Calculation Prior to Implementation of Noise Attenuation Requirements								Noise Level Calculation with Noise Attenuation Requirements Implemented								
			Usage	Distance to Receptor		Ground	Shielding	Calculated (dBA)			Usage	Distance to Receptor		Ground	Shielding	Calculated (dBA)			Attenuation technique
		Lmax	factor	Closest	Average	Effect	(dBA)	Lmax	Leq	0.1*Leq	antiLog	factor	Closest	Average	Effect	(dBA)	Lmax	Leq	0.1*Leq	antiLog	implemented
A	2000 Cat 330B Excavator	81																			
B	2005 Linkbelt 330 LX Excavator	81																			
C	2006 Bobcat S300 Skid steer	79																			
D1	Xtreme XFR-1245 Forklift	75	1	155	250	0.43		65.17276612	58.01502889	5.801503	633144.5742	1	155	250	0.43	8	57.17277	50.01503	5.001503	100348.7	Temporary 8 ft sound barrier
E	Delmag RH26	84	1	155	250	0.43		74.17276612	67.01502889	6.701503	5029246.118	1	155	250	0.43	8	66.17277	59.01503	5.901503	797061.8	Temporary 8 ft sound barrier
F	Drill Head Motor	84	1	155	250	0.43		74.17276612	67.01502889	6.701503	5029246.118	1	155	250	0.43	8	66.17277	59.01503	5.901503	797061.8	Temporary 8 ft sound barrier
G	TEREX Back Hoe Loader	88	1	155	250	0.43		78.17276612	71.01502889	7.101503	12632895.09	1	155	250	0.43	8	70.17277	63.01503	6.301503	2002179	Temporary 8 ft sound barrier
H1	48 meter Putzmeester Boom Pump	84	1	155	250	0.43		74.17276612	67.01502889	6.701503	5029246.118	1	155	250	0.43	8	66.17277	59.01503	5.901503	797061.8	Temporary 8 ft sound barrier
J	1999 Mack Dump truck	88	0.5	155	250	0.43		78.17276612	68.00472894	6.800473	6316447.544	0.5	155	250	0.43	8	70.17277	60.00473	6.000473	1001089	Temporary 8 ft sound barrier
K	Fork Lift - Hyster H80XL	75																			
M	Ingersoll Rand Compressor	85																			
N	Link Belt 75 ton hydro	76																			
P	JLG 600 series - 60 ft boom	75																			
Q	Delivery Stake Truck - F-450 Super Duty	85	0.5	155	250	0.43		75.17276612	65.00472894	6.500473	3165722.871	0.5	155	250	0.13	8	67.17277	57.00473	5.700473	501733.3	Temporary 8 ft sound barrier
R	Pecco PH 6000	75																			
S	Ditchwitch 1030 trencher	80																			
T	TEREX Back Hoe Loader	88																			
U	Hitachi Excavator - EX-550LC-5	81																			
V	Dynapac (jumping jack) - LT7000	87																			
W	STIHL - cut-off saw	70																			
X	Lincoln Commander 500 welder	73	0.5	155	250	0.43		63.17276612	53.00472894	5.300473	199743.8096	0.5	155	250	0.43	8	55.17277	45.00473	4.500473	31657.23	Temporary 8 ft sound barrier
Y	Concrete walk behind saw -EDCO SS-20	90																			
Z1	SAKAI - dirt roller	80																			
Z2	SAKAI - dirt roller	80																			
AA1	McNeilus Ready-mix Concrete truck	79	0.5	155	250	0.43		69.17276612	59.00472894	5.900473	795193.8325	0.5	155	250	0.43	8	61.17277	51.00473	5.100473	126029.7	Temporary 8 ft sound barrier
AA2	McNeilus Ready-mix Concrete truck	79	0.5	155	250	0.43		69.17276612	59.00472894	5.900473	795193.8325	0.5	155	250	0.43	8	61.17277	51.00473	5.100473	126029.7	Temporary 8 ft sound barrier
AB	Cement Finisher - Multiquip	80																			
AC	John Deere Skip loader - 210LE	88																			
AD	Caterpillar grader - 140H	85																			
AE	CAT 966F wheel loader	88																			
AF	Water truck - Sterling LT8500	85																			
AG	CAT D8R - diesel - Bull Dozer	88																			
AH	CAT 1055D paver	77																			

	Distance to receptor:	Closest	Average		Lmax*	78		Sum	39029079.31		Lmax*	76		Sum	6280310
BART Garage Piles, Grade Beams/Pile Caps		155	250					Sum/12	3302173.276					Sum/12	523359.2
							10*Log(Sum):		65.1879858				10*Log(Sum):		57.188
								Leq(h)	65					Leq(h)	57

*Calculated Lmax is the Loudest value.

*Calculated Lmax is the Loudest value.

EXHIBIT A

EXHIBIT D

EXHIBIT A

Phase work for Sept 2011: Grade Beams/Pile Caps, Vertical Concrete, Utilities, BART Plaza

Receptor: Residential on Telegraph

Noise Level Calculation Prior to Implementation of Noise Attenuation Requirements

		Reference (dBA) 50 ft Lmax	Usage factor	Distance to Receptor Closest	Distance to Receptor Average	Ground Effect	Shielding (dBA)	Calculated (dBA) Lmax	Calculated (dBA) Leq	0.1*Leq	antiLog
A	2000 Cat 330B Excavator	81									
B1	2005 Linkbelt 330 LX Excavator	81	1	325	365	0.43		64.74173287	50.0212545	6.002125	1004906.025
B2	2005 Linkbelt 330 LX Excavator	81	1	540	680	0.43		60.33152489	53.45500453	5.3455	221564.6406
B3	2005 Linkbelt 330 LX Excavator	81	1	155	390	0.43		71.17276612	59.32210115	5.93221	855480.5017
C1	2006 Bobcat S300 Skid steer	79	1	325	365	0.43		62.74173287	58.0212545	5.802125	634052.8367
C2	2006 Bobcat S300 Skid steer	79	1	540	680	0.43		58.33152489	51.45500453	5.1455	139797.8372
C3	2006 Bobcat S300 Skid steer	79	1	155	390	0.43		69.17276612	57.32210115	5.73221	539771.7056
D	Xtreme XFR-1245 Forklift	75	1	155	250	0.43		65.17276612	58.01502889	5.801503	633144.5742
E	Delmag RH26	84									
F	Drill Head Motor	84									
G1	TEREX Back Hoe Loader	88	1	540	680	0.43		67.33152489	60.45500453	6.0455	1110453.693
G2	TEREX Back Hoe Loader	88	1	155	390	0.43		78.17276612	66.32210115	6.63221	4287559.061
H1	48 meter Putzmeister Boom Pump	84	1	155	250	0.43		74.17276612	67.01502889	6.701503	5029246.119
J1	1999 Mack Dump truck	88	0.5	540	680	0.43		67.33152489	57.44470457	5.74447	555226.8464
J2	1999 Mack Dump truck	88	0.5	155	390	0.43		78.17276612	63.3118012	6.33118	2143779.53
K	Fork Lift - Hyster H80XL	75	1	155	250	0.43		65.17276612	58.01502889	5.801503	633144.5742
M1	Ingersoll Rand Compressor	85	1	325	365	0.43		68.74173287	64.0212545	6.402125	2524209.808
M2	Ingersoll Rand Compressor	85	1	540	680	0.43		64.33152489	57.45500453	5.7455	556545.2143
M3	Ingersoll Rand Coiporassor	85	1	155	390	0.43		75.17276612	63.32210115	6.33221	2148869.865
N	Link Belt 75 ton hydro	76									
P	JLG 600 series - 60 ft boom	75									
Q1	Delivery Stake Truck - F-450 Super Duty	85	0.5	155	250	0.43		75.17276612	65.00472894	6.500473	3165722.871
Q2	Delivery Stake Truck - F-450 Super Duty	85	0.5	155	250	0.43		75.17276612	65.00472894	6.500473	3165722.871
Q3	Delivery Stake Truck - F-450 Super Duty	85	0.5	325	365	0.43		68.74173287	61.01095454	6.101095	1262104.904
R	Pecco PH 6000	75									
S	Ditchwitch 1030 trencher	80									
T	TEREX Back Hoe Loader	88									
U	Hitachi Excavator - EX-550LC-5	81									
V	Dynapac (jumping jack) - LT7000	87	0.5	325	365	0.43		70.74173287	63.01095454	6.301095	2000301.471
W1	STIHL - cut-off saw	70	0.5	325	365	0.43		53.74173287	46.01095454	4.601095	39911.28143
W2	STIHL - cut-off saw	70	0.5	540	680	0.43		49.33152489	39.44470457	3.94447	8799.752491
W3	STIHL - cut-off saw	70	0.5	155	390	0.43		60.17276612	45.3118012	4.53118	33976.61584
X	Lincoln Commander 500 welder	73									
Y	Concrete walk behind saw -EDCO SS-20	90									
Z	SAKAI - dirt roller	80									
AA1	McNeilus Ready-mix Concrete truck	79	0.5	155	250	0.43		69.17276612	59.00472894	5.900473	795193.6325
AA2	McNeilus Ready-mix Concrete truck	79	0.5	155	250	0.43		69.17276612	59.00472894	5.900473	795193.6325
AA3	McNeilus Ready-mix Concrete truck	79	0.5	325	365	0.43		62.74173287	55.01095454	5.501095	317026.4184
AB	Cement Finisher - Multiquip	80									
AC	John Deere Skip loader - 210LE	88									
AD	Caterpillar grader - 140H	85									
AE	CAT 966F wheel loader	88									
AF	Water truck - Sterling LT8500	85									
AG	CAT D8R - diesel - Bull Dozer	88									
AH	CAT 1055D paver	77									

Distance to receptor	Closest	Average				
			Lmax*	78	Sum	20145729.27
BART Garage Grade Beams/Pile Caps; Vertical Concrete	155	250			Sum/12	1678810.772
Frontage Road Utilities	325	365			10*Log(Sum)	62.25001747
Bart Plaza Demo	540	680			Leq(h)	62
W MacArthur Demo	155	390				

*Calculated Lmax is the Loudest value.

Noise Level Calculation with Noise Attenuation Requirements Implemented

	Usage factor	Distance to Receptor Closest	Distance to Receptor Average	Ground Effect	Shielding (dBA)	Calculated (dBA) Lmax	Calculated (dBA) Leq	0.1*Leq	antiLog	Attenuation technique implemented
B1	1	325	365	0.43	8	56.74173	52.02125	5.202125	159266.9	Temporary 8 ft sound barrier
B2	1	540	680	0.43	8	52.33152	45.455	4.5455	35115.63	Temporary 8 ft sound barrier
B3	1	155	390	0.43	8	63.17277	51.3221	5.13221	135584.5	Temporary 8 ft sound barrier
C1	1	325	365	0.43	8	54.74173	50.02125	5.002125	100490.6	Temporary 8 ft sound barrier
C2	1	540	680	0.43	8	50.33152	43.455	4.3455	22156.46	Temporary 8 ft sound barrier
C3	1	155	390	0.43	8	61.17277	49.3221	4.93221	85548.05	Temporary 8 ft sound barrier
D	1	155	250	0.43	8	57.17277	50.01503	5.001503	100346.7	Temporary 8 ft sound barrier
G1	1	540	680	0.43	8	59.33152	52.455	5.2455	175995	Temporary 8 ft sound barrier
G2	1	155	390	0.43	8	70.17277	58.3221	5.83221	679532.3	Temporary 8 ft sound barrier
H1	1	155	250	0.43	8	66.17277	59.01503	5.901503	797081.8	Temporary 8 ft sound barrier
J1	0.5	540	680	0.43	8	59.33152	49.4447	4.94447	87997.52	Temporary 8 ft sound barrier
J2	0.5	155	390	0.43	8	70.17277	55.3118	5.53118	339766.2	Temporary 8 ft sound barrier
K	1	155	250	0.43	8	57.17277	50.01503	5.001503	100346.7	Temporary 8 ft sound barrier
M1	1	325	365	0.43	8	60.74173	56.02125	5.602125	400060.3	Temporary 8 ft sound barrier
M2	1	540	680	0.43	8	56.33152	49.455	4.9455	88206.47	Temporary 8 ft sound barrier
M3	1	155	390	0.43	8	67.17277	55.3221	5.53221	340572.9	Temporary 8 ft sound barrier
Q1	0.5	155	250	0.43	8	67.17277	57.00473	5.700473	501733.3	Temporary 8 ft sound barrier
Q2	0.5	155	250	0.43	8	67.17277	57.00473	5.700473	501733.3	Temporary 8 ft sound barrier
Q3	0.5	325	365	0.43	8	60.74173	53.01095	5.301095	200030.1	Temporary 8 ft sound barrier
V	0.5	325	365	0.43	8	62.74173	55.01095	5.501095	317026.4	Temporary 8 ft sound barrier
W1	0.5	325	365	0.43	8	45.74173	38.01095	3.801095	6325.509	Temporary 8 ft sound barrier
W2	0.5	540	680	0.43	8	41.33152	31.4447	3.14447	1394.667	Temporary 8 ft sound barrier
W3	0.5	155	390	0.43	8	52.17277	37.3118	3.73118	5384.931	Temporary 8 ft sound barrier
AA1	0.5	155	250	0.43	8	61.17277	51.00473	5.100473	126029.7	Temporary 8 ft sound barrier
AA2	0.5	155	250	0.43	8	61.17277	51.00473	5.100473	126029.7	Temporary 8 ft sound barrier
AA3	0.5	325	365	0.43	8	54.74173	47.01095	4.701095	50245.3	Temporary 8 ft sound barrier

Lmax*	70	Sum	3192883
		Sum/12	266073.6
		10*Log(Sum)	54.25002
		Leq(h)	54

*Calculated Lmax is the Loudest value.

Phase work for May 2011: Environmental Remediation and Bart Garage Earthwork

Receptor: Surgery Center on Telegraph

		Reference (dBA) 50 ft	Noise Level Calculation Prior to Implementation of Noise Attenuation Requirements								Noise Level Calculation with Noise Attenuation Requirements Implemented							
			Usage	Distance to Receptor		Ground	Shielding	Calculated (dBA)			Usage	Distance to Receptor		Ground	Shielding	Calculated (dBA)			
		Lmax	factor	Closest	Average	Effect	(dBA)	Lmax	Leq	0.1*Leq	antiLog	factor	Closest	Average	Effect	(dBA)	Lmax	Leq	0.1*Leq	antiLog	Attenuation technique implemented
A	2000 Cat 330D Excavator	81	1	30	140	0.43		85.43697498	70.13405864	7.013406	10313497.9	1	30	140	0.43	5	80.43697	65.13406	6.513406	3261414	Temporary 6 ft sound barrier
B	2005 Linkbelt 330 LX Excavator	81	1	250	390	0.43		67.02059891	58.32210115	5.832211	855480.502	1	250	390	0.43	5	62.0206	54.3221	5.43221	270529.7	Temporary 6 ft sound barrier
C	2006 Bobcat S300 Skid steer	79																			
D	Xtreme XFR-1245 Forklift	75																			
E	Delmag RH26	84																			
F	Drill Head Motor	84																			
G	TEREX Back Hoe Loader	88																			
H	48 meter Putzmeister Boom Pump	84																			
J1	1999 Mack Dump truck	88	0.5	100	140	0.43		81.97840009	74.12375388	7.412376	25844967.4	0.5	100	140	0.43	5	76.9784	69.12376	6.912376	8172889	Temporary 6 ft sound barrier
J2	1999 Mack Dump truck	88	0.5	250	390	0.43		74.02059891	63.3118012	6.331181	2143778.53	0.5	250	390	0.43	5	69.0206	58.3118	5.83118	677922.6	Temporary 6 ft sound barrier
K	Fork Lift - Hyster H80XL	75																			
M	Ingersoll Rand Compressor	85																			
N	Link Belt 75 ton hydro	76																			
P	*JLG 600 series - 60 ft boom*	75																			
Q	Delivery Stake Truck - F-450 Super Duty	85																			
R	Pecco PH 6000	75																			
S	Ditchwitch 1030 trencher	80																			
T	TEREX Back Hoe Loader	88																			
U	Hitachi Excavator - EX-550LC 5	81																			
V	Dynapac (jumping jack) - LT7000	87																			
W	STIHL - cut-off saw	70	0.5	250	390	0.43		56.02059891	48.3118012	4.83118	33876.8158	0.5	250	390	0.43	5	51.0206	40.3118	4.03118	10744.35	Temporary 6 ft sound barrier
X	Lincoln Commander 500 welder	73																			
Y	Concrete walk behind saw -EDCO SS-20	90																			
Z1	SAKAI - dirt roller	80	1	50	140	0.43		80	68.13405864	6.813406	6192302.57	1	50	140	0.43	5	75	64.13406	6.413406	2590634	Temporary 6 ft sound barrier
Z2	SAKAI - dirt roller	80	1	250	390	0.43		66.02059891	58.32210115	5.832211	679532.317	1	250	390	0.43	5	61.0206	53.3221	5.33221	214687	Temporary 6 ft sound barrier
AA	McNeilus Ready-mix Concrete truck	78																			
AB	Cement Finisher - Multiquip	80																			
AC	John Deere Skip loader - 210LE	88																			
AD	Caterpillar grader - 140H	85																			
AE	CAT 966F wheel loader	88																			
AF	Water truck - Sterling LT8500	85	0.5	30	140	0.43		88.43697498	71.17376888	7.117376	12853167.7	0.5	30	140	0.43	5	84.43697	66.12376	6.612376	4096151	Temporary 6 ft sound barrier
AG	CAT D8R - diesel - Bull Dozer	88																			
AH	CAT 10550 paver	77	0.5	30	140	0.43		81.43697498	63.12375898	6.312376	2052938.73	0.5	30	140	0.43	5	76.43697	58.12376	5.812376	648188.2	Temporary 6 ft sound barrier
		Distance to receptor:	Closest	Average			Lmax*	88		Sum	63069643.2					Lmax*	84		Sum	10944372	
	Environmental Remediation		30	140						Sum/12	5255803.6								Sum/12	912031	
	BART Garage Earthwork		250	390						10*Log(Sum)	67.706393								10*Log(Sum)	62.70639	
										Leq(h)	67								Leq(h)	62	

*Calculated Lmax is the Loudest value.

*Calculated Lmax is the Loudest value.

Phase work for June 2011: Piles and Grade Beams/Pile Caps

Receptor: Surgery Center on Telegraph

		Reference (dBA) 50 ft	Noise Level Calculation Prior to Implementation of Noise Attenuation Requirements								Noise Level Calculation with Noise Attenuation Requirements Implemented							
			Usage	Distance to Receptor		Ground	Shielding	Calculated (dBA)			Usage	Distance to Receptor		Ground	Shielding	Calculated (dBA)			
		Lmax	factor	Closest	Average	Effect	(dBA)	Lmax	Leq	0.1*Leq	antiLog	factor	Closest	Average	Effect	(dBA)	Lmax	Leq	0.1*Leq	antiLog	Attenuation technique implemented
A	2000 Cat 330D Excavator	81																			
B	2005 Linkbelt 330 LX Excavator	81																			
C	2006 Bobcat S300 Skid steer	79																			
D1	Xtreme XFR-1245 Forklift	75	1	250	390	0.43		61.02059891	53.32210115	5.33221	214888.866	1	250	390	0.43	5	56.0206	48.3221	4.83271	67953.23	Temporary 8 ft sound barrier
E	Delmag RH26	84	1	250	390	0.43		70.02059891	62.32210115	6.23221	1705908.01	1	250	390	0.43	5	65.0206	57.3221	5.73221	538771.7	Temporary 8 ft sound barrier
F	Drill Head Motor	84	1	250	390	0.43		70.02059891	62.32210115	6.23221	1706908.01	1	250	390	0.43	5	65.0206	57.3221	5.73221	538771.7	Temporary 8 ft sound barrier
G	TEREX Back Hoe Loader	88	1	250	390	0.13		74.02059891	66.32210115	6.63221	4287558.06	1	250	390	0.43	5	69.0206	61.3221	6.13221	1355845	Temporary 8 ft sound barrier
H1	48 meter Putzmeister Boom Pump	84	1	250	390	0.43		70.02059891	62.32210115	6.23221	1706908.01	1	250	390	0.43	5	65.0206	57.3221	5.73221	538771.7	Temporary 8 ft sound barrier
J	1999 Mack Dump truck	88	0.5	250	390	0.13		74.02059891	63.3118012	6.33118	2143778.53	0.5	250	390	0.43	5	69.0206	58.3118	5.83118	677922.6	Temporary 8 ft sound barrier
K	Fork Lift - Hyster H80XL	75																			
M	Ingersoll Rand Compressor	85																			
N	Link Belt 75 ton hydro	76																			
P	A G 600 series - 60 ft boom	75																			
Q	Delivery Stake Truck - F-450 Super Duty	85	0.5	250	390	0.43		71.02059891	60.3118012	6.03118	1074434.93	0.5	250	390	0.43	5	66.0206	55.3118	5.53118	339768.2	Temporary 8 ft sound barrier
R	Pecco PH 6000	75																			
S	Ditchwitch 1030 trencher	80																			
T	TEREX Back Hoe Loader	88																			
U	Hitachi Excavator - EX-550LC-5	81																			
V	Dynapac (jumping jack) - LT7000	87																			
W	STIHL - cut-off saw	70																			
X	Lincoln Commander 500 welder	73	9.5	250	390	0.43		58.02059891	48.3118012	4.83118	67792.2512	0.5	250	390	0.43	5	54.0206	43.3118	4.33118	21437.8	Temporary 8 ft sound barrier
Y	Concrete walk behind saw -EDCO SS-20	90																			
Z1	SAKAI - dirt roller	80																			
Z2	SAKAI - dirt roller	80																			
AA1	McNeilus Ready-mix Concrete truck	78	8.5	250	390	0.43		65.02059891	54.3118012	5.43118	269885.853	0.5	250	390	0.43	5	60.0206	49.3118	4.93118	85345.4	Temporary 8 ft sound barrier
AA2	McNeilus Ready-mix Concrete truck	78	8.5	250	390	0.43		65.02059891	54.3118012	5.43118	269885.853	0.5	250	390	0.43	5	60.0206	49.3118	4.93118	85345.4	Temporary 8 ft sound barrier
AB	Cement Finisher - Multiquip	80																			
AC	John Deere Skip loader - 210LE	88																			
AD	Caterpillar grader - 140H	85																			
AE	CAT 966F wheel loader	88																			
AF	Water truck - Sterling LT8500	85																			
AG	CAT D8R - diesel - Bull Dozer	88																			
AH	CAT 10550 paver	77																			
		Distance to receptor:	Closest	Average			Lmax*	74		Sum	13448948.5					Lmax*	69		Sum	4252831	
	BART Garage Piles, Grade Beams/Pile Caps		250	390						Sum/12	1120745.71								Sum/12	354319.9	
										10*Log(Sum)	60.4950708								10*Log(Sum)	55.49507	
										Leq(h)	60								Leq(h)	55	

*Calculated Lmax is the Loudest value.

*Calculated Lmax is the Loudest value.

EXHIBIT D

Phase work for Sept 2011: Grade Beams/Pile Caps, Vertical Concrete, Utilities, BART Plaza

Receptor: Surgery Center on Telegraph

		Reference	Noise Level Calculation Prior to Implementation of Noise Attenuation Requirements								Noise Level Calculation with Noise Attenuation Requirements Implemented								
		(dBA) 50 ft	Usage	Distance to Receptor		Ground	Shielding	Calculated (dBA)				Usage	Distance to Receptor		Ground	Shielding	Calculated (dBA)				
		Lmax	factor	Closest	Average	Effect	(dBA)	Lmax	Leq	0.1*Leq	antiLog	factor	Closest	Average	Effect	(dBA)	Lmax	Leq	0.1*Leq	antiLog	Attenuation technique implemented
A	2000 Cat 330B Excavator	81																			
B1	2005 Linkbelt 330 LX Excavator	81	1	315	325	0.43		65.01318901	61.24820543	6.124821	1332358.8	1	315	325	0.43	5	60.01319	56.24821	5.624821	421328.2	Temporary 8 ft sound barrier
B2	2005 Linkbelt 330 LX Excavator	81	1	370	480	0.43		63.61536561	57.13060904	5.713061	516512.58	1	370	480	0.43	5	58.61537	52.13061	5.213061	163335.6	Temporary 8 ft sound barrier
B3	2006 Linkbelt 330 LX Excavator	81	1	430	560	0.43		62.31003098	55.50400205	5.5504	355140.603	1	430	560	0.43	5	57.31003	50.504	5.0504	112305.3	Temporary 8 ft sound barrier
C1	2006 Bobcat S300 Skid steer	79	1	315	325	0.43		63.01318901	59.24820543	5.924821	840680.31	1	315	325	0.43	5	58.01319	54.24821	5.424821	265840.1	Temporary 8 ft sound barrier
C2	2006 Bobcat S300 Skid steer	79	1	370	480	0.43		61.61636681	55.13060904	5.513061	325897.406	1	370	480	0.43	6	53.51537	50.13061	5.013061	103057.8	Temporary 8 ft sound barrier
C3	2006 Bobcat S300 Skid steer	79	1	430	560	0.43		60.31003098	53.50400205	5.3504	224078.508	1	430	560	0.43	5	55.31003	48.504	4.8504	70859.85	Temporary 8 ft sound barrier
D	Xtreme XFR-1245 Forklift	75	1	250	390	0.43		61.02059991	53.32210115	5.33221	214888.986	1	250	390	0.43	5	56.0206	48.3221	4.83221	67963.23	Temporary 8 ft sound barrier
E	Delmag RH26	84																			
F	Drill Head Motor	84																			
G1	TEREX Back Hoe Loader	88	1	370	480	0.43		70.61536551	64.13060904	6.413061	2588695.11	1	370	480	0.43	5	65.51537	59.13061	5.913061	818617.3	Temporary 8 ft sound barrier
G2	TEREX Back Hoe Loader	88	1	430	560	0.43		69.31003098	62.50400205	6.2504	1778918.86	1	430	560	0.43	5	64.31003	57.504	5.7504	562859.8	Temporary 8 ft sound barrier
H1	48 meter Putzmeister Boom Pump	84	1	250	390	0.43		70.02059991	62.3221015	6.23221	1706908.01	1	250	390	0.43	5	65.0206	57.3221	6.73221	539771.7	Temporary 8 ft sound barrier
J1	1999 Mack Dump truck	88	0.5	370	480	0.43		70.61536561	61.12050908	6.112061	1294347.56	0.5	370	480	0.43	5	65.61537	56.12061	5.612061	409308.8	Temporary 8 ft sound barrier
J2	1999 Mack Dump truck	88	0.5	430	560	0.43		69.31003098	58.49370209	5.849437	889969.43	0.5	430	560	0.43	5	61.31003	54.4937	5.44937	281429.9	Temporary 8 ft sound barrier
K	Fork Lift - Hyster H80XL	75	1	250	390	0.43		61.02059991	53.32210115	5.33221	214886.986	1	250	390	0.43	5	56.0206	48.3221	4.83221	67963.23	Temporary 8 ft sound barrier
M1	Ingersoll Rand Compressor	86	1	315	325	0.43		69.01318901	65.24820543	6.524821	3346728.87	1	315	325	0.43	5	64.01319	60.24821	6.024821	1058329	Temporary 8 ft sound barrier
M2	Ingersoll Rand Compressor	85	1	370	480	0.43		67.61536561	61.13060904	6.113061	1297420.94	1	370	480	0.43	5	62.61537	56.13061	5.613061	410280.6	Temporary 8 ft sound barrier
M3	Ingersoll Rand Compressor	85	1	430	560	0.43		66.31003098	59.50400205	5.9504	892072.61	1	430	560	0.43	5	61.31003	54.504	6.4504	282098.1	Temporary 8 ft sound barrier
N	Link Bad 75 ton hydro	76																			
P	JLG 600 series - 80 ft boom	75																			
Q1	Delivery Stake Truck - F-450 Super Duty	85	0.5	250	390	0.43		71.02059991	60.3118012	6.03118	1074434.93	0.5	250	390	0.43	5	66.0206	55.3118	5.53118	339766.2	Temporary 8 ft sound barrier
Q2	Delivery Stake Truck - F-450 Super Duty	85	0.5	250	390	0.43		71.02059991	60.3118012	6.03118	1074434.93	0.5	250	390	0.43	5	66.0206	55.3118	5.53118	339766.2	Temporary 8 ft sound barrier
Q3	Delivery Stake Truck - F-450 Super Duty	85	0.5	315	325	0.43		69.01318901	62.23590548	6.223591	1673364.49	0.5	315	325	0.43	5	64.01319	57.23591	5.723591	529184.3	Temporary 8 ft sound barrier
R	Pecco PH 5000	75																			
S	Ditchwitch 1030 trencher	80																			
T	TEREX Back Hoe Loader	88																			
U	Hitachi Excavator - EX-550LC-5	81																			
V	Dynapac (jumping jack) - LT7000	87	0.5	315	325	0.43		71.01318901	64.23590548	6.423591	2652103.98	0.5	315	325	0.43	5	66.01319	59.23591	5.923591	838668.8	Temporary 8 ft sound barrier
W1	STIHL - cut-off saw	70	0.5	315	325	0.43		54.01318901	47.23590548	4.723591	52916.4313	0.5	315	325	0.43	5	49.01319	42.23591	4.223591	16733.54	Temporary 8 ft sound barrier
W2	STIHL - cut-off saw	70	0.5	370	480	0.43		52.61536561	43.12050908	4.312051	20514.0263	0.5	370	480	0.43	5	37.61537	38.12051	3.812051	6487.105	Temporary 8 ft sound barrier
W3	STIHL - cut-off saw	70	0.5	430	560	0.43		51.31003098	41.49370209	4.14937	14104.9084	0.5	430	560	0.43	6	46.31003	36.4937	3.64937	4460.363	Temporary 8 ft sound barrier
X	Lincoln Commander 500 welder	73																			
Y	Concrete walk behind saw -EDCO SS-20	90																			
Z	SAKAI - dirt roller	80																			
AA1	McNeilus Ready-mix Concrete truck	79	0.6	250	390	0.43		65.02059991	54.3118012	5.43118	269885.853	0.5	250	390	0.43	5	60.0206	49.3118	4.93118	85345.4	Temporary 8 ft sound barrier
AA2	McNeilus Ready-mix Concrete truck	79	0.5	250	390	0.43		65.02059991	54.3118012	5.43118	269885.853	0.5	250	390	0.43	5	60.0206	49.3118	4.93118	85345.4	Temporary 8 ft sound barrier
AA3	McNeilus Ready-mix Concrete truck	78	0.5	315	325	0.43		63.01318901	56.23590548	5.623591	420330.155	0.5	315	325	0.43	5	58.01319	51.23591	5.123591	132920.1	Temporary 8 ft sound barrier
AB	Cement Finisher - Multiquip	80																			
AC	John Deere Skip loader - 210LE	88																			
AD	Caterpiller grader - 140H	86																			
AE	CAT 966F wheel loader	88																			
AF	Water truck - Sterling LT8500	86																			
AG	CAT D8R - diesel - Bu8 Dozer	86																			
AH	CAT 10650 paver	77																			

Distance to receptor:	Closest	Average
BART Garage Grade Beams/Pile Caps, Vertical Concrete	250	390
Frontage Road Utilities	315	325
Bart Plaza Demo	370	480
W MacArthur Demo	430	560

Lmax*	71	Sum	15457382.1
		Sum/12	1288118
		10*Log(Sum)	61.0995498
		Leq(h)	61

*Calculated Lmax is the Loudest value.

Lmax*	88	Sum	4886057
		Sum/12	107336
		10*Log(Sum)	56.09955
		Leq(h)	56

*Calculated Lmax is the Loudest value.

EXHIBIT A

ATTACHMENT B:
CONSTRUCTION EQUIPMENT SCHEDULE AND KEY

See Exhibit I

EXHIBIT A

WILSON IHRIG & ASSOCIATES
ACOUSTICAL AND VIBRATION CONSULTANTS

CALIFORNIA NEW YORK WASHINGTON

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www.wiai.com

10 March 2011

MacArthur Transit Community Partners LLC
c/o Art May
Keystone Development Company
5858 Horton Street
Suite 170
Emeryville, California 94608

Subject: MacArthur Transit Village
Vibration from Construction

Dear Mr. May:

Summary
The following are key points from our review of the information provided[1] regarding the proposed MacArthur Transit Village Project (MTV Project):

- Vibration impacts of the proposed MTV Project were analyzed in the MacArthur Transit Village Project EIR dated January 2008 and no significant impacts were identified based on the City's thresholds for vibration and the City's standard condition of approval for vibration.
- Based on the Surgery Center assertion that the MTV Project construction would have significant vibration impacts on the operations at the Surgery Center, the Project Sponsor has requested Wilson Ihrig & Associates (WIA) to review the proposed Construction Equipment Schedule using the FTA criteria referenced by the Surgery Center.
- We understand that as part of the Construction Equipment Schedule for Phases 1 and 2, the Project Sponsor has committed to the use of reduced-vibratory construction methods (as described below) to minimize the effects of construction equipment working adjacent to the Surgery Center.
- With the implementation of vibration-reduction methods that the Project Sponsor has detailed as part of the Construction Equipment Schedule for Phases 1 and 2, the vibration generated by the construction activities would not exceed the FTA criteria referenced by the Surgery Center.
- WIA recommends that vibration monitoring be conducted at the Surgery Center to document the baseline conditions during operations prior to construction and that vibration at the facilities be monitored during key periods of construction that are subject to vibration to verify that the Construction Equipment Schedule measures are sufficient to ensure that vibration levels do not exceed the FTA criteria.

[1] Construction Equipment Schedule dated January 28, 2011, Illustrative Plan (L-1.0) dated 9.16.2010 and Vesting Tentative Tract Map No. 8047 (T-4) dated 10-25-10.

Discussion

As requested, we have reviewed the MTV Project Construction Equipment Schedule for Phases 1 and 2 to develop a response to the letter prepared by Timothy G. Brown and Robert P. Alvarado of Charles M. Salter Associates (CSA) and submitted to Ed Erwin of Alta Bates Summit Medical Center on 12/21/10. The letter raised concerns about the vibration impacts of construction activities on the Surgery Center located at 3875 Telegraph Avenue and suggested that certain FTA vibration criteria could be exceeded based on certain assumptions about the types of construction equipment that would be used.

Project Conditions

The City's standard condition of approval for construction-related vibration was included in the MTV Project Conditions (see COA NOISE-6). Our evaluation and recommendation fulfill part of the requirements of this condition.

Short-term Vibration

The December 21, 2010 letter from CSA asserts that the MTV Project could have a potentially significant vibration impact on the Surgery Center based on the assumption that construction adjacent to the Surgery Center would include the use of pile driving, hydraulic breakers, drilled piers, rammed aggregate piers, and vibratory compaction. The letter cites the Federal Transit Administration (FTA) vibration impact criteria[2] for General Assessment and Detailed Analysis.

The Detailed Analysis criteria cited by the Surgery Center are appropriate for an engineering-level analysis where detailed information on the vibration propagation properties of the ground and the source vibration are available. A vibration impact that is identified using the General Assessment criteria is sometimes cleared once the engineering analysis is performed and compared to the Detailed Analysis Criteria. Thus, the General Assessment evaluation and criteria are considered to be more conservative and we have used them in our analysis.

The following are the FTA criteria:

- Category 1: Buildings where vibration would interfere with interior operations
  - The criterion is based on what is acceptable for most moderately sensitive equipment such as optical microscopes.
  - The sensitivity of the equipment and surgery activities at the Surgery Center has not been confirmed.
  - Criterion: 65 VdB
- Category 2: Buildings where people normally sleep
  - The Surgery Center is an outpatient facility and this criterion would not apply as patients do not spend the night or sleep for any significant period of time; they only spend time in the recovery room to awaken from anesthesia.
  - Criteria:
    - 72 VdB for frequent events (70 or more per day)
    - 75 VdB for occasional events (30 to 70 per day)
    - 80 VdB for infrequent event (fewer than 30 per day)
- Category 3: Institutional land uses with primarily daytime use
  - If the surgical equipment and methods at the Surgery Center are not sufficiently sensitive to warrant the use of the Category I criterion, these would be applied
  - Criteria:

[2] FTA, *Transit Noise and Vibration Impact Assessment*, May 2006.

- 75 VdB for frequent events (70 or more per day)
- 78 VdB for occasional events (30 to 70 per day)
- 83 VdB for infrequent event (fewer than 30 per day)

For reference, the vibration level generated by a person walking within the same room can be on the order of 60 to 65 VdB, and the vibration from a bus or truck at city speeds hitting a bump on a street 25 feet away is on the order of 80 VdB. A 3 ton truck traveling at 35 mph on a smooth road would generate vibration less than 60 VdB at a distance of 25 feet. Although the sensitivity of the Surgery Center equipment has not been confirmed, the analysis below demonstrates that the MTV Project Construction would not exceed the Category 1 criterion.

Construction Equipment Schedule

We have reviewed the Construction Equipment Schedule for Phases 1 and 2 (dated January 28, 2011). The Project Sponsor has committed to limit the use of reduced-vibratory construction methods, as needed, in the vicinity of the Surgery Center, to minimize the effects of construction equipment and ensure the FTA Category 1 criterion is not exceeded. Contrary to the assumptions made in the CSA letter, the Construction Equipment Schedule does not include the use of pile driving, hydraulic breakers, drilled piers, or aggregate piers adjacent to the Surgery Center.

The construction methods contained in the Construction Equipment Schedule and potential vibration levels include:

- No driven/impact piles used
  - The construction of Phases 1 and 2 would not utilize piles driven into the ground by a hammer (pile driving).
  - The foundations for the BART parking garage are contemplated as augur cast or torque down piles and the foundation for the proposed Phase 2 residential structure would be a poured in place mat slab.
- Limited demolition
  - The demolition work near the Alta Bates Surgery Center would be to remove asphalt, thus no jackhammers or comparable equipment would be required.
  - Excavators would be used to remove the asphalt.
- Compaction Methods
  - The MTV Project plans to use large vibrating roller compactors for compacting soil, road base, and asphalt at certain locations throughout most of the project site.
    - This equipment would generate a vibration level on the order of 94 VdB at a distance of 25 feet.
  - Smaller vibrating rolling compactors, vibrating plate compactors, and/or jumping jack compactors would also be utilized as necessary, based on the monitoring described below, to ensure the FTA Category1 criterion is not exceeded at the Surgery Center.
    - These types of equipment would generate less vibration than a large vibrating roller compactor, possibly comparable to the vibration generated by a small bulldozer, which would typically generate a vibration level on the order of 58 VdB at a distance of 25 feet, well below any of the thresholds described above.

- For compaction work adjacent to the Surgery Center, the Project Sponsor has included in the Construction Equipment Schedule options to employ one or more of the following strategies if monitoring shows that additional methods are necessary to avoid interference with operation of the Surgery Center:
  - Use of sheep foot non-vibrating compactors.
  - Use of non-vibrating roller compactors.
  - Scheduling vibrating roller compaction after surgical hours and/or on weekends, subject to City review and approval.
  - Use of alternate fill materials that require no or minimal induced compaction.

  These methods would generate less vibration than a large vibrating roller compactor, possibly comparable to the vibration generated by a small bulldozer, which would typically generate a vibration level on the order of 58 VdB at a distance of 25 feet.

Conclusions
Anticipated vibration from construction activities for the MTV Project would not exceed the Category 1 criterion at the Surgery Center.

Pursuant to Standard Condition of Approval NOISE-6, WIA recommends that (1) the contractors implement the Construction Equipment Schedule elements described above and (2) vibration monitoring be conducted at the Surgery Center to document the baseline conditions during operations prior to construction and to monitor the vibration at the facilities during the key periods of construction that are subject to vibration to verify that construction-related vibration is not exceeding the FTA category 1 criterion. The key periods of construction would occur when the equipment discussed above are in operation (e.g., vibratory roller compactor, vibrating plate compactors, and/or jumping jack).

Please let us know if you have any questions on this information.

Very truly yours,

WILSON, IHRIG & ASSOCIATES, INC.

Deborah A. Jue
Associate Principal

assure City that the Project will be developed within a reasonable time period, Developer shall complete each Phase in accordance with the Phasing Plan set forth below.

3.3.1 City Right to Terminate Agreement. City shall have the right to Terminate this Agreement by written notice to Developer if City determines that, if for any reason other than due to Force Majeure, despite such Developer's reasonable efforts and other factors, including market and economic conditions as of the time in question for the uses contemplated for the Project, appropriate mix of uses and use categories, return on investment and similar criteria, Developer has not complied with the Phasing Plan.

3.3.2 Meet and Confer and Cure Period. In the event of any alleged failure to comply with the Phasing Plan, City and Developer shall follow the notice, meet and confer and cure processes set forth in Article VIII. City's sole and exclusive remedy in the event of Developer's breach of its obligations under this Article 3 shall be to Terminate this Agreement; however, any such Termination shall not relieve Developer of obligations under this Agreement that survive Termination (such as Indemnity obligations), accrued obligations under this Agreement, and obligations to comply with City Approvals, Subsequent Approvals, Governmental Agency Approvals and other Laws.

3.3.3 Phasing Plan. The Phasing Plan for the Project is as follows and illustrated on Illustrative Exhibit D. To the extent there is a conflict or inconsistency between this section 3.3.3 and Illustrative Exhibit D, this section 3.3.3 shall prevail:

(a) Developer shall submit a Final Development Plan ("FDP") application for Phase 1, comprising the BART Garage, to be constructed on parcel E, site remediation, the BART Plaza improvements, Internal Drive, the Frontage Road improvements, and the portion of Village Drive that extends from the Frontage Road to the Internal Drive all as

shown on Exhibit C, Master Development Plan, no later than one year after the Adoption Date and shall make regular and consistent progress toward approval of the FDP within one year after the initial submittal date of the FDP application. Construction of Phase I shall Commence in Earnest within one year after approval of the FDP for Phase I. The target outside approval date for the FDP shall be one year after the initial submittal date of the FDP application. In the event that approval of the FDP is not obtained by the target outside approval date, then the time for construction of Phase I to Commence in Earnest shall be extended one (1) day for each day after the target outside approval date until FDP approval is obtained. Developer's obligation with respect to Phase I shall be conditioned upon, and the above-referenced deadline for submittal of an FDP and Commencement in Earnest shall be extended until, satisfaction of the following conditions, all in accordance with the OPA: (i) execution of a ground lease by Developer and BART for the BART Garage, (ii) with respect to the obligations of Developer hereunder with respect to the BART Plaza only, execution of an agreement granting Developer the right to enter the BART Plaza and eonstmet the Plaza improvements thereon; (iii) conveyance to Developer of a fee interest or right to enter and eonstmet with respect to the property on which the roadway improvements described above are to be built, (iv) the award and disbursement of $37,300,000 of the TOD Housing Program and the Infill Infrastmcture Grant Program under Califomia Proposition 1C, the Housing and Emergency Shelter Tmst Fund Act of 2006 funds to the Project ("Prop 1C Funds") and, with respect to the obligations of Developer hereunder with respect to the BART Plaza, the award of funds sufficient to construct the BART Plaza improvements, and (v) the pass-through of the funds described in 3.3.3(a)(iv) to Developer in accordance with the OPA. Notwithstanding the foregoing, except in the event of Litigation Force Majeure, in no

event shall the above deadlines be extended for more than three (3) years for any reason, including, without limitation, Force Majeure other than Litigation Force Majeure

(b) Developer shall submit an FDP application for Phase 2, comprising the affordable rental development to be constmcted on parcel D shown on Exhibit C, no later than three (3) years after the Adoption Date and shall make regular and consistent progress toward approval of the FDP within one year after the initial submittal date of the FDP application for Phase 2. Constmction of Phase 2 shall Commence in Earnest within one year after approval of the FDP for Phase 2. The target outside approval date for the FDP shall be one year after the initial submittal of the Phase 2 FDP application. In the event that approval of the Phase 2 FDP is not obtained by the target outside approval date, then the time for constmction of Phase 2 to Commence in Earnest shall be extended one (1) day for each day after the target outside approval date until Phase 2 FDP approval is obtained. Developer's obligation with respect to Phase 2, and the deadline for Commencement in Earnest of Phase 2 set forth above shall be extended until the earlier to occur of (i) execution by Developer and BART of a ground lease for parcel D and receipt by Developer of subsidy funds sufficient to eonstmet Phase 2, in accordance with the OPA; or (ii) ten (10) years after the Adoption Date. In no event shall such ten (10) year deadline be extended for any reason including, without limitation, Force Majeure.

(c) Developer shall submit an FDP application for Phase 3, comprising the mixed-use market rate development to be constmcted on parcel A shown on Exhibit C, including without limitation, the new hardscape public plaza along Frontage Drive in front of the building to be constmcted on Parcel A as shown on Exhibit C, no later than three (3) years after the Adoption Date subject to a one-year extension at the reasonable request of Developer (if Developer reasonably believes that it is not Feasible to eonstmet due to market

conditions), and shall make regular and consistent progress toward approval of the FDP for Phase 3 within one year after the initial submittal date of the FDP application for Phase 3. Constmction of Phase 3 shall Commence in Eamest within one year after approval of the Phase 3 FDP. The target outside approval date for the FDP shall be one year after the initial submittal date of the Phase 3 FDP application. In the event that approval of the Phase 3 FDP is not obtained by the target outside approval date, then the time for constmction of Phase 3 to Commence in Eamest shall be extended one (1) day for each day after the target outside approval date until FDP approval is obtained.

(d) Developer shall submit an FDP application for Phase 4, comprising the mixed-use market rate development to be constructed on parcel B shown on Exhibit C, no later than eight (8) years after the Adoption Date, and shall make regular and consistent progress toward approval of the FDP for Phase 4 within one year after the initial submittal date of the Phase 4 FDP application. Construction of Phase 4 shall Commence in Eamest within one year after approval of the Phase 4 FDP. The target outside approval date for the FDP shall be one year after the initial submittal of the Phase 4 FDP application. In the event that approval of the FDP is not obtained by the target outside approval date, then the time for construction of Phase 4 to Commence in Eamest shall be extended one (1) day for each day after the target outside approval date until FDP approval is obtained.

(e) Developer shall submit an FDP application for Phase 5, comprising the mixed-use market rate development to be constructed on parcel C shown on Exhibit C, no later than 10 (ten) years after the Adoption Date and shall make regular and consistent progress toward approval of the FDP for Phase 5 within one year after the initial submittal date of the Phase 5 FDP application. Construction of Phase 5 shall Commence in

Earnest within one year after approval of the Phase 5 FDP. The target outside approval date for the FDP shall be one year after the initial submittal of the Phase 5 FDP application. In the event that approval of the FDP is not obtained by the target outside approval date, then the time for construction of Phase 5 to Commence in Earnest shall be extended one (1) day for each day after the target outside approval date until FDP approval is obtained.

(f) Notwithstanding the timeframes set forth in subsections 3.3.3 (a) through (e) above, no target outside approval with respect to any Phase shall be extended unless Developer, with respect to such Phase, (i) uses reasonable good faith efforts to cause all FDP applications to comply with Section 17.140.040 of the City Planning Code; (ii) timely submits all FDP applications that contain all the requirements listed in of the City's Basic Application for Development Review, the City's Supplemental Submittal Requirements for a Planned Unit Development and Conditions of Approval related to the FDP (provided that in the event of Developer's failure to comply with this clause (ii), the extension of the target outside approval date will not be denied, but will be reduced by the number of days between the due date for the FDP application and the date upon which Developer submits an FDP application in compliance with this clause (ii)); and (iii) uses good faith efforts to make regular and consistent progress toward approval of the FDP, as evidenced by Developer's timely response to City's reasonable requests for information and meetings. If City does not believe Developer is eligible for any extensions of the target outside approval dates, or that any such extension should be shortened pursuant to (f)(ii), it shall immediately notify Developer in writing and initiate the dispute resolution procedures in Article VIII. Developer shall not be denied any such extension nor shall such extension be shortened absent such immediate written notice from City.

(g) If Agency does not issue the non-housing tax increment bonds and disburse the proceeds thereof to Developer in accordance with the OPA (by July 1, 2011), then all dates for submittal of complete FDP applications (other than the date for submittal of the FDP application for Phase I) and all dates for constmction to Commencement in Earnest set forth in section 3.3.3 and the expiration of the Term of this Agreement shall be extended for a number of days equal to the number of days from July 1, 2011 until the Agency has issued such bonds and disbursed the proceeds thereof to Developer. If Agency fails to issue such bonds and disburse the proceeds thereof by July 1, 2014 and Developer exercises its right under the OPA to terminate the OPA, Developer shall also have the right to terminate this Agreement by written notice to City.

(h) Notwithstanding the timeframes set forth above, Developer shall, if feasible, make reasonable, good faith efforts to proceed with all phases as expeditiously as possible and to have full build-out of the Project be completed as early as possible.

(i) If, at the expiration of the Term, Developer has fully complied with the Phasing Schedule but constmction of the Project is not complete, and notwithstanding the meet and confer process set forth above in Section 3.3.2, Developer shall be allowed to complete any Phase that Developer has Commenced in Earnest prior to the expiration of the Term pursuant to Section 2.4 of this Agreement.

3.4 Development Sequence. The foregoing five Phases may occur sequentially, however, they may also move forward concurrently, or, except for Phases 1 and 2, out of sequence, as conditions require in Developer's sole discretion. For example, Phase 4 could be the third Phase developed within the time prescribed above for development of Phase 3, and

EXHIBIT A

EXHIBIT D (MacArthur Transit Village)

Illustrative Phasing Plan*

		RELATIVE SCHEDULE	2009 Estimated Dates
CONTROLLING DATES			
A.	Discretionary Approvals for Entitlement	July -2008	
B.	OPA Executed & Approved	July -2009	
C.	Start Land Acquisition	August -2009	
D.	Complete Land Acquisition	TBD	
1. HORIZONTAL DEVELOPER			
i.	Submit application for final development plan approvals for Phase I	1 year after approval of OPA	July 2010
	Target Outside Approval Date	1 year after submittal of Phase I FDP	July 2011
ii.	Commence construction of Phase I	1 year after FDP approval	July 2012
iii.	Complete construction of Phase I	2 years after commencement of construction	July 2014
2. BELOW MARKET RATE HOUSING DEVELOPER			
	Stage 2		
i.	Submit applications for final development plan for Phase II	3 years after approval of OPA	July 2012
	Target Outside Approval Date	1 year after submittal of Phase II FDP	July 2013
	Secure Affordable Housing funding commitments		July 2013
ii.	Commence construction of Phase II	1 year after FDP Approval	July 2014
iii.	Complete construction of Phase II	2 years after commencement of construction	July 2016
3. MARKET RATE DEVELOPER			
	Stage 3		
i.	Submit application for final development plan approvals for Phase III	3 years after approval of OPA	July 2012
	Target Outside Approval Date	1 year after submittal of Phase III FDP	July 2013
ii	Commence construction of Phase III	1 year after FDP Approval [without extension]	July 2014
iii.	Complete construction of Phase III	2 years after commencement of construction	July 2016
	Stage 4		
i.	Submit application for final development plan approvals for Phase IV	8 years after approval of OPA	July 2017
	Target Outside Approval Date	1 year after submittal of Phase IV FDP	July 2018
ii.	Commence construction of Phase IV	1 year after FDP Approval	July 2019
iii.	Complete construction of Phase IV	2 years after commencement of construction	July 2021
	Stage 5		
i.	Submit application for final development plan approvals for Phase V	10 years after approval of OPA	July 2019

		Target Outside Approval Date	1 year after submittal of Phase V FDP	July 2020
	ii.	Commence construction of Phase V	1 year after FDP Approval	July 2021
	iii.	Complete construction of Phase V	2 years after commencement of construction	July 2023

*This is an Illustrative Phasing Plan; see section 3.3.3 for controlling language.

EXHIBIT A

Holland & Knight

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David L. Preiss
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December 21, 2010

VIA E-MAIL
AND U.S. MAIL

President Jane Brunner and Council Members
City Council
City of Oakland
One Frank H. Ogawa Plaza
Oakland, CA 94612

Re: MacArthur Transit Village Project ("Project")
Surgery Center at 3875 Telegraph Avenue

Dear President Brunner and Council Members:

Our office was recently retained by Alta Bates Summit Medical Center Surgery Property Company LLC, The Surgery Center at Alta Bates Summit Medical Center, including Alta Bates Summit Medical Cener, a Sutter Health affiliate, in connection with the above matter. Our clients are the ground lessee and operator of the Surgery Center located immediately adjacent to the Project at 3875 Telegraph Avenue. The purpose of this letter is to set forth our clients' concerns regarding significant impacts on the operations, services, and patient care at the Surgery Center resulting from the recent change in the Project to remove the Surgery Center property from the Project. Given these new significant impacts and the mandates of the California Environmental Quality Act (CEQA), we hereby request, on behalf of our clients, that the City Council defer its approval of the Project's Stage One Final Development Plan, Vesting Tentative Tract Map and any other entitlements until such new Project impacts on the Surgery Center can be adequately studied and mitigated in a Subsequent EIR for the modified Project.

The Project, as originally proposed and analyzed in the previously certified Environmental Impact Report (EIR), included the Surgery Center property (also referred to as a portion of "Block C") within the Project boundaries and development, including demolition of the Surgery Center and replacement with mixed use-residential and retail uses. However, it appears that the Project was recently changed to exclude the Surgery Center site from the Project.[1] 1

[1] The documents prepared for City staff reports contain inconsistent Project descriptions. For example, as recently as November 3, 2010, the Surgery Center is listed as part of the Project by Assessors Parcel Number in the Planning Commission Staff Report and associated map. However, in that same November 3, 2010 Staff Report, a change to the Project is listed as not requiring the acquisition of 3875 Telegraph Avenue (the Surgery Center property). A key pillar of CEQA is a consistent project description. (*County of Inyo v. City of Los Angeles* (1977) 71 CA3d 185)

1

It appears that neither the EIR nor any subsequent environmental analysis[2] has addressed the impacts on the Surgery Center as an ongoing operation because all along the environmental review for the Project has been premised on the Surgery Center being demolished during the course of the Project and no longer continuing operations. As discussed in the attached reports, the EIR does include an alternative which reduces the Project site to only include the parcels currently developed with the BART surface parking lots. Thus, under this alternative, the Surgery Center, along with other properties, was removed from the Project. However, the EIR did not analyze the Project's impacts on the properties removed from the Project. 2

When the Project proponents unilaterally, and without prior notice to our clients, removed the Surgery Center site from the Project, additional environmental review under CEQA should have been performed to analyze the Project's impacts on the continuing operations at the Surgery Center. The impacts from the Project that are of particular concern to our clients include, but are not necessarily limited to, noise, vibration, dust and diesel particulate matter. 3

The Surgery Center's operations, services, and patient care are uniquely sensitive receptors to such effects. The Surgery Center performs several sensitive surgeries including (i) approximately 250 neurosurgical procedures (laminectomies, nerve repairs) as well as ENT procedures (middle ear reconstructions, tympanoplasties, myringotomies with tubes, microdirect laryngoscopies with removal of vocal cord lesions) using an operating microscope, (ii) approximately 185 eye surgeries per year, and (iii) hand procedures and pediatric urology cases using surgical loops (glasses fitted with magnifying lenses for delicate surgery). The Surgery Center uses sensitive equipment including (i) Arthroscopy monitors that display surgical images used in at least 50% of surgeries, and (ii) X-ray imaging with C-arms (fluoroscopy units) which are used for all interventional pain cases (approximately 1,800 cases per year) and for surgeries. 4

The Project proponent's singular effort to address the removal of the Surgery Center property from the Project was summarily encapsulated in a footnote to the October 26, 2010 Memorandum from Art May, MacArthur Transit Community Partners, LLC (MTCP) to Catherine Payne, CEDA - Planning regarding Substantial Conformance with the PDP Approval. For the first time, that Memorandum acknowledges that the Surgery Center properly will in fact be removed from the Project. In a footnote on page five of the Memorandum, the Project proponent dismisses the Project's impacts on the Surgery Center by concluding that: 5

> At this time, the VTTM does not include the Surgery Center property because MTCP does not have control of these properties. It is expected that the VTTM will be amended to include these properties when MTCP retains site control. This

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the Project is listed as not requiring the acquisition of 3875 Telegraph Avenue (the Surgery Center property). A key pillar of CEQA is a consistent project description. (*County of Inyo v. City of Los Angeles* (1977) 71 CA3d 185)

[2] Such analysis appears to be comprised of a October 25, 2010 Memorandum from Lynette Dias, AICP to Catherine Payne, Planner regarding CEQA Compliance for MacArthur BART Transit Village Phase 1 PDP and Phase 3 Vesting Tentative Map; and a October 26, 2010 Memorandum from Art May, MTCP to Catherine Payne, CEDA - Planning regarding Substantial Conformance with the PDP Approval.

circumstance does not preclude development of Phase I ***as the site development does no effect [sic] the Surgery Center parcel***. [emphasis added.]

5 Cont.

No basis is provided for this conclusion and there can be no such basis. To date, the record indicates that no environmental review has been performed to analyze and mitigate the particular impacts on the Surgery Center property resulting from its removal from the Project. Furthermore, the Memorandum incorrectly concludes that there will be "no change in the project site." (October 26, 2010 Memorandum, at p. 7)

The October 25, 2010 Memorandum from Lynette Dias, AICP to Catherine Payne, Planner regarding CEQA Compliance for MacArthur BART Transit Village Phase I FDP and Phase I Vesting Tentative Map, does not specifically mention or address the removal of the Surgery Center property from the Project. In fact, without any independent analysis, this CEQA Compliance Memorandum simply cites the October 26, 2010 Memorandum, discussed above, that there is "no change in the project site." (October 25, 2010 Memorandum, at p. 2)[3]

6

As set forth in the attached reports prepared by well-recognized experts,[4] there are significant impacts resulting from the removal of the Surgery Center from the Project including, but not limited to:

- noise impacts on patients,
- vibration impacts on sensitive medical operations and equipment, and
- dust and diesel particulate matter impacts on respiratory and cardiovascular patients uniquely sensitive to air pollution.

Furthermore, according to operating physicians at the Surgery Center, there are additional significant impacts including, but not limited to:

- dust contamination of sterile medical devices, and
- diesel particulate matter and fume impacts on patients and employees at the Surgery Center, including headaches and nausea.

These impacts on the Surgery Center are not limited to Phase I of the Project. These impacts will continue throughout the approximately seven (7) year build-out of the Project.

7

Under the clear mandates of CEQA, the City Council cannot approve the Project's Stage One Final Development Plan and Vesting Tentative Tract Map until a Subsequent EIR is prepared analyzing the impacts of the entire modified Project on the Surgery Center. Pursuant to CEQA, a Subsequent EIR is required: (i) when substantial changes are proposed in the Project with new

[3] The October 25, 2010 memorandum does reference the later October 26, 2010 memorandum.
[4] December 21, 2010 Charles M. Salter Associates, Inc. Noise and Vibration Report; and December 21, 2010 Illingworth & Rodkin, Inc. Air Quality Report.

significant environmental effects or a substantial increase in the severity of previously identified significant effects, (ii) substantial changes occur with respect to the circumstances under which the project is undertaken with new significant environmental effects or a substantial increase in the severity of previously identified significant effects, or (iii) new information of substantial importance shows that the project will have one or more significant effects, previously examined significant effects will be substantially more severe, previously rejected mitigation measures or alternatives are now feasible, or mitigation measures and alternatives which are considerably different than those previously analyzed. (CEQA Guidelines §15162(a))

7 Cont.

Under these CEQA requirements, the removal of the Surgery Center property from the Project is a change in the Project that requires a Subsequent EIR.[5] The new significant impacts described in the attached reports and summarized above constitute substantial evidence that clearly triggers the requirement for preparation, circulation, and certification of a Subsequent EIR. Even though only one of the three triggers for a Subsequent EIR must be met, the current situation actually meets all three triggers. The removal of the Surgery Center property is a substantial change to the Project with new significant environmental effects on the Surgery Center. Additionally, the continued operations of the Surgery Center adjacent to the Project is a substantial change with respect to the circumstances under which the Project is undertaken with new significant environmental effects on the Surgery Center. Furthermore, the new information that the Surgery Center property has been removed from the Project is of substantial importance and shows that the Project will have significant effects on the Surgery Center. (e.g., see *Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agric. Ass'n* (1986) 42 C3d 929, post-EIR changes to proposed project, including changes in the size of the site and orientation of the project, were sufficiently important to require evaluation in a Subsequent or Supplemental EIR.)

Therefore, under these circumstances, a Subsequent EIR is required to fully analyze and mitigate significant impacts on the Surgery Center before the City Council may approve the Project's Stage One Final Development Plan and Vesting Tentative Tract Map. The Subsequent EIR will require the same notice and public review periods as the Project's Draft EIR. (CEQA Guidelines §15162(d))

Additionally, with respect to the entitlements and the removal of the Surgery Center from the Project, given the removal of a significant portion of the Project site (a portion of Block C[6]), the Final Development Plan does not satisfy the City's requirement that final development plans "conform in all major respects" with the approved preliminary development plan. Similarly, the City cannot find that the Stage One Final Development Plan "conforms in all substantial respects" to the previously approved Preliminary Development Plan. (City Municipal Code §17.140.040, §17.140.060) Moreover, a planned unit development permit may only be granted if "the location, design, and size are such that the development can be well integrated with its surroundings, and, in the case of a departure in character from surrounding uses, that the location

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[5] A Supplemental EIR is not appropriate in this situation because the changes to the Project are not minor. (CEQA Guidelines §15163).

[6] Block C was planned and analyzed to include approximately 12,500 square feet of commercial space and 187 market-rate residential units and 8 affordable units.

and design will adequately reduce the impact of the development." (City Municipal Code, §17.140.080) For reasons noted above, the location of the Project is not currently well integrated with its surroundings, which include the Surgery Center.

Also, the City Council cannot presently approve the currently proposed Vesting Tentative Tract Map because the Project is likely to cause serious public health and safety problems related to its significant impacts on patients at the Surgery Center. (City Municipal Code §16.08.030) As noted in the attached reports, the City of Oakland's standard conditions of approval applicable to the Project, standing alone, also are not adequate to address these unique impacts to the Surgery Center.

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Thank you in advance for your consideration of these comments. In light of these concerns, we also reiterate our previous request for a continuance of your consideration of these newest entitlements until appropriate CEQA review can be completed. In the meantime, feel free to contact the undersigned or Stacey Wells of Alta Bates Summit Medical Center at (510) 869-8227.

Sincerely yours,

HOLLAND & KNIGHT LLP

David L. Preiss

DLP:s l

cc: Clerk of the City Council
Catherine Payne, City Planner
Mark Wald, Deputy City Attorney
Arthur May, Keystone Development Group
Joseph Forbes McCarthy, BUILD
Clients

Attached: December 21, 2010 Charles M. Salter Associates, Inc. Noise and Vibration Report; and
December 21, 2010 Illingworth & Rodkin, Inc. Air Quality Report.

ILLINGWORTH & RODKIN, INC.
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December 21, 2010

Ed Erwin
Director, Real Estate
Alta Bates Summit Medical Center
2880 Gateway Oaks, 2nd Floor
Sacramento, CA 95833

VIA E-Mail: David.Preiss@hklaw.com

SUBJECT: MacArthur Transit Village in Oakland, California - Comments on Air Quality Impacts to Surgery Center

Dear Mr. Erwin:

As you know, we were hired to determine whether recent changes to the MacArthur Transit Village project (Project) will have any significant air quality impacts on the property, operations and patient care at the Surgery Center of Alta Bates & Summit Medical Center located immediately adjacent to the Project at 3875 Telegraph Avenue (Surgery Center). We have concluded that the changes to the Project, that remove the Surgery Center property from the Project, will have such significant effects on the Surgery Center. These effects could last the entire duration of construction, estimated at approximately 7 years.

We reviewed recent changes to the Mac Arthur Transit Village Project that removed the Surgery Center from the planned development in regard to impacts associated with air quality. This included review of the Oakland City Staff Report for the December 14, 2010 Community and Economic Development Agency hearing regarding this project, specifically Attachment F (CEQA Memo)[1] and Attachment G (Conformance Memo)[2]. The Draft Environmental Impact Report (DEIR) for the Mac Arthur BART Transit Village Project addressed air quality impacts from the project, assuming development of the entire project. Air quality impacts to the Surgery Center, which was formerly a portion of Block C of the project, were not addressed. The applicant is currently seeking approval from the City for the Stage 1 Final Development Permit (FDP) and Vesting Tentative Tract map for the project. However, adequate review of the construction air quality impacts upon the Surgery Center from Stage 1 and the balance of the Project has not been conducted.

The 2008 DEIR evaluated air quality impacts associated with the proposed project. As part of this analysis, construction air quality impacts were addressed through the application of Conditions of Approval that identified generic dust control measures recommended by the Bay Area Air Quality Management District (BAAQMD). The DEIR air quality analysis did not identify any sensitive receptors

[1] Memorandum from Lynette Dias, AICP to Catherine Payne dated October 25, 2010. *Re: CEQA Compliance for MacArthur BART Transit Village Phase 1 FDP and Phase 1 Vesting Tentative Map*
[2] Memorandum from Art May MTCP to Catherine Payne dated October 26, 2010. *Re: MacArthur Transit Village Project Phase 1 FDP and Vesting Tentative Tract Map – Substantial Conformance with the PDP Approval*

adjacent to the project, since all sensitive receptors were buffered from the project. As a result, localized air quality impacts from construction equipment exhaust were not addressed. According to page 68 of the DEIR "Demolition and Construction Schedule," the Project will be constructed over approximately seven (7) years.

The proposed action would develop a portion of the site and realign internal roadways. As a result, the Surgery Center located at 3875 Telegraph Avenue would remain, but be immediately adjacent to the construction activities on two sides. As a result, dust and diesel equipment exhaust from construction activities would affect surgeries and patient care. The DEIR and CEQA evaluation for this current action did not identify the new construction air quality impacts that would affect the Surgery Center[1].

The proposed action would leave the Surgery Center immediately adjacent to construction activities associated with development of the project, as proposed in the current Phase 1 FDP and Phase 1 Vesting Tentative Map as well as the subsequent stages of the Project. The Surgery Center is considered a sensitive receptor, as it would fall under the category of a hospital. The Surgery Center includes patients who may be experiencing cardiovascular and respiratory distress as a result of procedures performed at the Surgery Center. As a result, some of these patients would be very sensitive to the impacts of air pollution. Construction activities that produce diesel exhaust and dust would occur adjacent to the facility. The DEIR, while not taking into account that construction activities would occur so close to a sensitive receptor, merely prescribed standard dust control measures as conditions of approval (pages 235 and 236 of the DEIR). The DEIR did not address local impacts of construction equipment exhaust to sensitive receptors. Pages 478 through 480 of the DEIR did address the Mitigated Reduced Building/Site Alternative (which reduced the Project site area to only include the parcels currently developed with the BART surface parking lots), but never assumed a sensitive receptor (i.e., the Surgery Center) would exist adjacent to the project construction. As a result, the air quality analysis for the alternative project concluded "the air quality impacts would be less than the proposed project." This conclusion is erroneous since the alternative where the Surgery Center remains in place throughout the life of the Project is a very sensitive receptor in close proximity to construction activities. Construction so close to the Surgery Center brings up two air quality issues: (1) acute impacts from increased dust and (2) acute impacts from increased exposure to diesel particulate matter.

The impacts from dust are merely addressed through standard conditions of approval that are meant to reduce dust through the application of generic dust control measures. These measures do not include any assurances that dust would be reduced to a level that would not result in significant exposures at the Surgery Center. Measure "d)" on page 235 would designate a person to monitor the dust control program, but there is no person that could suspend construction if the program is not working.

Although adverse effects of acute exposures to diesel particulate matter have been known since at least 2000, the DEIR or recent CEQA analysis for the project neglect to address these impacts to the adjacent Surgery Center. As reported by the BAAQMD[3], "The vast majority of premature deaths associated with air pollution – more than 90% – are related to exposure to fine particulate matter ($PM_{2.5}$). Most of the deaths associated with $PM_{2.5}$ are related to cardiovascular and respiratory problems." Sources of $PM_{2.5}$ include dust and exhaust. A source of $PM_{2.5}$ emission is from construction equipment and the dust

[3] BAAQMD. 2010. Bay Area 2010 Clean Air Plan (page 1-17). September.

generated by demolition and grading activities. Surgery Center patients would be exposed to these emissions that were not addressed for the revised project.

In May 2010, the BAAQMD issued screening tables for evaluating impacts of air toxics during construction[4]. These guidelines identify screening distances for cancer and non-cancer risks. Cancer risks and $PM_{2.5}$ exposures are based on chronic exposures. However, the tables also included minimum distances associated with acute exposures. For a construction of a commercial project ranging in size from 4.6 to 13.8 acres, these screening tables recommend a minimum buffer of 85 meters from the construction fence line. This would buffer the acute hazards posed by Acrolein, which is one of the most toxic TACs associated with diesel exhaust based on its non-cancer toxicity value. As previously mentioned, the Surgery Center would be located immediately adjacent to the construction site. It appears that there is a high potential for patients at the surgery center to be significantly exposed to TACs during construction, on an acute basis. This issue was not addressed in the DEIR or the subsequent environmental analysis for the proposed action. There are no mitigation measures or conditions of approval identified by the City to reduce these exposures. While the DEIR significance criteria identify "ground level concentrations of non-carcinogenic TACs such that the Hazard Index would be greater than 1 for the MEI" as significant, the DEIR or subsequent summary environmental analysis do not evaluate the potential for this effect.

Additional review of the air quality impacts to the Surgery Center is warranted along with the identification of mitigation measures to prevent significant impacts. Such mitigation measures may include, but are not limited to controls on equipment exhaust, limits on construction activities that coincide with surgeries, and identification of trigger levels that would suspend construction activities when emissions may adversely affect sensitive operations at the Surgery Center. In addition, BAAQMD recently identified suggested mitigation measures to reduce emissions of diesel equipment exhaust that they recommend for construction sites[5]. These should also be considered for the project.

* * *

This concludes our review of the air quality impacts to the Surgery Center at 3825 Telegraph near the planned Mac Arthur Transit Village in Oakland, CA. Please contact us if you have any further questions or concerns about this matter.

Respectfully,

James A. Reyff
Illingworth & Rodkin, Inc.

Attachment 1: Illingworth & Rodkin, Inc. Bio
Attachment 2: Resume of James Reyff

16-171

[4] BAAQMD. 2010. Screening Tables for Air Toxics Evaluation During Construction. May.
[5] BAAQMD. 2010. BAAQMD CEQA Air Quality Guidelines. June.

Attachment 1
Illingworth & Rodkin Bio

ILLINGWORTH & RODKIN, INC.
Acoustics • Air Quality
505 Petaluma Boulevard South
Petaluma, California 94952
Tel: 707-766-7700 Fax: 707-766-7790
www.illingworthrodkin.com illro@illingworthrodkin.com

AIR QUALITY

In 1995 Illingworth & Rodkin, Inc. was expanded to include air quality and meteorological capabilities. The bulk of the firms' air quality work involves environmental air quality studies that are in suppon of both private and public projects. Air quality studies for land use projects to support Environmental Impact Reports ere must commoa. Types of projects include specific plans for a variety of land use types, office centers, construction activities, wastewater treaunent facilities, waste management facilities, quarries, and other industrial facilities. The fmn also assists local commnnities in developing air quality policies for incorporation into General Plans.

For air quality, many projects iavolve the analysis of air qnality impacts from both direct and indirect snurces of air pollutants. Indirect sources include transportation facilities, which Illingwonh & Rodkia's staff has considerable experience evaluating. Through years of conducting environmental noise and air quality studies for local, state and federnl agencies, the firm has developed considerable experience in dealing with both the technical and policy issues involved with air quality. While transportation projects can involve considerable air quality technical aspects, the regulatory challenges can be quite complex. This is especially true in the case with federal prnjects, where SIP conformity issues arise. Illingworth & Rodkin Inc.'s staff have dealt successfully with these issues on a wide variety of projects ranging from large new freeway projects to simple urban intersection modifications. Conformity issues can be the largest hurdles for urbao projects, especially those that involve federal action. Illingwonth & Rodkin, Inc. has the right staff experience to tackle both the technical and regulatory air quality issues in both a quality and cost-effective manner.

The firm also conducts assessmcrus to evalnate the air pathway health risk from common toxic air contaminants. This Includes analysis uf contaminants and $PM_{2.5}$ from traffic and construction equipment as well as common stationary sources.

Environmental Studies
- Assessments for environmental studies (EIR, IS, EIS, EA)
- Transportation projects
- New residential developments
- Control plans and nrdinances
- Ordinance compliance
- Conformity determinations
- Peer Review

Computer Modeling
- Air Pollutant emissions estimation using EMPAC2002, Mobile, AP-42
- Microscale air quality traffic modeling using CALINE4, CAL3QHC
- Stationary air pollution source modeling using EPA-approved models (e.g., SCREEN3 and ISCST)
- Analysis of meteorological data

Field Monitoring
- Aerometrics and Air toxics
- Meteorological conditions
- Fence line monitoring (e.g., particulates)

Attachment 2
Resume of James Reyff

ILLINGWORTH & RODKIN, INC.
Acoustics • Air Quality
505 Petaluma Boulevard South
Petaluma, California 94952
Tel: 707-766-7700 Fax: 707-766-7790
www.illingworthrodkin.com illro@illingworthrodkin.com

JAMES A. REYFF

Mr. Reyff is a Meteorologist with expertise in the areas of air quality and acoustics. His expertise includes meteorology, air quality emissions estimation, transportation/land use air quality studies, air quality field studies, and environmental noise studies. He is familiar with federal, state and local air quality and noise regulations and has developed effective working relationships with many regulatory agencies.

During the past 22 years, Mr. Reyff has prepared Air Quality Technical Reports for over 10 major Caltrans highway projects and conducted over 100 air quality analysis for other land use development projects. These projects included carbon monoxide microscale analyses, the calculation of project emissions (e.g., ozone precursor pollutants, fine particulate matter, and diesel particulate matter), seasonal field monitoring, and preparation of air quality conformity determinations. Mr. Reyff advised decisions of federal and local air quality agencies regarding impact assessment methodologies and air quality conformity issues. He has conducted air quality evaluations for specific plans and General Plan updates. Recently, he prepared the air quality analysis for the NASA Ames Research Park, which included a Federal SIP Conformity analysis.

Mr. Reyff has been responsible for a variety of meteorological and air quality field investigations in support of air permitting and compliance determinations. He has conducted air quality analyses of diesel generators in support of regulatory permitting requirements and environmental compliance issues. Mr. Reyff has designed and implemented meteorological and air quality monitoring programs throughout the Western United States including Alaska. Programs include field investigations to characterize baseline levels of air toxics in rural areas, as well as regulatory air quality and meteorological monitoring. He was the Meteorologist involved in a long-term monitoring program at the Port of Oakland that evaluated meteorological conditions and fine particulate matter concentrations in neighborhoods adjacent to the Port.

Mr. Reyff has conducted over 15 major acoustical technical studies for transportation systems. He has managed several research studies for Caltrans including a noise study that evaluated long-range diffraction and reflection of traffic noise from sound walls under different meteorological conditions. Mr. Reyff has also evaluated noise from power plants, quarries and other industrial facilities. He has also been actively involved in research regarding underwater sound effects from construction on fish.

PROFESSIONAL EXPERIENCE

1995-Present	Illingworth & Rodkin, Inc.
Project Scientist	Petaluma, California
1989-1995	Woodward-Clyde Consultants (URS)
Project Meteorologist	Oakland, California
1988-1989	Oceanroutes (Weather News)
Post Voyage Route Analyst	Sunnyvale, California

EDUCATION

1986 San Francisco State University
B.S., Major: Geoscience (Meteorology)

PROFESSIONAL SOCIETIES

American Meteorological Society
Institute of Noise Control Engineering

AWARDS

FHWA Environmental Excellence Award – 2005
Caltrans Excellence in Transportation, Environment - 2005

Charles M Salter Associates Inc

21 December 2010

Ed Erwin
Director, Real Estate
Alta Bates Summit Medical Center
2880 Gateway Oaks, 2nd Floor
Sacramento, CA 95833
Via E-mail: erwine@sutterhealth.org

Subject: MacArthur Transit Village Project – Oakland, CA
Potential Noise and Vibration Impacts on Surgery Center
Located at 3875 Telegraph Avenue

Dear Mr. Erwin:

We have been retained to determine whether recent changes to the MacArthur Transit Village project (Project) will have any significant impacts on the property, operations and patient care at the Surgery Center of Alta Bates & Summit Medical Center located immediately adjacent to the Project at 3875 Telegraph Avenue (Surgery Center) particularly with respect to noise and vibration. We have concluded that the recently revised Project, that removes the Surgery Center property from the Project, will have such significant effects on the Surgery Center throughout the approximately seven (7) years of Project construction.

We have completed our review of the various documents prepared for the MacArthur Transit Village project located in Oakland, California. Included in our review is the Noise and Vibration section of the Draft Environmental Impact Report (DEIR) and the Agenda Report dated 14 December 2010 from the City of Oakland, City and Economic Development Agency (CEDA).

Based on our review, potentially significant noise and vibration impacts that could adversely affect The Surgery Center of Alta Bates & Summit Medical Center have not been addressed. Further analysis of project generated noise and vibration impacts, and mitigation including continuous on-site noise and vibration monitoring, would be required. This letter summarizes our findings.

Discussion

Noise Impacts

As you know, the purpose of an EIR is to determine potentially significant impacts resulting from the development of the proposed project, and to provide mitigation measures as needed. We understand that since publication of the DEIR, the Surgery Center of Alta Bates & Summit Medical Center (a portion of "Block C" as shown on the DEIR Conceptual Site Plan, APN 012-0968-003-01, zoned C-28) will no longer be included in the Project. Therefore, the estimated seven years of continuous Project construction could generate significant impacts on the Surgery Center.

Our review of the City's Noise Element of the General Plan indicates that the City interprets a "Hospital" land-use as a noise sensitive receptor, "...whose purpose and function can be disrupted or jeopardized by noise... Understandably, noise is of special concern when it occurs near sensitive receptors."[1] Moreover, the City classifies hospital land-uses among nursing homes, libraries, residences, classrooms, and theaters as being most sensitive to noise.

Based on our discussion with management at the Surgery Center, we conclude that activities at the Surgery Center would be just as sensitive to noise as those at a full-service hospital. The Surgery Center is home to sensitive procedures and patients undergoing nerve repair, ear reconstruction, eye surgery, neurosurgery (laminectomy), vocal cord surgery, and pediatric urology. Such procedures occur several hundred times per year. Post-anesthesia recovery, pre-operative, and pain management patients on cardiac monitors occupy various portions of the building including along the exterior façade adjacent to the project site. Specialized equipment such as arthroscopy monitors, fluoroscopy imaging units, and operating microscopes are in common use. Such activities appear to be consistent with the City's specification of hospital land-uses being noise sensitive. Without mitigation, increased noise levels generated by Project construction could adversely affect the health, sleep, and recovery of patients at the Surgery Center. It could also interfere with speech intelligibility and communication between patients and medical staff, and between surgeons and staff during medical procedures.

Vibration Impacts

The DEIR establishes the Federal Transit Administration (FTA) as a source for assessing potential vibration impacts.[2] Included are thresholds for significant impacts based on "events", the number of vibration occurrences per day. The thresholds are based on perception and annoyance in residential buildings which are of course one concern at the

[1] City of Oakland, *Noise Element of the 2005 General Plan*, p. 1
[2] Federal Transit Administration, *Transit Noise and Vibration Impact Assessment (FTA-VA-90-1003-06)*, May 2006

project site. In addition, the DEIR includes the FTA criteria for limiting potential building damage due to construction generated vibration. Had the Surgery Center site been listed as an adjacent sensitive receptor at the time of writing, it would have been required per CEQA to include the FTA recommended criteria for typical hospitals and/or hospitals with vibration sensitive equipment as shown in Table 1, below. An analysis methodology is provided in the same FTA document along with construction vibration levels and calculations to estimate vibration levels at various setback distances that could include the hospital.

Table 1 (Adapted from FTA Tables 8-1 and 8-3)
Ground-Borne Vibration Impact Criteria

Land-Use Category	Frequent Events	Occasional Events	Infrequent Events
Hospitals with vibration-sensitive equipment	65 VdB	65 VdB	65 VdB
Hospitals	72 VdB	75 VdB	80 VdB

Criterion	Description of Use
72 VdB	Operating Rooms: Vibration not perceptible, but ground-borne noise may be audible inside quiet rooms. Suitable for medium-power optical microscopes (100X) and other equipment of low sensitivity.
66 VdB	Adequate for medium- to high-power optical microscopes (400X), microbalances, optical balances, and similar specialized equipment.
60 VdB	Sensitive operating rooms (e.g. microsurgery, eye surgery, neurosurgery, etc.[3]). Adequate for high-power optical microscopes (1000X), inspection and lithography equipment to 3 micron line widths.
54 VdB	Generic vibration specification for magnetic resonance imagers (MRI)[3]. Appropriate for most lithography and inspection equipment to 1 micron detail size.
48 VdB	Suitable in most instances for the most demanding equipment, including electron microscopes operating to the limits of their capability.
42 VdB	The most demanding criterion for extremely vibration-sensitive equipment.

It is unclear at this time what methods will be used for demolition and construction. However, typical to construction of the proposed Project would include the use of pile driving, hydraulic breakers, drilled piers, rammed aggregate piers, vibratory compaction, or other methods that could generate significant impact at adjacent receptors. Vibration

3 Amick, H., *et al.*, Proceedings of International Society for Optical Engineering (SPIE), Vol. 1619, *Design of Stiff, Low-Vibration Floor Structures*, November 4-6, 1991, pp. 180-191.

levels generated by such devices and activities are summarized in the FTA document, but missing from any project analyses. Without mitigation, vibration levels generated by Project construction could adversely affect critical medical procedures at the Surgery Center. It could also be perceptible and annoying to recovering patients and staff, and interfere with the proper use of medical equipment including imaging systems and image quality.

Standard Conditions of Approval

The DEIR establishes the City of Oakland Planning Code, City of Oakland Municipal Code, City of Oakland Noise Element, and City of Oakland Standard and Uniformly Applied Conditions of Approval as sources for assessing potential noise impacts. Included in the City's codes are limits for average and maximum noise levels generated by construction activities that could affect adjacent land-uses. For reference, the DEIR lists them in the following Table 2 (adapted from Table IV.E-7):

Table 2: (Table IV.E-7)
City of Oakland Construction
Noise Standards at Receiving Property Line, dBA
(OMC Section 17.120.050)

	Daily 7am to 7pm	Weekends 9am to 8pm
Short-Term Operation (Less than 10 days)		
Residential	80	65
Commercial, Industrial	85	70
Long-Term Operation (10 days or more)		
Residential	65	55
Commercial, Industrial	70	60

The City's Condition of Approval (COA) Noise-1 also limits "extreme noise generating activities" to weekdays, 8am through 4pm. COA-5 continues to require noise measurements to monitor the effectiveness of noise amenuation procedures prepared under the supervision of a qualified acoustical consultant.

The Cumulative Noise and Vibration Impacts analysis in the DEIR also refers to the City of Oakland Standard and Uniformly Applied Conditions of Approval and projects within the vicinity of the project site. In particular, it cites the Kaiser Permanente project located at the intersection of MacArthur Boulevard and Broadway which has incorporated an

on-site continuous noise monitoring program that allows a comparison of construction generated noise levels to project standards.

The City's Standard Conditions of Approval for noise and vibration alone do not adequately address the particular impacts on the Surgery Center. These Standard Conditions of Approval focus on typical uses, not highly sensitive receptors. For example, only COA-6 addresses vibration impacts, and does so by limiting the scope to damage thresholds at historic structures. It does not include other vibration sensitive uses such as the Surgery Center which is home to vibration sensitive patients and equipment. Additional study and analysis is necessary to determine the appropriate noise and vibration mitigation for the Surgery Center due to significant impacts generated by the Project.

DEIR Alternative

The DEIR provides the required section for analyzing project alternatives. Included is the scenario for a Mitigated Reduced Building/Site Alternative, which excludes the Surgery Center from being part of the project. To date, no analysis has been provided which evaluates potentially significant impacts at the Surgery Center generated by the Project. It is notably absent from the 14 December 2010 Agenda Report. Per CEQA, additional environmental review for project alternatives must be performed id address impacts that could affect surrounding land uses and provide mitigation measures as needed.

The Project Sponsor's Letter

The 26 October 2010 letter from MacArthur Transit Community Partners, LLC (MTCP – the project sponsor to Catherine Payne, CEDA - Planning), acknowledges that the vesting tentative tract map (VTTM) does not include the Surgery Center since MTCP does not have control of the property. The letter continues to state that the VTTM will be amended to include the Surgery Center once MTCP retains site control. It states, "This circumstance does not preclude development of Phase 1 as the site development does no effect [sic] the Surgery Center parcel."[4] It appears that based on that assumption, the 17 November 2010 letter prepared by Urban Planning Partners Inc. (UPP – project planning consultant) concludes that refinements to the project are minor and that no substantial changes, circumstances, or new information of importance has been generated since certification of the EIR[5] (June/July 2008). The aforementioned comments are not consistent with continued operation of the Surgery Center. It should also be noted that while a traffic consultant's comments were provided along with these two letters, we were not able to find a letter, quotation, summary, or follow-up analysis provided by a qualified firm providing services in acoustics.

[4] City of Oakland, *Agenda Report*, 14 December 2010 (oak024541.pdf), p. 344
[5] *Ibid*, p. 334

Based on the project sponsor and planning team's oversight of an adjacent noise and vibration sensitive receptor (i.e., the Surgery Center), CEDA staff concludes in the 14 December 2010 Agenda Report there is nothing that would require subsequent or supplemental environmental review, since there are no new significant or substantial increases in the severity of environmental effects.[6] Again, the conclusion is not based on an analysis that includes continued use of the Surgery Center.

Conclusion

In summary, the sources listed above which have been established as a basis for noise and vibration assessment and analysis, did not consider the Surgery Center as a noise and vibration sensitive receptor needing to be evaluated for potential impacts and mitigation. The modified Project without the Surgery Center will have significant noise and vibration impacts on the Surgery Center during the approximately seven (7) years of Project construction. Because no environmental study has been performed, per CEQA, further impact analysis is necessary to determine appropriate mitigation measures to protect the ongoing uses at the Surgery Center.

* * *

This concludes our current comments. Please do not hesitate to call us with any questions.

Sincerely,

Charles M. Salter Associates, Inc.

Timothy G. Brown
Principal Consultant

Robert P. Alvarado
Senior Vice President

[6] *Ibid*, p. 5

Charles M Salter Associates, Inc

CHARLES M. SALTER, P.E.
President

PROFESSIONAL EXPERIENCE:

Mr. Salter has practiced acoustical engineering for over 40 years. With educational backgrounds in architecture, planning, engineering, and business, Mr. Salter has conducted a wide range of consulting in the areas of architectural acoustics, noise control engineering, and environmental noise impact. He has had project responsibility for various facility types including offices, schools, churches, theaters, residences, hospitals, and civic buildings.

PUBLICATIONS

Coauthor ***ACOUSTICS: Architecture, Engineering, the Environment.*** (1998 William Stout Publisher)

HONORS

Fellow of the Society, Acoustical Society of America, 2006

Received "for contributions to the teaching of architectural acoustics and to its practical applications."

Allied Professions Honor Award, American Institute of Architects, California Council, 1998

Received "in recognition of unique dedication and focused drive to enhance, support and significantly contribute to the advancement of architectural practice. The extensive knowledge displayed as an acoustical consultant, author and educator creates an invaluable balance that bridges the language among various disciplines. The three decades as an innovator, practitioner and mentor, has been instrumental in increasing awareness of crucial acoustical considerations in architectural design. The level of personal commitment coupled with industrious contributions, merit the highest admiration from the profession of architecture."

TEACHING EXPERIENCE

2004-Present	Lecturer in Acoustics, UC Berkeley
2000-2004	Adjunct Professor, UC Berkeley
1998-2001	Adjunct Professor, California College of Arts & Crafts
1973-2000	Lecturer in Acoustics, UC Berkeley

PROFESSIONAL REGISTRATION

California: M.E. No. 16460 (1974)
Nevada: M.E. No. 3963 (1974)
Institute of Noise Control Engineering, Board Certified (1975)

PROFESSIONAL AFFILIATIONS

Associate Member, American Institute of Architects
Technical Advisory Committee Member, United States Green Building Council

EDUCATION

Boston College M.B.A., Major - Finance, 1972
MIT B.S. Art and Design, Major - Architecture, Minor - City Planning, 1969
Tufts University B.S.C.E., Major - Structural Engineering, Minor - Economics, 1965

Charles M Salter Associates Inc

ROBERT P. ALVARADO
Senior Vice President

PROFESSIONAL EXPERIENCE

Mr. Alvarado has been an acoustical consultant with Charles M. Salter Associates, Inc. since 1996. He specializes in environmental noise studies, architectural acoustics, HVAC noise and vibration control, building vibration, and environmental noise mitigation. His experience includes exhibit spaces, civic facilities, mixed-use developments, offices, retail spaces, and educational facilities.

Mr. Alvarado's project management experience includes:

- John Muir Neuroscience Institute EIR, Walnut Creek, CA
- Kaiser Permanente Oakland EIR, Oakland, CA
- Queen of the Valley North Building EIR, Napa, CA
- Bay Meadows Mixed-Use EIR, San Mateo, CA
- Solana Beach Train Station Mixed-Use EIR, Solana Beach, CA
- Magnolia Park EIR, Oakley, CA
- Park and Delmas Residential Development EIR, San Jose, CA
- Marina Bay Live-Work Development EIR, Richmond, CA
- 130 Powell Street Mixed-Use, San Francisco, CA
- Santana Row Mixed-Use, San Jose, CA
- San Francisco Rock and Roll Hall of Fame Mixed-Use, San Francisco, CA
- Energy Foundation, San Francisco, CA
- Santa Cruz State Courts, Santa Cruz, CA
- Ferry Building Renovation, San Francisco, CA
- One, Two, and Three Embarcadero Center, San Francisco, CA
- Hilton Grand Vacation Club Flamingo Renovation, Las Vegas, NV
- Sea Ranch Lodge, Sea Ranch, CA
- Ritz-Carlton Marassi Mega Beach Resort, El Alamein, Egypt
- IDEO Corporate Offices, Palo Alto, CA
- Equity Office Properties, San Francisco, CA
- GSA Public Service Building, Oakland, CA
- Polaris Amphitheater, Columbus, OH
- Magic World Amphitheater, Dubai

PUBLICATIONS

Co-author *ACOUSTICS: Architecture, Engineering, the Environment*, (1998 William Stout Publisher).

PROFESSIONAL AFFILIATIONS

American Institute of Architects: Associate Member
UC Berkeley Center for the Built Environment, Research Team

EDUCATION

University of California at Berkeley, B.A. Architecture.
Stanford University, AEC Program, Graduate School of Engineering.

TEACHING EXPERIENCE

1998-Present UC Berkeley, Guest Lecturer "Acoustic Computer Modeling"
1998-Present Stanford University, Graduate School of Engineering, Guest Lecturer, Professional Mentor

Charles M Salter Associates Inc

TIMOTHY G. BROWN
Principal Consultant

PROFESSIONAL EXPERIENCE

Mr. Brown has been an acoustical consultant with Charles M. Salter Associates, Inc. since 2004. He specializes in the areas of environmental and architectural acoustics and vibration. His projects include the testing and analysis of transportation and construction induced noise and vibration near public and private developments including residential, commercial, utility, medical, research, and technology facilities. He also has experience with noise and vibration relating to architectural, mechanical, electrical, and acoustically sensitive equipment.

Mr. Brown's experience includes the following projects:

- Daly City Noise Element Update, Daly City, CA
- San Francisco Recycling and Disposal Impact Assessment, San Francisco, CA
- Bay Meadows Redevelopment Noise and Vibration Assessment, San Mateo, CA
- New Crystal Springs Bypass Tunnel Noise and Vibration, San Mateo County, CA
- Kiernen Business Park EIR, Modesto, CA
- Villages of Patterson EIR, Patterson, CA
- Tivoli Specific Plan EIR, Modesto, CA
- Bay Division Pipeline No. 5 Noise and Vibration Study, Bay Area, CA
- San Francisco Recycling and Disposal Impact Assessment, San Francisco, CA
- United State Post Office, Oakland and San Francisco, CA
- Lockheed Martin Missiles and Space, Sunnyvale, CA
- Solana Beach Railway Station, Solana Beach, CA
- Fruitvale BART Station Emergency Engine Generator, Oakland, CA
- One Rincon Hill Construction Noise and Vibration Survey, San Francisco, CA
- Anchorage at Marina Bay Quiet Zone Implementation Assessment, Richmond, CA
- Sutter Health Camino Medical Group MRI Vibration Screening, Mountain View, CA
- Skywalker Ranch Screening Room Vibration Study, Nicasio, CA
- Pixar Animation Studios Construction Vibration Assessment, Emeryville, CA
- Livermore Performing Arts Center Noise and Vibration Assessment, Livermore, CA
- Stanford University Geophysics Laboratory Noise Study, Stanford, CA
- Gateway Community Development Project Railway Impact Analysis, Oakland, CA
- UC San Francisco MRI Vibration Study and Impact Assessment, San Francisco, CA
- Hellman Laboratory Relocation, Berkeley, CA

PROFESSIONAL AFFILIATIONS

Acoustical Society of America (ASA)
Institute of Noise Control Engineers (INCE)
Structural Engineers Association of Northern California (SEAONC)
American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE)

EDUCATION

University of California, Berkeley, M.S., Civil Engineering, 2001
University of California, Davis, B.S. with High Honors, Civil Engineering, 2000

EXHIBIT A

Summary of Negotiations with the Surgery Center

3/28/08	Meeting between MTCP and Victor Meinke (Alta Bates Surgery Center representative) about the MTV Project and acquisition of the Surgery Center site.
7/1/08 – 2/14/09	Various communications between MTCP and Victor Meinke and consultants regarding financial issues.
4/21/09	Letter of Intent from MTCP to the Surgery Center regarding purchase.
12/4/09	Meeting between MTCP and Surgery Center team.
1/6/10	Letter from Alta Bates Summit to MTCP requesting updated plans and a new proposal.
4/21/10	MTCPs' community meeting and presentation discussing the Phase/Stage 1 revised site design, garage plan, and development schedule. Meeting was attended by Surgery Center representative (Victor Meinke).
6/2/10	Letter from MTCP to Alta Bates Summit including a copy of the revised site plan showing the Surgery Center site as part of the MTV Project. Letter noted that acquisition of Surgery Center would not be required for the Phase/Stage 1 development. Letter also noted MTCP is still interested in the property acquisition. (See Attached letter.)
12/1/10	Meeting between MTCP (Art May & Joe McCarthy) and Alta Bates Summit (COO Charles Prosper and Dr. Glen Gormanzano) to discuss the status of the project, the plan revisions, schedule, and acquisition.

EXHIBIT A

June 2, 2010

Mr. Victor E. Meinke
Vice President Business Development
Alta Bates Summit Medical Center
350 Hawthorne Avenue
Oakland CA 94609

Re: Project Update for MacArthur Transit Village

Dear Victor:

The purpose of this letter is provide you with a project update on MacArthur Transit Village Project ("MTV") in Oakland, Ca.

MacArthur Transit Community Partners, LLC ("MTCP") is proceeding with the design of the Bart replacement parking structure and master site work ("Phase 1") plus the acquisition of several parcels on MacArthur Boulevard and Telegraph Avenue which will facilitate the commencement of construction for Phase 1 in late 2010. The master site plan and design for the Bart replacement parking structure was reviewed by Oakland Design Review Committee on May 26, 2010 with our next review by the Oakland Planning Commission in late July 2010.

At our meeting on December 4, 2009, we realized it would be difficult to achieve a timely consensus to acquire the East Bay Surgery Center ("Surgery Center Property") from the various stakeholder of the EBOS, Sutter Health Alta Bates Summit Medical Center Surgery Property Company, LLC, and The Surgery Center of Alta Bates Summit Medical Center, LLC (collectively "Surgery Center") to facilitate our construction schedule. As a result, we have realigned Village Drive to intersect with the existing 39th Street at Telegraph Avenue which allows MTCP to proceed with the construction of Phase 1 with no requirement to acquire the Surgery Center Property which is now depicted as C-3 on the proposed Final Development Plan ("FDP"). We have attached for your information and review the proposed FDP for Phase I which modifies slightly the approved Preliminary Development Plan ("PDP").

The proposed FDP will allow the Surgery Center to continue its operations without any disruption to the Surgery Center Property. MTCP is still very interested in acquiring the Surgery Center Property at a purchase price and timing that will work for all parties. Please let us know if you have any questions regarding the proposed FDP.

EXHIBIT A

Sincerely,

MACARTHUR TRANSIT COMMUNITY PARTNERS, LLC,
u California limited liability company

By: MPI MacArthur, LLC,
n California limited liability company, Member

By: _____
Terrence M. McGrath, Managing Member

By: BUILD Equity Investments (MacArthur Transit Community) LLC,
a Califomia limited liability company, Managing Member

By: BRIDGE Urban Infill Land Development, LLC,
a Delaware limited liability company, Member

By: BRIDGE Infill Development, Inc.,
a California Coiporation, Manager

By: _____
Lydia Tan, Executive Vice President

Howard S. Wright Constructors

MTV - PHASE I & II CONSTRCUTION EQUIPMENT SCHEDULE
SOUND - AIR QUALITY STUDY

January 28, 2011

DEMOLITION		
A	Equipment	2000 Cat 330B Excavator
	Size	Approx. 80,000 Lbs
	Engine	236HP
	Usage:	Duration of project – 8 hours per day, – Possible overlap
	CARB EIN #:	KC3V93
B	Equipment	2005 Linkbelt 330 LX Excavator
	Size	Approx. 80,000 Lbs
	Engine	247 HP
	Usage:	Duration of project – 8 hours per day, – Possible overlap
	CARB EIN #:	GA5L83
C	Equipment	2006 Bobcat S300 Skid steer
	Size	Approx. 9,400 Lbs
	Engine	Engine HP: 81 HP
	Usage:	Duration of project – 8 hours per day, – Possible overlap
	CARB EIN #:	UK4X33
W	Equlpment	STIHL - cut-off saw
	Size	22 lbs
	Engine	6.4 hp
	Usage:	Cutting of steel and concrete sporadically
	CARB EIN #:	UK4X33

FOUNDATION		
D	Equipment	Xtreme XFR-1245 Telescoping Forklift
	Size	35,700 lbs; lift capacity 12,000 lbs
	Engine	2300 rpm
	Usage:	to unload piles - 2 hrs per day
	CARB EIN #:	XRI245020991378
E	Equipment	Delmag RH26 (Requirement to RH28) mounted on Leiberbherr Carrier
	Size	182,000 lbs
	Engine	500 hp
	Usage:	Duration of project - 8 hrs per day
	CARB EIN #:	567

F	Equipment	210,000 ft lb Drill Head Motor; 70' Mast attached to Delmag
	Size	
	Engine	Hydraulic - runs off Delmag engine
	Usage:	Drill to install screw down Pile - 8 hrs per day
	CARB EIN #:	

AA	Equipment	McNeilus Ready-mix Concrete truck
	Size	10.5 cy capacity
	Engine	350 hp
	Usage:	transport ready mix concrete to jobsite - pour day
	CARB EIN #:	

GRADE BEAM/ PILE CAPS

G	Equipment	TEREX Back Hoe Loader
	Size	18,000 lbs
	Engine	100 hp (70 kw)
	Usage:	8 hours a day - overlap with Dump truck
	CARB EIN #:	

H	Equipment	48 meter Putzmeister Boom Pump
	Size	48 meter boom - 12x8'-6"x40'
	Engine	2000 Diesel Mack - 400 Hp
	Usage:	Concrete placing - horizontal and vertical CIP concrete - 8 hrs per pour day
	CARB EIN #:	

J	Equipment	1999 Mack RD688S Tri-Axel Dump truck
	Size	44,000 lbs
	Engine	450 HP - diesel
	Usage:	Hauling of spoils
	CARB EIN #:	

VERTICAL CONCRETE

K	Equipment	Fork Lift - Hyster H80XL
	Size	8,000 lbs
	Engine	Propane
	Usage:	Moving of forms
	CARB EIN #:	

Q	Equipment	Delivery Stake Truck - F-450 Super Duty
	Size	16000 lbs
	Engine	235 HP - Diesel
	Usage:	Deliveries
	CARB EIN #:	

M	Equipment	Ingersoll Rand Compressor
	Size	2,310 lbs
	Engine	80 HP
	Usage:	Blowing decks - chipping of concrete
	CARB EIN #:	

AB	Equipment	Cement Finisher - Multlquip
	Size	46 inch diameter
	Engine	8 hp
	Usage:	Finish concrete slabs
	CARB EIN #:	

EXTERIOR SKIN

N	Equipment	HTC-8675 Series II Link Belt 75 ton hydro
	Size	12'x8'-6"x49'-0" - 85,276 lbs
	Engine	445 HP diesel
	Usage:	Hoist steel frames and precast on exterior
	CARB EIN #:	

P	Equipment	JLG 600 series - 60 ft boom
	Size	60 ft boom - 24,000 lbs
	Engine	82 HP - gas
	Usage:	Installation of exterior screen - 8 hrs per day
	CARB EIN #:	

Q	Equipment	Delivery Stake Truck - F-450 Super Duty
	Size	16000 lbs
	Engine	235 HP - Diesel
	Usage:	Deliveries
	CARB EIN #:	

X	Equipment	Lincoln Commander 500 welder
	Size	
	Engine	12 kw diesel generator
	Usage:	welding of precast panels and steel frames
	CARB EIN #:	

MAN HOIST

R	Equipment	Pecco PH 6000
	Size	Car size - (5'x12-6"x9'0) - Mast 60 feet tall - total weight 20,000 lbs
	Engine	2-20 hp - 480 V- 3 phase - 60 hz
	Usage:	9 hours a day - 6 months
	CARB EIN #:	Electric motor

SITEWORK

S
Equipment Ditchwitch 1030 trencher
Size
Engine 11 hp
Usage: trench for irrigation water lines and control wires
CARB EIN #:

T
Equipment TEREX Back Hoe Loader
Size 18,000 lbs
Engine 100 hp (70 kw)
Usage: 8 hours a day - overlap with Dump truck
CARB EIN #:

U
Equipment Hitachi Excavator - EX-550LC-5
Size 125,200 lbs
Engine HP 361
Usage: Excavation of underground utilities
CARB EIN #:

V
Equipment Dynapac (jumping jack) - LT7000
Size 168 lbs
Engine 3.9 HP
Usage: Compacting of trenches
CARB EIN #:

W
Equipment STIHL - cut-off saw
Size 22 lbs
Engine 6.4 hp
Usage: Cutting of steel and concrete sporadically
CARB EIN #:

Y
Equipment Concrete walk behind saw -EDCO SS-20
Size 425 lbs
Engine 20 hp
Usage: Cutting of concrete slabs and parking lot - 1 to 2 days
CARB EIN #:

Z
Equipment SAKAI - dirt roller
Size 7.2 tons
Engine 82 hp
Usage: Dirt compactor - 8 hrs per day
CARB EIN #:

AC	Equipment	John Deere Skip loader - 210LE
	Size	10,170 lbs - I CY
	Engine	78 HP
	Usage:	Move around dirt/ rock - make grade for pads
	CARB EIN #:	
AD	Equipment	Caterpillar grader - 140H
	Size	12'-14' blade - 32,460 lbs
	Engine	185 HP
	Usage:	Cut road grade for paving
	CARB EIN #:	
AE	Equipment	CAT 966F wheel loader
	Size	46,778 lbs - 4 cy bucket
	Engine	220 HP
	Usage:	Move dirt and rock
	CARB EIN #:	
AF	Equipment	Water truck - Sterting LT8500
	Size	4,000 gal - 53,220 lbs
	Engine	450 HP
	Usage:	dust control and wet down grade
	CARB EIN #:	
AG	Equipment	CAT D8R - diesel - Bull Dozer
	Size	80,000 lbs
	Engine	305 HP
	Usage:	Push large amount of dirt - used to spread dirt out at remediation
	CARB EIN #:	
AH	Equipment	CAT 1055D paver
	Size	45,130 lbs
	Engine	224 HP - diesel
	Usage:	Used to pave asphalt roads and parking lot
	CARB EIN #:	

This schedule is a component of the Construction Management Plan required by the City of Oakland prior to the issuance of construction related permits

The construction technique proposed in areas adjacent to the Alta Bates Surgery Center may employ one or more of the following strategies

1. Use of sheep foot non-vibrating compactors
2. Use of non-vibrating roller compactors
3. Scheduling vibrating roller compaction after surgical hours or on weekends (subject to City approval)
4. Use of alternate fill materials that require no or minimal induced compaction
5. Use of smaller vibrating rolling, vibrating plate, or jumping jack compactors

EXHIBIT I

MacArthur Transit Village
Construction Equipment Schedule 1/28/2011

	Mar-11	Apr-11	May-11	Jun-11	Jul-11	Aug-11	Sep-11	Oct-11	Nov-11	Dec-11	Jan-12	Feb-12	Mar-12	Apr-12	May-12	Jun-12	Jul-12	Aug-12	Sep-12	Oct-12	Nov-12	Dec-12	Jan-13	Feb-13	Mar-13	Apr-13
Mutel Demolition				2 weeks	2 weeks																					
	A																									
	B																									
	C																									
	J - 50%																									
	W - 10%																									
Environmental Remediation		B	B																							
		AF - 50%	AF - 50%																	hydrolic						
		J - 50%	J - 25%																							
		Y - 5%	Z																							
			AH - 5%																							
BART Garage																										
Earthwork			B - 40%																							
			J - 50%																							
			Z - 50%																							
			W - 5%																							
Piles				D - 60%																						
				E -60%																						
				F - 60%																						
				H - 20%																						
				X - 10%																gas						
				AA - 10%																gas						
Grade Beams / Pile Caps					G - 95%																					
					J - 65%															gas						
					D - 50%																					
					H - 20%																					
					AA -20%															gas						
					Q - 30%																					
Vertical Concrete							K - 30%																			
							H - 60%																			
							AA - 60%																			
							Q - 55%																			
							M - 10%																			
Exterior Skin									P - 60%																	
											X - 90%															
											N - 100%										100% max hour usage					
Man Hoist									R - 100%												50% max hour usage					
Sitework												B - 70%														
												C - 30%														
												V - 30%														
												W - 20%														
												Q - 40%														
												M - 10%														
Frontage Road																										
Demo & Earthwork					B - 100%																					
					V - 5%																					
					J - 25%																					
					Z - 80%																					
					W - 10%																					
						AC - 80%																				
Utilities						B - 35%																				
						C - 35%																				
						V - 35%																				
						W - 15%																				
						Q - 10%																				
						M - 20%																				
							AA - 10%																			
Paving & Sidewalks								AC - 60%																		
								Z - 50%																		
								AD - 30%																		
									AA - 35%																	
									C - 30%																	
									AH - 25%																	
									J - 25%																	
BART Plaza																										
Demo							G - 20%				G - 20%															
							C -20%				C -20%															
							W - 5%				W - 5%															
							V - 20%				V - 20%															
							M -10%				M -10%															
							J - 20%				J - 20%															
							B - 50%				B - 50%															
Concrete								G - 20%				G - 10%														
								J - 5%				J - 5%														
								D - 20%				D - 20%														
								H - 10%				H - 10%														
								AA - 10%				AA - 10%														
								Q - 10%				Q - 10%														
Bike Station / Trellis									G - 30%																	
Finishes																										
W. MacArthur																										
Demo							G - 20%																			
							C -20%																			
							W - 5%																			
							Z - 20%																			

KEY

A	2000 Cat 330B Excavator
B	2005 Linkbelt 330 LX Excavator
C	2006 Bobcat S300 Skid steer
D	Xtreme XFR-1245 Forklift
E	Delmag RH26
F	Drill Head Motor
G	TEREX Back Hoe Loader
H	48 meter Putzmeister Boom Pump
J	1999 Mack Dump truck
K	Fork Lift - Hyster H80XL
M	Ingersoll Rand Compressor
N	Link Belt 75 ton hydro
P	JLG 600 series - 60 ft boom
Q	Delivery Stake Truck - F-450 Super Duty
R	Pecco PH 6000
S	Ditchwitch 1030 trencher
T	TEREX Back Hoe Loader
U	Hitachi Excavator - EX-550LC-5
V	Dynapac (jumping jack) - LT7000
W	STIHL - cut-off saw
X	Lincoln Commander 500 welder
Y	Concrete walk behind saw -EDCO SS-20
Z	SAKAI - dirt roller
AA	McNeilus Ready-mix Concrete truck
AB	Cement Finisher - Multiquip
AC	John Deere Skip loader - 210LE
AD	Caterpillar grader - 140H
AE	CAT 966F wheel loader
AF	Water truck - Sterling LT8500
AG	CAT D8R - diesel - Bull Dozer
AH	CAT 1055D paver

This schedule is a component of the Construction Management Plan required by the City of Oakland prior to the issuance of construction related permits

EXHIBIT A

KEY

A	2000 Cat 330B Excavator
B	2005 Linkbelt 330 LX Excavator
C	2006 Bobcat S300 Skid steer
D	Xtreme XFR-1245 Forklift
E	Delmag RH26 (hydrolic)
F	Drill Head Motor

EXHIBIT I

MacArthur Transit Village
Construction Equipment Schedule 1/28/2011

Tested Tested Tested

	Mar-11	Apr-11	May-11	Jun-11	Jul-11	Aug-11	Sep-11	Oct-11	Nov-11	Dec-11	Jan-12	Feb-12	Mar-12	Apr-12	May-12	Jun-12	Jul-12	Aug-12	Sep-12	Oct-12	Nov-12	Dec-12	Jan-13	Feb-13	Mar-13	Apr-13
							M -10%																			
							J - 20%																			
							B - 50%																			
Utilities								B - 35%																		
								C - 35%																		
								V - 35%																		
								W - 15%																		
								Q - 10%																		
								M - 20%																		
									AA - 10%																	
Concrete										G - 10%																
										J - 5%																
										D - 20%												gas				
										H - 10%												gas				
										AA - 10%																
										Q - 10%												gas				
Finishes											G - 30%															
Internal & Village																										
Earthwork														B - 80%								gas				
														V - 10%												
														J - 60%												
														Z - 80%												
														W - 10%												
Utilities																			B - 50%							
																			G - 50%							
																			V - 50%							
																			W - 10%							
																			B - 50%							
																			Q - 10%							
																			M - 10%							
																			AA - 5%							
Paving & Sidewalks																					AC - 20%					
																					Z - 20%					
																					AD - 10%					
																					AA - 20%					
Finishes																					C - 20%					
BRIDGE									1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	
Earthwork									A - 50%																	
									AE - 50%																	
									AF - 5%																	
									J - 50%																	
									Z - 5%																	
Shoring									B - 5%																	
									F - 5%																	
Concrete										G - 25%																
										D - 25%																
										L - 20%																
Concrete pour days (10 pour days)										Schwing boom pump - 10%																
										(2) AB - 5%																
										Reed C-50HPE pump & 375 cfm																
										AA - 20%																
Rough Framing														(2) D												
														(6) nail compressors												
														(12) skilsaws												
														(1) chain saw												
														E - 50%												
Drywall / Plaster																				D						
																				multiple screw guns						
																				Trailer plaster pumps (55 HP)						
Interior Finishes																							Pneumatic nail guns			
																							Power mitre saw			
																							Screw guns			
Sitework																										

G	TEREX Back Hoe Loader
H	48 meter Putzmeister Boom Pump
I	1999 Mack Dump truck
K	Fork Lift - Hyster H80XL
M	Ingersoll Rand Compressor
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AH	CAT 1055D paver

EXHIBIT A

APPROVED AS TO FORM AND LEGALITY:
DEPUTY CITY ATTORNEY

OAKLAND CITY COUNCIL

RESOLUTION NO._____C.M.S.

RESOLUTION APPROVING THE MACARTHUR TRANSIT VILLAGE STAGE TWO (2) FINAL DEVELOPMENT PLAN PERMIT AND VARIANCES, WHICH WOULD ALLOW FOR DEVELOPMENT OF 90-UNIT AFFORDABLE HOUSING COMPLEX, AS PART OF THE MACARTHUR TRANSIT VILLAGE PLANNED UNIT DEVELOPMENT (PUD060058), PURSUANT TO CITY COUNCIL RESOLUTION NO. 81422 C.M.S. CONDITION OF APPROVAL # 27, AS RECOMMENDED BY THE PLANNING COMMISSION

WHEREAS, the City of Oakland Planning Commission certified the Maearthur Transit Village EIR on June 4, 2008; and

WHEREAS, the City of Oakland Planning Commission recommended approval of the Maearthur Transit Village Planned Unit Development (PUD) on June 4, 2008; and

WHEREAS, the Oakland City Council approved the Maearthur Transit Village PUD on July 1, 2008; and

WHEREAS, the Oakland City Council adopted the "Development Agreement by and between City of Oakland and Maearthur Transit Community Partners, LLC Regarding the Property and Project Known as 'Macarthur Transit Village'" (DA) on July 21, 2009; and

WHEREAS, Macarthur Transit Community Partners ("Applicant") filed applications for a Final Development Permit (FDP) and variances for Stage Two (2) of the Macarthur Transit Village to accommodate development of the Maearthur Transit Village Stage Two, which consists, in relevant part, of 90 affordable housing units ("Project"); and

WHEREAS, the City of Oakland Planning Commission's Design Review Committee held a duly noticed meeting on February 23, 2011 and recommended revisions to the Project ; and

WHEREAS, the City of Oakland Planning Commission held a duly noticed public hearing on the Project on April 6, 2011; and

WHEREAS, all interested parties were given the opportunity to participate in the public hearing by submittal of oral and written comments; and

WHEREAS, the public hearing was closed by the Planning Commission on April 6, 2011; and

WHEREAS, the Planning Commission adopted the addendum to the certified Maearthur Transit Village **EIR**, finding, in relevant part, that no further environmental review is required; and

WHEREAS, the Planning Commission recommended approval of the Project; and

WHEREAS, the matter came before the Community & **E**conomic **D**evelopment Committee at a duly noticed public meeting on May 10, 2011, which recommended approval of the Project; and

WHEREAS, the matter came before the City Council at a duly noticed public hearing on May 17, 2011; now, therefore be it

RESOLVED: That the City Council, having independently heard, considered and weighed all the evidence in the record and being fully informed of the Applications and the Planning Commission's decision on the Project, hereby affirms the City Planning's Commission CEQA determination that no further CEQA review is required and therefore adopts the addendum and approves the Project; and be it

FURTHER RESOLVED: That the decision is based, in part, on the June 4, 2008 Planning Commission **R**eport, the July 1, 2008 City Council **R**eport, the **F**ebruary 23, 2011 **D**esign **R**eview Committee **R**eport, the Approved April 6, 2011 Planning Commission **R**eport, and May 17, 2011 City Council Agenda **R**eport and 2008 certified **EIR**, which are all hereby incorporated by reference as if fully set forth herein, and be it

FURTHER RESOLVED: That, in support of the City Council's decision, the City Council affirms and adopts as its findings and determinations the Approved April 6, 2011 Planning Commission **R**eport, and the May 17, 2011 City Council Agenda **R**eports (including, without limitation, the discussion, findings, conclusions, and conditions of approval, each of which is hereby separately and independently adopted by this Council in full); and be it

FURTHER RESOLVED: That the City Council independently finds and determines that this **R**esolution complies with CEQA and the **E**nvironmental **R**eview **O**fficer is directed to cause to be filed a Notice of **D**etermination with the appropriate agencies; and be it

FURTHER RESOLVED: That the record before this Council relating to the Project Applications includes, without limitation, the following:

1. the Project Applications, including all accompanying maps and papers;
2. all plans submitted by the Applicant and his representatives;
3. all staff reports, decision letters and other documentation and information produced by or on behalf of the City, including without limitation the **EIR** and supporting technical studies, all related and/or supporting materials, and all notices relating to the Project Applications and attendant hearings;

4. all oral and written evidence received by the City staff, the Planning Commission, and the City Council before and during the public hearings on the Project Applications; and
5. all matters of common knowledge and all official enactments and acts of the City, such as (a) the General Plan; (b) Oakland Municipal Code, including, without limitation, the Oakland real estate regulations and Oakland Fire Code; (e) Oakland Planning Code; (d) other applicable City policies and regulations; and, (e) all applicable state and federal laws, rules and regulations; and be it

FURTHER RESOLVED: That the custodians and locations of the documents or other materials which constitute the record of proceedings upon which the City Council's decision is based are respectively; (a) Community and **E**conomic **D**evelopment Agency, Planning & Zoning **D**ivision, 250 Frank H. Ogawa Plaza, **S**uite 3315, Oakland, California; and (b) Office of the City Clerk, 1 Frank H. Ogawa Plaza, 1st Floor, Oakland, California, and be it

FURTHER RESOLVED: That the recitals contained in this resolution are true and correct and are an integral part of the City Council's decision.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2011

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF and PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST:_____
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California