ATTACHMENT E:

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)

6. Carsharing

Companies such as City CarShare and Zipcar[5] provide car rentals by the hour, using internet and telephone-based reservation systems to allow their members to have access to a vehicle whenever needed without the significant costs to own, maintain, and park a car. This strategy has proven successful in reducing both household vehicle ownership and the amount of driving people do, both during peak commute hours and other times of day. According to the Transportation Research Board, each carshare vehicle takes nearly 15 private cars off the road. A DC Berkeley study of San Francisco's City CarShare found that members drive nearly 50 percent less after joining.[6]

Carsharing would reduce or eliminate the need for MacArthur Transit Village residents to own a vehicle, reducing their housing costs in addition to reduced transportation costs. This is especially advantageous for lower-income households.

City CarShare and Zipcar currently offer four vehicles in the existing surface parking lot at the MacArthur BART Station – three for City CarShare and one for ZipCar. These spaces are provided on a contract basis with BART. For the provision of future carshare spaces, a phased approach is recommended in order to coordinate the availability of parking spaces and future demand with project construction. in the early phases of project construction, two spaces shall be made available (one each to City CarShare and ZipCar) on Village Drive. These spaces shall be located as close and as convenient as possible to the fare gate entrances. In addition, up to four spaces will be provided in the newly constructed BART garage. The utilization of these spaces will be on a contract basis with BART.

As project buildout progresses, demand for carsharing is expected to grow for both residents and BART patrons. Therefore, in the later phases of project construction, eight spaces shall be provided as follows:

- Option 1: 4 spaces in the Block A parking garage and 4 spaces In the BART parking garage on a contract basis with BART.
- Option 2: 2 spaces in the Block A parking garage, 2 spaces on Village Drive, and 4 spaces in the BART parking garage on a contract basis with BART.

In general, all carshare parking spaces should be located in a manner that will attract as many users as possible. For example, carshare spaces shall be located in close proximity to fare gates and shall be made as visible and as recognizable as possible. When located in a parking garage, carshare spaces shall be located on the ground floor and as proximate to entrances/exits as possible.

7. 40th Street Transit Corridor

Because Emery-Go-Round and AC Transit transit services currently make limited stops along the 40th Street corridor between the Emeryville border and the MacArthur BART station, many BART patrons living on 40th Street drive and park at the MacArthur BART Station. The potential to reduce parking demand and increase BART ridership could be significantly increased through the provision of a shuttle stop or other transit service along this corridor. However, the funds that are currently available for access improvements to and from the station are not eligible for such operating expenses. Funds are strictly

[5] More information can be found at citycarshare.org, flexcar.com, and zipcar.com

[6] TCRP (2005) *Car-Sharing: Where and How it Succeeds*, TCRP Report 108, 2005. Available online at http://www.nelsonnygaard.com/articles/tcrp_rpt_108.pdf

restricted to capital expenditures and improvements, such as new bike lanes and bike parking facilities, pedestrian and street improvements, transit shelters, and new lighting.

To help improve transit connectivity in this corridor, however, the developer will collaborate with BART, AC Transit, and Emery-Go-Round stakeholders to research and identify additional funding sources for enhanced transit service along the 40th Street corridor. In addition, the developer, BART, and the City will work with Kaiser Hospital and Alta Bates Medical Center to evaluate if, and how, any service improvements can be made to better coordinate the number of other shuttle services in the area, and potentially provide additional transit service to 40th Street.

8. TDM Marketing Coordination

Informational materials about the above listed programs, as well as transit, shuttle service, and bicycling information, will be distributed as part of a "move-in" packet for residents. One or more full-time employees from the sales and/or leasing offices will be responsible for these tasks, including receiving TDM training to help residents become aware of, and make use of, non-vehicular modes of transportation. After initial lease-up or initial sales the manager of the HOA and a staff member of the respective leasing offices will assume this responsibility, pursuant to the master association CC&Rs.

9. Neighborhood Marketing Coordination

In an effort to decrease the number of local residents driving to the BART station, two months prior to the existing BART surface parking lot being closed for project construction the project applicant will undertake a one-time marketing campaign targeted to neighborhoods and local residents that have convenient access via other modes of transportation to the BART Station. In addition, marketing information shall also be provided to those currently parking in the surface lot via a windshield flyer or handouts at parking lot access points. Marketing materials will include distribution of information on alternative means of accessing BART and potentially free trial transit passes or other financial incentives to encourage people to not drive to BART. The marketing campaign will be created by the developer with input from the City, BART, AC Transit, and other local transit and transportation providers.

C. TDM Strategies not required by CEQA

These strategies are not required by CEQA, but will be important to ensure the provision of sufficient vehicle parking supply for BART patrons, and effective signage to help orient people who are going to or passing through MacArthur Transit Village.

1. BART Parking Garage Supply and Operations

There are currently 600 on-site parking spaces at MacArthur BART Station. in addition, a number of BART patrons do not park in the BART lot, but rather on nearby city streets. Previous surveys have found that up to 200 cars are perked by BART patrons on local streets each day, which currently haye no parking restrictions. However, to ensure that there is sufficient on-street parking for residents in the surrounding neighborhood, the City is exploring the feasibility of developing a residential permit program (RPP). An RPP operates by exempting permitted vehicles from the parking restrictions and time limits for non-metered, on-street parking spaces within a geographically defined area.

To accommodate the parking demand for BART patrons that would still access the station by automobile, the developer will build a 450-space replacement parking garage on Block E in the first phase of the project. In addition, the project applicant will unbundle at least 60

additional residential parking spaces. BART patrons will have a non-exclusive opportunity to share the 60 unbundled spaces that are built as the Project develops (as part of Phase 3). There is potential for additional unbundled spaces depending on residential parking demand, as discussed above.

2. Non-Residential Parking

All other non-residential parking at MacArthur Transit Village, both on-street and off-street, will be studied as paid parking at market-rates to be determined by the property owner, for off-street parking, and the City of Oakland, for on-street parking. The implementation plan will consider a phased program for off-street parking over time and limited free parking for retail use.

3. BART Access Strategies

The developer will contribute $350,000 toward capital costs for BART's "Access Strategies Fund." BART will have sole discretion to allocate these funds to a variety of approved capital access strategies, but will consult and coordinate with the City. This fund is separate from the TDM program outlined in this memorandum, but capital expenditures from this fund will likewise be designed to improve non-motorized access to the MacArthur BART station.

4. Wayfinding Strategies

"Wayfinding" refers to how people orient themselves and navigate from place to place, and the types of information they use to do so. People, especially those less familiar with an area, orient themselves using maps, signage, and other publicized information, as well as landmarks such as prominent buildings and other natural features in the landscape. An effective wayfinding system helps people feel safe and comfortable, and, ultimately, find their destination. It also gives them a "sense of place" – an understanding and familiarity with where they are and where they are going, and encourages them to use the same travel mode again in the future.

Residents, employees, and visitors to MacArthur Transit Village can all benefit from an effective wayfinding program, including signage and other information to help them navigate throughout the development, to BART from within the project area, and elsewhere in the City of Oakland and beyond. With simple and intuitive wayfinding tools, visitors can quickly find their destination without the fear or stress of getting lost, arriving on time, or feeling comfortable with their surroundings.

The wayfinding improvements and strategy can build on recent investments in new bicycle and pedestrian signage near MacArthur BART. The provision of wayfinding signage at MacArthur BART and MacArthur Transit Village can also share the same design and navigational themes.

The developer will install standard street signs pursuant to City standards and approvals. Furthermore, the developer shall ensure that any wayfinding improvements meet the City's existing wayfinding program requirements[7] (especially for bicyclists and pedestrians), are well-coordinated with BART signage, and integrate easily with other wayfinding improvements in the area. More specifically, to facilitate the creation of a holistic and well-coordinated signage program for the whole station area, the developer shall allocate $15,000 to the City. These funds can be used not only for the staff time required to plan and

[7] "City of Oakland – Design Guidelines for Bicycle Wayfinding Signage." Adopted in 2009.

coordinate the wayfinding program with BART and the developer, but also for the actual production and installation of the signage.

When coordinating the wayfinding program, the City, BART, and the developer shall evaluate some or all of the following strategies and wayfinding elements within the project area:

- Publicly displayed maps of the neighborhood surrounding MacArthur Transit Village and MacArthur BART Station that indicate prominent landmarks and important destinations, as well as maps of the regional transportation system for the Bay Area.
- Provide transportation information for all modes, including maps and schedules for transit, directions to bus stops, bicycle parking, carshare pods, and automobile parking areas.
- Signage throughout the site, designed in coordination with the City, BART, AC Transit, Emery-Go-Round, and other transportation services, to direct travelers to various services and key destinations. These signs will supplement the signs already being provided by BART, with an emphasis on pedestrian navigation.
- There will be many opportunities to design wayfinding into structures, plazas and other elements of the site. Furthermore, the actual design of the site, not just signage, will make an important contribution to the identity and ability for people to orient themselves at MacArthur Transit Village.

D. Program Monitoring and Adjustment

It will be important to monitor and adjust the TDM program during the construction of each phase and subsequent to completion of the project to ensure that investments in TDM strategies are as effective as possible. The developer will therefore submit a TDM Monitoring Plan before the beginning of each construction phase that will include the following elements:

- Performance of each of the measures listed in B.1. - B.9. and C.1. - C.4. If a strategy is deemed unsuccessful or underutilized, it could be replaced by another strategy that is likely to be more successful.
- Parking supply and occupancy for peak periods, to determine feasibility of reductions in parking supply construction and/or expansion in unbundling.

The developer shall fund the monitoring plan and ongoing review by a qualified transportation firm with TDM development and monitoring experience, with oversight by the City, up to a maximum of $50,000 until completion of the project. Once again, a review of the TDM Plan will take place following the completion of each phase of the Project. These funds can be used at any time during the construction of the project. However, utilization of the funds will likely vary from year to year and depending on completion date of the five construction phases.

The developer shall fund an escrow type account to be used exclusively for the TDM monitoring activities as applicable for each phase by a qualified third party (such as: parking occupancy counts for each phase; travel surveys of residents, employees, customers, and BART patrons; data compilation and analysis of EasyPass participation, analysis of BART, AC Transit, and shuttle ridership, etc.), preparation of monitoring reports, and review by City staff. The specifics of the account shall be mutually agreed upon by the developer and the City, including the ability of the City to access the funds if the developer is not complying with the TDM requirements.

Within 6 months of completion of the last phase of development, a final TDM Monitoring Plan shall be completed highlighting the performance of each of the TDM strategies and recommending any changes or modifications that should be made to improve the ongoing performance of the various TDM strategies. In addition, the plan shall include a summary of the ongoing management obligations of the HOA and/or leasing office.

It is also important to note that the project's Conditions of Approval require that the developer allocate $150,000 to the City for the development of a Residential Permit Program (RPP). At this time, the extent of the RPP and its status remain uncertain. If these funds are not expended within five years of project completion, "...the project sponsor shall have no further obligation to pursue or fund any RPP program and any remaining funds shall revert back toward public improvements in the project area as determined by the City."

E. Implementation

Figure 3 on the following page summarizes the implementation schedule for the TDM plan.

Figure 3 Implementation Schedule for MacArthur Transit Village TDM Plan

		Phase 1	Phase 2	Phase 3	Phase 4	Phase 5	Timeframe
Key Strategy	Sub Strategy	BART Garage & Infrastructure	Affordable Housing Component	Market-Rate Housing Phase 1, Block A	Market-Rate Housing, Blocks B or C	Market-Rate Housing, Blocks B or C	On-going or One-Time Item
B.1. Discounted Transit Passes	B.1.a. Collaborate with AC Transit to provide EasyPass program to affordable housing residents	N/A	To be implemented prior to Certificate of Occupancy and available to residents upon occupancy.	N/A	N/A	N/A	On-going through life of project
	B.1.b Provide location for sates of AC Transit and high-value BART/Clipper passes to market rate units	N/A	N/A	Single retailer or centralized market-rate project staff	Single retailer or centralized market-rate project staff	Single retailer or centralized market-rate project staff	On-going through life of project
B.2 and B.3. Bicycle Parking	B.2.a Provide secure bicycle parking for residential and retail uses	N/A	To be installed prior to Certificate of Occupancy in accordance with City of Oakland Bicycle Ordinance	To be installed prior to Certificate of Occupancy in accordance with City of Oakland Bicycle Ordinance	To be installed prior to Certificate of Occupancy in accordance with City of Oakland Bicycle Ordinance	To be installed prior to Certificate of Occupancy in accordance with City of Oakland Bicycle Ordinance	To be maintained through life of project
	B.3.a Collaborate with BART to provide high-capacity, secure bicycle parking	Collaborate with BART and City and, if feasible, located in the BART Plaza, a commercial space, or In new BART parking garage	N/A	N/A	N/A	N/A	Continued discussion until suitable solution has been found

		Phase 1	Phase 2	Phase 3	Phase 4	Phase 5	Timeframe
Key Strategy	Sub Strategy	BART Garage & Infrastructure	Affordable Housing Component	Market-Rate Housing Phase 1, Block A	Market-Rate Housing, Blocks B or C	Market-Rate Housing, Blocks B or C	On-going or One-Time ffem
	B.3.b Provide bicycle repair facilities	N/A	N/A	To be installed prior to Certificate of Occupancy, if deemed feasible.	If deemed feasible, and not installed in Phase 3.	If deemed feasible, and not installed I Phase 3 or 4.	To be maintained through life of project
B.4. Unbundling of Parking	B.4.a 30% of residential parking will be unbundled in Block A	N/A	N/A	Prior to FDP approval, details of unbundling to City; to be ensured in selling the units in Parcel A.	Feasibility of additional unbundled parking to be assessed as part of B.4.a below and if deemed feasible, then to be ensured in the selling of the units in Phase 4.	Feasibility of additional unbundled parking to be assessed as part of B.4.a below and if deemed feasible, then to be ensured in the selling of the units in Phase 5.	In Phases 3-5
	B.4.b Explore potential for lease back of designated parking spaces	N/A	Prior to FDP approval, determine feasibility; if determined feasible ensure garage design will accommodate and provide the details of the mechanisms of the lease-back program for review and approval by City staff prior to Certificate of Occupancy.	N/A	Feasibility of assigning ownership of all or some of the parking spaces within the market rate buildings to the HOA, with first priority of use provided to residents, commercial tenants with any unused spaces being available to lease to the general public	Feasibility of assigning ownership of all or some of the parking spaces within the market rate buildings to the HOA, with first priority of use provided to residents, commercial tenants with any unused spaces being available to lease to the general public	If deemed feasible , implement prior to Certificate of Occupancy and on-going through life of project

		Phase 1	Phase 2	Phase 3	Phase 4	Phase 5	Timeframe
Key Strategy	Sub Strategy	BART Garage & Infrastructure	Affordable Housing Component	Market-Rate Housing Phase 1, Block A	Market-Rate Housing, Blocks B or C	Market-Rate Housing, Blocks B or C	On-going or One-Time Item
					to be assessed as part of B.4.a below; if deemed feasible to be implemented prior to Certificate of Occupancy.	to be assessed as part of B.4.a below; if deemed feasible, to be implemented prior to Certificate of Occupancy.	
B.5. Phased Parking Construction	B.5.a In future phases, assess whether parking supply can be reduced before construction	N/A	N/A	N/A	Prior to FDP approval, assess whether parking supply in this phase can be reduced due to lower demand than expected in Phase 3. Opportunities to increase unbundling and/or a lease back program will also be assessed as part of this sub-strategy.	Prior to FDP approval, assess whether parking supply in this phase can be reduced due to lower demand than expected in Phases 3 and 4. . Opportunities to increase unbundling and/or a lease back program will also be assessed as part of this sub-strategy.	In Phase 4 and 5

		Phase 1	Phase 2	Phase 3	Phase 4	Phase 5	Timeframe
Key Strategy	Sub Strategy	BART Garage & Infrastructure	Affordable Housing Component	Market-Rate Housing Phase 1, Block A	Market-Rate Housing, Blocks B or C	Market-Rate Housing, Blocks B or C	On-going or One-Time Item
B.6. Carsharing	B.6.a Maintain and increase number of parking spaces available for car-sharing	The 4 existing carshare spaces will be moved to the BART Garage once in operation	N/A	Prior to Certificate of Occupancy, discuss with carshare operators on potentially moving 2 vehicles to Parcel A and 2 vehicles to Village Drive, with a total potential supply of 8 spaces.	Prior to Certificate of Occupancy, discuss with carshare operators an increase in the number of carshare vehicles.	Prior to Certificate of Occupancy, discuss with carshare operators an increase in the number of carshare vehicles.	On-going discussions with carshare operators on the best locations for up to 8 carshare vehicles
B.7. TDM Marketing Coordination	B.T.a Provide TDM marketing coordination to residents and employees	N/A	Staff will provide move-in packets to new tenants and on-going marketing materials and support for non-vehicular modes of transportation. To be located in the leasing office.	Marketing coordination will take place in the sales/leasing office.	Marketing coordination will take place in the sales/leasing office.	Marketing coordination will take place in the sales/leasing office.	Once the sales office has closed, TDM coordination will be managed by the HOA or leasing offices.
C.1. BART Garage Operations	C.1.a Provide parking spaces to BART patrons	Project Sponsor will ensure a BART patron parking supply of 450 centralized parking spaces and potential sharing of 60 unbundled spaces within the Project	N/A	N/A	N/A	N/A	450 spaces to be provided through the life of the project.

		Phase 1	Phase 2	Phase 3	Phase 4	Phase 5	Timeframe
Key Strategy	Sub Strategy	BART Garage & Infrastructure	Affordable Housing Component	Market-Rate Housing Phase 1, Block A	Market-Rate Housing, Blocks B or C	Market-Rate Housing, Blocks B or C	On-going or One-Time Item
C.4. Wayfinding Signage	C.4.a Improve wayfinding in, and in the vicinity of, the project site	On-going	On-going	On-going	On-going	On-going	On-going

ATTACHMENT I:

FEASIBILITY ANALYSES

Memorandum

To:	Catherine Payne
Cc:	Art May
From:	Joe McCarthy
Date:	October 21, 2010
Project:	MacArthur Transit Village
Subject:	UPDATED Bike Facility Feasibility Study

Introduction

The MacArthur Transit Village's PDP Condition of Approval #15 calls for the developer, MacArthur Transit Community Partners, LLC (MTCP), to perform a feasibility smdy that analyzes the physical and economic impacts of locating a long-term bike parking facility in three potential locations at the MacArthur BART Station and Transit Village. This requirement was also incorporated into the Draft Transportation Demand Management Plan (TDM). The City of Oakland's goals (pursuant to their Bike Master Plan) for bicycle parking at railroad and bus terminals is to provide a combination of short-term and long-term bike parking equal to 5% of the maximum projected ridership for the station.

The study will be reviewed by the City's Transportation Services Division (TSD), Planning and Zoning Division and BART. If the conclusion is that the bicycle facility is feasible, then MTCP would market the appropriate spaces to potential operators or include a facility along with the proposed BART parking garage.

Existing and Proposed Capacity

The MacArthur BART Station saw an increase in bicycle access mode share from 4% in 1999 to 8.2% in 2008, one of the highest in the BART system. There are currently 122 bike spaces located in the BART Plaza adjacent to the fare gates and 35 bike spaces inside the fare gates. Outside the fare gates, 72 spaces are provided in "wave-hke" bike racks and 40 spaces are within bike lockers that are available for a small fee. Inside the fare gates there are 11 bike lockers and 24 spaces provided in the "wave-like" bike racks.

The maximum home base ridership at the MacArthur BART Station in 2010 is approximately 3,850. Based on the City's 5% goal, 192 bike spaces should be provided at the station today. In interviewing BART's stalf regarding their long term goals at the station, BART's staff noted that

the estimated demand in 2030 will grow to 295 bike spaces. BART's preference is to have 70% of those spaces in secured areas (lockers or a bike station) and 30% in open bike racks. in discussing the proposed bike station with BART, they suggested targeting 315 bike spaces an allocation of 200 bike station spaces, 75 bike rack space, and 40 bike locker spaces. For the sake of this analysis, MTCP studied the feasibility of providing 315 spaces, thus a 20 year supply.

Proposed Bike Facility Location

The locations considered for this study are within the BART Plaza, ground floor retail space within the proposed Transit Village development, and the new BART Parking Garage. These three options are analyzed below in terms of access, expansion, security, schedule, and economic. Based on research conducted at other BART Stations, for this study it is assumed a bike station would be approximately 2,000 to 3,000 square feet in size with additional space for room for expansion.

BART Plaza

The BART Plaza is an approximately 1 acre area located directly outside the BART fare gates at the MacArthur BART Station. Located under Highway 24, the Plaza provides direct access to the BART fare gates and the BART Platform. The plaza is also the main waiting area for AC Transit, several shuttle services, taxi service, and kiss and ride. Designed as part of the original plan for the BART station, the plaza is the current location for bike parking.

Access – The proposed location of the bike station would be in the southern portion of the plaza, approximately 100 feet from the fare gates. Cyclists would have convenient access to the 40th Street and Frontage Road bike paths and they would be virtually at the front door of the BART Station.

Expansion – Due to the amount of available space within the BART Plaza, expansion for bike parking could be accommodated by designing the facility to expand in a given direction. Furthermore, adding space for a attended operation can also be included.

Security – The plaza is well lit at night and it will continue to be the most active space in the Transit Village. The bike facility will be completely enclosed with controlled access through smart card technology and the location will be within observarion view to the BART station agents.

Schedule– Assuming funding availabihty, the bike facility could be under construction at the same time MTCP is renovating the BART Plaza in 2011 and it could be completed in early 2012.

Economic – Based on estimates provided by BART staff from the Ashby Station study, a bike station for 199 bikes could cost between $400,000 to $600,000 (capital costs). Depending on marketing assumptions, costs for operating an unstaffed facility could cost between $10,000 to $15,000 per year. Assuming the station is attended 14 hours a day, an attended facility would add an additional $80,000 to $120,000 per year (Downtown Berkeley BART Bikestation:

Economic Analysis for Facility Expansion). In the case of the MacArthur BART station additional space would needed to be added to the Bike facility if any retail component is added to the bike facility. Depending on funding, the BART Plaza location could easily support a staffed or unattended facility especially if there was a bike shop or small retail component to help cover additional operating costs.

Retail Space

The MacArthur Transit Village will include 42,500 square feet of ground floor retail space. It is assumed the location of the bike station would either be located in a retail storefront on the public open space directly across from the BART Plaza or along Village Drive of Parcel A. Parcel A will include a 200 unit building with approximately 20,000 square feet of commercial space.

Drawing from the work of Strategic Economics in their report, "Downtown Berkeley BART Bikestation: Economic Analysis for Facility Expansion," it is assumed the bike station would be co-located along with a complimentary and compatible tenant, like a café, where fixed costs could be shared and the exposure regarding both uses maximized further ensuring long term financial sustainabihty. The estimated size of the space is 3,000 square feet with the bike station encompassing approximately 2,000 square feet.

Access – Located in the retail space east of the BART Plaza and Village Drive, the bike facility would be approximately 300 feet from the BART fare gates. Assuming co-locating along with a complimentary tenant such as a café, the location would have an attendant who could assist in parking and retrieving bikes during store operating hours. The location would still be convenient to the surrounding bike paths; however, bikers would have to travel farther to get to the fair gates.

Expansion – Future expansion in the retail space would be very limited as adjacent retail spaces could be leased. Expansion might require relocation to a location further from the BART Plaza and fair gates.

Security – The bike facihty would be enclosed with controlled access either through an attended/employee or potentially with Smart Card technology after the retail use is closed. The retail space would be well ht and given the amount of retail space and location, the area should be relatively active.

Schedule – Assuming funding availability, the bike facihty would be completed after the proposed mixed-use building is completed. An aggressive schedule for Parcel A would have it competing in 2017. However, based on MTCP's agreement with the Redevelopment Agency, the latest the parcel could be developed would be a 2021 start constmction and completion three years thereafter.

Economic –Locating in the retail space would add costs associated with the tenant improvements and costs associated with monthly rent not required in the other two options. However, the shell would be built by the developer, thus the total capital cost could be lower

than the BART Plaza location. The bike facility would most likely require co-locating with a café or other retail use where the revenue stream from the retail business could help cover costs associated with the attendant/employees costs and the other operating costs.

BART Garage

MTCP is building a replacement parking garage for BART patrons that drive to the station. The garage will include approximately 480 parking stalls and 5,000 square feet of ground floor retail space in a five story structure. The BART Garage will be located at die corner of Frontage Road and W. MacArthur Blvd.

Access – The garage access is approximately 750 feet to the BART fare gates along Frontage Road. BART patrons will also have the option of walking down Internal Street, a residential street. The location of a bike facihty would be on the first level of garage near the pedestrian exit area and would displace approximately six parking stalls. An alternative option would be locating the bike facility in the retail space in the garage. In that scenario the analysis above for the retail space would apply. However, locating the bike facility in the retail space of the garage would require BART patrons to walk over 600 feet to the BART fare gates, the farthest travel distance of the three options.

Expansion – Future expansion in the garage would be challenging. Displacing additional parking stalls would directly impact number of stalls available for BART's driving patrons.

Security – The Bike station would be enclosed with controlled access through Smart Card technology. Access between the Garage and the fare gates would be well lit to BART standards; however activity at the facility would be limited to BART drivers and bikers.

Schedule – Assuming funding availability, the bike station could be completed along with the BART Garage in early 2012.

Economic – In addition to the costs mentioned above for construcdon of the bike station and ongoing operations, locating the bike station in the garage would also require a share of the garage constmction costs. The current constmction estimates for the garage is $40,000 per parking stall. Assuming the Bike station would displace 6 parking stalls, locating the bike station in the garage would cost $240,000 in lost value in the parking garage. In addition, adding an attendant to the bike facility would most likely cost more in the garage where most retail uses would not be viable lo help offset operating costs.

The following tabic highlights the options and key benefits.

	BART Piaza	MTV Retail Area	BART Garage
Access	Superior	Good	Poor
Expansion	Superior	Poor	Poor
Security	Superior	Superior	Moderate
Schedule	Superior	Poor	Superior
Econ. Oper. Costs	Superior	Poor	Moderate
Econ. Cap. Costs	Superior	Good	Poor

As noted above, of the three options identified in the Condition of Approval and TDM Plan, the BART Plaza provides the most direct access, security, and expansion capability and can be constmcted in the first phase of development Locating the Bike station or in the ground floor retail space or the BART garage is not as convenient or as direct for BART patrons riding their bike to the station.

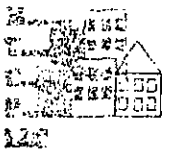
Economic Feasibility

Since the approval of the PDP and DRAFT TDM plan in 2008, BART, through assistance from MTCP and City of Oakland Redevelopment Agency, received a Transportation for Livable Communities (TLC) Federal grant for work in the BART Plaza. The majority of the $625,000 grant was specifically allocated to the constmction of a Bike Facihty in the BART Plaza. Furthermore if the bike facility is located in the garage or BART Plaza, it is assumed the operating costs of an unattended facility would be absorbed by BART. However, currently there are no identified sources of funds for an attended facility.

Conclusion

Of the three options considered, the BART Plaza is the most feasible and best location for the bike facility. Its convenient location provides direct access to the BART fare gates in a secure open setting. The facility can be easily designed now to accommodate future expansion (including an attended station with possible bike repair shop) and the facility can be constmcted in the current phase. In addition, BART's wilhngness to maintain an unattended facility makes locating the bike facihty in the BART Plaza the most feasible.

Walter Hood of Hood Design is currently finalizing a plan for an integrated 315 space bike facility that includes a "caged facility," lockers, and racks. A construction budget for the facihty has not been finalized. The intent is to use the majority of the TLC grant to build as much of the facihty as possible with ihe ability to phase in additional bike spaces as demand increases beyond BART's 2030 needs.



Memorandum

To:	Catherine Payne Kathy Kleinbaum
Cc:	Joe McCarthy
From:	Art May
Date:	October 22, 2010
Project:	MacArthur Transit Village
Subject:	Updated FDP Phase I and PDP's Conditions of Approval #36

The MacArthur Transit Village's PDP Condition of Approval #36 calls for the developer, MacArthur Transit Community Parmers, LLC (MTCP), to perform a feasibility study that analyzes the potential removal of the slip right-turns on northbound and southbound Telegraph Avenue at West MacArthur Boulevard and the provision for street fmniture and widening of sidewalks for street frontages immediately adjacent to the project site (location was not specific). This required feasibihty study would be reviewed by the City Planning Division and Transportation Services Division and if determined as feasible by the City, MTCP would implement the plan.

This condition stems from a recommendation in the traffic study performed pursuant to the project's Environmental Impact Report. The report studied the removal of the shp right-turns on northbound and southbound Telegraph Avenue at West MacArthur Boulevard and found that the removal of the slip right turns would improve pedestrian movement across West MacArthur Boulevard. Thus, this issue concerning feasibility was not from a traffic analysis or physical standpoint, but from a financial and funding viewpoint.

The City of Oakland's Redevelopment Agency (RDA) recently studied and recommended various street improvements along Telegraph Avenue, including the subject intersection. The RDA engaged an engineer to prepare 35% construction plans for the closure of these right turn pockets and the RDA estimated diat the work would cost approximately $639,200. Attached is a copy of the RDA's site plan and their cost estimate.

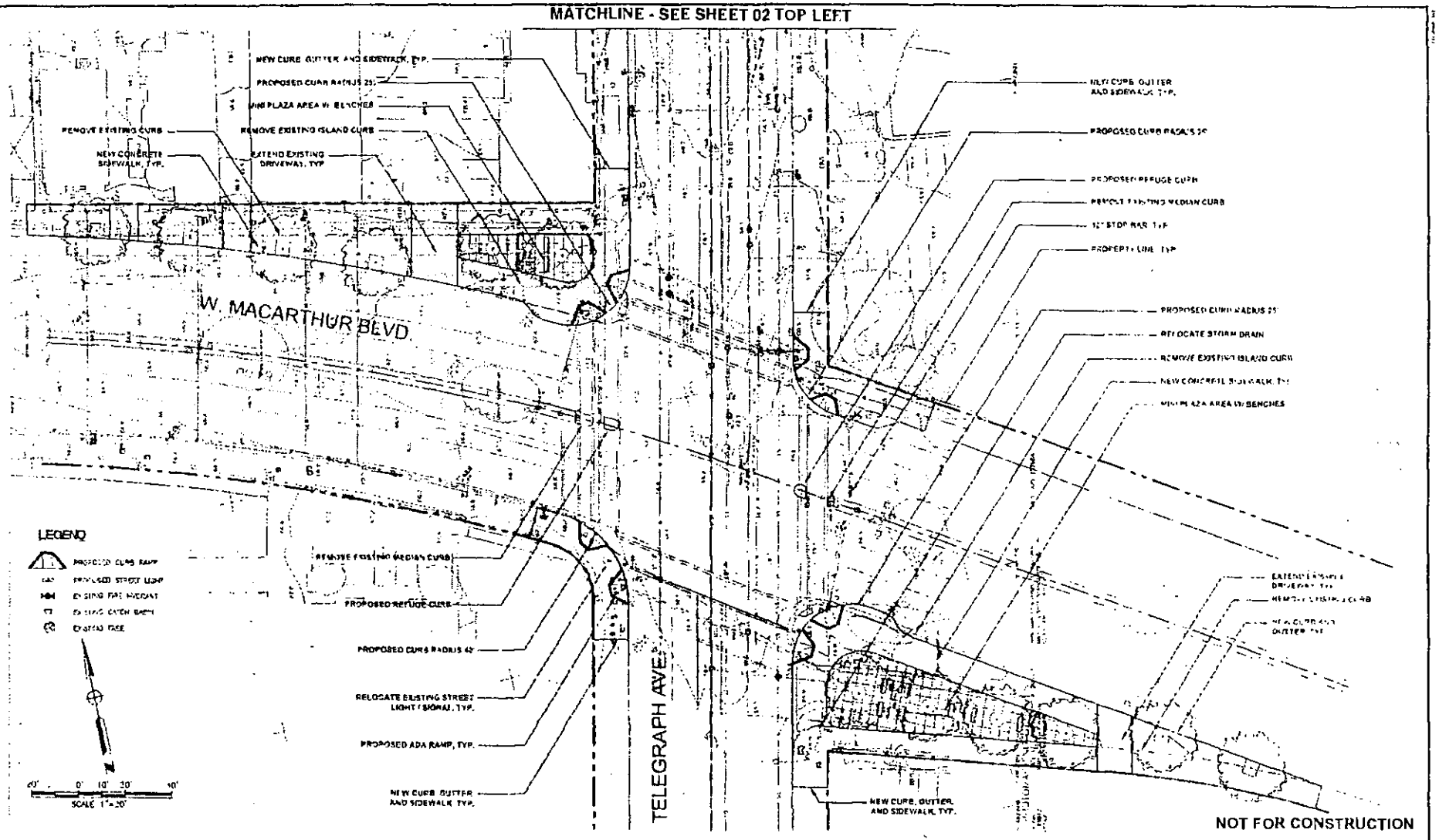
MTCP's engineers also smdied the intersection to determine what requirements were necessary to remove the slip right turn pockets (see attached). They revealed that the biggest obstacle was the need to relocate two existing street signals poles and associated masks since the current poles are within the same location as the required crosswalk ramps. In meeting with the Transportation Services Division (TSD), TDS staff noted that they would not allow relocation of

the existing signal poles due to the poles being obsolete, thus new street signal poles and mask would be required. Furthermore, they noted that the work required to upgrade the signals could vary depending on the condition of the existing underground conduits and controller equipment.

Based on TSD's information and the RDA's preliminary site plans, MTCP prepared a cost estimate for the associated work (see attached). The total came to $696,580; however there are several variables that can affect the cost such as the inclusion of irrigation, or work within the non right turn slip corner.

In terms of funding availability, the RDA submitted a grant proposal earlier this year for their proposed Telegraph Avenue improvements which included the subject intersection; however they were not awarded a grant. The RDA has continued to seek funding sources, but no other grants have been identified. Pursuant to MTCP's Development Agreement with the City, MTCP has committed $1.45 million of the project's Prop 1C award funds for pedestrian improvements along West MacArthur Boulevard from Telegraph Avenue to Martin Luther King Jr. Way. The specific improvements could include lighting, street furniture, improved sidewalks, and new greenspaces.

Given that the removal of the slip right-mms project fits within MTCP's committed West MacArthur Boulevard program, the City and RDA could request MTCP lo allocate approximately half of the West MacArthur Boulevard funds toward the intersection project. Thus, the question to the City and RDA is one more of priority. Should half of the funds be spent on the intersection or should more funds be targeted toward the Highway 24 underpass improvements. The intersection project would be feasible based on the prioritization of MTCP's West MacArthur Boulevard Prop 1C funds.



TELEGRAPH AVENUE STREETSCAPE ENHANCEMENT PROJECT

CITY OF OAKLAND

DESIGN AND CONSTRUCTION SERVICES DEPARTMENT

PROJECT NO. _____

CHECKED BY

DESIGNED BY

DRAWN BY

No.	DATE	BY	REFERENCE

TELEGRAPH AVE. AT MACARTHUR BLVD

SCALE: 1"=20'

SHEET NO

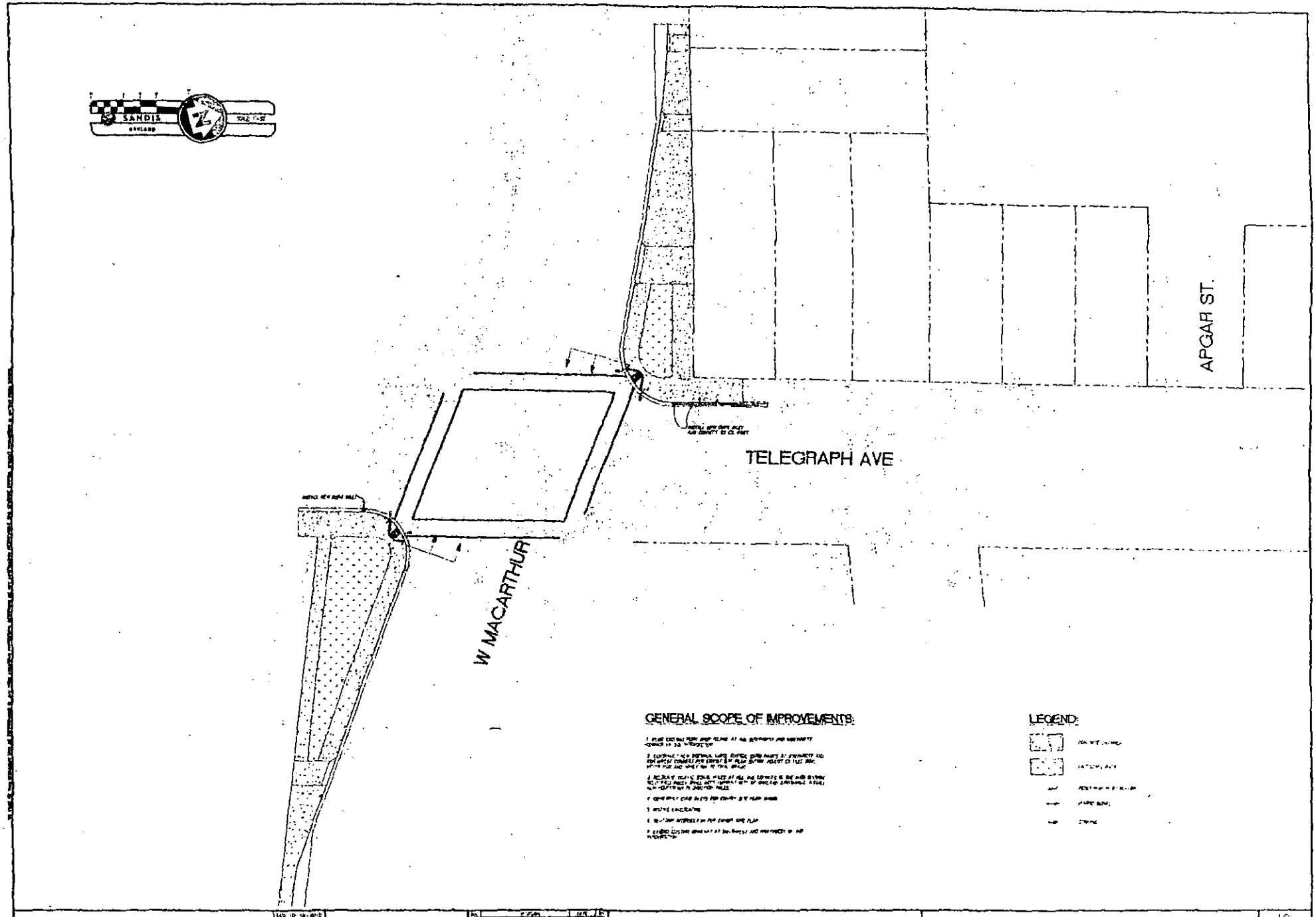
01 OF 05

Telegraph Avenue Improvements - Summary Costs
Preliminary Cost Estimate 35% Plans
Bottomley Design & Planning

19-Apr-10

MacArthur Boulevard Intersection

Item No.	Item Description	Units	Quantity	Unit Price	Amount
1	Demo Existing Conc Sidewalk/AC Roadway	sf	26,000	5.00	$130,000
2	Median/Refuge Curb and Gutter	lf	50	25.00	$1,300
3	Sidewalk/Frontage Curb and Gutter	lf	730	35.00	$25,600
4	Concrete Sidewalk/Refuge Paving	sf	13,000	15.00	$195,000
5	ADA Curb Ramp wAWarning Tiles	ea	8	3,500.00	$28,000
6	Concrete Driveway	ea	4	3,000.00	$12,000
7	AG Roadway Replace/Patching	ton	35	100.00	$3,500
8	Street Oil Seal (for Restriping)	sf	26,000	1.00	$26,000
9	Traffic/Lane Striping and Markings	lf	240	20.00	$4,800
10	Stop Bars	lf	1,600	10.00	$16,000
11	Crosswalk Bars (standard)	lf	660	3.00	$2,000
12	Relocate Traffic Signal/Light Pole	ea	4	20,000.00	$80,000
13	Trash Receptacle	ea	2	2,000.00	$4,000
14	Bench	ea	6	2,500.00	$15,000
15	Street Tree w/ Irrigation	ea	12	2,500.00	$30,000
16	Ptaza Area w/ Paving, etc. (allow)	sf	3,300	20.00	$66,000
		Construction Subtotal			$639,200



GENERAL SCOPE OF IMPROVEMENTS:

LEGEND:

SANDIS

WEST MACATHUR AND TELEGRAPH AVE
MACARTHUR TRANSIT VILLAGE
OAKLAND CALIFORNIA

SITE EXHIBIT - OPTION 1

1

Telegraph and W. MacArthur BLVD Improvements

By: Travis Lee
Date: 9/22/2010
Group: Keystone Development Group

Item #	Item oescription	Units	Quamity	Unit $	Amount
DEMO					
1	Demo (E) Concrete sidewalks	sf	6,975	$3.00	$20,925
2	Remove (E) Median Curb and Gutter	lf	378	$6.00	$2,268
3	Remove Curb and Gutter	lf	545	$6.00	$3,270
4	AC Roadway Removal	sf	8,510	$1.00	$8,510
5	Demo (E) planters	sf	2,025	$3.00	$6,075
6	Remove existing striping	lf	620	$2.50	$1,550
CONSTRUCT					
7	AC roadway replace/patching	sf	1,680	$5.00	$8,400
8	ADA Curb ramps	ea	2	$2,500.00	$5,000
9	Concrete Sidewalks	sf	13,500	$7.50	$101,250
10	Concrete Curb and Gutter	lf	665	$30.00	$19,950
11	Concrete Driveways	sf	900	$10.00	$9,000
12	Traffic lane striping	lf	100	$2.00	$200
13	Crosswalk striping	lf	660	$5.00	$3,300
14	Relocate Storm Drains	ea	1	$5,000.00	$5,000
MISC.					
15	Furnish and Install Traffic Lights	ea	2	$50,000.00	$100,000
16	Tree Well Grates	ea	12	$500.00	$6,000
17	New City Street Lights	ea	6	$10,000.00	$60,000
18	Street Trees	ea	12	$450.00	$5,400
19	Landscaping and/or surface	sf	2,500	$15.00	$37,500
OPTIONS					
20	Benches	ea	8	$750.00	$6,000
21	Trash/Recycle Receptacles	ea	4	$250.00	$1,000
Subtotal					$410,598
	GC General Conditions	10%			$41,060
	GC Bond & Insurance	2%			$8,212
	GC Fee	5%			$20,530
GC Total					$480,400
	Contingency	20%			$96,080
	Design & Engineering	15%			$72,060
	Permit & Inspections	5%			$24,020
	Design & Construction Mgt.	5%			$24,020
Total Budget					$696,580

ATTACHMENT F:

CEQA MEMO

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

MEMORANDUM

DATE: OCTOBER 25, 2010

TO:
Catherine Payne
Planner III
CEDA Planning and Zoning Division

FROM:
Lynette Dias, AiCP
Principal

RE: CEQA Compliance for MacArthur BART Transit Village Phase I FDP and Phase I Vesting Tentative Map

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 Phase I (Phase 1 FDP), the parking structure, and a Vesting Tentative Map (VTM) for a portion of the site. The key purpose of this review is to determine whether the environmental effects of the Phase 1 FDP and VTM are adequately analyzed in the 2008 Certified Environmental Impact Report (EIR) prepared for the project. As described below, each of these approvals were 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 memorandum comprises adequate environmental documentation of the proposed Phase 1 FDP and VTM.

The discussion below summarizes the following items: (1) overview of project approvals and environmental review; (2) relationship of the proposed Phase 1 FDP and VTM with the approved Preliminary PUD/PDP and the project analyzed in the EIR; and (3) findings that the FDP and VTM fall within the scope of the EIR and do not trigger the conditions described in CEQA Guidelines Section 15162 calling for preparation of a 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. 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 Development Agreement and Preliminary PUD/PDP, which were both considered in the EIR, anticipate that the City will timely consider and possibly grant additional future approvals, including, without limitation, Final PUD (FDP) permits for each of the Project Phases, a vesting tentative map, final design review, tree removal, and conditional use permits.

Relationship of Phase I FDP and VTM to approved Preliminary PUD/PDP and certified EIR

The Phase 1 FDP and VTM applications dated October 26, 2010 have been reviewed and found to be in substantial conformance with: (1) the project evaluated in the EIR, (2) the approved Preliminary PUD/PDP and its Conditions of Approval, and (3) the terms of the Development Agreement. 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

The attached Substantial Conformance with the PDP Approval Memo, dated October 26, 2010, regarding the Phase I FDP 's and the VTM's substantial conformance with the existing Preliminary PUD/PDP approval, details the clarifying and implementing project refinements that have been incorporated into the Phase I FDP and VTM submittal.

The analysis concludes that in all fundamental respects the project approved in the Preliminary PUD/PDP remains the same. The memo 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; no change in the project site; and no change in project phasing. The changes related to the BART garage and the site plan adjustments and refinements resulting from the larger garage (e.g., parcel adjustment, realignment of Internal Street) are related to implementation of the terms of the Draft TDMP included in the Preliminary PUD/PDP approval. The changes related to widening the streets and the resulting removal of the street parking on Internal Street are related to requirements imposed by City departments. The realignment of Village Drive is not precluded by any specific COA or Design Guideline. Additionally, none of the changes would violate the Development Agreement. The memo further concludes that the facts described in the memo and summarized above support a finding by the

City that the Phase I FDP and VTM, including the refinements summarized above and described in the attached memo, substantially conform to the Preliminary PUD/PDP and no Preliminary PUD/PDP amendment is required.

Relafionship to EIR

The Phase I FDP and VTM are within the scope of the project evaluated in the EIR and would not trigger any new significant or significantly greater 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; 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 and subdivision maps were contemplated in the EIR (See Draft EIR, pages 72-74) to implement the Preliminary PUD/PDP.

The currently proposed development would provide up to 675 multi-family residential units, 42,500 square feet of commercial space and a 483 space parking garage. Key project refinements that are reflected in the Phase I FDP and VTM and described in the Preliminary PUD/PDP conformance memo include:

- BART Garage - increasing the parking capacity of the BART garage and associated site plan changes
- Internal Street - shifting alignment 40 feet to west, widening to street from 20 feet to 26 feet, eliminating on-street parking, widening pedestrian walkway, and adding an EVA comection to West MacArthur Boulevard
- Reaiigning Village Drive to line up with 39th Street

Fehr & Peers evaluated each of these transportation related refinements and confirmed that the refinements would not cause new significant impacts or a substantial increase in the severity of previously identified impacts, and the mitigation measures proposed in the EIR would continue to be valid (see Fehr & Peers Memo date October 8, 2010). The proposed changes would also not trigger any impact changes within the other environmental topics evaluated in the EIR.

Conclusion

As discussed above, the proposed Phase I FDP and VTM applications were considered in the EIR as they are in conformance with the approved Preliminary PUD/PDP. The refinements incorporated into the applications 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 significant impacts (or require new or significantiy 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 implement the Conditions of Approval of the Preliminary PUD/PDP as discussed in die Preliminary PUD/PDP substantial conformance memo and Traffic Memo. These changes 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 idenfified 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 idenfified in the 2008 EIR). Existing regulafions (including City General Plan policies and ordinances in the Mimicipal 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-significant levels.

FEHR & PEERS
TRANSPORTATION CONSULTANTS

MEMORANDUM

Date: October 8, 2010

To: Catherine Payne, City of Oakland

From: Sam Tabibnia

Subject: MacArthur Transit Village Project – Comparison of the Current Development Plan and the Certified EIR

WC10-2717

Fehr & Peers has reviewed the latest site plan for the proposed MacArthur Transit Village dated June 30, 2010. Several elements in the most recent development plan have been modified since the MacArthur Transit Village Draft EIR (January 2008) was certified to implement various conditions of approval, mitigation measures, and City imposed requirements. Fehr & Peers completed a new analysis to determine if the proposed modifications could result in new significant impacts, or a substantial increase in the severity of previously identified impacts, and if the mitigation measures recommended in the EIR would continue to be valid.

The proposed Final Development Plan (FDP) would provide up to the same amount of residential units, and the same commercial space for the Transit Village as analyzed in the certified EIR. Access for the Transit Village and the BART Station would continue to be provided by Village Drive from both Telegraph Avenue and 40th Street. Access for the BART Garage would continue to be provided through Frontage Road at MacArthur Boulevard.

Although the overall project has not changed considerably, Fehr & Peers evaluated the potential impacts of the following project modifications on access and circulation for automobiles, buses, bicycles, pedestrians, and emergency vehicles:

- Realignment of intersection of Village Drive on Telegraph Avenue about 60 feet to the north.
- Increase in the number of parking spaces in the BART Garage from 300 spaces to about 483 spaces.
- Widening of the pedestrian path between Internal Street and West MacArthur Boulevard, which also accommodates emergency vehicle access.
- Removal of 18 on-street parking spaces on Internal Street

Based on our analysis, the proposed modifications would not change the conclusions of the EIR. The proposed modifications would not cause new significant impacts, or a substantial increase in the severity of previously identified impact, and the mitigation measures proposed in the EIR would continue to be valid.

The rest of this memorandum describes the evaluation of the modifications listed above.

PROJECT DESCRIPTION

The MacArthur Transit Village project analyzed in the certified EIR consisted of 675 multi-family residential units and 49,000 square feet of commercial space. The currently proposed development would provide up to 675 multi-family residential units and 42,500 square feet of commercial space. The proposed development is estimated to generate fewer automobile trips and is expected to result in fewer significant impacts or reduce the magnitude of off-site traffic impacts identified in the EIR.

Similar to the project analyzed in the certified EIR, access for the Transit Village and the BART Station would continue to be provided by Village Drive from both Telegraph Avenue and 40th Street. Access for the BART Garage would continue to be provided through Frontage Road at MacArthur Boulevard. Thus, the proposed development would not modify access for automobiles, bicycles, pedestrians, buses, and emergency vehicles accessing the site. Therefore, the proposed development would not cause any additional Impacts than identified in the EIR; the mitigation measures recommended in the EIR would continue to be valid.

REALIGNMENT OF VILLAGE DRIVE

In comparison to the EIR analysis, the latest design plans for the project would realign the intersection of Village Drive on Telegraph Avenue about 60 feet to the north, closer to the Telegraph Avenue/40th Street intersection. Fehr & Peers analyzed traffic operations, including Intersection delay and Level of Service (LOS), at the two intersections most directly affected by the proposed realignment: Telegraph Avenue/40th Street and Telegraph Avenue/Village Drive.

Table 1 summarizes intersection delay and LOS at these two intersections under the scenarios studied In the EIR for both the EIR analysis and the new analysis with Village Drive realigned about 60 feet north. The Synchro traffic analysis files previously developed for the EIR were modified by moving the Telegraph Avenue/Village Drive Intersection north by 60 feet. The analysis was completed for AM and PM peak hours under Existing Plus Project, Cumulative Year 2015 Baseline Plus Project, and Cumulative Year 2030 Baseline Plus Project conditions.

As shown in Table 1, both intersections would continue to operate at the same LOS with a slight increase in overall intersection delay if Village Drive is realigned north by 60 feet. The EIR identified a significant impact at the Telegraph Avenue/40th Street intersection (Impact TRANS-6) under Cumulative Year 2030 Baseline Plus Project conditions. Mitigation Measure TRANS-6, consisting of providing protected/permitted left-turn phasing on the eastbound and westbound 40th Street approaches, changing signal cycle lengths, and optimizing signal timing at the intersection, would mitigate the impact to a less-than-significant level. As shown in Table 1, this impact would continue to be significant if Village Drive is moved and the proposed mitigation measure would continue to mitigate the impacL

TABLE 1
INTERSECTION LOS SUMMARY

Scenario	Peak Hour	EIR Analysis[1]				Village Drive Realigned[2]			
		Telegraph Ave. / 40th St.		Telegraph Ave. / Village Drive		Telegraph Ave. / 40th St.		Telegraph Ave. / Village Drive	
		Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
Existing Plus Project	AM	18.9	B	15.7	B	18.9	B	16.2	B
	PM	25.7	C	8.1	A	25.7	C	8.1	A
Cumulative Year 2015 Baseline Plus Project	AM	26.4	C	10.1	B	26.3	C	14.1	B
	PM	42.3	D	17.2	B	42.0	D	17.6	B
Cumulative Year 2030 Baseline Plus Project	AM	**82.8**	**F**	15.5	B	**82.5**	**F**	16.1	B
	PM	**90.5**	**F**	16.8	B	**90.9**	**F**	17.1	B
Cumulative Year 2030 Baseline Plus Project Mitigated	AM	54.5	D	9.3	A	54.6	D	9.4	A
	PM	53.5	D	8.3	A	53.4	D	8.2	A

Notes: Bold values denote significant impacts.
1: Based on *MacArthur Transit Village Project Draft Environmental Impact Report*, January 2008.
2. Village Drive moved north by 60 feet. All other analysis parameters same as the EIR analysis.
Source: Fehr & Peers, 2008 and 2010.

Based on our analysis, the proposed realignment of Village Drive would not cause any new impacts, or a substantial increase in the severity of previously identified impacts, at the two studied intersections. The previously identified impact at Telegraph Avenue/40th Street intersection would continue to be significant and the mitigation measure identified in the EIR would continue to mitigate the impact. Thus, the proposed changes would remain consistent with the findings of the certified project EIR.

INCREASE IN THE NUMBER OF PARKING SPACES IN THE BART GARAGE

The current MacArthur BART Station parking lot provides 618 parking spaces. The project as analyzed in the EIR would have reduced the number of parking spaces to about 300 spaces. Although the project would have reduced the number of parking spaces available for BART riders by 318 spaces, the traffic impact analysis conservatively assumed that the BART parking garage would continue to generate the same amount of AM and PM peak hour vehicle trips as existing conditions in order to present a "worst case" analysis (Draft EIR pages 172 and 173). However, all BART generated trips were reassigned to the new garage to account for the existing BART parking lot driveways that would be eliminated.

The current FDP would increase the number of parking spaces in the BART garage to 483 spaces (including 33 spaces dedicated to non-BART uses). The BART garage would continue to provide fewer spaces than current conditions. Thus, the EIR analysis and findings, which were based on the current number of parking spaces for BART riders, would continue to be valid, and

the proposed modifications would not cause new significant impacts or a substantial increase in the severity of the previously identified impacts.

WIDENING OF PEDESTRIAN PATH BETWEEN INTERNAL STREET AND WEST MACARTHUR BOULEVARD

Internal Street would remain a cul-de-sac. Due to the redesign of the BART Garage, the current FDP would widen the pedestrian path connecting Internal Street and West MacArthur Boulevard to 26 feet. This would allow the pedestrian path to also serve as emergency vehicle access. Movable bollard would limit vehicular access on the pedestrian path.

The proposed pedestrian path widening would Improve pedestrian connection to the south and enhance emergency access for the project. It would not cause any new Impacts, or a substantial increase in the severity of previously Identified impacts,

REMOVAL OF ON-STREET PARKING ON INTERNAL STREET

The EIR analysis assumed that Village Drive and Internal Street combined would provide up to 45 on-street parking spaces. These spaces would primarily be used by shoppers for the commercial component of the project and visitors to the residential component of the project. The current FDP proposes to remove 18 on-street parking spaces on Internal Street to provide adequate width to accommodate the Fire Services Department requirements. However, The redesigned BART garage would provide 33 spaces dedicated for non-BART uses which would replace the 18 parking spaces removed on Internal Street. Thus, the current FDP would result in 15 additional short-tenn parking spaces.

Although the EIR analyzed paridng as a non-CEQA issue, it identified parking deficit for short term parkers (i.e., visitor and guest parking). The current FDP would provide more short-term parking spaces than the project analyzed for the EIR. However, the project would continue to have a deficit for short-term parking. Although the magnitude of the deficit would be reduced.

CONCLUSIONS

Based on our evaluation as documented above, the proposed modifications would not change the conclusions of the EIR. The proposed modifications would not cause new impacts, or a substantial increase in the severity of previously identified impacts, and the mitigation measures proposed in the EIR would continue to be valid.

Please contact us with questions or comments.

ATTACHMENT G:

CONFORMANCE MEMO

Memorandum

To:	Catherine Payne, CEDA – Planning
Cc:	Deborah Castles, MTCP Lynette Dias, Urban Planning Partners Kathy Kleinbaum, CEDA – Redevelopment Terry McGrath, MTCP Cynthia Parker, MTCP Maria Pracher, Sheppard Mullin
From:	Art May, MTCP
Date:	October 26, 2010
Project:	MacArthur Transit Village Project Phase I FDP and Vesting Tentative Tract Map
Subject:	Substantial Conformance with the PDP Approval

Pursuant to our meeting on June 30, 2010, we prepared this memorandum to summarize the proposed MacArthur Transit Village Phase I FDP's and Vesting Tentative Tract Map's (VTTM) substantial conformance with the existing PDP approval.

1. Planning Code Requirements for Final Development Plan Approval

Oakland Planning Code section 17.140.040 (Submission of final development plan) requires that the "final development plan shall conform in all major respects with the approved development plan." This standard is incorporated into the PDP Condition of Approval (COA) No. 25, which provides that each stage of the FDP shall conform in all major respects with the approved Preliminary Development Plan received by the Planning Division on May 28, 2008."

Oakland City Planning Code section 17.140.060 (Final Planning Commission action) provides in part:

> Upon receipt of the final development plan, the City Planning Commission shall examine such plan and determine whether it conforms to all applicable criteria and standards and whether it conforms in all substantial respects to the previously approved prehminary development plan, or in the case of the design and arrangement of those portions of the plan shown in

generalized schematic fashion, whether it conforms to applicable design review criteria.

2. Project Refinements

a. BART Garage and Associated Site Plan Changes

The FDP Proposal: The PDP plans proposed by MacArthur Transit Community Partners (MTCP) included a 300 space BART replacement parking garage. The FDP for the BART garage includes 483 parking stalls, with 450 of these stalls dedicated to BART patrons and the remainder (33 spaces) available for retail and other short-term parking. The garage footprint shown in the PDP could not effectively accommodate this increase in spaces. To accommodate the larger garage footprint, the garage structure has been rotated 90 degrees. This change resulted in two other changes to the PDP site plan which are reflected on the VTTM: (1) the affordable project (Parcel D) has been moved from adjacent to the BART garage to the opposite side of Internal Street to fit within the PDP's approved height and bulk conditions, and (2) the market rate parcel lines, parcel sizes, and individual parcel unit counts have been adjusted to accommodate the garage shift while maintaining the overall unit count included in the PDP. (See Attachment A, PDP site plan; Attachment B proposed FDP site plan; Attachment C, proposed VTTM plan, and Attachment D, Unit Count Summary.)

Reason for Change from PDP: The increase in parking spaces in the garage resulted from implementation of the provisions in the Draft Transportation Demand Management Plan (TDMP), which required MTCP to increase the BART garage from 300 to "at least" 400 stalls plus provide an additional 50 spaces in another location. With the changes described above, 150 additional BART parking spaces can be accommodated in the BART garage. Providing 50 additional spaces in the garage instead of at an off-site location will make these spaces more easily available to BART patrons and increase the efficiency of operating and maintaining the required BART parking spaces.

Applicable COA: COA No. 34, with respect to the number of spaces in the BART garage, states: "The BART parking structure shall include a minimum of 300 parking spaces." The condition prescribes the minimum number of spaces, but does not preclude additional spaces, particularly in light of the provisions in the Draft TDMP calling for more spaces to accommodate the displaced BART spaces. The Draft TDMP was included as part of the PDP approval documents and was referenced in COA No. 22. Thus, this change is consistent with Condition No. 34. The COAs do not preclude the parcel adjustments or moving the affordable housing project to the opposite side of Internal Drive.

TDMP Provision: The Draft TDMP, Section C "Parking Strategies not required by CEQA" includes four strategies for increasing the number of spaces available to BART patrons above the 300 spaces proposed in the PDP. Two of these strategies are addressed by this change. (Two other strategies involve the availability of parking in later phases and are not addressed in the Phase I FDP.) The first strategy calls for adding "at least 100 permanent parking spaces through the combination of added levels of parking and attendant parking in the BART garage." (Draft TDMP, p.9) The second

strategy calls for providing 50 temporary spaces at off-site locations within ¼ mile of the site with a lease term for a maximum of 5 years. (Draft TDMP, p.9) The final BART garage will accommodate all 150 additional parking spaces. Given that the Draft TDMP calls for 150 additional spaces and calls for "at least" 100 of these spaces in the garage, the FDP conforms with these requirements. Changing 50 spaces from temporary off-site spaces to permanent on-site spaces substantially conforms with the Draft TDMP in that the 50 spaces will be provided and will be located to conveniently accommodate BART patrons.

Design Guidelines: No Design Guidelines directly apply to these changes and these changes would not interfere with the Project's overall ability to comply with the Design Guidelines.

Development Agreement: By maintaining the overall unit count in the Project, this is consistent with the DA provision 3.4 (i) regarding the minimum density of 106 units per net acre.

b. Adjustment of Internal Street, Widening of Pedestrian Walkway, and Addition of an EVA Connection to W. MacArthur

The FDP and VTTM Proposal: The parcel adjustments made in connection with the changes described above for the BART garage resulted in an approximately 40 foot shift of Internal Street to the west in order to line up this street with the rotated setting of the BART garage. This change allows widening of the planned pedestrian connection from Internal Street to W. MacArthur Boulevard and allows this connection to also serve as an EVA lane.

Reason for Change from the PDP: The change in the alignment of Internal Street results from the adjustment of the parcels associated with the BART garage changes described above. The revised alignment of Internal Street creates direct access to W. MacArthur Boulevard from Internal Street, which provides the opportunity to widen the pedestrian walkway and add an EVA connection.

Applicable COA: No COA directly applies to these changes.

Design Guidelines: These changes would conform with and promote the following Design Guidelines:

Transit Village Guiding Principles

2.1. Reconstruct the neighborhood scale urban fabric between 40th Street, Telegraph Avenue and West MacArthur Boulevard to seamlessly reconnect the BART area ta surrounding neighborhood

The direct pedestrian connection between Internal Street and W. MacArthur enhances the Project's connection with the surrounding neighborhood.

Site Planning

Guideline S1: Integrate new streets and buildings into the surrounding neighborhood.

Guideline S2: Site convenient pedestrian routes that minimize pedestrian conflict with vehicles.

Guideline S6: Locate BART parking structure away from core locations to encourage pedestrian movement through the site. Multiple access points should direct people through key areas that have an active street front such as stoops, plazas, and commercial storefronts.

The wider pedestrian connection will better integrate the new development with the surrounding neighborhood and provide a convenient pedestrian route through Internal Street to an active, central residential area of the site. By limiting vehicle use of this connection to EVA with movable bollards located near W. MacArthur, potential conflicts with pedestrians will be minimized.

Development Agreement: The Development Agreement provisions do not address this street alignment.

c. Realignment of Village Drive

The FDP and VTTM Proposal: The alignment of Village Drive has been adjusted so that it lines up with 39th Street.

Reason for Change from the PDP: This adjustment allows the Project to move forward expeditiously and meet the Proposition 1C deadline for the expenditure of funds associated with the infrastructure (construction must be completed by the end of 2011) without acquisition of the Surgery Center parcel, which is not imminent and would otherwise significantly delay the infrastructure construction schedule. This change also allows the Project to comply with the phasing schedule included in the COA (No. 2) and the Development Agreement.

Applicable COA: No COA directly applies to this change.

Design Guidelines: The introduction to the Architectural Design Guidelines for Village Drive states:

"Village Drive is the primary public street within the Transit Village. The street is angled from Telegraph Avenue to the BART plaza to provide a strong visual connection to the station, as well as the Beebe Memorial Church, a significant historic neighbor to the Transit Village."

Although this introductory language describes the PDP proposal, no specific Design Guideline addresses the alignment of Village Drive. The adjusted alignment will continue to provide a visual connection from Telegraph Avenue to the BART plaza intermodal area, but the street will not be aligned with the Church. Because alignment

with the Church is not required by a specific Design Guideline, this change would not violate the Design Guidelines.

Development Agreement: The Development Agreement provisions do not address this street alignment. Proceeding with the Phase 1 FDP and VTTM without the Surgery Center property allows the Project to meet the deadlines for processing the FDP and commencement of construction under Section 3.3.3, Phasing Plan[1].

d. Street Widening

The FDP and VTTM Proposal: The PDP approval allows some portions of Internal Street and Frontage Road to be 20-feet wide and other portions are required to be 26-feet wide fire staging areas. In the FDP and VTTM plans, Internal Street will be 26 feet wide from Village Drive to the EVA lane adjacent to Parcel E. The combined pedestrian/EVA lane portion of Internal Street will also be 26 feet wide to W. MacArthur Blvd. Frontage Road will be a minimum of 26 feet wide from W. MacArthur Blvd to 40th Street.

Reason for Change from the PDP: In reviewing the FDP and VTTM plans, Oakland Building Services and the Fire Services Division have required a 26-foot clear path along a minimum of two sides of each proposed building.

Applicable COA: COA No. 17(d) provides that the Fire Services Division will review and approve fire crew and apparatus access to the site. COA No. 23 includes requirements for accommodating the intent of the 2008 fire code provisions for increased right-of-way. This condition resulted from the Project Sponsor's desire to have narrower streets than normally allowed by the Fire Services Division. COA No. 23 reflects the compromise reached: (1) Village Drive was required to have a 26-foot wide right of way; (2) Internal Street was required to have a two 26-foot wide staging areas in the right-of-way, each with a minimum length of 30 feet, and the remaining right-of- way was allowed to be 20 feet wide along with other requirements intended to address fire access along this street; (3) Frontage Road was required to have one 26-foot wide staging area, with a minimum length of 30 feet, and the remaining right of way was allowed to "remain the same" (with no width specified, but presumably as scaled on the PDP plans as 20 feet wide) along with other requirements intended to address fire access along this road.

Although COA No. 23 allows a portion of Internal Street and Frontage Road to be 20 feet wide, a portion of each street was required to be 26 feet wide. Additionally, COA No. 17(d) requires that the Fire Services Division approve access to the site. Given that COA No. 23 anticipated that portions of these streets would be 26 feet minimum width, that the ultimate street width is subject to the requirements for access established by the Fire Services Division, and that the change in street width is not substantial form an urban design perspective, the FDP substantially conforms to the PDP.

[1] 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 circumstance does not preclude development of Phase I as the site development does no effect the Surgery Center parcel.

Design Guidelines:

Public Services

Guideline PS-4: Provide as narrow street widths as possible. The width of streets within the project depends heavily on issues relating to public safety, transit requirements and vehicular access. Given these constraints, streets should be as narrow as possible to create an intimate enclosed environment for pedestrians.

Although these streets have been widened from 20 to 26 feet, this revision resulted from the requirements of the Fire Services Department. At 26 feet in width, the streets continue to contribute to an intimate enclosed environment for pedestrians, particularly given that on-street parking along Internal Street will be removed from the plan as described below.

Development Agreement: The Development Agreement provisions do not address this street alignment.

e. Removal of Parking on Internal Street

The FDP and VTTM Proposal: The on-strect parking planned for Internal Street has been removed. The 18 displaced street parking spaces have been accommodated in the BART garage (included within the 33 non-BART dedicated stalls).

Reason for Change from the PDP: To accommodate the City's requirement to widen Internal Street, street parking on one side of the street had to be removed from the plan. In order to widen the pedestrian sidewalks along Internal Street, the street parking on the other side of the street was removed from the plan.

Applicable COA: See discussion above regarding COA No. 23.

Design Guidelines: The introduction to the Architectural Design Guidelines for Internal Street states:

> *The Dutch model of streets that are shared between active recreational, residential, public uses and vehicles – the Woonerf- provides inspiration for this street. It is o private neighborhood street that mainly provides parking access for residents with limited on-street parking for residents and guests. This street is more a plaza than a street and shoidd provide semi-private gathering space for Transit Village residents that is away from the main traffic and activity of the commercial and transit areas.*

Public Space Improvements

Guideline PS-2: This Guideline provides that sidewalk dimensions should be "wide enough to accommodate active pedestrian traffic activity" and other pedestrian

amenities. The Guidelines specify that minimum sidewalk widths for Internal Street is 7 feet on the west side and 5 feet on the east side.

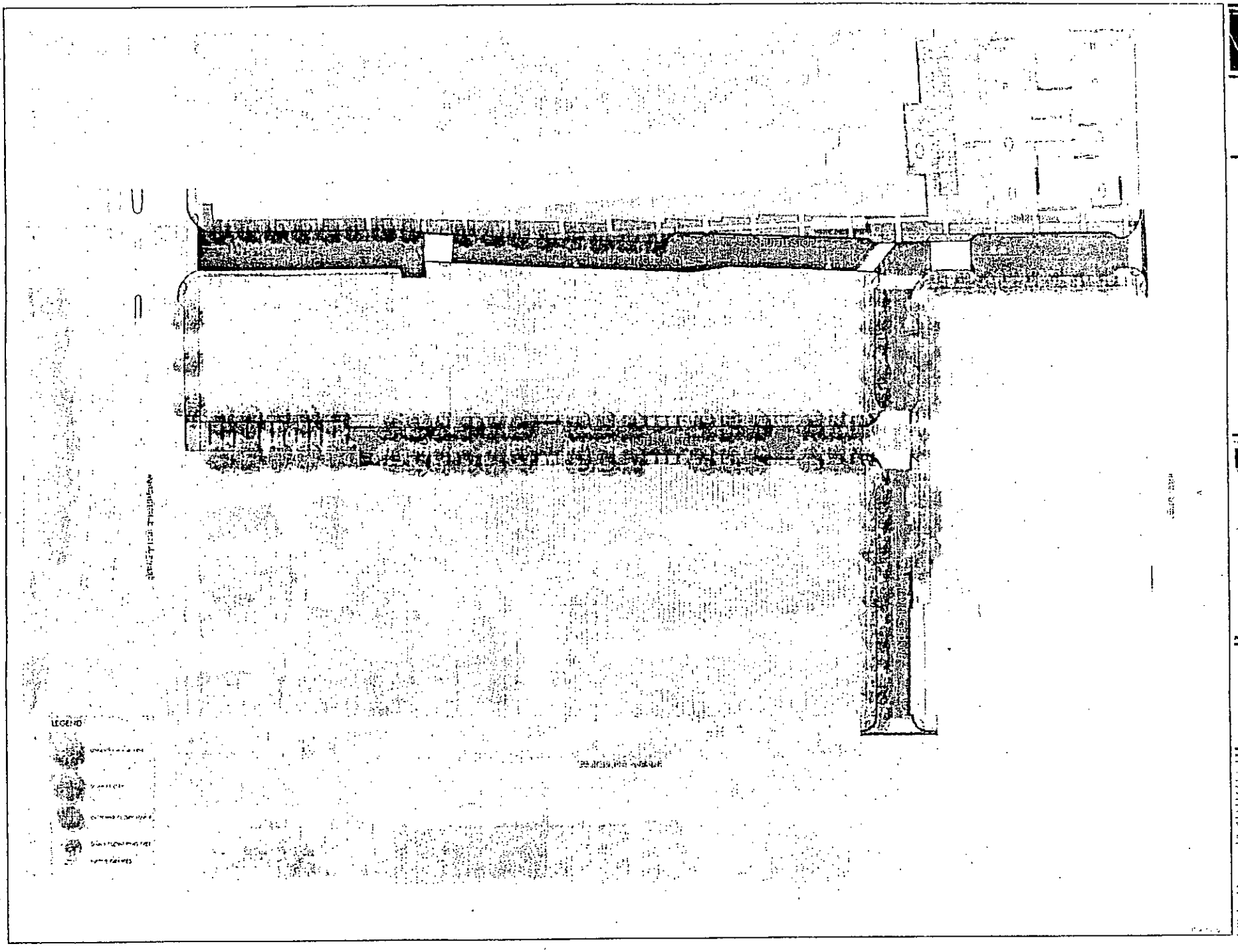
The sidewalks proposed in the FDP and VTTM along Internal Street will be 10 feet wide and will conform with the Design Guidelines.

Development Agreement: The Development Agreement provisions do not address this street alignment.

3. Conclusion

Although the FDP and VTTM proposes the above described clarifying and complementing revisions to the PDP, in all fundamental respects the Project approved in the PDP 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 phasing. The changes related to the BART garage and the site plan adjustments and refinements resulting from the larger garage (e.g., parcel adjustment, realignment of Internal Street) are related to implementation of the terms of the Draft TDMP included in the PDP approval. The changes related to widening the streets and the resulting removal of the street parking on Internal Street are related to requirements imposed by City departments. The realignment of Village Drive is not precluded by any specific COA or Design Guideline. Additionally, none of the changes would violate the Development Agreement. Consequently, these facts support a finding by the City that the proposed FDP for Phase I, including the changes and refinements described above, substantially conforms with the PDP and no PDP amendment is required.

Attachment A



LOWNEY ARCHITECTURE

MACARTHUR TRANSIT VILLAGE - STAGE 1 FINAL DEVELOPMENT PLAN

Oakland, California

ILLUSTRATIVE PLAN

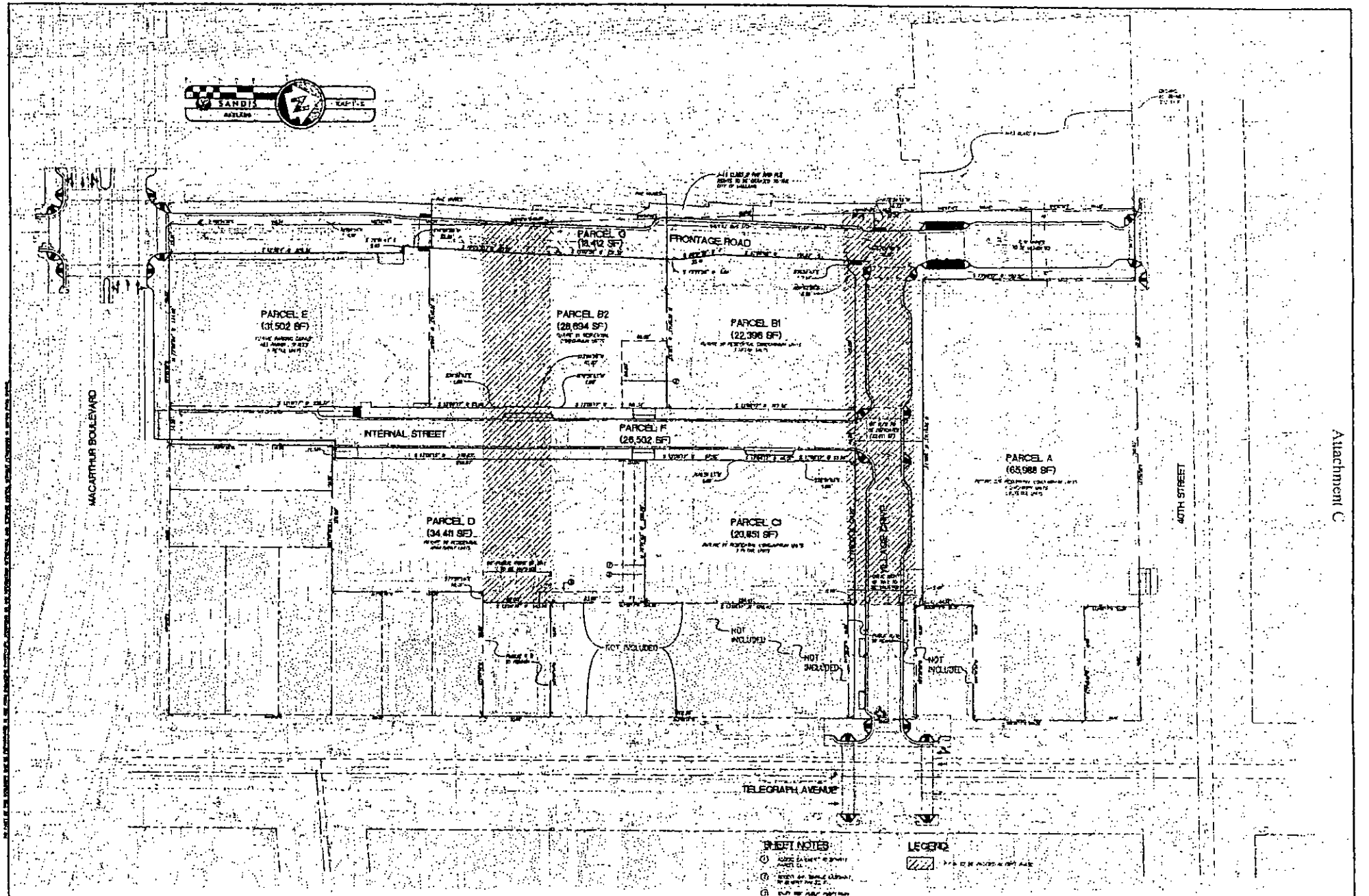
PGA design

T 510 465 1284
F 510 465 1356

NOT FOR CONSTRUCTION

L-1.0

Attachment B



Attachment C

Attachment D

MacArthur Transit Village

Final Development Plan - Phase I

October 7, 2010

	PDP	FDP
Parcel A		
Residential Units	213	205
Retail / Commercial SF	23,500	24,000
Residential Parking Stalls	213	205
Retail / Commercial Parking	31	31
Parcel B-1		
Residential Units	132	80
Retail / Commercial SF	5,000	3,000
Parking Stalls	134	80
Parcel B-2		
Residential Units	0	71
Retail / Commercial SF	0	0
Parking Stalls	0	71
Parcel C-1		
Residential Units	189	87
Retail / Commercial SF	9,000	3,000
Community Center	5,000	0
Parking Stalls	189	87
Parcel C-2		
Residential Units	0	91
Retail / Commercial SF	0	7,300
Community Center	0	5,000
Parking Stalls	0	91
Parcel D		
Residential Units	90	90
Retail / Commercial SF	0	0
Parking Stalls	91	90
Parcel E (BART Garage)		
Residential Units	0	0
Retail / Commercial SF	5,000	5,200
Dedicated BART Parking Stalls	300	450
Retail / Guest Parking Stalls	0	30
Other		
On-Site Street Parking Stalls	44	26
Off-Site/Other BART Parking Stalls	150	0
Unbundled Parking - Available to BART	60	60
Street Widths (feet)		
Village Drive	26	26
Frontage Road	20	26
Internal Street	20	26
Internal Street EVA	NA	26
Total Residential	624	624
Included Affordable Units	108	108
Total Retail / Commercial SF	42,500	42,500
Total Community Center SF	5,000	5,000
Total Parking Stalls	1,152	1,161
Total BART Parking (excluding unbundled)	450	450

ATTACHMENT H:

PROPOSED FINAL TDM

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MEMORANDUM

To: Catherine Payne

From: Jessica ter Schure and Phil Olmstead

Date: October 26, 2010

Subject: MacArthur Transit Village – Final Transportation Demand Management Plan

I. INTRODUCTION

A. Project Description

MacArthur Transit Community Partnership, LLC ("developer") has proposed to develop the MacArthur Transit Village project on the parking lot of the MacArthur BART Station and seven surrounding parcels in the City of Oakland. The project will include the following key components:

- Residential Units: Current plan is for 624 units total (516 market rate units; 108 affordable). However, the conditions of approval do allow for up to 675 units.
- Retail Space: Approximately 42,500 sq. ft.
- Child Care facility or Community Center: 5,000 sq. ft.
- BART Parking: 450 parking spaces included in a new parking garage.
- Structured Parking: Residential: Up to 624 parking spaces (1 space per unit) in 4 separate buildings; non-Residential: up to 31 spaces in Block A and 33 spaces in Block E (BART Garage).
- On-site Street Parking: A minimum of 26 on-site spaces.

A variety of high-quality transit services are currently provided and would be available to residents, employees, and guests of the MacArthur Transit Village project, including BART, AC Transit, and several shuttle providers. Free shuttle service is provided by Emery-Go-Round, Kaiser Hospital, Alta Bates Summit Hospital and Oakland Children's Hospital. Caltrans also operates a bicycle shuttle during peak travel time and charges for the service.

The design of the site will provide a safe, comfortable pedestrian environment, and support the use of bicycles. The provision of bicycle amenities is described in detail in this plan. Both the design of the site and the abundance of existing transit services promise to support a reduction in vehicle trips generated by the project.

Furthermore, the mix of uses on-site will provide key amenities that will reduce the need for people to travel elsewhere for daily needs. Recommended support services include banking, childcare, a post office, a dry cleaners, and convenience goods. Studies have consistently shown that providing these amenities on-site can lead to a measurable reduction in vehicle trips generated by a development.

The proposed Transportation Demand Management (TDM) Plan is comprised of a comprehensive set of programs and strategies, and a plan for implementation, to help achieve the following objectives:

- Reduce the number of vehicle trips to and from MacArthur Transit Village.
- Support a balance of transportation modes, including transit, carpool and vanpool, bicycling, and walking.
- Assess and manage parking demand, and provide sufficient supply to meet this demand.
- Support goals of reduced environmental impacts, sustained economic vitality, social equity, and improved quality of life.

In addition to these general objectives, the project's environmental impact report (EIR) has identified a need for the TDM Plan to be developed as a traffic mitigation measure and to address the needs for BART patron parking, as further described in the following sections.

B. EIR Requirements

The EIR for the project requires this TDM Plan as a mitigation measure for the project's share of cumulative impacts to two intersections. These two intersections are Telegraph Avenue / 51st Street and Broadway / MacArthur Blvd.[1] The potential impacts are defined as follows:

- Telegraph Avenue / 51st Street: Under cumulative Year 2030 conditions, the project would contribute to LOS F operations during both AM and PM peak hours; would increase critical movement average delay by more than 4 seconds during the AM peak hour; and would increase intersection average delay by more than 2 seconds during the PM peak hour.
- Broadway / MacArthur Blvd: Under cumulative Year 2030 conditions, the project would contribute to LOS F operations and would increase intersection average delay by more than 2 seconds during the AM peak hour.

For both of these Intersections, the EIR states that TDM measures are expected to reduce vehicle trips, and their impact at these intersections. However, it also states:

> *"...it is difficult to accurately predict a TDM program's effectiveness and to quantify the effects on reducing project trip generation. To present a conservative analysis, this study assumes that the intersection would continue to operate at LOS F with the implementation of this mitigation measure. Thus, these measures will partially mitigate the impact, but are not sufficient to mitigate the impact to a less-than-significant level."*

In fulfillment of the EIR mitigation measures:

[1] MacArthur BART Transit Village EIR, Public Draft released January 2008. Prepared by Fehr & Peers. http://www2.oaklandnet.com/Government/o/CEDA/o/PlanninaZoning/DOWD008406

- The plan will be submitted to the City of Oakland for its review and approval. It has also been submitted to BART and AC Transit for their review and comment.
- The developer will be responsible for funding and implementation of the plan elements required to mitigate CEQA impacts.
- The plan shall include regular monitoring and adjustment to meet plan goals, pursuant to Section D of this TDM plan.

In addition to the TDM Plan, the following mitigation measures are required in the EIR to address these impacts:

- Telegraph Avenue / 51st Street: Change signal cycle length to 120 seconds and optimize signal timing (i.e., adjust the allocation of green time for each intersection approach) at the Telegraph Avenue/51st Street intersection. Coordinate signal phasing and timing with the adjacent Telegraph Avenue/52nd Street and Claremont Avenue intersection and other intersections in the same coordination group.
- Broadway / MacArthur Blvd: No mitigation measures were deemed feasible[2] and/or effective.

C. BART Parking Replacement

The EIR also examined certain issues not required under CEQA, including replacement parking for BART patrons. Currently, there are approximately 600 parking spaces available in the surface paridng lot. In addition, it is estimated that approximately 200 BART patrons park in the surrounding neighborhood. This plan addresses the need to provide replacement parking for these BART patrons.

This plan has been informed by the analysis and strategies contained in the MacArthur BART Station Access Feasibility Study, which examines a broad range of access issues of concern to the City and BART related to the MacArthur BART Station.

II. GOALS

This TDM Plan has two primary goals:

1. To fulfill CEQA mitigation measure requirements by implementing strategies to reduce vehicle trips from the project.
2. To address planning concerns related to displaced BART parkers.

III. STRATEGIES

A. Introduction

The traffic analysis for the EIR determined that 4,886 daily vehicle trips would be generated by the MacArthur Transit Village project, with 358 of those trips occurring during the PM peak hour. The strategies included in this plan had not yet been identified when the EIR was prepared and were therefore not accounted for in the analysis. However, experience has shown that these strategies can reduce vehicle trips significantly, especially in

[2] As used through-out this document, "feasible" or "feasibility" means "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors."

combination with other factors such as the mixing of uses on site and the presence of high-quality transit service.

Item B of this section includes strategies directly relating to the goal of fulfilling the CEQA mitigation measure requirements by implementing strategies to reduce vehicle trips from the project.

Item C of this section addresses the planning concerns related to the displacement of BART parkers. These strategies are not required under CEQA.

B. TDM Strategies Required by CEQA

These strategies will help fulfill the EIR requirement that a TDM program be developed for the MacArthur Transit Village project to reduce vehicle trips to and from the project site and therefore help reduce the identified impacts of the project to the intersections of Telegraph Avenue / 51st Street and Broadway / MacArthur Blvd.

1. Discounted Transit Passes

All residents occupying the affordable housing units in Block D (restricted units) will be provided the opportunity to purchase at least one discounted AC Transit bus pass. The principle of this transit program, called EasyPass, is similar to that of group insurance plans – transit agencies offer deep bulk discounts when selling passes to a large group, with universal enrollment, on the basis that not all those offered the pass will actually use them regularly. Discounted and/or free transit passes are often an extremely effective means to reduce the number of vehicle trips in an area. By removing a large amount of the cost barrier to using transit, including the need to search for spare change for each trip, people become much more inclined to take transit to work or for non-work trips. Such programs also increase equity for low-income and individuals who cannot, or choose not to drive, by providing an amenity comparable to free parking.

AC Transit's EasyPass program[3] passes are valid at any time on all AC Transit local and Transbay buses. EasyPass is loaded onto a "Clipper" card (the regional transit fare smart card) with a resident's name and photo, and the participants "tag" the card on the reader each time they board a bus. Pricing for the EasyPass program is based on the number of participants in a residential development (minimums are 100 or more units and one pass per unit) and the current level of AC Transit bus service within ¼ of a mile of the residential development. For example, an EasyPass discounted pass in a 100-unit residential building with a high level of AC Transit service, would cost a resident $115 annually (approximately $9.58 per month). By comparison, an adult Transbay pass, which provides an equivalent amount of service, currently costs $132.50 per month.

Personnel at the affordable housing leasing office will sell both discounted and regular AC Transit passes and tickets, as well as high-value BART tickets (BART currently offers a $64 value ticket for $60 and a $48 value ticket for $45) to residents of the affordable housing development. As BART's tickets are replaced by "Clipper," equivalent tickets will be made available to the residents. At this time BART does not offer discounted passes or fares. If BART were to begin offering a discount, the affordable housing developer could expand the discounted pass program to offer discounted BART tickets and sell them to the affordable units in MacArthur Transit Village.

[3] Please go to www.actransit.org/easypass for more information.

Additionally, the developer will identify at least one location (a designated on-site retailer or the sales / leasing office for market-rate housing) for the purchase of AC Transit tickets and high-value BART tickets by the residents in the market-rate housing units.

2. Secure Residential and Retail Bicycle Parking

The project applicant is committed to meeting the City's goals for bicycle parking for residential and retail uses. The City of Oakland's bicycle parking ordinance[4] includes requirements for a specific quantity of short-term (bicycle racks) and long-term (locker or locked enclosure) bicycle parking spaces, based on land use. Key criteria for the location and design of bicycle racks include: visibility, access, lighting, weather protection, avoidance of conflicts with pedestrians and vehicles, and security (such as being able to lock both wheels).

Figure 1 summarizes the number of bicycle parking spaces required for MacArthur Transit Village under the City of Oakland's bicycle parking ordinance.

Figure 1 – Bicycle Parking Spaces Required by City of Oakland

Land Use	MacArthur Transit Village	Number of Required Bicycle Parking Spaces			
		Long-term	#	Short-term	#
Residential	624 du	1 space per 4 du	156	1 space per 20 du	31
Commercial - Retail	42,500 sq. ft.	1 space per 12,000 sq. ft.	4	1 space per 5,000 sq. ft.	9
Community Center	5,000 sq. ft.	Number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.117.040.	TBD	Number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.117.040.	TBD
TOTAL			160		40

Figure 2 provides a summary of the number of bicycle parking spaces that will be provided on each block of the site. As required by the bike ordinance, a total of 40 short-term and 160 long-term parking spaces will be supplied.

Figure 2 – Bicycle Parking, Spaces per Block

Block	Short-Term		Long-Term	
	Residential	Retail	Residential	Employees
A	10	6	51	2
B	8	1	38	1
C	9	2	44	1
D	4	n/a	23	n/a
TOTAL	31	9	156	4

[4] Adopted July 15, 2008. Additional information about the ordinance can be found at http://www.oaklandpw.com/Page127.aspx#ordinance.

3. Secure BART Bicycle Parking Facility

In addition to providing bicycle parking for residents and retail customers, the developer is committed to working with the City and BART to ensure that BART riders have adequate and secure bicycle parking. Secure bicycle parking is a key amenity for bicycle commuters and bicycle riders, as well as extremely important in showing that bicycling is a viable, convenient, and safe mode of transportation. People want to trust that their bicycle is protected from theft, weather conditions, or other physical damage, especially if parked for an extended period of time.

The developer will work with the City and BART to implement the City's goals for bicycle parking at Railroad and Bus Terminals (which is to provide a combination of short-term and long-term bike parking equal to 5% of the maximum projected ridership for the BART station). The developer recently completed a locatlonal analysis for the bicycle parking facility to determine the ideal site for construction. It was determined that the best site for a new secure bicycle parking facility is the BART plaza outside of the fare gates. BART recently secured a $625,000 capital grant to specifically fund the construction of this bicycle parking facility.

However, many of the design, construction, and operational details of the bicycle parking facility have yet to be finalized. For example, it is unknown at this time whether the facility will be staffed and offer additional amenities, such as bicycle repair services, or if it will be a facility that simply offers secured parking. Currently, no operational funds for a staffed facility have been identified. The developer is currently conducting further financial analysis on this issue and a final determination, with final review and approval by BART, will be made based on the financial viability of a staffed facility and whether an independent operator can be found to manage such a facility in the long-term. Furthermore, the facility design and staging for construction is also under review by BART and will be resolved in the coming months.

4. Unbundling of Parking

Parking has real costs – approximately $30,000 or more to construct each space, in addition to ongoing operations and maintenance costs. If users do not pay directly for the cost of parking, it must be included in the rent or the purchase price of residential units and in the lease costs for businesses. These costs are then passed on to consumers and users of services. Instead of subsuming parking costs into overall residential and business costs, developers can charge separately, or "unbundle" parking. Unbundling parking ties the cost of parking more directly to the user and is one of the most effective strategies to encourage people to use alternatives to a single-occupant vehicle. Residents can choose whether they wish to buy or lease a parking space, and customers can choose whether to pay for parking or use a different mode of transportation to reach retail and service destinations.

Concurrently, provision of parking is considered an important amenity to market the units and it will also be important to provide secure semi-private parking for residents.

The following parking strategies will be employed at MacArthur Transit Village:

- 30 percent of the parking for the first market rate building (Block A) will be unbundled (a minimum of 60 stalls).
- To the extent not prohibited from a legal or financial feasibility standpoint, parking in the affordable component will be unbundled and, to the extent priority for those spaces and overall security for residents can be ensured, under-utilized parking would be shared with BART patrons.

- In Block A, one floor will be shared between various users, while a second floor will be secured only for residents. No residential guest parking will be dedicated in the structured, secured parking facilities.
- In Block A, only 31 parking spaces will be dedicated to retail use. Any unbundled parking not leased by residents will be made available to commercial tenants or BART patrons.
- All on-street parking will be metered and charged hourly at market rate.
- No more than 1 parking space per residential unit will be offered.

Subsequent to the construction and occupation of Block A, but prior to the initiation of the next phase of development, an evaluation will be performed to determine whether residential parking demand supports a reduction in the total number of spaces and/or unbundled parking. A reduction in the residential parking demand, created through unbundling, could enable the developer to increase the number of unbundled spaces and thereby increase on-site parking availability for BART patrons. The developer will maintain security for residential parking by segmenting the garage into separate security zones.

The developer will also explore the feasibility of a lease-back or assigning ownership of all or some of the parking spaces within the market rate buildings to the HOA, with first priority of use provided to residents and commercial tenants, with any unused spaces being available to lease to the general public. The feasibility analysis will be submitted to the City for review and comment for mutual determination by the parties as to feasibility. To the extent this approach is determined feasible, a plan will be submitted to the City for review and approval. If approved by the City, developer shall Implement the approved plan.

5. Phased Parking Construction

Parking will be constructed in several phases, in the order indicated below:

1. Block E – BART parking garage
2. Block D – Affordable housing
3. Block A – Housing and retail
4. Blocks B and C – Housing and retail

As described in the previous section, after Block A is constructed, prior to the construction of the next block, parking demand will be assessed on site to determine whether the residential parking supply can be reduced and the number of unbundled spaces increased, perhaps increasing the on-site parking available to BART patrons. The potential to reduce parking supply will be determined as follows:

If occupancy of short-term parking (commercial and on-street) is more than 85 percent and occupancy for long-term parking (residential, employee, and BART) is more than 90 percent then no reduction in parking ratios will be pursued. If occupancy is less than 85 percent and 90 percent, respectively, and a reduction in pricing to increase occupancy is not deemed cost-effective, then parking ratios could be reduced to help achieve the adjusted occupancy.

Notwithstanding the above, the developer has the right to switch the phasing of Blocks A, B, and C, in which case the developer will submit a revised parking unbundling plan to the City for approval.

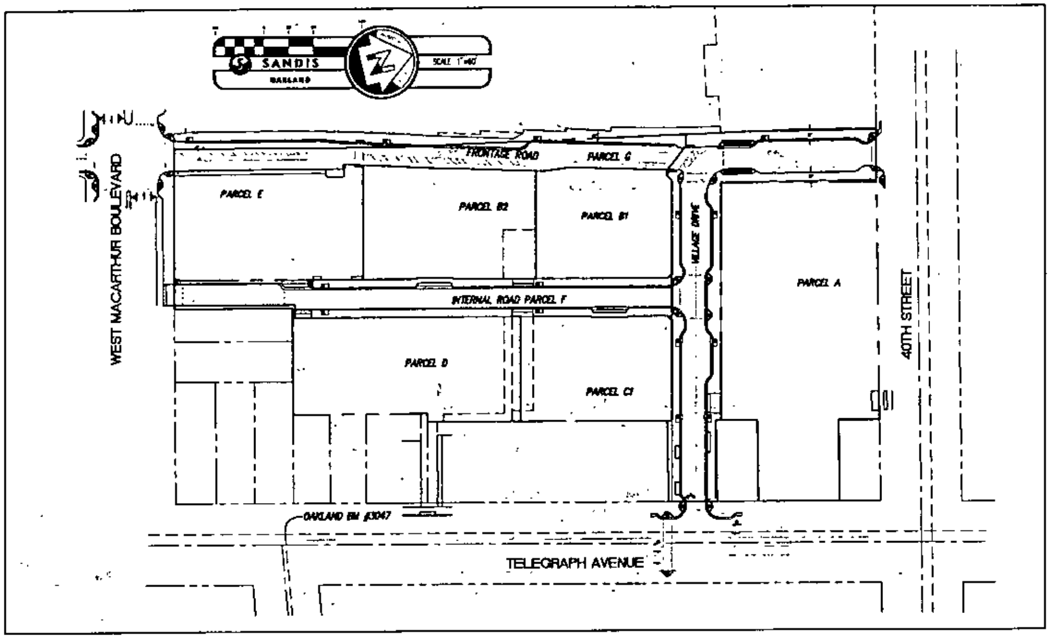
Attachment B: Revised TTM8047

NOTES AND LEGEND

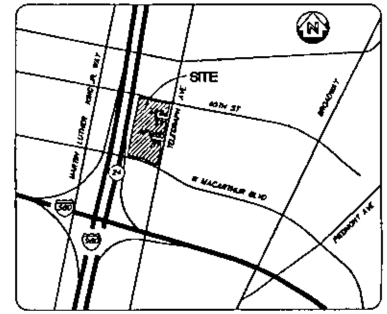
ALL DISTANCES AND DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.

ALL SCREENED INFORMATION REFLECTS EXISTING CONDITIONS.

Symbol	Description
	PROPOSED BOUNDARY
	EXISTING BOUNDARY LINE TO REMAIN
	EXISTING LOT LINE OUTSIDE OF SCOPE
	INTERNAL PARCEL LINE TO BE REMOVED
	PROPOSED EASEMENT
	EXISTING EASEMENT LINE OUTSIDE OF SCOPE
SS	SANITARY SEWER
SD	STORM DRAIN
W	WATER
G	GAS
JT	JOINT TRENCH UTILITIES
X	CHAIN LINK FENCE
O	WOOD FENCE
OHE	OVERHEAD ELECTRIC LINE
UGE	UNDERGROUND ELECTRIC LINE
UGE	UNDERGROUND ELECTRIC LINE PER AS-BUILT INFORMATION
	TIE LINE
	FOUND STANDARD CITY MONUMENT
	STORM MANHOLE
	SANITARY MANHOLE
	SANITARY CLEANOUT
AC	ASPHALTIC CONCRETE
AD	AREA DRAIN
BW	BACK OF WALK
EB	ELECTRIC UTILITY BOX
FL	FLOW LINE
G, GRD	GROUND
GB	GRADE BREAK
P	PAVEMENT
TC	TOP OF CURB
WLK	SIDEWALK
CONC	CONCRETE
EP	EDGE OF PAVEMENT
BLDC	BUILDING CORNER
PLNTR	PLANTER
HCR	HANDICAP RAMP
TOB	TOP OF AC BERM
PIV	POST INDICATOR VALVE
FF	FINISH FLOOR
	TELEPHONE PULL BOX
	CABLE TELEVISION BOX
TOP, TB	TOP OF BANK
TOW	TOP OF WALL
	POWER POLE
	WATER VALVE
	WATER METER
	GAS VALVE
HR	HANDICAP RAMP
POL	POINT ON LINE
BLDL	BUILDING LINE
CL	CENTERLINE
FL	FLOWLINE
VG	VALLEY GUTTER
CLF	CHAIN LINK FENCE
BOW	BOTTOM OF WALL
OH	BUILDING OVERHANG
TYP.	TYPICAL
	ELECTROLIER
	ELECTRIC VALVE
	SIGN
	GUY WIRE
	FIRE HYDRANT
WV	WATER VALVE
PIV	POST INDICATOR VALVE
BFP	BACK FLOW PREVENTER
WM	WATER METER
FH	FIRE HYDRANT
FS	FIRE SERVICE
FND	FOUND
	TELEPHONE UTILITY BOX
	PUBLIC RIGHT OF WAY TO BE VACATED



KEY MAP
1"=40'



VICINITY MAP
N.T.S.

UNDERGROUND UTILITY NOTE:

THE TYPES, LOCATIONS, SIZES AND/OR DEPTHS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS TOPOGRAPHIC SURVEY ARE APPROXIMATE AND WERE OBTAINED FROM SOURCES OF VARYING RELIABILITY. ONLY ACTUAL EXCAVATION WILL REVEAL THE TYPES, EXTENT, SIZES, LOCATIONS AND DEPTHS OF SUCH UNDERGROUND UTILITIES. THE ENGINEER CAN ASSUME NO RESPONSIBILITY FOR THE COMPLETENESS OR ACCURACY OF ITS DELINEATION OF SUCH UNDERGROUND UTILITIES WHICH MAY BE ENCOUNTERED, BUT WHICH ARE NOT SHOWN ON THIS SURVEY.

TENTATIVE MAP NOTES

1. MINIMUM EROSION CONTROL MEASURES WILL CONSIST OF SILT FENCE STRAW WATTLES AT PROPERTY LINES. NEAREST DOWNSTREAM INLET WILL BE PROTECTED WITH INSERT. ADDITIONAL MEASURES SHALL BE INCLUDED AS NECESSARY IN THE P-JOB SUBMITTAL SUBJECT TO CITY REVIEW AND APPROVAL.
2. TRAFFIC REGULATORY SIGNAGE MEETING CITY OF OAKLAND STANDARDS WILL BE IMPLEMENTED IN THE P-JOB, SUBJECT TO REVIEW AND APPROVAL OF THE CITY'S TRANSPORTATION SERVICES DIVISION.

CODE COMPLIANCE

THIS TENTATIVE MAP VESTS THE RIGHT TO CREATE THE PARCELS SHOWN AND TO DEVELOP THEM TO UP TO THE TOTAL NUMBER OF UNITS INDICATED. EACH INDIVIDUAL PARCEL SHALL BE REQUIRED TO CONFORM TO THE APPLICABLE BUILDING AND FIRE CODES AT THE TIME OF THE APPLICATION FOR BUILDING PERMIT IS FILED. ADDITIONALLY EACH PARCEL SHALL CONFORM TO THE PROJECT CONDITIONS OF APPROVAL WHICH FURTHER DEFINE PROJECT REQUIREMENTS.

PARCELS B1 & B2 – TO ENSURE CODE COMPLIANCE THREE SCENARIOS/OPTIONS ARE ENVISIONED FOR THESE PARCELS.

OPTION 1	DEVELOP AS A SINGLE LOT WITH FIRE ACCESS ON THE WEST, NORTH, AND EAST SIDES. ENTRANCE DRIVEWAY OFF THE EAST SIDE. CONSTRUCTION TYPE TO BE DETERMINED AT THE TIME OF BUILDING PERMIT APPLICATION.
OPTION 2	DEVELOP AS A TWO LOTS WITH A 26 FOOT WIDE EMERGENCY VEHICLE ACCESS EASEMENT LOCATED BETWEEN THE LOTS. THE EASEMENT SHALL BE 1/3 THE TOTAL DEPTH OF THE LOT AND BE ACCESSED FROM THE EAST. THE BUILDINGS SHALL EACH HAVE A THREE HOUR RATED WALL ALONG THE SHARED PROPERTY LINE. FIRE ACCESS SHALL BE PROVIDED ALONG THE WEST AND EAST SIDES OF BOTH PARCELS AND ON THE NORTH SIDE OF PARCEL B2. ENTRANCE DRIVEWAY(S) WILL BE OFF THE EAST SIDE.
OPTION 3	DEVELOP AS TWO LOTS WITH FIRE ACCESS ON THE WEST AND EAST SIDES OF BOTH PARCELS. PARCEL B2 WILL HAVE ACCESS ON THE NORTH SIDE AS WELL. BUILDING SETBACKS AND THE SPECIFIC CONSTRUCTION TYPE WILL BE DETERMINED AT THE TIME OF BUILDING PERMIT APPLICATION IN SUCH MANNER AS TO COMPLY WITH THE APPLICABLE BUILDING AND FIRE CODES.

PARCELS D & C1 – TO ENSURE CODE COMPLIANCE TWO SCENARIOS/OPTIONS ARE ENVISIONED FOR THESE PARCELS.

OPTION 1	FIRE ACCESS ON THE WEST SIDE OF BOTH PARCELS WITH ACCESS ON THE NORTH SIDE OF PARCEL C1. PROVIDE A 26 FOOT WIDE EMERGENCY ACCESS EASEMENT LOCATED BETWEEN THE LOTS FOR APPROXIMATELY 90% OF THE DEPTH OF THE LOT.
OPTION 2	FIRE ACCESS ON THE WEST SIDE OF BOTH PARCELS WITH ACCESS ON THE NORTH SIDE OF PARCEL C1. BUILDING SETBACKS AND THE SPECIFIC CONSTRUCTION TYPE WILL BE DETERMINED AT THE TIME OF BUILDING PERMIT APPLICATION IN SUCH A MANNER AS TO COMPLY WITH THE APPLICABLE BUILDING AND FIRE CODES. IN THE EVENT THE PARCELS ARE COMBINED THE EASEMENT WOULD BE REMOVED.

TRANSPORTATION IMPROVEMENTS NOTES

THE TRANSPORTATION IMPROVEMENTS FOR THE TENTATIVE MAP ARE DETAILED IN 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"

FEMA NOTE

PER FEMA COMMUNITY-PANEL NUMBER [illegible], THE PROJECT SITE LIES IN ZONE X. ZONE X IS DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN.

TOPOGRAPHIC SURVEY

TOPOGRAPHIC SURVEY BY SANDIS WITH AERIAL TOPOGRAPHIC SURVEY PERFORMED BY AERIAL PHOTOMAPPING SERVICES, 2929 LANSING AVE, CLOVIS, CA 93612, JUNE 2007. THE AERIAL SURVEY WAS SUPPLEMENTED WITH GROUND SURVEYED DATA, TO DETERMINE THE TYPE AND SIZES OF UTILITY FEATURES, AND TO ACQUIRE DATA IN AREAS WHERE GREATER DETAIL IS REQUIRED.

BENCH MARK

THE CITY OF OAKLAND BENCHMARK, DESIGNATION 3047 WAS USED AS THE BASIS OF ELEVATION FOR THIS SURVEY. BM NO. 3047 IS A CUT SQUARE LOCATED 12 FEET WEST OF THE CENTERLINE OF TELEGRAPH AND 3 FEET NORTH OF THE CENTERLINE OF 38TH STREET.

ELEV =68.44 FEET

BASIS OF BEARINGS

BEARINGS AND DISTANCES ARE RELATED TO THE CALIFORNIA COORDINATE SYSTEM, ZONE 3 AS ESTABLISHED BY CITY OF OAKLAND MONUMENTS AND RECORD DATA SHOWN ON RIGHT OF WAY MAPS FOR HIGHWAY 24 AND BAY AREA RAPID TRANSIT DISTRICT.

SEISMIC HAZARD NOTE

THIS REAL PROPERTY LIES WITHIN THE FOLLOWING HAZARDOUS AREA, A SEISMIC HAZARD ZONE + LIQUEFACTION ZONE PURSUANT TO SECTION 2696 OF THE PUBLIC RESOURCES CODE. THESE HAZARDS MAY LIMIT YOUR ABILITY TO DEVELOP THE REAL PROPERTY, TO OBTAIN INSURANCE, OR TO RECEIVE ASSISTANCE AFTER A DISASTER. THE MAPS ON WHICH THESE DISCLOSURES ARE BASED ESTIMATE WHERE NATURAL HAZARDS EXIST. THEY ARE NOT DEFINITIVE INDICATORS OF WHETHER OR NOT A PROPERTY WILL BE AFFECTED BY A NATURAL DISASTER. TRANSFEREE(S) AND TRANSFEROR(S) MAY WISH TO OBTAIN PROFESSIONAL ADVICE REGARDING HAZARDS AND OTHER HAZARDS THAT MAY AFFECT THE PROPERTY.

FINAL MAP NOTE

PHASING FOR THE FINAL MAPS AT THE APPLICANTS OPTION IS DETAILED IN 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"

MAP PREPARER

SANDIS
1721 BROADWAY, SUITE 201
OAKLAND, CA 94612
510-873-8866

DEVELOPERS

MACARTHUR TRANSIT COMMUNITY PARTNERS LLC
345 SPEAR STREET, 7TH FLOOR
SAN FRANCISCO, CA 94105

PROPERTY ADDRESS

BETWEEN 40TH STREET AND MACARTHUR BOULEVARD AND BETWEEN TELEGRAPH AVE. AND ROUTE 24

OWNERS

VIMAL DESAI AND JOHASHABEN DESAI

JAGNSHIRALAR BHIKHABHAI PATEL

YEU BIN WU AND TSUI YING SHEN

SAN FRANCISCO BAY AREA RAPID TRANSIT, ET AL

PLANNER

CATHERINE PAYNE
COMMUNITY AND ECONOMIC DEVELOPMENT AGENCY
CITY OF OAKLAND
510-238-3071

UTILITY INFORMATION

STORM DRAINS
CITY OF OAKLAND 7101 EDGEWATER DRIVE, BUILDING [illegible]
OAKLAND, CA 94621
(510) 615-5566

POWER AND GAS
PACIFIC GAS & ELECTRIC
1-800-743-500

SANITARY SEWERS
CITY OF OAKLAND
(510) 615-5566

FIRE PROTECTION
CITY OF OAKLAND
FIRE PREVENTION BUREAU
(510) 238-4049

WATER
EBMUD 375 ELEVENTH STREET
OAKLAND, CA 94607-4240
1-(866) 403-2683

SHEET INDEX

SANDIS | CIVIL ENGINEERS SURVEYORS PLANNERS
1721 Broadway, Suite 201 | Oakland, CA 94612 | T: 510.873.8866 | F: 510.873.8868 | www.sandis.net

DATE: 08-30-10
SCALE: AS NOTED
DRAWN BY: JRR/RAB
APPROVED BY: MAK
DRAWING NO: 607128

DATE ____________, 2010
DAVID [illegible]
P.L.S. NO. 7641 EXPIRES 12-31-10

DATE ____________, 2010
JEFFREY MICHAEL SETERA
R.C.E. NO. 62753, EXPIRES 06-30-12

No.	REVISION	DATE	BY
1	FIRST RESUBMITTAL	9-17-10	
2	ADD'L FINAL RESUBMITTAL	10-25-10	BMS
3	FINAL RESUBMITTAL	02-28-11	

VESTING TENTATIVE TRACT MAP NO. 8047
COVER SHEET

OAKLAND CALIFORNIA

SHEET T-1 OF 7 SHEETS

EXISTING LOT INFORMATION

EXISTING PARCELS				
PARCEL	USE	LOT SIZE	APN	OWNER
1	PAVED ACCESS	3841 SQFT	012-964-053-03	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
2	PARKING	3750 SQFT	012-964-053-03	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
3	PARKING	8818 SQFT	012-964-053-03	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
4	PARKING	3315 SQFT	012-964-053-03	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
5	PARKING	5008 SQFT	012-964-053-03	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
6	PARKING	5088 SQFT	012-964-053-03	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
7	PARKING	6250 SQFT	012-964-053-03	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
8	PAVED ACCESS	3548 SQFT	012-964-053-03	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
9	PARKING	3863 SQFT	012-964-053-03	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
10	PARKING	4298 SQFT	012-964-053-03	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
11	PARKING	4257 SQFT	012-964-053-03	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
12	PARKING	4307 SQFT	012-964-053-03	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
13	PARKING	2504 SQFT	012-964-053-03	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
14	PARKING	2504 SQFT	012-964-053-03	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
15	PARKING	3750 SQFT	012-964-053-03	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
16	PAVED ACCESS	8881 SQFT	012-968-055-01	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
17	PARKING	4781 SQFT	012-968-055-01	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
18	PARKING	4898 SQFT	012-968-055-01	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
19	PARKING	4771 SQFT	012-968-055-01	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
20	PARKING	6272 SQFT	012-968-055-01	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
21	PARKING	5335 SQFT	012-968-055-01	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
22	PARKING	3447 SQFT	012-968-050-01	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
23	PARKING	6186 SQFT	012-968-055-01	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
24	PARKING	4830 SQFT	012-968-055-01	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
25	PARKING	4830 SQFT	012-968-055-01	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

EXISTING LOT INFORMATION

EXISTING PARCELS				
PARCEL	USE	LOT SIZE	APN	OWNER
26	PARKING	4151 SQFT	012-964-053-03	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
27	PARKING	7002 SQFT	012-964-053-03	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
28	PARKING	6307 SQFT	012-964-053-03	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
29	PARKING	905 SQFT	012-964-053-03	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
30	PARKING	4238 SQFT	012-964-053-03	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
31	PARKING	11,518 SQFT	012-964-053-03	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
32	PAVED ACCESS	3418 SQFT	012-9687-049-01	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
33	PARKING	4715 SQFT	012-9687-049-01	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
34	PARKING	6717 SQFT	012-9687-049-01	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
35	PARKING	6717 SQFT	012-9687-049-01	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
36	PARKING	6717 SQFT	012-9687-049-01	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
37	PARKING	6717 SQFT	012-9687-049-01	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
38	PARKING	6717 SQFT	012-9687-049-01	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
39	PAVED ACCESS	5000 SQFT	012-9687-049-01	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
40	HOTEL	8880 SQFT	012-0987-008	[illegible]
41	HOTEL	14,500 SQFT	012-968-010-01	PATEL
45	RETAIL	3000 SQFT	012-969-002	RU AND SHEN
46	RETAIL	2505 SQFT	012-968-003-01	RU AND SHEN
48	RETAIL	2504 SQFT	012-969-053-02	RU AND SHEN
49	R/W PARKING & ACCESS	38223 SQFT	APGAR STREET	PUBLIC RIGHT OF WAY, CITY OF OAKLAND
50	R/W PARKING & ACCESS	[illegible] SQFT	39TH STREET	PUBLIC RIGHT OF WAY, CITY OF OAKLAND
J-13	STATE R/W PEDESTRIAN ACCESS	NOT DEFINED BY THIS MAP	CLASS I JOINT ACCESS	
J-14	STATE R/W LOCAL STREET	NOT DEFINED BY THIS MAP	CLASS II JOINT ACCESS	

NOTE:
1. EXISTING INDIVIDUAL PARCEL BOUNDARIES HAVE NOT BEEN CORRECTED TO RESOLVE APPARENT OVERLAP. ONLY THE OVERALL PARCEL BOUNDARY HAS BEEN VERIFIED.
2. PARCELS 42, 43, 44 AND 47 HAVE BEEN INTENTIONALLY OMITTED.

PROPOSED LOT INFORMATION

	PROPOSED PARCELS		
PARCEL	USE	LOT SIZE	LOT DESCRIPTION
A	MIXED USE	43,988 SQFT	338 RESIDENTIAL CONDOMINIUM UNITS 4,000 SF - 4 LIVE/WORK UNITS 20,150 SF - 8 RETAIL UNITS
B1	MIXED USE	22,366 SQFT	90 RESIDENTIAL CONDOMINIUM UNITS 3,000 SF - 3 RETAIL UNITS
B2	MIXED USE	38,494 SQFT	81 RESIDENTIAL CONDOMINIUM UNITS
C1	MIXED USE	23,831 SQFT	87 RESIDENTIAL CONDOMINIUM UNITS 3,000 SF - 3 RETAIL UNITS
D	RESIDENTIAL	34,415 SQFT	90 RESIDENTIAL APARTMENT UNITS
E	PARKING GARAGE/ COMMERCIAL/ RESIDENTIAL	51,302 SQFT	483 PARKING SPACES 5,300 SF - 5 RETAIL UNITS
F	INTERNAL ROAD	26,502 SQFT	ROAD ACCESS FOR PARCELS B1, B2, C1, C2, D AND E PUBLIC ACCESS EASEMENT
G	FRONTAGE AREA	18,412 SQFT	BART GARAGE AND SHUTTLE ACCESS PUBLIC ACCESS EASEMENT PUBLIC UTILITIES EASEMENT
VILLAGE DRIVE	R/W PARKING	32,811 SQFT	PROPOSED DEDICATION OF VILLAGE DRIVE
J-13	STATE R/W PEDESTRIAN ACCESS	NOT DEFINED BY THIS MAP	CLASS I JOINT ACCESS BETWEEN BART AND CALTRANS
J-14	STATE R/W LOCAL STREET FACILITIES	NOT DEFINED BY THIS MAP	CLASS II JOINT ACCESS BETWEEN BART AND CALTRANS

EASEMENTS DESCRIPTION

AS NOTED ON THIS TENTATIVE MAP THE PROPOSED PUBLIC EASEMENTS ARE DEFINED AS FOLLOWS

PUBLIC ACCESS EASEMENT (PAE) - THAT CERTAIN PIECE OF LAND OVER WHICH THE OWNER GRANTS THE PUBLIC THE RIGHT OF INGRESS AND EGRESS, BOTH PEDESTRIAN AND VEHICULAR. A MINIMUM CLEAR DISTANCE OF 26 FEET SHALL BE MAINTAINED FOR EMERGENCY VEHICLE ACCESS. ALL SURFACE IMPROVEMENTS WITHIN THE PAE SHALL BE MAINTAINED BY THE LAND OWNER.

PUBLIC PEDESTRIAN ACCESS EASEMENT - THAT CERTAIN PIECE OF LAND OVER WHICH THE OWNER GRANTS THE PUBLIC THE RIGHT OF PEDESTRIAN INGRESS AND EGRESS.

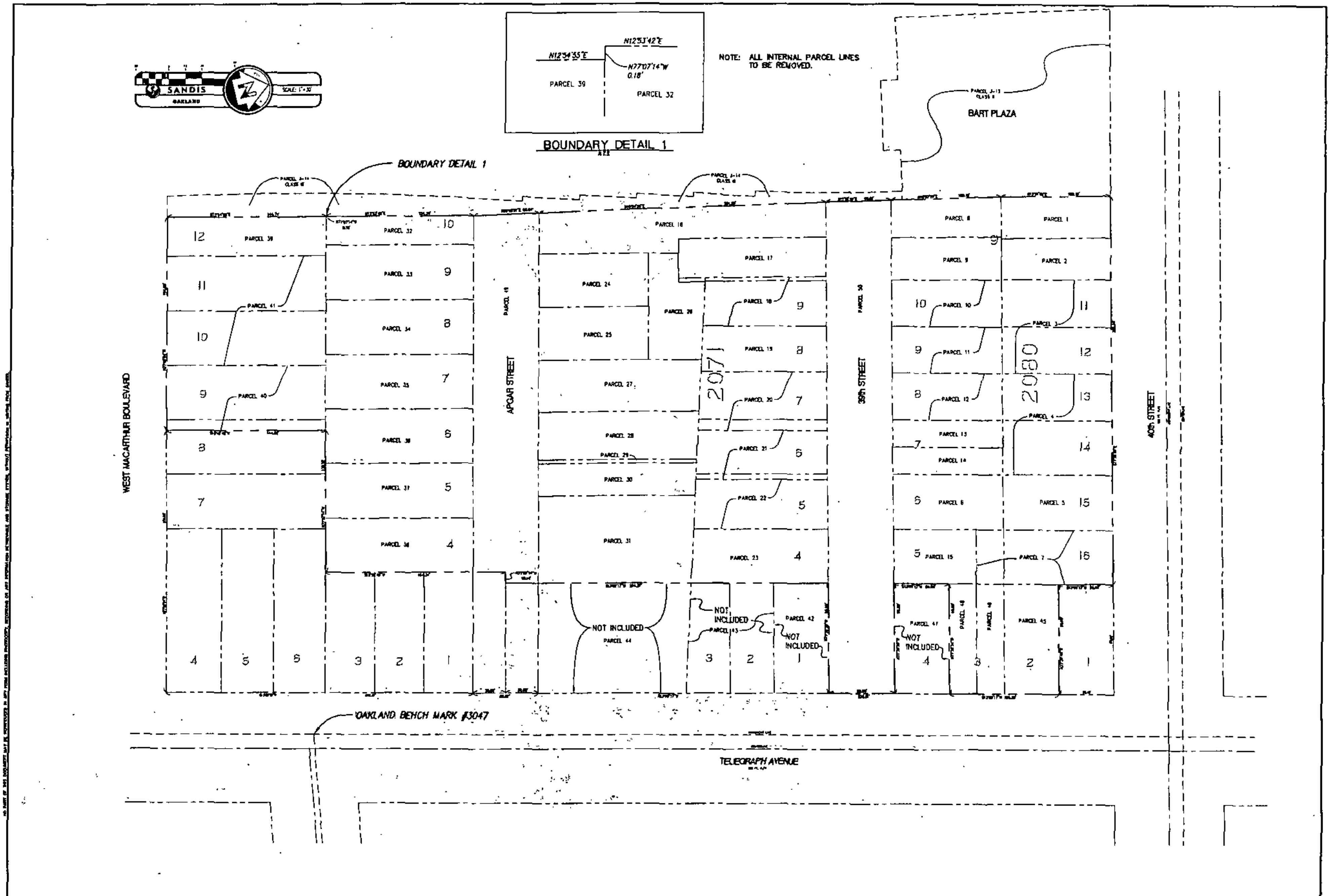
PUBLIC UTILITY EASEMENT (PUE) - THAT CERTAIN PIECE OF LAND OVER WHICH THE OWNER GRANTS THE CITY OF OAKLAND AND ALL UTILITIES WITH FRANCHISE RIGHTS WITHIN THE CITY OF OAKLAND, THE RIGHT TO ACCESS, INSTALL, AND MAINTAIN UTILITY INFRASTRUCTURE INCLUDING STORM DRAINAGE, SANITARY SEWER, NATURAL GAS, ELECTRICAL, TELECOM, WATER, FIBER OPTIC, STREET LIGHTING, AND CABLE TELEVISION. THE OWNER RESERVES THE RIGHT TO INSTALL PRIVATE UTILITIES WITHIN THE PUE AS NECESSARY TO SERVE THE PROPERTY, INSTALL AND MAINTAIN LANDSCAPING INCLUDING TREES AND IRRIGATION, AND THE RIGHT TO INSTALL SURFACE IMPROVEMENTS SUCH AS SIDEWALKS AND PAVEMENT. THE INSTALLATION OF PERMANENT STRUCTURES OR FENCING THAT WOULD OBSTRUCT ACCESS IS PROHIBITED.

AS NOTED ON THIS TENTATIVE PLAN THE PROPOSED PRIVATE EASEMENTS ARE DEFINED AS FOLLOWS

PRIVATE ACCESS EASEMENT (PRAE) - THAT CERTAIN PIECE OF LAND OVER WHICH THE OWNER GRANTS THE RIGHT OF INGRESS AND EGRESS, BOTH PEDESTRIAN AND VEHICULAR. ALL SURFACE IMPROVEMENTS WITHIN THE PRIVATE ACCESS EASEMENT SHALL BE MAINTAINED IN ACCORDANCE WITH THE PROPORTIONAL BENEFIT TO THE PARCELS.

PUBLIC SERVICE EASEMENT (PSE) - THAT CERTAIN PIECE OF LAND WHICH THE PUBLIC MAINTAINS RIGHTS PER SECTION 8306 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE.

EMERGENCY VEHICLE ACCESS EASEMENT (EVAE) - THAT CERTAIN PIECE OF LAND OVER WHICH THE OWNER GRANTS THE PUBLIC RIGHT TO THE INGRESS AND EGRESS OF EMERGENCY VEHICLES. A MINIMUM CLEAR DISTANCE OF 26 FEET SHALL BE MAINTAINED. ALL SURFACE IMPROVEMENTS WITHIN THE EVAE SHALL BE MAINTAINED BY THE LAND OWNER.



SANDIS

1731 Broadway, Suite 201 | Oakland, CA 94612

DATE:	06-30-10
SCALE:	1"=30'
DRAWN BY:	JRR/RAB
APPROVED BY:	MAK
DRAWING NO:	607126

DATE __________, 2010

DAVID W. BETHAN
P.L.S. NO. 7047, EXPIRES 12-31-10

DATE __________, 2010

JEFFREY MICHAEL SETERA
R.C.E. NO. 62783, EXPIRES 06-30-12

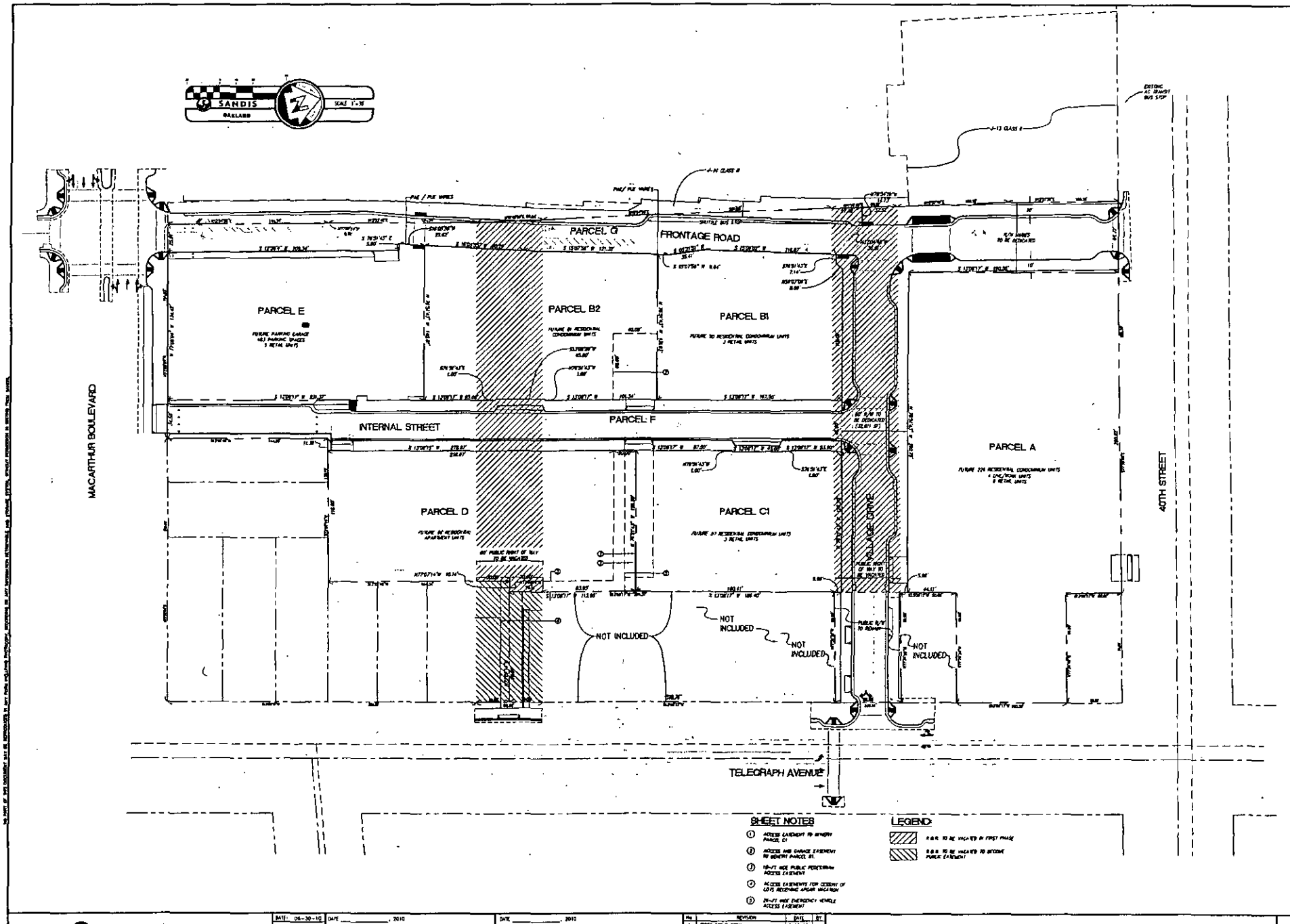
No.	REVISION	DATE	BY
1	FIRST RESUBMITTAL	9-17-10	
2	ADD'L FINAL RESUBMITTAL	10-25-10	BHS
3	FINAL RESUBMITTAL	02-28-11	

OAKLAND

VESTING TENTATIVE TRACT MAP NO. 8047
EXISTING BOUNDARY AND INTERNAL PROPERTY LINES

CALIFORNIA

SHEET T-3 of 7 SHEETS



SANDIS

DATE	06-30-10
SCALE	1"=30'
DRAWN BY	JRR/RAB
APPROVED BY	MAK
DRAWING NO.	807128

DATE _____, 2010

DAVID P. BERMAN
P.L.S. NO. 7047, EXPIRES 12-31-10

DATE _____, 2010

JEFFREY MICHAEL SEITZER
R.C.E. NO. 82783, EXPIRES 06-30-12

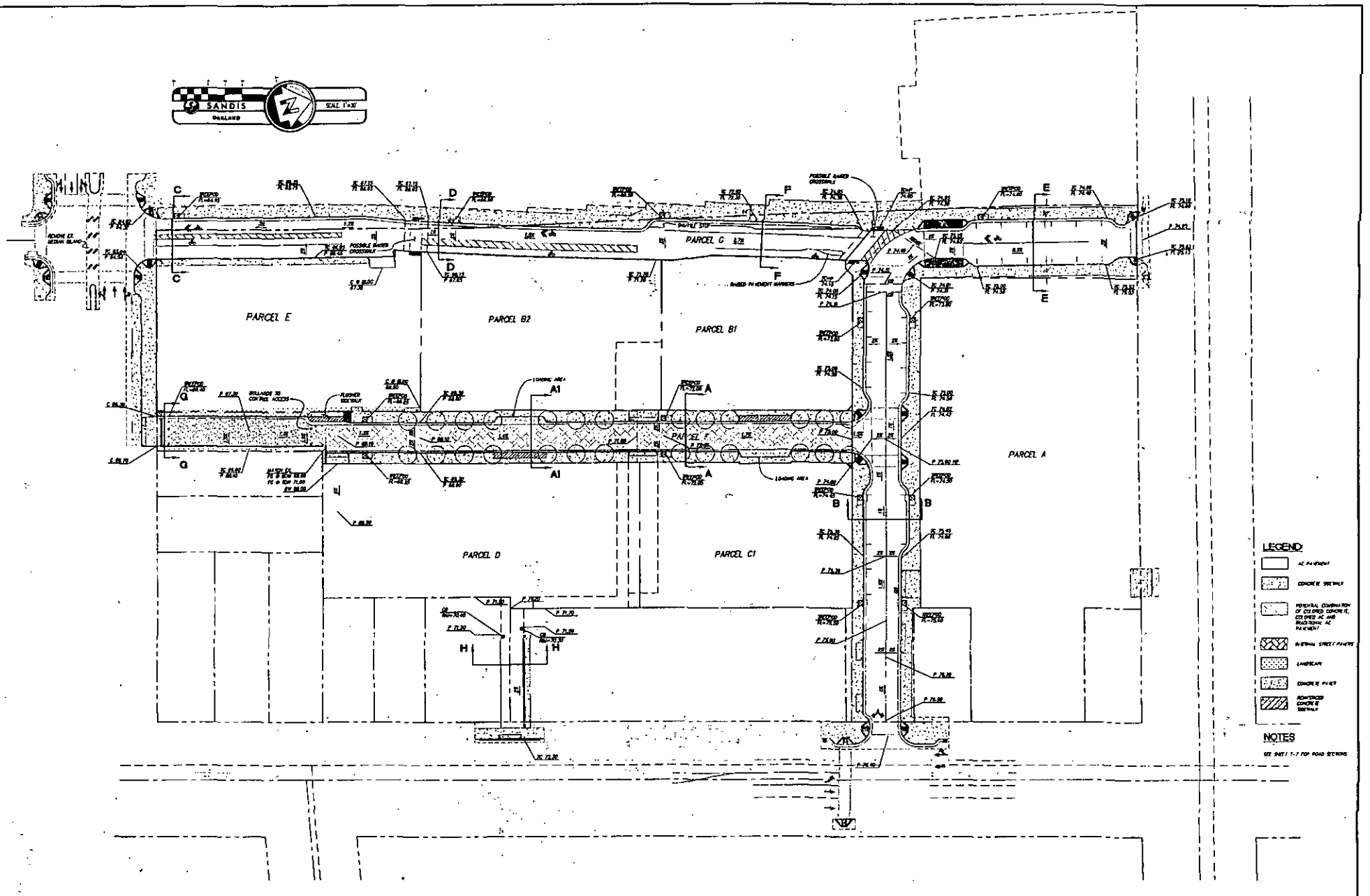
No.	REVISION	DATE	BY
1	FIRST RESUBMITTAL	9-17-10	
2	ADD'L FINAL RESUBMITTAL	10-13-10	BMS
3	FINAL RESUBMITTAL	12-20-11	

OAKLAND

VESTING TENTATIVE TRACT MAP NO. 8047
TENTATIVE MAP

CALIFORMA

SHEET T-4 OF 7 SHEETS



SANDIS

DATE: 08-30-10
SCALE: 1"=30'
DRAWN BY: JRH/MAS
APPROVED BY: MAK
DRAWING NO: 607128

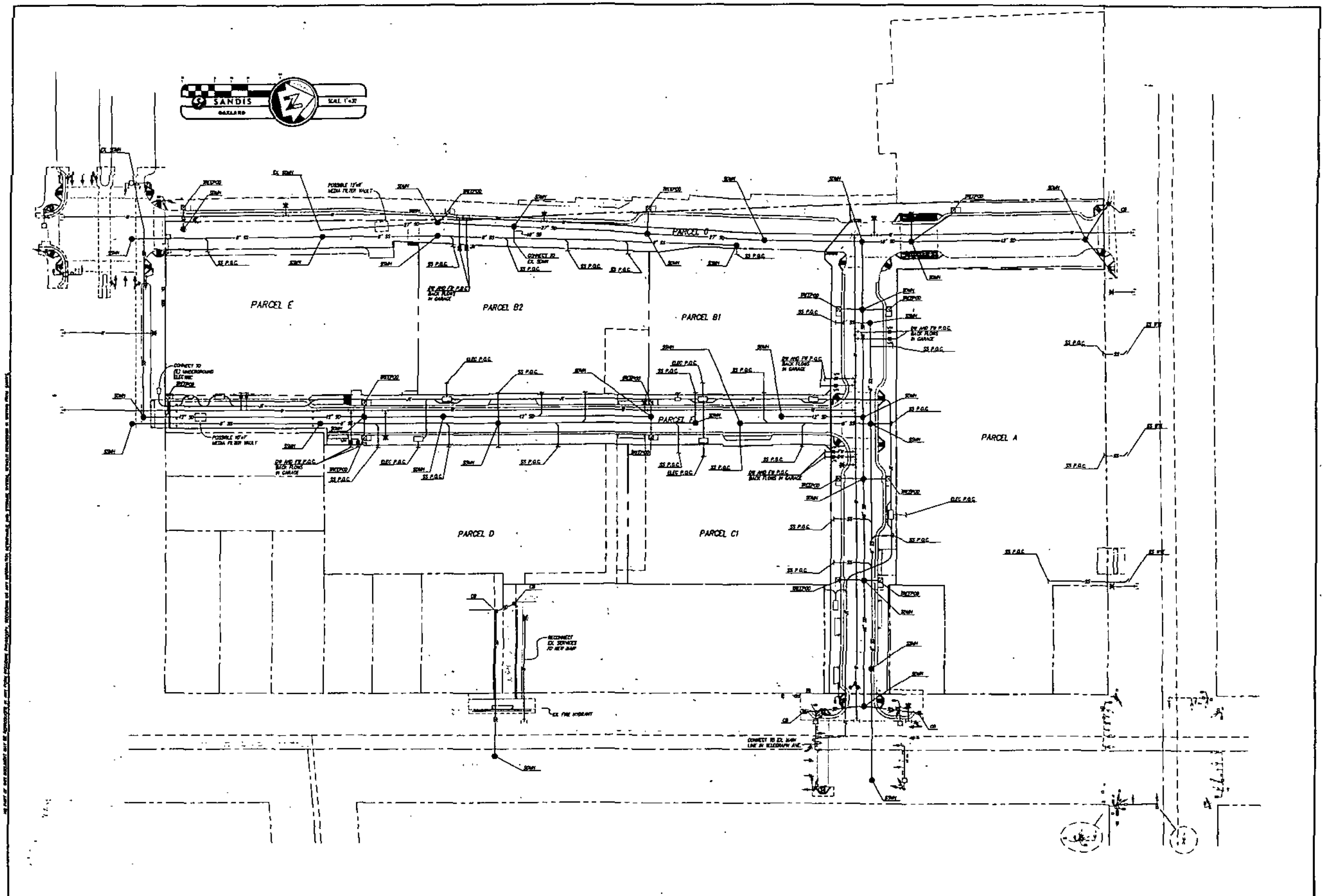
DATE _____, 2010
DAVID R. BERMAN
P.L.S. NO. 7947, EXPIRES 12-31-10

DATE _____, 2010
JEFFREY MICHAEL HETOW
R.C.E. NO. 62743, EXPIRES 06-30-12

No	REVISION	DATE	BY
1	FIRST RESUBMITTAL	9-17-10	
2	ADDT'L FINAL RESUBMITTAL	10-25-10	BMS
3	FINAL RESUBMITTAL	12-28-11	

VESTING TENTATIVE TRACT MAP NO. 8047
GRADING PLAN
OAKLAND CALIFORNIA

SHEET T-5 OF 7 SHEETS



SANDIS

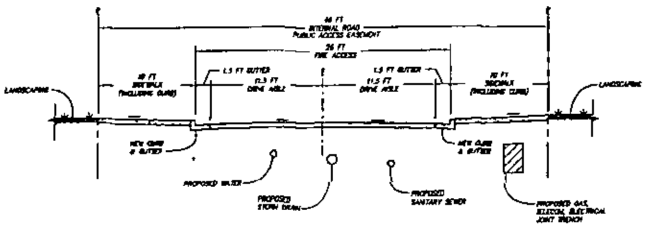
DATE: 06-30-10	DATE ________, 2010
SCALE: 1"=30'	
DRAWN BY: JRR/RAB	
APPROVED BY: MAK	
DRAWING NO.: 607128	

No.	REVISION	DATE	BY
1	FIRST RESUBMITTAL	9-17-10	
2	ADDT'L FINAL RESUBMITTAL	10-25-10	
3	FINAL RESUBMITTAL	02-28-11	

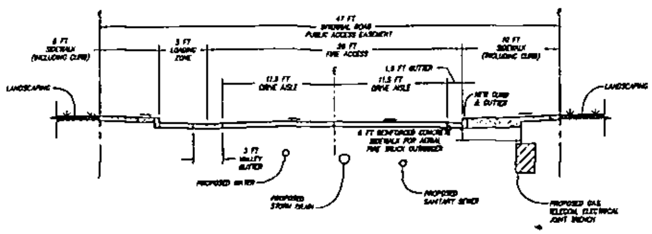
VESTING TENTATIVE TRACT MAP NO. 8047
UTILITY PLAN

OAKLAND — CALIFORNIA

SHEET T-6 of 7 SHEETS



INTERNAL STREET TYPICAL SECTION (A)
SCALE: HORIZONTAL: 1"=5' VERTICAL: N.T.S.



INTERNAL STREET LOADING ZONE SECTION (A1)
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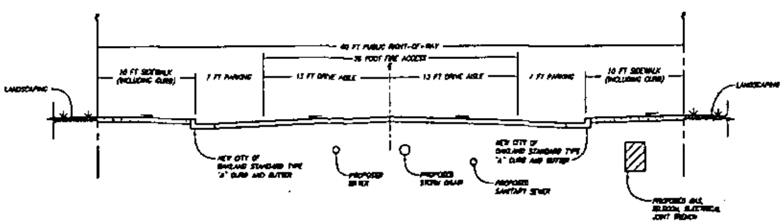

VILLAGE DRIVE (FORMERLY 39TH STREET) (B)
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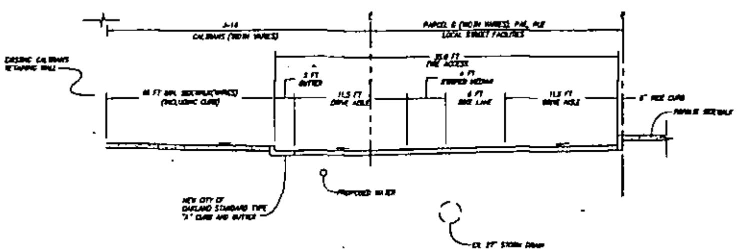

FRONTAGE ROAD (SOUTH END OF BART GARAGE) (C)
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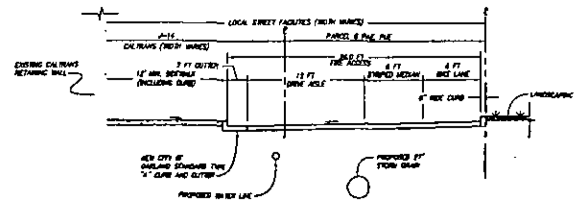

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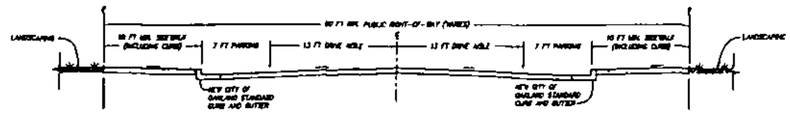
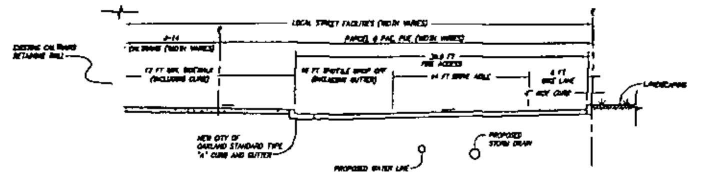
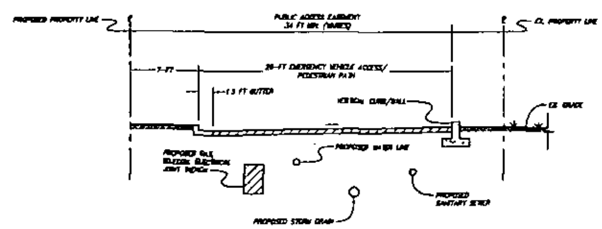


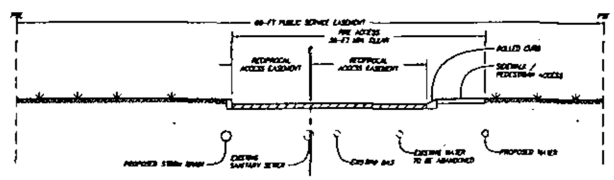
VILLAGE DRIVE (E)
SCALE: HORIZONTAL: 1"=5' VERTICAL: N.T.S.



FRONTAGE ROAD (SHUTTLE DROP OFF) (F)
SCALE: HORIZONTAL: 1"=5' VERTICAL: N.T.S.



SECTION @ EMERGENCY VEHICLE ACCESS NEAR WEST MACARTHUR (G)
SCALE: HORIZONTAL: 1"=5' VERTICAL: N.T.S.



SECTION @ FORMER APGAR ST (H)
SCALE: HORIZONTAL: 1"=5' VERTICAL: N.T.S.

SANDIS

DATE: 06-30-10
SCALE: AS NOTED
JOB NO.: 507128

DATE ______ 2010

DATE ______ 2010

No.	REVISION	DATE
1	FIRST RESUBMITTAL	
2	ADD'L FINAL RESUBMITTAL	
3	FINAL RESUBMITTAL	

VESTING TENTATIVE TRACT MAP NO. 8047
TYPICAL SECTIONS AND NOTES

OAKLAND CALIFORNIA

SHEET T-7 of 7 SHEETS

Attachment C: CEQA Memo

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 One 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 **&** Rodkln, 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 **&** Rodkln, 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-1: Project Site Area and Surgery Center Location

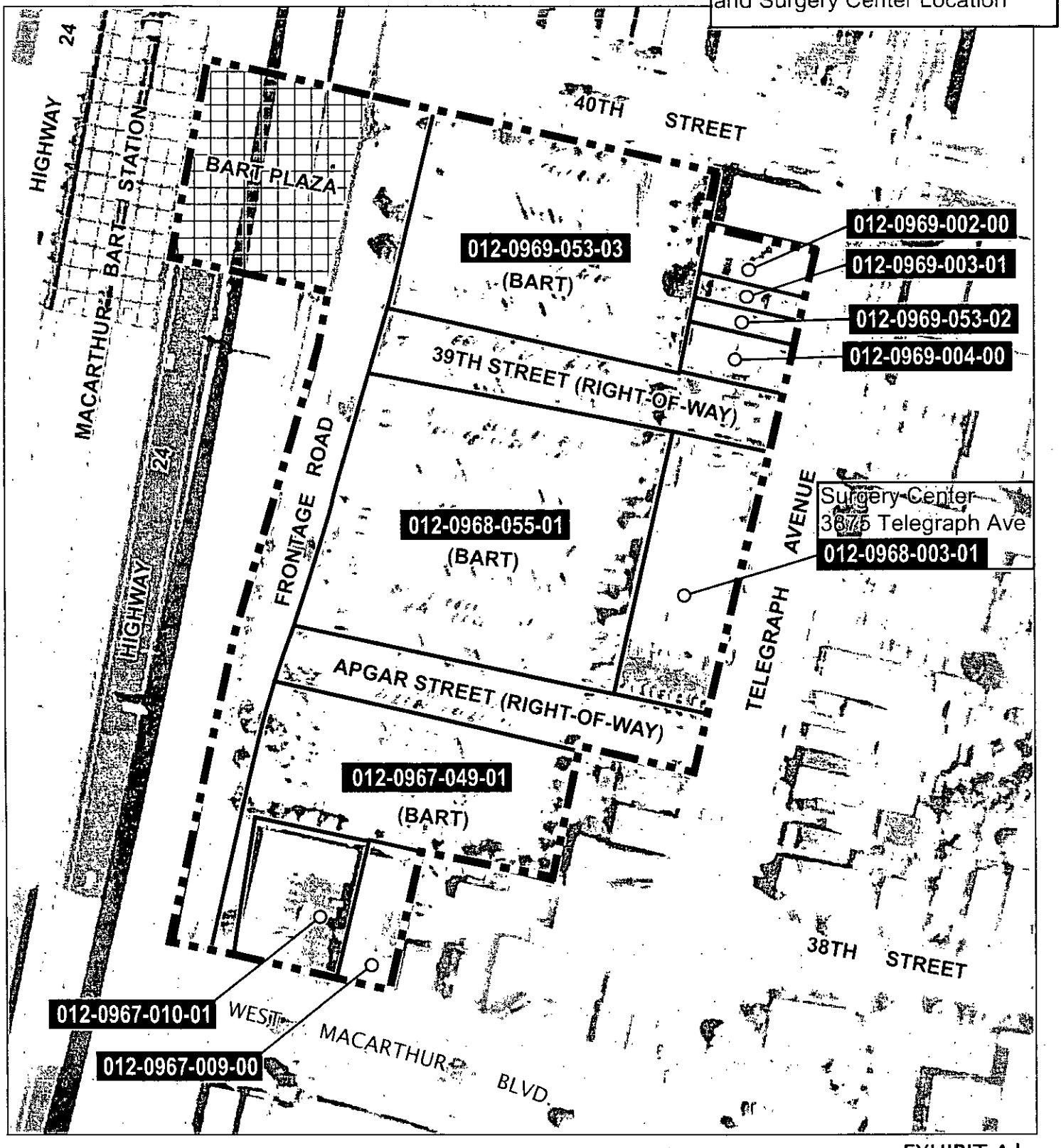


EXHIBIT A I

Legend

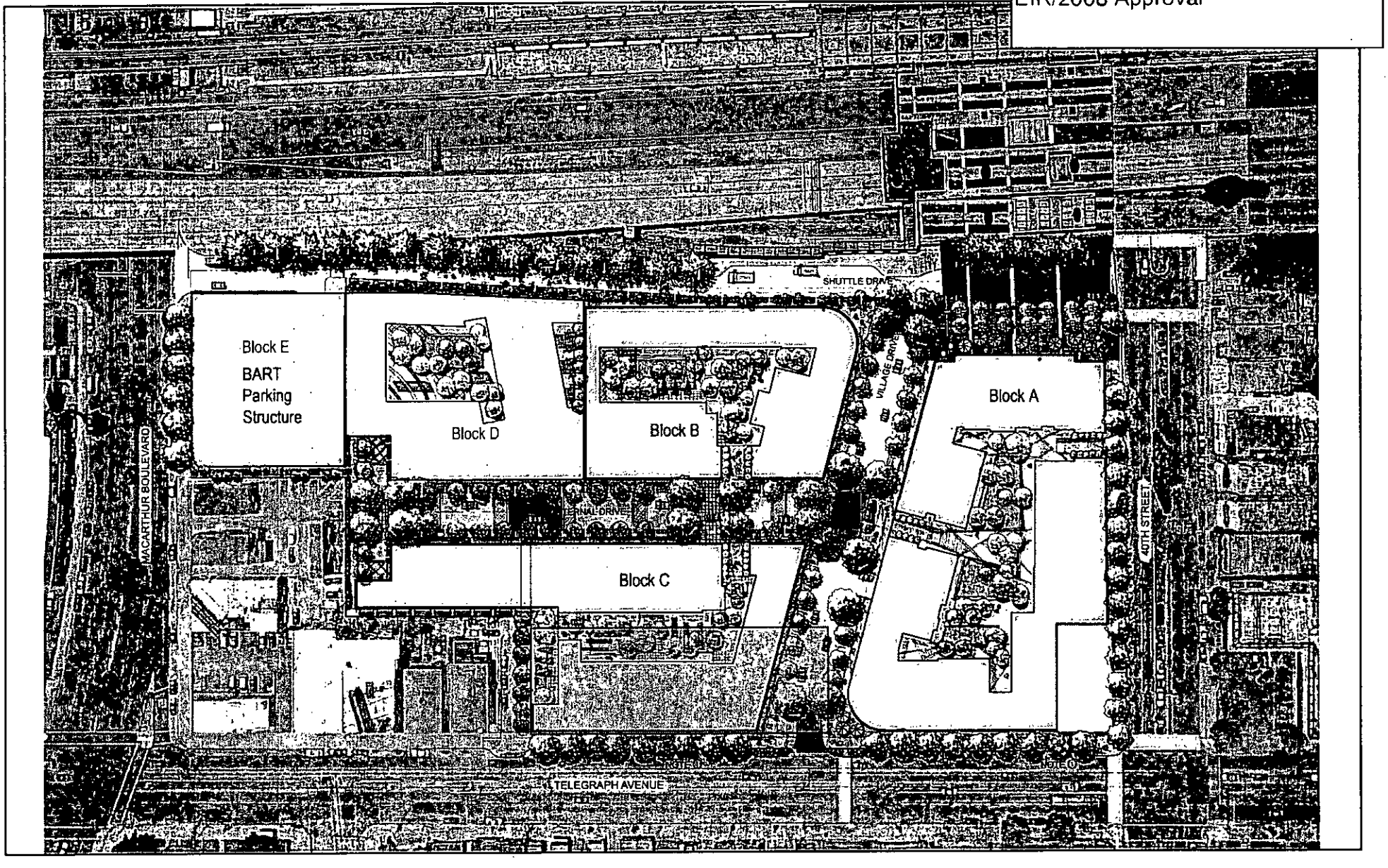
- Project site
- BART Plaza
- Parcel lines

MacArthur Transit Village Project Site

0 75 150 feet

SOURCE: CITY OF OAKLAND, 2006.

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

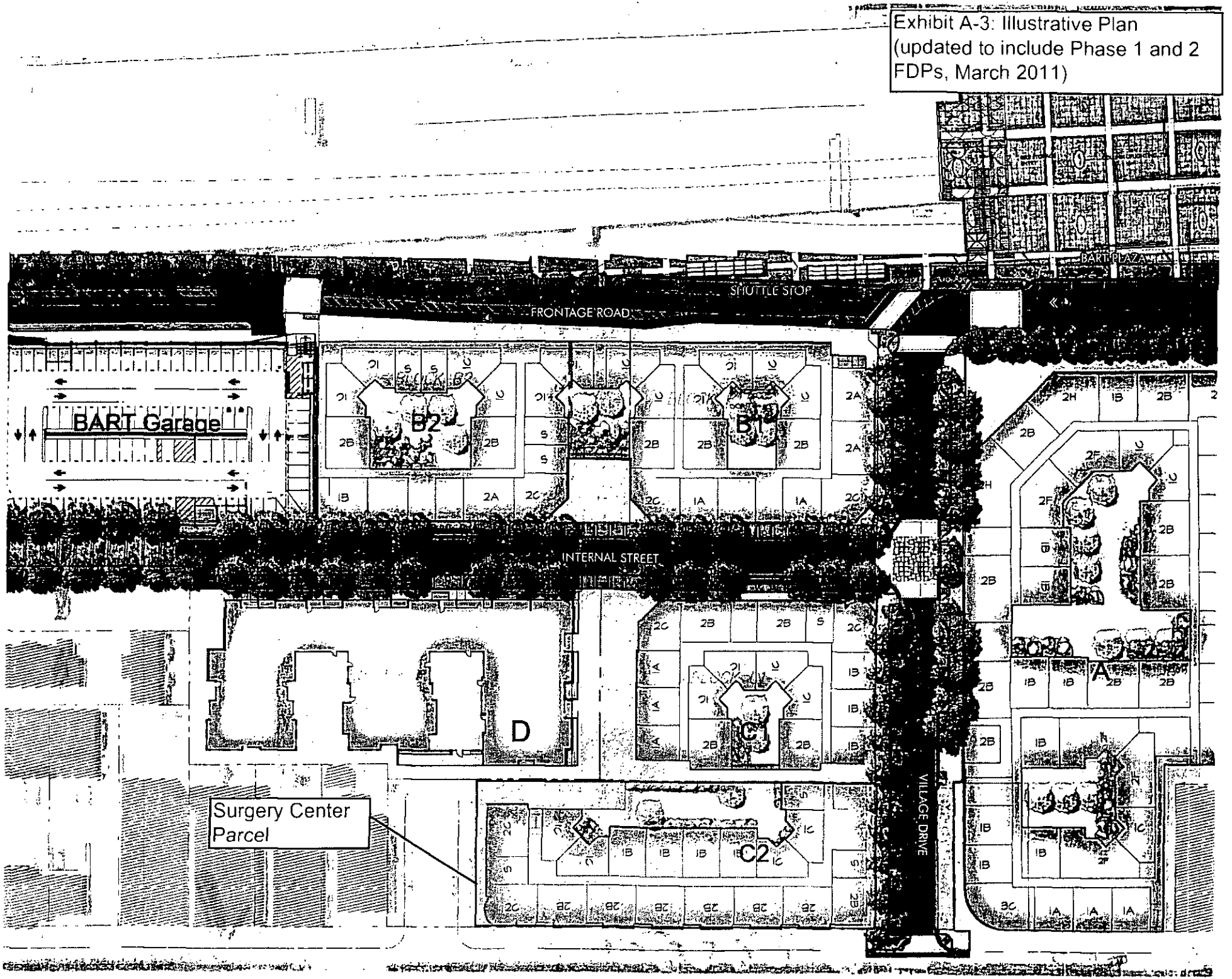


Surgery Center Parcel

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)



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 I 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 Intemal 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 fraffic 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 I 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 consfruction 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.		

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.					

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.		

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.					

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.		

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.		

Mitigation Monitoring and Reporting Program

Standard COA/MM	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/ Initials
d) Notification of nefghbors 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.		

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-S: 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.		

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.					

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 C

LSA

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20 EXECUTIVE PARK, SUITE 200
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949.553.8076 FAX

BERKELEY
CARLSBAD
FORT COLLINS
FRESNO
PALM SPRINGS
POINT RICHMOND
RIVERSIDE
ROCKLIN
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 Brugger, 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 particulate 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-1) and construction equipment (SCA-AIR2), which are designed to 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 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.

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 construcfion 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 recommendation 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.

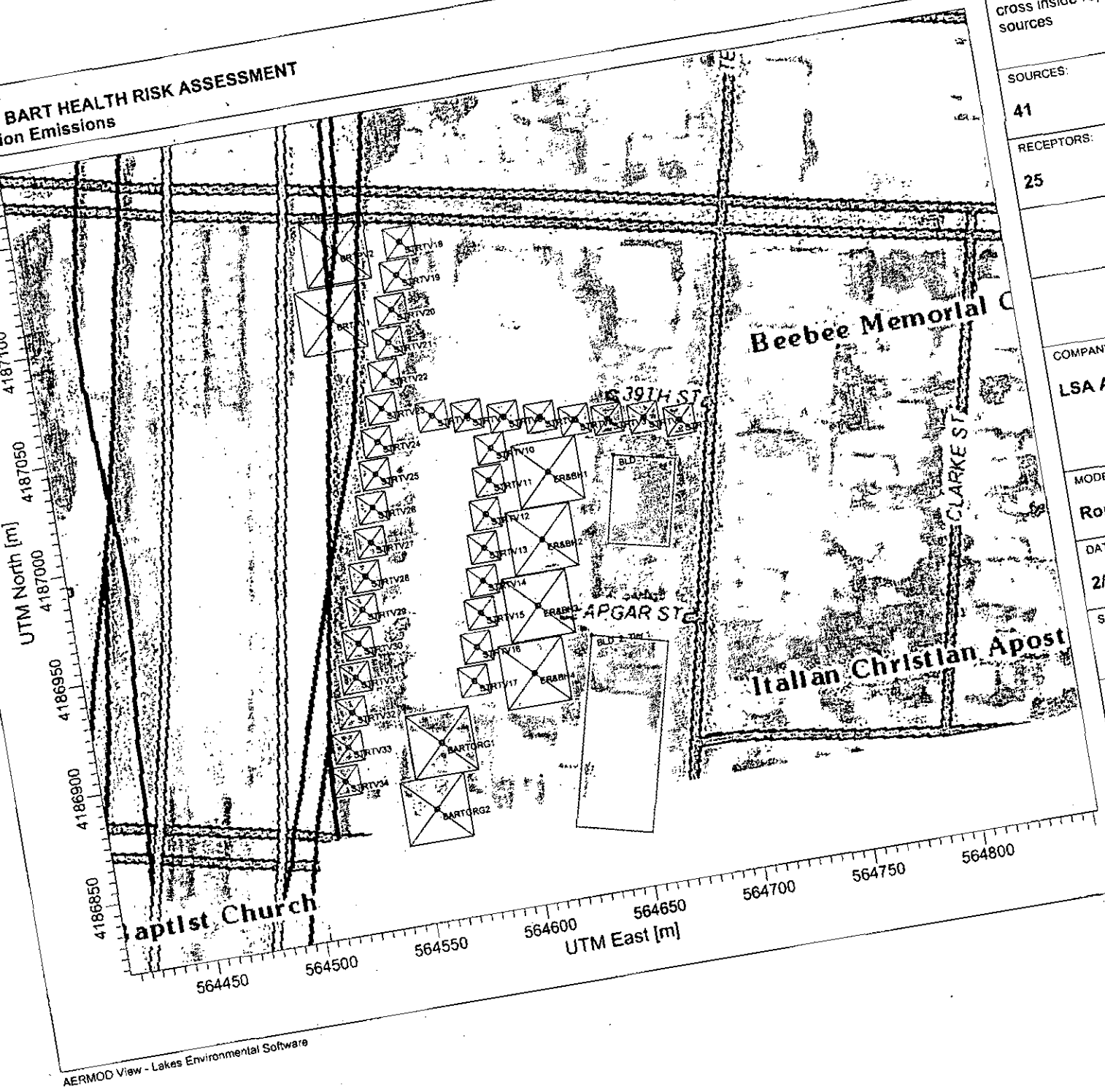
Whether a particular odor is objectionable can be very subjective. Odors rarely have direct health impacts, but they can be very unpleasant and can lead to anger and concern over possible health effects among the public. The current BAAQMD odor impact threshold is five confirmed complaints per year over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

HRA Worksheets and Modeling Files

EXHIBIT C

PROJECT TITLE:
MacArthur BART HEALTH RISK ASSESSMENT
Construction Emissions



AERMOD View - Lakes Environmental Software

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

P:\MTC1101\Modeling\MacBExh.isc

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**********************************************
**
** ISCST3 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
   TITLEONE MacArthur BART HEALTH RISK ASSESSMENT
   TITLETWO Construction Emissions
   MODELOPT DFAULT CONC  URBAN
   AVERTIME 1 PERIOD
   POLLUTID OTHER
   TERRHGTS ELEV
   RUNORNOT RUN
   ERRORFIL P:\MTC1101\Modeling\MacBExh.err
CO FINISHED
**
**********************************************
** ISCST3 Source Pathway
**********************************************
**
**
SO STARTING
** Source Location **
** Source ID - Type - X Coord. - Y Coord. **
   LOCATION STBTV1 VOLUME 564695.209 4187022.782 24.000
** DESCRSRC Street Volume 1
   LOCATION STRTV2 VOLUME 564679.514 4187026.655 24.020
** DESCRSRC Street Volume 2
   LOCATION STRTV3 VOLUME 564663.360 4187028.711 24.000
** DESCRSRC Street Volume 3
   LOCATION STRTV4 VOLUME 564648.616 4187030.784 24.000
** DESCRSRC Street Volume 4
   LOCATION STRTV5 VOLUME 564633.397 4187034.742 24.000
** DESCRSRC Street Volume 5
   LOCATION STRTV6 VOLUME 564617.260 4187037.732 23.870
** DESCRSRC Street Volume 6
   LOCATION STRTV7 VOLUME 564601.141 4187041.147 23.630
** DESCRSRC Street Volume 7
   LOCATION STRTV8 VOLUME 564585.446 4187043.747 23.440
** DESCRSRC Street Volume 8
   LOCATION ER&BH1 VOLUME 564632.800 4187009.549 23.600
** DESCRSRC Parcel B - Volume 1
   LOCATION ER&BH4 VOLUME 564611.907 4186921.223 22.490
** DESCRSRC Parcel D - Volume 1
   LOCATION ER&BH3 VOLUME 564618.532 4186950.710 23.000
** DESCRSRC Parcel D - Volume 2
   LOCATION ER&BH2 VOLUME 564625.190 4186980.147 23.090
** DESCRSRC Parcel D - Volume 3
   LOCATION BARTGRG2 VOLUME 564558.236 4186868.277 21.710
** DESCRSRC Parcel E - Volume 1
   LOCATION BARTGRG1 VOLUME 564565.370 4186897.289 22.000
** DESCRSRC Parcel E - Volume 2
   LOCATION STRTVI0 VOLUME 564609.162 4187024.699 23.450
```

EXHIBIT C

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** DESCRSRC Street Volume 10
   LOCATION STRTV11 VOLUME 564605.833 4187010.431 23.200
** DESCRSRC Street Volume 11
   LOCATION STRTV12 VOLUME 564602.028 4186995.687 23.000
** DESCRSRC Street Volume 12
   LOCATION STRTV13 VOLUME 564598.699 4186980.943 23.000
** DESCRSRC Street Volume 13
   LOCATION STRTV14 VOLUME 564595.845 4186966.200 23.000
** DESCRSRC Street Volume 14
   LOCATION STRTV15 VOLUME 564592.516 4186951.931 22.910
** DESCRSRC Street Volume 15
   LOCATION STRTV16 VOLUME 564588.236 4186937.187 22.940
** DESCRSRC Street Volume 16
   LOCATION STRTV17 VOLUME 564584.431 4186922.444 22.380
** DESCRSRC Street Volume 17
   LOCATION BRTPV1 VOLUME 564547.773 4187094.190 23.620
** DESCRSRC BART Plaza - Volume 1
   LOCATION BRTPV2 VOLUME 564554.431 4187124.153 24.000
** DESCRSRC BART Plaza - Volume 2
   LOCATION STRTV18 VOLUME 564583.917 4187123.203 24.000
** DESCRSRC Street Volume 18
   LOCATION STRTV19 VOLUME 564580.112 4187108.935 24.000
** DESCRSRC Street Volume 19
   LOCATION STRTV20 VOLUME 564575.356 4187094.191 24.000
** DESCRSRC Street Volume 20
   LOCATION STRTV21 VOLUME 564571.551 4187079.923 23.880
** DESCRSRC Street Volume 21
   LOCATION STRTV22 VOLUME 564567.271 4187065.655 23.310
** DESCRSRC Street Volume 22
   LOCATION STRTV23 VOLUME 564563.466 4187050.911 23.030
** DESCRSRC Street Volume 23
   LOCATION STRTV24 VOLUME 564559.185 4187036.167 23.000
** DESCRSRC Street Volume 24
   LOCATION STRTV25 VOLUME 564555.856 4187021.899 23.000
** DESCRSRC Street Volume 25
   LOCATION STRTV26 VOLUME 564552.051 4187007.155 23.000
** DESCRSRC Street Volume 26
   LOCATION STRTV27 VOLUME 564548.722 4186991.936 22.890
** DESCRSRC Street Volume 27
   LOCATION STRTV28 VOLUME 564543.966 4186977.192 22.550
** DESCRSRC Street Volume 28
   LOCATION STRTV29 VOLUME 564540.161 4186962.448 22.130
** DESCRSRC Street Volume 29
   LOCATION STRTV30 VOLUME 564535.880 4186947.704 22.070
** DESCRSRC Street Volume 30
   LOCATION STRTV31 VOLUME 564532.076 4186932.960 22.000
** DESCRSRC Street Volume 31
   LOCATION STRTV32 VOLUME 564527.795 4186917.741 22.000
** DESCRSRC Street Volume 32
   LOCATION STRTV33 VOLUME 564523.515 4186902.521 21.830
** DESCRSRC Street Volume 33
   LOCATION STRTV34 VOLUME 564519.710 4186887.778 21.380
** DESCRSRC Street Volume 34
** Source Parameters **
   SRCPARAM STRTV1 1.0 1.000 3.098 0.465
   SRCPARAM STRTV2 1.0 1.000 3.098 0.465
   SRCPARAM STRTV3 1.0 1.000 3.098 0.465
   SRCPARAM STRTV4 1.0 1.000 3.098 0.465
   SRCPARAM STRTV5 1.0 1.000 3.098 0.465
   SRCPARAM STRTV6 1.0 1.000 3.098 0.465
   SRCPARAM STRTV7 1.0 1.000 3.098 0.465
   SRCPARAM STRTV8 1.0 1.000 3.098 0.465
   SRCPARAM ER&BH1 1.0 1.000 6.744 0.930
   SRCPARAM ER&BH4 1.0 1.000 6.744 0.930
   SRCPARAM ER&BH3 1.0 1.000 6.744 0.930
```

EXHIBIT C

```
SRCPARAM ER&BH2 1.0 1.000 6.744 0.930
SRCPARAM BARTGRG2 1.0 1.000 6.744 0.930
SRCPARAM BARTGRG1 1.0 1.000 6.744 0.930
SRCPARAM STRTV10 1.0 1.000 3.098 0.465
SRCPARAM STRTV11 1.0 1.000 3.098 0.465
SRCPARAM STRTV12 1.0 1.000 3.098 0.465
SRCPARAM STRTV13 1.0 1.000 3.098 0.465
SRCPARAM STRTV14 1.0 1.000 3.098 0.465
SRCPARAM STRTV15 1.0 1.000 3.098 0.465
SRCPARAM STRTV16 1.0 1.000 3.098 0.465
SRCPARAM STRTV17 1.0 1.000 3.098 0.465
SRCPARAM BRTPV1 1.0 1.000 6.744 0.930
SRCPARAM BRTPV2 1.0 1.000 6.744 0.930
SRCPARAM STRTV18 1.0 1.000 3.098 0.465
SRCPARAM STRTV19 1.0 1.000 3.098 0.465
SRCPARAM STRTV20 1.0 1.000 3.098 0.465
SRCPARAM STRTV21 1.0 1.000 3.098 0.465
SRCPARAM STRTV22 1.0 1.000 3.098 0.465
SRCPARAM STRTV23 1.0 1.000 3.098 0.465
SRCPARAM STRTV24 1.0 1.000 3.098 0.465
SRCPARAM STRTV25 1.0 1.000 3.098 0.465
SRCPARAM STRTV26 1.0 1.000 3.098 0.465
SRCPARAM STRTV27 1.0 1.000 3.098 0.465
SRCPARAM STRTV28 1.0 1.000 3.098 0.465
SRCPARAM STRTV29 1.0 1.000 3.098 0.465
SRCPARAM STRTV30 1.0 1.000 3.098 0.465
SRCPARAM STRTV31 1.0 1.000 3.098 0.465
SRCPARAM STRTV32 1.0 1.000 3.098 0.465
SRCPARAM STRTV33 1.0 1.000 3.098 0.465
SRCPARAM STRTV34 1.0 1.000 3.098 0.465
SRCGROUP BRTPV1 BRTPV1
SRCGROUP BRTPV2 BRTPV2
SRCGROUP ER&BH1 ER&BH1
SRCGROUP ER&BH4 ER&BH4
SRCGROUP ER&BH3 ER&BH3
SRCGROUP ER&BH2 ER&BH2
SRCGROUP BARTGRG2 BARTGRG2
SRCGROUP BARTGRG1 BARTGRG1
SRCGROUP STRTV1 STRTV1
SRCGROUP STRTV10 STRTV10
SRCGROUP STRTV11 STRTV11
SRCGROUP STRTV12 STRTV12
SRCGROUP STRTV13 STRTV13
SRCGROUP STRTV14 STRTV14
SRCGROUP STRTV15 STRTV15
SRCGROUP STRTV16 STRTV16
SRCGROUP STRTV17 STRTV17
SRCGROUP STRTV18 STRTV18
SRCGROUP STRTV19 STRTV19
SRCGROUP STRTV2 STRTV2
SRCGROUP STRTV20 STRTV20
SRCGROUP STRTV21 STRTV21
SRCGROUP STRTV22 STRTV22
SRCGROUP STRTV23 STRTV23
SRCGROUP STRTV24 STRTV24
SRCGROUP STRTV25 STRTV25
SRCGROUP STRTV26 STRTV26
SRCGROUP STRTV27 STRTV27
SRCGROUP STRTV28 STRTV28
SRCGROUP STRTV29 STRTV29
SRCGROUP STRTV3 STRTV3
SRCGROUP STRTV30 STRTV30
SRCGROUP STRTV31 STRTV31
SRCGROUP STRTV32 STRTV32
SRCGROUP STRTV33 STRTV33
```

EXHIBIT C

```
   SRCGROUP STRTV34 STRTV34
   SRCGROUP STRTV4 STRTV4
   SRCGROUP STRTV5 STRTV5
   SRCGROUP STRTV6 STRTV6
   SRCGROUP STRTV7 STRTV7
   SRCGROUP STRTV8 STRTV8
SO FINISHED
**
**********************************
** ISCST3 Receptor Pathway
**********************************
**
**
RE STARTING
** DESCRREC "" ""
   DISCCART    564662.36   4187014.18   24.00
   DISCCART    564653.21   4186972.86   23.06
   DISCCART    564690.85   4187007.06   24.00
   DISCCART    564579.46   4187159.86   24.23
   DISCCART    564595.32   4187157.15   24.29
   DISCCART    564511.18   4187155.33   24.74
   DISCCART    564625.68   4187152.62   24.97
   DISCCART    564638.81   4187150.35   25.00
   DISCCART    564652.41   4187147.63   25.00
   DISCCART    564666.45   4187144.46   25.00
   DISCCART    564681.40   4187141.74   25.02
   DISCCART    564695.44   4187139.02   25.26
   DISCCART    564708.13   4187137.21   25.66
   DISCCART    564722.17   4187134.49   25.75
   DISCCART    564749.36   4187129.51   26.00
   DISCCART    564740.30   4187091.91   25.06
   DISCCART    564737.12   4187076.96   25.00
   DISCCART    564733.95   4187064.72   25.00
   DISCCART    564731.23   4187047.51   24.87
   DISCCART    564728.52   4187034.82   24.65
   DISCCART    564724.89   4187020.78   24.24
   DISCCART    564721.72   4187005.38   24.10
   DISCCART    564717.64   4186989.52   24.00
   DISCCART    564714.47   4186973.66   23.96
   DISCCART    564710.85   41S6955.99   23.65
RE FINISHED
**
**********************************
** ISCST3 Meteorology Pathway
**********************************
**
**
ME STARTING
   INPUTFIL P:\MTC1101\Modeiing\OAK78-83.ASC
   ANEMHGHT 10 METERS
   SURFDATA 23230 1978 OAKLAND/WSO_AP
   UAIRDATA 23230 1978 OAKLAND/WSO_AP 569300.00 4172700.00
ME FINISHED
**
**********************************
** ISCST3 Output Pathway
**********************************
**
**
OU STARTING
   RECTABLE ALLAVE 1ST
   RECTABLE 1 1ST
** Auto-Generated Plotfiles
** Plotfile Path: P:\MTC1101\Modeling\MACBEXH.IS\
   PLOTFILE 1 BRTPV1 1ST 01H1G001.PLT
```

EXHIBIT C

```
PLOTFILE PERIOD BRTPV1 PE00G001.PLT
PLOTFILE 1 BRTPV2 1ST 01H1G002.PLT
PLOTFILE PERIOD BRTPV2 PE00G002.PLT
PLOTFILE 1 ER&BH1 1ST 01H1G003.PLT
PLOTFILE PERIOD ER&BH1 PE00G003.PLT
PLOTFILE 1 ER&BH4 1ST 01H1G004.PLT
PLOTFILE PERIOD ER&BH4 PE00G004.PLT
PLOTFILE 1 ER&BH3 1ST 01H1G005.PLT
PLOTFILE PERIOD ER&BH3 PE00G005.PLT
PLOTFILE 1 ER&BH2 1ST 01H1G006.PLT
PLOTFILE PERIOD ER&BH2 PE00G006.PLT
PLOTFILE 1 BARTGRG2 1ST 01H1G007.PLT
PLOTFILE PERIOD BARTGRG2 PE00G007.PLT
PLOTFILE 1 BARTGRG1 1ST 01H1G008.PLT
PLOTFILE PERIOD BARTGRG1 PE00G008.PLT
PLOTFILE 1 STRTV1 1ST 01H1G009.PLT
PLOTFILE PERIOD STRTV1 PE00G009.PLT
PLOTFILE 1 STRTVI0 1ST 01HIG0I0.PLT
PLOTFILE PERIOD STRTVI0 PE00G0I0.PLT
PLOTFILE 1 STRTV11 1ST 01H1G011.PLT
PLOTFILE PERIOD STRTV11 PE00G011.PLT
PLOTFILE 1 STRTV12 1ST 01H1G012.PLT
PLOTFILE PERIOD STRTV12 PE00G012.PLT
PLOTFILE 1 STRTV13 1ST 01H1G013.PLT
PLOTFILE PERIOD STRTV13 PE00G013.PLT
PLOTFILE 1 STRTV14 1ST 01H1G014.PLT
PLOTFILE PERIOD STRTV14 PE00G014.PLT
PLOTFILE 1 STRTV15 1ST 01H1G015.PLT
PLOTFILE PERIOD STRTV15 PE00G015.PLT
PLOTFILE 1 STRTV16 1ST 01H1G016.PLT
PLOTFILE PERIOD STRTV16 PE00G016.PLT
PLOTFILE 1 STRTV17 1ST 01H1G017.PLT
PLOTFILE PERIOD STRTV17 PE00G017.PLT
PLOTFILE 1 STRTV18 1ST 01H1G018.PLT
PLOTFILE PERIOD STRTV18 PE00G018.PLT
PLOTFILE 1 STRTV19 1ST 01H1G019.PLT
PLOTFILE PERIOD STRTV19 PE00G019.PLT
PLOTFILE 1 STRTV2 1ST 01H1G020.PLT
PLOTFILE PERIOD STRTV2 PE00G020.PLT
PLOTFILE 1 STRTV20 1ST 01H1G021.PLT
PLOTFILE PERIOD STRTV20 PE00G021.PLT
PLOTFILE 1 STRTV21 1ST 01H1G022.PLT
PLOTFILE PERIOD STRTV21 PE00G022.PLT
PLOTFILE 1 STRTV22 1ST 01H1G023.PLT
PLOTFILE PERIOD STRTV22 PE00G023.PLT
PLOTFILE 1 STRTV23 1ST 01H1G024.PLT
PLOTFILE PERIOD STRTV23 PE00G024.PLT
PLOTFILE 1 STRTV24 1ST 01H1G025.PLT
PLOTFILE PERIOD STRTV24 PE00G025.PLT
PLOTFILE 1 STRTV25 1ST 01H1G026.PLT
PLOTFILE PERIOD STRTV25 PE00G026.PLT
PLOTFILE 1 STRTV26 1ST 01H1G027.PLT
PLOTFILE PERIOD STRTV26 PE00G027.PLT
PLOTFILE 1 STRTV27 1ST 01H1G028.PLT
PLOTFILE PERIOD STRTV27 PE00G028.PLT
PLOTFILE 1 STRTV28 1ST 01H1G029.PLT
PLOTFILE PERIOD STRTV28 PE00G029.PLT
PLOTFILE 1 STRTV29 1ST 01H1G030.PLT
PLOTFILE PERIOD STRTV29 PE00G030.PLT
PLOTFILE 1 STRTV3 1ST 01H1G031.PLT
PLOTFILE PERIOD STRTV3 PE00G031.PLT
PLOTFILE 1 STRTV30 1ST 01H1G032.PLT
PLOTFILE PERIOD STRTV30 PE00G032.PLT
PLOTFILE 1 STRTV31 1ST 01H1G033.PLT
PLOTFILE PERIOD STRTV31 PE00G033.PLT
```

EXHIBIT C

```
   PLOTFILE 1 STRTV32 1ST 01H1G034.PLT
   PLOTFILE PERIOD STRTV32 PE00G034.PLT
   PLOTFILE 1 STRTV33 1ST 01H1G035.PLT
   PLOTFILE PERIOD STRTV33 PE00G035.PLT
   PLOTFILE 1 STRTV34 1ST 01H1G036.PLT
   PLOTFILE PERIOD STRTV34 PE00G036.PLT
   PLOTFILE 1 STRTV4 1ST 01H1G037.PLT
   PLOTFILE PERIOD STRTV4 PE00G037.PLT
   PLOTFILE 1 STRTV5 1ST 01H1G038.PLT
   PLOTFILE PERIOD STRTV5 PE00G038.PLT
   PLOTFILE 1 STRTV6 1ST 01H1G039.PLT
   PLOTFILE PERIOD STRTV6 PE00G039.PLT
   PLOTFILE 1 STRTV7 1ST 01H1G040.PLT
   PLOTFILE PERIOD STRTV7 PE00G040.PLT
   PLOTFILE 1 STRTV8 1ST 01H1G041.PLT
   PLOTFILE PERIOD STRTV8 PE00G041.PLT
OU FINISHED
**
*************************************
** Project Parameters
*************************************
** PROJCTN  CoordinateSystemUTM
** DESCPTN  UTM: Universal Transverse Mercator
** DATUM    North American Datum 1983
** DTMRGN   CONUS
** UNITS    m
** ZONE     10
**
```

URBEMIS 2007 Annual Construction Emissions Rates

				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	Intemal Streets & Village - Earthwork	Street Vols 1-16	0.016886366	0.033507655
	Trenching 09/01/2012-11/30/2012	Intemal Streets & Village - Utilties	Street Vols 1-16	0.031723811	0.060486488
	Asphah 11/01/2012-01/30/2013	Intemal Streets & Village - Paving & Sidewall	Street Vols 1-16	0.005711218	0.01110517
2013				0.00	0.01
	Asphalt 11/01/2012-01/30/2013	Intemal & Village - Paving & Sidewalks	Street Vols 1-16	0.003006187	0.00589604
			total	0.305303299	1.87982036938142

EXHIBIT C

LSA Associates, Inc.

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

MTC1101

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 Streei	16	0.057327581	0.110995353	2
Frontage Rd	17	0.050392666	0.09809643	2
	41	0.305303299	1.879820369	

Annual Emissions (lb/year)

Construction Area	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	Construction
days/year	hours/day
250	8

Hourly Emissions (lb/hr)

	PM10	1,3-bmadiene	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 #818	
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#spoecprof
downloaded 10/14/2010

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 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
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=STRTV2 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^S)	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=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		0.0291	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=STRTV4 STACK 1 EMS (lbs/yr)

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	I		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 MULTIPLIEB=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	I		7.93e-3	3.97e-6
100414	Ethyl Benzene	I		0.00121	6.05e-7
50000	Formaldehyde	1		0.0583	2.92e-5
67561	Methanol	I		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
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=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 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		0.00584	2.92e-6
1330207	Xylenes	1		0.00242	1.21e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 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		3.86e-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&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
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	i		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 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	5.45e-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=BARTGRG2 STACK 1 EMS (lbs/yr)
SOURCE 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	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	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	DieselExhPM	1		3.875	1.94e-3
106990	1,3-Butadiene	1		8.37e-2	4.19e-5
75070	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	Xylenes	1		0.269	1.35e-4

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV10 STACK 1 EMS (ibs/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=STRTV11 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

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-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=STRTV12 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=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 I 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=STRTV15 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 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		0.0817	4.09e-5

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 (ibs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (Ibs/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=STRTV19 STACK 1 EMS (Ibs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (Ibs/yr)	MAX (Ibs/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=STRTV20 STACK 1 EMS (Ibs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (Ibs/yr)	MAX (Ibs/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=STRTV21 STACK 1 EMS (Ibs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (Ibs/yr)	MAX (Ibs/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 C

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
73933	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		2.80e-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=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		0.00496	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 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		0.0066	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		0.00437	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=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	8.48e-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=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
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=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-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

EXHIBIT C

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=i 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-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=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	1.21e-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		0.00436	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	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=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
67561	Methanol	1		9.89e-5	4.95e-8

EXHIBIT C

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
108833	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		9.89e-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

MacArthur BART Construction
HARP Risk Levels

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	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

LSA

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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 logarithmic 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.

EXHIBIT D

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 I 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 summary 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.

EXHIBIT D

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 tbe 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 construcdon-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

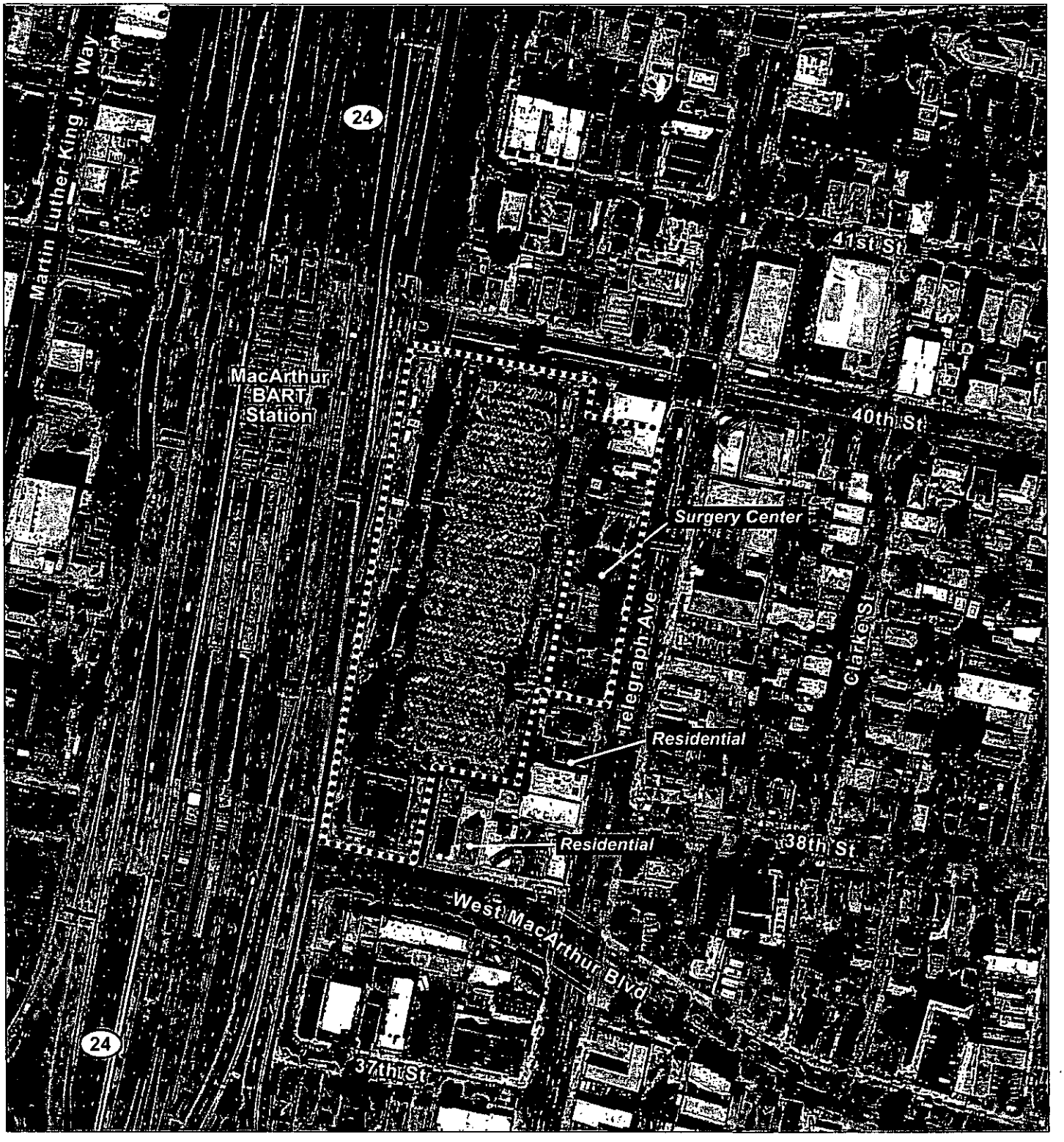
Receptor	Phase Month	Noise Levels Prior to Implementation of Noise Reduction Strategies (dBA)		Noise Levels With Implementation of Noise Reduction Strategies (dBA)	
		L_{max} [a]	$L_{eq}(h)$	L_{max}	$L_{eq}(h)$ [b]
Residential on MacArthur Boulevard	May 2011	92	69	84	61
	June 2011	92	73	84	65
	September 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 D



LSA

FIGURE 1

Project Site

6 Foot High Temporary Sound Barrier

8 Foot High Temporary Sound Barrier

0 150 300

FEET

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.

EXHIBIT D

	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 stmctural 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

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	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;

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- 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 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. As noted previously, anticipated construction 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 construction site. The anticipated construction 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 construction 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-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.
- 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 construction 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 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 Specialist/Project Manager

Attachments:

Attachment A - Construction 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 n	Usage factor	Distance to Receptor: Closest	Distance to Receptor: Average	Ground Effect	Shielding (dBA)	Calculated (dBA): Lmax	Calculated (dBA): Leq	0.1*Leq	antiLog
		Lmax		1	1						
[illegible]	200C Cat 3308 Excavator	81	1	50	180	0.52		81	66.98118	6.698117698	4990197.084
[illegible]	2005 Linkbelt 330 LX Excavator	81	1	30	120	0.52		85.436979	71.41868	7.141887871	13863333.5
C	2006 Bobcat S300 Skid steer	79									
D	Xtreme XFR-1245 Forklift	75									
E	Dalmag RH26	84									
F	Drill Head Motor	84									
G	TEREX Back Hoe Loader	88									
H	48 meter Putzmeister Boom Pump	84									
[illegible]	1999 Mack Dump truck	88	0.5	50	180	0.52		88	70.97088	7.097087702	12505115.36
[illegible]	1999 Mack Dump truck	88	0.5	30	120	0.52		92.436975	75.40836	7.540837675	34740628.83
K	Fork Lift - Hyster H80XL	75									
M	Ingersoll Rand Compressor	85									
N	Link Belt 75 ton hydm	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-950LC-5	81									
V	Dynapac (jumping jack) - LT7000	87									
[illegible]	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									
[illegible]	SAKAI - dirt roller	80	1	50	180	0.52		80	65.98118	6.596117698	3963654.44
[illegible]	SAKAI - dirt roller	80	1	30	120	0.52		84.436975	70.41868	7.041667671	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									
[illegible]	Water truck - Sterling LT8500	85	0.5	50	180	0.53		85	67.97088	6.797087702	8267404.173
AG	CAT 08R - diesel - Bull Dozer	88									
[illegible]	CAT 1055D paver	77	0.5	50	180	0.52		77	59.97088	5.997087702	993316.6206
	Distance to receptor:			Closest	Average			Lmax*	92		Sum	68886489.1
	[illegible]			50	180						Sum/12	7407207.425
	BART Garage Earthwork [illegible]			30	120						10*Log(Sum)	68.69654506
											Leq(h)	69

*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
1	50	180	0.52	8	73	58.98118	5.898117698	790892.9387	Temporary 8 ft sound barrier
1	30	120	0.52	8	77.43697	63.41868	6.341667671	2197190.289	Temporary 8 ft sound barrier
0.5	50	180	0.52	8	80	62.97088	6.297087702	1981927.22	Temporary 8 ft sound barrier
0.5	30	120	0.52	8	84.43697	67.40838	6.740837675	5506018.813	Temporary 8 ft sound barrier
0.5	50	180	0.52	8	73	58.98118	5.898117698	790892.9387	Temporary 8 ft sound barrier
0.5	30	120	0.52	8	77.43697	63.41868	6.341667671	2197190.289	Temporary 8 ft sound barrier
1	50	180	0.52	8	72	57.98118	5.798117698	628228.5919	Temporary 8 ft sound barrier
1	30	120	0.52	8	76.43697	62.41868	6.241667671	1745290.284	Temporary 8 ft sound barrier
0.5	50	180	0.52	8	77	59.97088	5.997087702	993316.8206	Temporary 8 ft sound barrier
0.5	50	180	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)	60.89654506
								Leq(h)	61

*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 n	Usage factor	Distance to Receptor: Closest	Distance to Receptor: Average	Ground Effect	Shielding (dBA)	Calculated (dBA): Lmax	Calculated (dBA): Leq	0.1*Leq	antiLog
		Lmax		1	1						
A	2000 Cat 330B Excavator	81									
B	2005 Linkbelt 330 LX Excavator	81									
C	2006 Bobcat S300 Skid steer	79									
[illegible]	Xtreme XFR-1245 Forklift	75	1	30	120	0.52		79.436975	65.41868	6.541887871	3482311.932
[illegible]	Dalmag RH26	84	1	30	120	0.52		88.436975	74.41868	7.441887871	27660986.89
[illegible]	Drill Head Motor	84	1	30	120	0.52		88.436975	74.41868	7.441887871	27660968.89
[illegible]	TEREX Back Hoe Loader	88	1	30	120	0.52		92.436975	78.41868	7.841667871	69481257.86
[illegible]	48 meter Putzmeister Boom Pump	84	1	30	120	0.52		83.436975	74.41868	7.441887671	27660966.89
[illegible]	1999 Mack Dump truck	88	0.5	30	120	0.52		92.436975	75.40838	7.540837675	34740628.63
K	Fork Lift - Hyster H80XL	75									
M	Ingersoll Rand Compressor	85									
N	Link Belt 75 ton hydro	76									
P	JLG 600 series - 80 ft boom	75									
[illegible]	Delivery Stake Truck - F-450 Super Duty	85	0.5	30	120	0.52		89.436975	72.40836	7.240837675	17411559.66
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-on saw	70									
[illegible]	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									
[illegible]	McNeilus Ready-mix Concrete truck	79	0.5	30	120	0.52		83.436975	66.40836	6.640837675	4373568.046
[illegible]	McNeilus Ready-mix Concrete truck	79	0.5	30	120	0.52		83.436975	66.40838	6.640837675	4373566.046
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 LT6500	85									
AG	CAT D8R - diesel - Bull Dozer	88									
AH	CAT 1055D paver	77									
	Distance to receptor:			Closest	Average			Lmax*	92		Sum	217944486
	[illegible]			30	120						Sum/12	18162040.5
											10*Log(Sum)	72.5916484
											Leq(h)	73

*Calculated Lmax is the Loudest vsaue.

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
1	30	120	0.52	8	71.43697	57.41868	5.741867671	551909.2474	Temporary 8 ft sound barrier
1	30	120	0.52	8	80.43697	66.41868	6.641867671	4383970.982	Temporary 8 ft sound barrier
1	30	120	0.52	8	80.43697	66.41868	6.641867671	4383970.982	Temporary 8 ft sound barrier
1	30	120	0.52	8	84.43697	70.41868	7.041867671	11012037.23	Temporary 8 ft sound barrier
1	30	120	0.52	8	80.43697	66.41866	6.641867671	4383970.982	Temporary 8 ft sound barrier
0.5	30	120	0.52	8	84.43697	67.40838	6.740837675	5506018.613	Temporary 8 ft sound barrier
0.5	30	120	0.52	8	81.43697	64.40838	6.440837675	2759546.237	Temporary 8 ft sound barrier
0.5	30	120	0.52	8	69.43697	52.40838	5.240837675	174115.5968	Temporary 8 ft sound barrier
0.5	30	120	0.52	8	75.43697	58.40838	5.840837675	693166.675	Temporary 8 ft sound barrier
0.5	30	120	0.52	8	75.43697	58.40838	5.840837675	693166.875	Temporary 8 ft sound barrier
					Lmax*	84		Sum	34541873.22
								Sum/12	2878489.435
								10*Log(Sum)	64.5916484
								Leq(h)	65

*Calculated Lmax is the Loudest value.

EXHIBIT D

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

Receptor: Residential on MacArthur Boulevard

Noise Level Calculation Prior to Implementation of Noise Attenuation Requirements

ID	Equipment	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*Leo	antiLog
A	2000 Cat 3308 Excavator	81									
B1	2005 Linkbelt 330 LX Excavator	81	1	175	195	0.52		70.116639	66.10517	6.61051719	4078657.056
B2	2005 Linkbelt 330 LX Excavator	81	1	590	720	0.52		59.56236	51.80927	5.18092852	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	0.52		68.116639	64.10517	6.41051719	2573458.625
C2	2006 Bobcat S300 Skid steer	79	1	590	720	0.52		57.56238	49.80927	4.98092652	95703.21334
C3	2006 Bobcat S300 Skid steer	79	1	155	205	0.52		69.172766	63.55785	6.355784681	2266739.754
[redacted]	Xtreme XFR-1245 Forklift	75	1	30	120	0.52		79.436975	65.41668	6.541667671	3482311.932
E	Delmao RH26	84									
F	Drill Head Motor	64									
G1	TEREX Back Hoe Loader	66	1	590	720	0.52		66.56236	58.80927	5.88092652	760197.8451
G2	TEREX Back Hoe Loader	88	1	155	205	0.52		76.172766	72.55785	7.255784661	18021240.44
[redacted]	48 meter Putzmeister Boom Pump	84	1	30	120	0.52		88.436975	74.41666	7.441667871	27660966.89
J1	1999 Mack Dump truck	88	0.5	590	720	0.52		66.56236	55.79697	5.579696524	380098.6225
J2	1999 Mack Dumo truck	88	0.5	155	205	0.52		78.172766	69.54755	6.954754685	9010620.22
[redacted]	Fork Lift - Hyster H80XL	75	1	30	120	0.52		79.436975	65.41668	6.541667671	3462311.932
M1	Ingersoll Rand Compressor	95	1	175	195	0.52		74.116639	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	69.55785	6.955764861	9032015.642
N	Link Belt 75 ton hydro	76									
P	JLG 800 series - 60 ft boom	75									
[redacted]	Delivery Stake Truck - F-450 Super Duty	85	0.5	30	120	0.52		89.436975	72.40636	7.240637675	17411559.68
[redacted]	Delivery Stake Truck - F-450 Super Duty	85	0.5	30	120	0.52		69.436975	72.40838	7.240637675	17411559.66
Q3	Delivery Stake Truck - F-450 Super Duty	85	0.5	175	195	0.52		74.116639	67.09487	6.709487195	5122561.659
R	Pecco PH 6000	75									
S	Ditchwitch 1030 trencher	80									
T	TEREX Back Hoe Loader	66									
U	Hitachi Excavator - EX-550LC-5	81									
V	Dynapac (jumping jack) - LT7000	87	0.5	175	195	0.52		78.116639	69.09487	6.909487195	8116713.102
W1	STIHL - cut-off saw	70	0.5	175	195	0.52		39.116639	52.09487	5.209487195	161989.623
W2	STIHL - cut-off saw	70	0.5	590	720	0.52		48.58236	37.79897	3.779896524	6024.160363
W3	STIHL - cut-off saw	70	0.5	155	205	0.52		80.172766	51.54755	5.154754685	142608.7065
X	Lincoln Commander 500 welder	73									
Y	Concrete walk behind saw -EDCO SS-20	90									
Z	SAKAI - din roller	80									
[redacted]	McNeilus Ready-mix Concrete truck	79	0.5	30	120	0.52		83.436975	66.40638	6.640637675	4373566.046
[redacted]	McNeilus Ready-mix Concrete truck	79	0.5	30	120	0.52		83.436975	66.40638	6.640637675	4373566.046
AA3	McNeilus Ready-mix Concrete truck	79	0.5	175	195	0.52		68.116639	61.09487	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	66									
AF	Water truck - Sterling LT8500	85									
AG	CAT D8R - diesel - Bull Dozer	68									
AH	CAT 10550 paver	77									

Distance to receptor:	Closest	Average		
			Lmax*	69
BART/ [illegible] Grade Beams/Pile Caps/Vertical Concrete	30	120	Sum	90940289 26
Frontage Road Utilities	175	345	Sum/12	7578357.436
Bart Plaza Demo	590	720	10*Log(Sum)	68.79575085
W MacArthur Demo	155	205	Leq(h)	69

*Calculated Lmax is the Loudest value.

Noise Level Calculation with Noise Attenuation Requirements Implemented

ID	Usage factor	Distance to Receptor: Closest	Distance to Receptor: Average	Ground Effect	Shielding (dBA)	Calculated (dBA) Lmax	Calculated (dBA) Leq	8.1*Leq	antiLon	Attenuation technique implemented
A										
B1	1	175	195	0.52	8	62.11864	58.10517	5.81051719	846423 5803	Temoorary 8 ft sound Barrier
B2	1	590	720	0.52	8	51.56236	43.80927	4.38092652	24039 5603	Temoorary 8 ft sound barrier
B3	1	155	205	0.52	8	63.17277	57.55785	5.755784681	569881 6605	Temoorary 8 ft sound barrier
C1	1	175	195	0.52	8	60.11864	56 10517	5 81051719	407865.7056	Temporary 8 ft sound barrier
C2	1	590	720	0.52	8	49.56236	41.60927	4.18092652	15187.93713	Temoorary 8 ft sound barrier
C3	1	155	205	0.52	8	61.17277	55.55785	5.555784561	359571.0192	Temporary 8 ft sound barrier
[redacted]	1	30	120	0.52	8	71.43697	57.41668	5.741667671	551909.2474	Temporary 8 ft sound barrier
E										
F										
G1	1	590	720	0.52	8	58.56236	50.60927	5.06092652	120483.2073	Temporary 8 ft sound barrier
G2	1	155	205	0.52	8	70.17277	64.55785	6.455764681	2856174.129	Temoorary 8 ft sound barrier
[redacted]	1	30	120	0.52	8	80.43697	68.41666	6.841667671	4383970.982	Temoorary 8 ft sound barrier
J1	0.5	590	720	0.52	8	58.56236	47.79697	4.779696524	60241.60363	Temporary 8 ft sound barrier
J2	0.5	155	205	0.52	8	70.17277	61.54755	6.154754685	1428087.065	Temporary 8 ft sound barrier
[redacted]	1	30	120	0.52	8	71.43697	57.41666	5.741667671	551909 2474	Temoorary 8 ft sound barrier
M1	1	175	195	0.52	8	66.11894	62.10517	6 21051719	1623742.62	Temporary 8 ft sound barrier
M2	1	590	720	0.52	8	55.56236	47.80937	4 78092652	60384.64535	Temporary 8 ft sound barrier
M3	1	155	205	0.52	8	67.17277	61.55765	8.155784661	1431476.011	Temporary 8 ft sound harrier
N										
P										
[redacted]	0.5	30	120	0.52	8	81.43697	64 40638	6.440637675	2759546.237	Temporary 8 ft sound barrier
[redacted]	0.5	30	120	0.52	8	81.43697	64.40838	6.440637675	2759546 237	Temporary 8 ft sound barrier
Q3	0.5	175	195	0.52	8	66.11664	59.09487	5.909487195	611871.3102	Temporary 8 ft sound barrier
R										
S										
T										
U										
V	0.5	175	195	0.52	8	88 11864	81.09487	8.109487195	1286729.313	Temporary 8 ft sound barrier
W1	0.5	175	195	0.52	8	51.11864	44.09487	4.409487195	25673.62507	Temporary 8 ft sound barrier
W2	0.5	590	720	0.52	8	40.56236	29.79897	2.979696524	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
X										
Y										
Z										
[redacted]	0.5	30	120	0.52	8	75.43697	56.40633	5.840637675	693166 675	Temporary 8 ft sound barrier
[redacted]	0.5	30	120	0.52	8	75.43697	56 40636	5.840637675	693166 675	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	1201068.711
		10*Log(Sum)	60.79575085
		Leq(h)	~ 81

*Calculated Lmax is the Loudest value

EXHIBIT D

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

Receptor: Residential on Telegraph

		Reference (dBA) 96 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
[redacted]	2000 Cat 330B Excavator	81	1	30	105	0.43		85.43697499	73.17007114	7.317007	20794750.5
[redacted]	2005 Linkbelt 330 LX Excavator	81	1	155	250	0.43		71.17276612	64.01502689	6.401503	2520593.95
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									
[redacted]	1999 Macll Dump truck	88	0.5	30	105	0.43		92.43697499	77.15977118	7.715977	51986860
[redacted]	1999 Macll Dump truck	88	0.5	155	250	0.43		78.17276612	68.00472694	6.800473	6318447.544
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									
[redacted]	STIHL - cut-off saw	70	0.5	155	250	0.43		60.17276612	50.00472694	5.000473	100106.9471
X	Lincoln Commander 500 welder	73									
Y	Concrete walk behind saw -EDCO SS-20	90									
[redacted]	SAKAI - dirt roller	80	1	50	105	0.43		80	72.17007114	7.217007	16481893.89
[redacted]	SAKAI - dirt roller	80	1	155	250	0.43		70.17276612	63.01502689	6.301503	2002178.943
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									
[redacted]	Water truck - Sterling LT8500	85	0.5	30	105	0.43		89.43697499	74.15977118	7.415977	26060182.42
AG	CAT D8R - diesel - Bull Dozer	88									
[redacted]	CAT 1055D paver	77	0.5	30	105	0.43		81.43697499	66.15977118	6.615977	4130257.401
		Distance to receptor:		Closest	Average			Lmax*	92		Sum 130357978.1
	[redacted]			30	105						Sum/12 10863164.85
	BART Garage Earthwork [redacted]			155	250						10*Log(Sum) 70.3595837
											Leq(h) 70

*Calculated Lmax is the Loudest value

	Noise Level Calculation with Noise Attenuation Requirements Implemented [redacted]									
Usage	Distance to Receptor		Ground	Shielding	Calculated (dBA)					Attenuation technique
factor	Closest	Average	Effect	(dBA)	Lmax	Leq	0.1*Leq	antiLeg		Implemented
1	30	105	0.43	8	77.43697	65.17007	6.517007	3286570	Temporary 8 ft sound barrier	
1	155	250	0.43	8	63.17277	56.01503	5.601503	399467.2	Temporary 8 ft sound barrier	
0.5	30	105	0.43	8	84.43697	69.15977	6.915977	8240947	Temporary 8 ft sound barrier	
0.5	155	250	0.43	8	70.17277	60.00473	6.000473	1001089	Temporary 8 ft sound barrier	
0.5	155	250	0.43	8	52.17277	42.00473	4.200473	15866.2	Temporary 8 ft sound barrier	
1	50	105	0.43	8	72	64.17007	6.417007	2612204	Temporary 8 ft sound barrier	
1	155	250	0.43	8	62.17277	55.01503	5.501503	317324	Temporary 8 ft sound barrier	
0.5	30	105	0.43	8	81.43697	66.15977	6.615977	4130257	Temporary 8 ft sound barrier	
0.5	20	105	0.43	8	73.43997	58.15977	5.815977	654601.7	Temporary 8 ft sound barrier	
					Lmax*	84		Sum	20880347	
								Sum/12	1721696	
								10*Log(Sum)	62.35956	
								Leq(h)	62	

*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								
			Usage	Distance to Receptor		Ground	Shielding	Calculated (dBA)			
		Lmax	factor	Closest	Average	Effect	(dBA)	Lmax	Leq	0.1*Leq	antiLeg
A	2000 Cat 330B Excavator	81									
B	2005 Linkbelt 330 LX Excavator	81									
C	2006 Bobcat S300 Skid steer	79									
[redacted]	Xtreme XFR-1245 Forklift	75	1	155	250	0.43		65.17276612	58.01502689	5.801503	633144.5742
[redacted]	Delmag RH26	84	1	155	250	0.43		74.17276612	67.01502689	6.701503	5026246.119
[redacted]	Drill Head Motor	84	1	155	250	0.43		74.17276612	67.01502689	6.701503	5029246.119
[redacted]	TEREX Back Hoe Loader	88	1	155	250	0.43		78.17276612	71.01502689	7.101503	12632895.09
[redacted]	48 meter Putzmeister Boom Pump	84	1	155	250	0.43		74.17276612	67.01502689	6.701503	5029246.119
[redacted]	1999 Mack Dump trick	88	0.5	155	250	0.43		78.17276612	68.00472694	6.800473	6318447.544
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									
[redacted]	Delivery Stake Truck - F-450 Super Duty	85	0.5	155	250	0.43		75.17276612	65.00472694	6.500473	3163722.871
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									
[redacted]	Lincoln Commander 500 welder	73	0.5	155	250	0.43		63.17276612	53.00472694	5.300473	199743.6096
Y	Concrete walk behind saw -EDCO SS-20	90									
Z1	SAKAI - dirt roller	80									
Z2	SAKAI - dirt roller	80									
[redacted]	McNeilus Ready-mix Concrete truck	79	0.5	155	250	0.43		69.17276612	59.00472694	5.900473	795193.6325
[redacted]	McNeilus Ready-mix Concrete truck	79	0.5	155	250	0.43		69.17276612	59.00472694	5.900473	795193.6325
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 39628079.31
	[redacted]			155	250						Sum/12 3302173.276
											10*Log(Sum) 65.18799858
											Leq(h) 65

*Calculated Lmax is the Loudest value

	Noise Level Calculation with Noise Attenuation Requirements Implemented [redacted]									
Usage	Distance to Receptor		Ground	Shielding	Calculated (dBA)					Attenuation technique
factor	Closest	Average	Effect	(dBA)	Lmax	Leq	0.1*Leq	antiLeg		Implemented
1	155	290	0.43	8	57.17277	50.01503	5.001503	100346.7	Temporary 8 ft sound barrier	
1	155	250	0.43	8	66.17277	59.01503	5.901503	797061.8	Temporary 8 ft sound barrier	
1	155	250	0.43	8	66.17277	59.01503	5.901503	797061.8	Temporary 8 ft sound barrier	
1	155	250	0.43	8	70.17277	63.01503	6.301503	2002179	Temporary 8 ft sound barrier	
1	155	250	0.43	8	66.17277	59.01503	5.901503	797061.8	Temporary 8 ft sound barrier	
0.5	155	250	0.43	8	70.17277	60.00473	6.000473	1001089	Temporary 8 ft sound barrier	
0.5	155	250	0.43	8	67.17277	57.00473	5.700473	501733.3	Temporary 8 ft sound barrier	
0.5	155	250	0.43	8	55.17277	45.00473	4.500473	31657.23	Temporary 8 ft sound barrier	
0.9	155	250	0.43	8	61.17277	51.00473	5.100473	126029.7	Temporary 8 ft sound barrier	
0.9	155	250	0.43	8	61.17277	51.00473	5.100473	126029.7	Temporary 8 ft sound barrier	
					Lmax*	70		Sum	6280310	
								Sum/12	523359.2	
								10*Log(Sum)	57.188	
								Leq(h)	57	

*Calculated Lmax is the Loudest value

EXHIBIT D

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

Receptor: Residential on Telegraph

		Reference (dBA) 50 ft	Noise Level Calculation Prior to Implementation of Noise Attenuation Requirements								
		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	60 0212545	6 002125	1004906.025
B2	2005 Linkbelt 330 LX Excavator	81	1	540	680	0 43		80.33192489	53 45500453	5.3455	221584 6406
B3	2005 Linkbelt 330 LX Excavator	81	1	155	390	0 43		71.17276812	59 32210115	5 93221	655480.5017
C1	2006 Bobcat S300 Skid steer	79	1	325	365	0 43		62.74173287	56.0212546	5 602129	634092.8367
C2	2006 Bobcat 3300 Skid steer	79	1	540	680	0 43		58.33152489	51 45500453	5 1455	139797.6372
C3	2006 Bobcat S300 Skid steer	79	1	155	390	0 43		89.17278812	57 32210115	9 73221	539771.7056
[redacted]	Xtreme XFR-1245 Forklift	75	1	155	250	0 43		65.17278612	58 01502689	5.801503	833144.5742
E	Delmag RH26	84									
F	Drill Head Motor	84									
G1	TEREX Back Hoe Loader	68	1	540	680	0 43		07 33152488	80 45500453	6 0499	1110453 693
G2	TEREX Back Hoe Loader	68	1	155	390	0 43		78 17276612	66 32210115	6 83221	4287559 061
[redacted]	48 meter Putzmeister Boom Pump	84	1	155	250	0.43		74.17276812	67.01502889	6.701503	9029248 119
J1	1999 Mack Dump truck	88	0.5	540	680	0 43		67.33152489	57.44470457	5 74447	553226.8484
J2	1999 Mack Dump truck	88	0.5	155	390	0 43		78.17276612	63 3118012	6 33118	2143779.53
[redacted]	Fork Lift - Hyster H80XL	75	1	155	250	0 43		69 17276612	58.01502869	6 801503	633144 6742
M1	Ingersoll Rand Compressor	85	1	325	365	0 43		68 74173287	64.0212545	8 402125	2924209.808
M2	Ingersoll Rand Compressor	85	1	540	680	0 43		64.33152489	57 46500453	5.7455	996949 2143
M3	Ingersoll Rand Compressor	85	1	155	390	0 43		75.17276612	63.32210119	6 33221	2148869.865
N	Link Belt 75 ton hydro	76									
P	JLG 800 series - 60 ft boom	75									
[redacted]	Delivery Stake Truck - F-450 Super Duty	85.	0 5	155	250	0 43		75 17276612	65.00472894	6 500473	3169722 671
[redacted]	Delivery Stake Truck - F-460 Super Duty	85	0.5	155	250	0 43		75.17276812	65.00472894	6.500473	3165722.671
O3	Delivery Stake Truck - F-450 Super Duty	85	0 5	325	365	0 43		68.74173287	01.01095454	6.101095	1262104.904
R	Pecco PH 6000	75									
S	Ditchwitch 1030 trencher	80									
T	TEREX Back Hoe Loader	68									
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	48 01095454	4 601099	39911.26143
W2	STIHL - cut-off saw	70	0 5	540	680	0 43		49 33152489	39 44470457	3.94447	6799.762491
W3	STIHL - cut-off saw	70	0.5	155	390	0 43		60.17276812	45.3118012	4.93118	33976 61564
X	Lincoln Commander 500 welder	73									
Y	Concrete walk behind saw -EDCO SS-20	90									
Z	SAKAI - dirt roller	80									
[redacted]	McNeilus Ready-mix Concrete truck	79	0 5	155	250	0 43		69 17276812	59 00472894	5 900473	795193 6325
[redacted]	McNeilus Ready-mix Concrete truck	79	0 5	155	250	0 43		69.17276812	59 00472894	5 900473	795193 6325
AA3	McNeilus Ready-mix Concrete truck	79	0 5	325	365	0 43		62.74173267	59.01095454	5 501096	317026 4164
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 1065D paver	77									

Distance to receptor:	Closest	Average				
BART Grade Beams/Pile Caps/Vertical Concrete	155	250	Lmax*	78	Sum	20145729.27
Frontage Road Utilities	325	365			Sum/12	1678810 772
Bart Plaza Demo	540	680			10*Log(Sum)	62 25001747
W MacArthur Demo	155	390			Leq(h)	62

*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
2005 Linkbelt 330 LX Excavator	1	325	365	0 43	8	56 74173	52.02125	5 202125	159266 9	Temporary 8 ft sound barrier
2005 Linkbelt 330 LX Excavator	1	540	680	0 43	8	52 33152	45 455	4 5455	35115 63	Temporary 8 ft sound barrier
2005 Linkbelt 330 LX Excavator	1	155	390	0 43	8	63 17277	51.3221	5.13221	135584 5	Temporary 9 ft sound barrier
2006 Bobcat S300 Skid steer	1	325	365	0 43	8	54 74173	50 02125	5 002125	100490 6	Temporary 8 ft sound barrier
2006 Bobcat 3300 Skid steer	1	540	660	0 43	8	50 33152	43.465	4 3465	77156 45	Temporary 8 ft sound barrier
2006 Bobcat S300 Skid steer	1	155	390	0 43	8	61.17277	49 3221	4.93221	85548.05	Temporary 8 ft sound barrier
Xtreme XFR-1245 Forklift	1	166	260	0 43	6	57.17277	50.01503	5 001503	100346 7	Temporary 8 ft sound barrier
TEREX Back Hoe Loader	1	540	680	0 43	6	59 33152	52 455	5 2459	175995	Temporary 0 ft sound barrier
TEREX Back Hoe Loader	1	155	390	0 43	6	70 17277	58 3221	5 63221	679532 3	Temporary 8 ft sound barrier
48 meter Putzmeister Boom Pump	1	165	250	0 43	8	66 17277	59 01503	5 901503	797081 8	Temporary 8 ft sound barrier
1999 Mack Dump truck	0 5	540	680	0 43	6	59 33152	49 4447	4 94447	87997.52	Temporary 8 ft sound barrier
1999 Mack Dump truck	0 5	155	390	0 43	6	70 17277	55 3116	5 53118	339766 2	Temporary 8 ft sound barrier
Fork Lift - Hyster H80XL	1	155	250	0 43	6	57.17277	50 01503	5 001503	100346 7	Temporary 8 d sound barrier
Ingersoll Rand Compressor	1	325	365	0 43	6	60 74173	56 02125	5 602125	400000 3	Temporary 8 ft soun0 barrier
Ingersoll Rand Compressor	1	540	660	0.43	8	56 33152	49 455	4 9455	88206 47	Temporary 6 ft sound barrier
Ingersoll Rand Compressor	1	155	390	0 43	6	67.17277	55.3221	5 53221	340572.9	Temporary 8 ft sound barrier
Delivery Stake Truck - F-450 Super Duty	0.5	155	250	0 43	8	67.17277	57 00473	9 700473	501733 3	Temporary 6 ft sound barrier
Delivery Stake Truck - F-460 Super Duty	0 5	155	250	0 43	8	67.17277	57.00473	5 700473	501733.3	Temporary 8 8 sound barrier
Delivery Stake Truck - F-450 Super Duty	0 5	325	383	0 43	8	60 74173	53 01095	5.301095	200030.1	Temporary 8 ft sound barrier
Dynapac (jumping jack) - LT7000	0 5	325	365	0 43	8	62.74173	55 01095	5 501095	317026 4	Temporary 8 ft sound barrier
STIHL - cut-off saw	0 5	326	365	0 43	8	46 74173	38 01095	3 801095	6325 509	Temporary 8 ft sound barrier
STIHL - cut-off saw	0 5	540	660	0 43	8	41 33152	31 4447	3 14447	1394 667	Temporary 6 ft sound barrier
STIHL - cut-off saw	0.5	155	390	0 43	8	52.17277	37 3118	3 73116	5364 931	Temporary 8 ft sound barrier
McNeilus Ready-mix Concrete truck	0 5	155	250	0 43	8	61.17277	51 00473	6 100473	176029 7	Temporary 8 ft sound barrier
McNeilus Ready-mix Concrete truck	0 5	155	250	0 43	8	61.17277	51 00473	5 100473	170029 7	Temporary 8 ft sound barrier
McNeilus Ready-mix Concrete truck	0 3	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 330B Excavator	81	1	30	140	0.43		85.43097499	70.13405984	7.013406	10313497.9	1	30	140	0.43	5	80.43697	65.13406	6.513406	3261414	Temporary 8 ft sound barrier
B	2005 Linkbelt 330 LX Excavator	81	1	250	390	0.43		67.02059991	59.32210115	5.93221	855480.502	1	250	390	0.43	5	62.0206	54.3221	5.43221	270526.7	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 Putzmeister Boom Pump	84																			
I	1999 Mack Dump truck	88	0.5	100	140	0.43		81.97940009	74.12375988	7.412376	25844967.4	0.5	100	140	0.43	5	76.9794	69.12376	6.912376	8172896	Temporary 8 ft sound barrier
J	1999 Mack Dump truck	88	0.5	250	390	0.43		74.02059991	63.3118012	6.33118	2143779.53	0.5	250	390	0.43	5	69.0206	58.3116	5.83118	677922.6	Temporary 8 ft sound barrier
K	Fork Lift - Hyster H60XL	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		56.02059991	45.3118012	4.53118	33976.6158	0.5	250	390	0.43	5	51.0206	40.3118	4.03118	10744.35	Temporary 8 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	69.13405984	0.913406	8192302.57	1	50	140	0.43	5	75	64.13406	6.413406	2590634	Temporary 8 ft sound barrier
Z2	SAKAI - dirt roller	80	1	250	390	0.43		66.02059991	56.32210115	5.63221	679532.317	1	250	390	0.43	5	61.0206	53.3221	5.33221	214887	Temporary 8 ft sound barrier
AA	McNellus 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	140	0.43		69.43697499	71.12375988	7.112376	12953187.7	0.5	30	140	0.43	5	64.43697	66.12376	6.612376	4096151	Temporary 8 ft sound barrier
AG	CAT 06R - diesel - Bull Dozer	88																			
AH	CAT 1055D paver	77	0.5	30	140	0.43		61.43697499	63.12375988	6.312376	2062938.73	0.5	30	140	0.43	5	76.43697	58.12376	5.812376	649196.2	Temporary 8 ft sound barrier
		Distance to receptor:	Closest	Average		Lmax*	89		Sum	63069643.2		Lmax*	84		Sum	19944372				
			30	140					Sum/12	5255803.6					Sum/12	1662031				
			250	390					10*Log(Sum)	67.2083913					10*Log(Sum)	62.20839				
									Leq(h)	87					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: 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	Edect	(dBA)	Lmax	Leq	0.1*Leq	antiLog	Attenuation technique implemented
A	2000 Cat 330B Excavator	81																			
B	2005 Linkbelt 330 LX Excavator	81																			
C	2006 Bobcat S300 Skid steer	79																			
D	Xtreme XFR-1245 Forklift	75	1	250	390	0.43		61.02059991	53.32210115	5.33221	214886.988	1	250	390	0.43	5	56.0206	48.3221	4.83221	67953.23	Temporary 8 ft sound barrier
E	Delmag RH26	84	1	250	390	0.43		70.02059991	62.32210115	6.23221	1706908.01	1	250	390	0.43	5	65.0206	57.3221	5.73221	539771.7	Temporary 8 ft sound barrier
F	Drill Head Motor	84	1	250	390	0.43		70.02059991	62.32210115	6.23221	1706908.01	1	250	390	0.43	5	65.0206	57.3221	5.73221	539771.7	Temporary 8 ft sound barrier
G	TEREX Back Hoe Loader	88	1	250	390	0.43		74.02059991	66.32210115	6.63221	4287559.08	1	250	390	0.43	5	69.0206	61.3221	6.13221	1355845	Temporary 8 ft sound barrier
H	48 meter Putzmeister Boom Pump	84	1	250	390	0.43		70.02059991	62.32210115	6.23221	1706908.01	1	250	390	0.43	5	65.0206	57.3221	5.73221	539771.7	Temporary 8 ft sound barrier
I	1999 Mack Dump truck	88	0.5	250	390	0.43		74.02059991	63.3118012	6.33118	2143779.53	0.5	250	390	0.43	5	69.0206	58.3118	5.83118	677922.6	Temporary 8 ft sound barrier
K	Fork Lift - Hyster H60XL	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	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	339756.2	Temporary 8 ft sound barrier
R	Pecco PH 6000	75																			
S	Ditchwitch 1030 trenchel	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 Commandel 500 welder	73	0.5	250	390	0.43		59.02059991	48.3118012	4.83118	67792.2812	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-2e	90																			
Z1	SAKAI - dirt roller	80																			
Z2	SAKAI - dirt roller	80																			
AA	McNellus 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	49.3116	4.93116	85345.4	Temporary 8 ft sound barrier
AB	McNellus 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	49.3116	4.93116	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 06R - diesel - Bull Dozer	88																			
AH	CAT 1055D paver	77																			
		Distance to receptor:	Closest	Average		Lmax*	74		Sum	13448948.5		Lmax*	69		Sum	4252931				
			250	390					Sum/12	1120745.71					Sum/12	354410.9				
									10*Log(Sum)	60.4950708					10*Log(Sum)	55.49507				
									Leq(h)	84					Leq(h)	55				

*Calculated Lmax is the Loudest value.

*Calculated Lmax is the Loudest value.

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

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 330B Excavator	81																			
B1	2006 Linkbelt 330 LX Excavator	81	1	315	325	0 43		85 01318901	81 24620543	8 124621	1332356 6	1	315	325	0 43	5	80 01319	76 24621	7 624621	421328 2	Temporary 6 ft sound barrier
B2	2005 Linkbelt 330 LX Excavator	81	1	370	480	0 43		83 61536561	77 13080904	7 713081	516512 58	1	370	480	0 43	5	78 61537	72 13081	7 213081	163336 6	Temporary 6 ft sound barrier
B3	2005 Linkbelt 330 LX Excavator	81	1	430	560	0 43		82 31003098	75 50400205	7 5504	355140 503	1	430	560	0 43	5	77 31003	70 504	7 0504	112305 3	Temporary 6 ft sound barrier
C1	2008 Bobcat S300 Skid steer	79	1	315	325	0 43		83 01318901	79 24620543	7 924621	840660 31	1	315	325	0 43	5	78 01319	74 24621	7 424621	265840 1	Temporary 6 ft sound barrier
C2	2006 Bobcat S300 Skid steer	79	1	370	480	0 43		81 61536561	75 13080904	5 513081	325697 406	1	370	480	0 43	5	76 61537	70 13081	7 013081	103057 8	Temporary 6 ft sound barrier
C3	2006 Bobcat S300 Skid steer	79	1	430	560	0 43		80 31003098	73 50400205	6 3504	224078 508	1	430	580	0 43	5	75 31003	68 504	6 8504	70859 65	Temporary 6 ft sound barrier
D	Xtreme XFR-1245 Forklift	75	1	250	390	0 43		81 02059991	73 32210115	5 33221	214688 088	1	250	390	0 43	5	76 0206	68 3221	6 83221	67953 23	Temporary 6 ft sound barrier
E	Delmag RH28	84																			
F	Drill Head Motor	84																			
G1	TEREX Back Hoe Loader	88	1	370	480	0 43		70 81636581	64 13080904	8 413081	2568805 11	1	370	480	0 43	5	65 61537	59 13081	5 913081	818617 3	Temporary 6 ft sound barrier
G2	TEREX Back Hoe Loader	88	1	430	560	0 43		69 31003098	62 50400205	6 2504	1779918 88	1	430	560	0 43	5	64 31003	57 504	5 7504	562859 9	Temporary 6 ft sound barrier
H	48 meter Putzmeister Boom Pump	84	1	250	390	0 43		76 02059991	68 32210115	6 23221	1706908 01	1	250	390	0 43	5	65 0206	57 3221	5 73221	539771 7	Temporary 6 ft sound barrier
J1	1999 Mack Dump truck	88	0 5	370	480	0 43		70 61536561	61 12050908	6 112051	1294347 56	0 5	370	480	0 43	5	65 61537	56 12051	5 612051	409308 6	Temporary 6 ft sound barrier
J2	1999 Mack Dump truck	88	0 5	430	560	0 43		69 31003038	59 49370209	5 94937	889959 43	0 5	430	560	0 43	5	64 31003	54 4937	5 44937	281429 9	Temporary 6 ft sound barrier
K	Fork Lift - Hyster H80XL	75	1	250	390	0 43		81 02059991	73 32210115	5 33221	214886 086	1	250	390	0 43	5	76 0206	68 3221	6 83221	67953 23	Temporary 6 ft sound barrier
M1	Ingersoll Rand Compressor	85	1	315	325	0 43		79 01318901	65 24620543	6 524621	3348728 97	1	315	325	0 43	5	74 01319	60 24621	6 024621	1058329	Temporary 6 ft sound barrier
M2	Ingersoll Rand Compressor	85	1	370	480	0 43		67 61536561	61 13080904	6 113081	1297420 94	1	370	480	0 43	5	62 61637	56 13081	5 613081	410280 5	Temporary 6 ft sound barrier
M3	Ingersoll Rand Compressor	85	1	430	560	0 43		66 31003096	59 50400205	5 9504	892072 61	1	430	560	0 43	5	61 31003	54 504	5 4504	282098 1	Temporary 6 ft sound barrier
N	Link Belt 75 ton hydro	78																			
P	JLG 80C series - 60 ft boom	75																			
Q4	Delivery Stake Truck - F-450 Super Duty	85	0 5	250	390	0 43		71 02059991	60 3118012	8 03118	1074434 93	0 5	250	390	0 43	5	66 0206	55 3118	5 53116	339766 2	Temporary 6 ft sound barrier
Q5	Delivery Stake Truck - F-450 Super Duty	85	0 5	250	390	0 43		71 02059991	60 3118012	8 03118	1074434 93	0 5	250	390	0 43	5	66 0206	55 3118	5 53116	339766 2	Temporary 6 ft sound barrier
Q3	Delivery Stake Truck - F-450 Super Duty	85	0 5	315	325	0 43		69 01316901	62 23590548	6 223591	1673364 49	0 5	315	325	0 43	5	64 01319	57 23591	5 723591	529164 3	Temporary 6 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																			
V1	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	6 923591	838668 9	Temporary 6 ft sound barrier
W1	STIHL - cut-off saw	70	0 5	315	325	0 43		54 01316901	47 23590548	4 723591	52916 4313	0 5	315	325	0 43	5	49 01319	42 23591	4 223591	16733 64	Temporary 6 ft sound barrier
W2	STIHL - cut-off saw	70	0 5	370	480	0 43		52 61536561	43 12050908	4 312051	20514 0283	0 5	370	480	0 43	5	47 61537	38 12051	3 812051	6487 105	Temporary 6 ft sound barrier
W3	STIHL - cut-off saw	70	0 5	430	560	0 43		51 31003096	41 49370209	4 14932	14104 9064	0 5	430	560	0 43	5	46 31003	36 4937	3 94937	4460 363	Temporary 6 ft sound barrier
X	Lincoln Commander 500 welder	73																			
Y	Concrete walk behind saw -EDCO SS-20	90																			
Z	SAKAI - dirt roller	80																			
AA1	McNellus 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	85346 4	Temporary 6 ft sound barrier
AA2	McNellus 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 93116	85345 4	Temporary 6 ft sound barrier
AA3	McNellus Ready-mix Concrete truck	79	0 5	315	325	0 43		63 01316901	58 23590548	5 823591	420330 155	0 5	315	325	0 43	5	58 01319	51 23591	5 123591	132920 1	Temporary 6 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 LT6500	85																			
AG	CAT D8R - diesel - Bull Dozer	88																			
AH	CAT 1055D paver	77																			

	Distance to receptor:	Closest	Average	Lmax*	71	Sum	15457392.1
Bart Plaza Demo		250	390			Sum/12	1288116
Frontage Road Utilities		315	325			10*Log(Sum)	81 0995498
Bart Plaza Demo		370	480			Leq(h)	81
W MacArthur Demo		430	560				

*Calculated Lmax is the Loudest value.

	Lmax*	66	Sum	4688057
			Sum/12	407338
			10*Log(Sum)	56 09956
			Leq(h)	68

*Calculated Lmax is the Loudest value.

EXHIBIT D

ATTACHMENT B:
CONSTRUCTION EQUIPMENT SCHEDULE AND KEY

See Exhibit I

EXHIBIT E

WILSON IHRIG & ASSOCIATES
ACOUSTICAL AND VIBRATION CONSULTANTS
CALIFORNIA NEW YORK WASHINGTON

6001 SHELL MOUND STREET
SUITE 400
EMERYVILLE, CA 94608
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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 1 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), accmed obligations under this Agreement, and obligations to comply with City Approvals, Subsequent Approvals, Govemmental 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 constmcted on parcel E, site remediation, the BART Plaza improvements, Intemal Drive, the Frontage Road improvements, and the portion of Village Drive that extends from the Frontage Road to the Intemal 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. Constmction of Phase 1 shall Commence in Earnest within one year after approval of the FDP for Phase 1. 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 constmction 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 1 shall be conditioned upon, and the above-referenced deadline for submittal of an FDP and Commencement in Eamest 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 constmct the Plaza improvements thereon; (iii) conveyance to Developer of a fee interest or right to enter and constmct 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 constmct 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 Eamest 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 Eamest 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 Eamest 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 constmct 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 construct 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 constmcted 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. Constmction 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 constmction 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 constmcted 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. Constmction 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 constmction of Phase 5 to Commence in Eamest 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 1) 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 Eamest 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 F

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 tii	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 G

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 Center, 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 50 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 An 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 property 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 1 Vesting Tentative Map; and a October 26, 2010 Memorandum from An May, MTCP to Catherine Payne, CEDA-Planning regarding Substantial Conformance with the PDP Approval.

circumstance does not preclude development of Phase 1 ***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 1 FDP and Phase 1 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]

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:

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- 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 1 of the Project. These impacts will continue throughout the approximately seven (7) year build-out of the Project.

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

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[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:sl

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.

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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@bklaw.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 chahges 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 Repon for the December 14, 2010 Community and Economic Development Agency hearing regarding this project, specifically Attachment F (CEQA Memo)[1] and Atuchmem 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 t Final Developtnent 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 I and the balance of the Project has not been cunducted.

The 2008 DEIR evaluated air quality impacts associated with the proposed project. As part of this analysis, consirnction air quality impacts were addressed through the application of Conditions of Approval that identified generic dust control measures teconunended 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 Mac Arthur BART Transit Village Phase I FDP and Phase I Vesting Tentative Map*
[2] Memorandum from Art May MTCP to Cadierine Payne dated October 26, 2010. *Re: MacArthur Transit Village Project Phase I 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 I FDP and Phase I 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[2], "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

[2] 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 Mee 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

(6-17)

[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

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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 support of both private and public projects. Air quality studies for land use projects to support Environmental Impact Reports are most common. Types of projects include specific plans for a variety of land use types, office corners, construction activities, wastewater treatment facilities, waste management facilities, quarries, and other industrial facilities. The firm also assists local communities in developing air quality policies for incorporation into General Plans.

For air quality, many projects involve the analysis of air quality impacts from both direct and indirect sources of air pollutants. Indirect sources include transportation facilities, which Illingworth & Rodkin's staff has considerable experience evaluating. Through years of conducting environmental noise and air quality studies for local, state and federal agencies, the firm has developed outstanding 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 projects, 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 urban projects, especially those that involve federal action. Illingworth & 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 assessments to evaluate the air pathway health risk from common toxic air contaminants. This includes analysis of 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 ordinances
- Ordinance compliance
- Conformity determinations
- Peer Review

Computer Modeling
- Air Pollutant emissions estimation using EMFAC2002, 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

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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: erwinc@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 sigaificant 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.
65 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)[9]. 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, bm 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 Tabic 2 (adapted from Table IV.E-7):

Table 2: (Table IV.E-7)
City of Oakland Construction
Noise Staadards 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 attenuation 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 to 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 I 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
- Solarus 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
- 150 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
- BDEO 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

Coauthor *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, AFC 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
- Riemen 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 H

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 H

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 how depicted as C-3 on the proposed Final Development Plan ("FDP"). We have attached for your information and review the proposed FDP for Phase 1 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.

Sincerely,

MACARTHUR TRANSIT COMMUNITY PARTNERS, LLC,
a Califomia limited liability company

By: MPI MacArthur, LLC,
a 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 Corporation, 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 Linkbeit 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	Equipment	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 Forkilft
	Size	35,700 lbs; lift capacity 12,000 lbs
	Engine	2300 rpm
	Usage:	to unload piles - 2 hrs per day
	CARB EIN #:	XR1245020991378
E	Equipment	Deimag 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 Deimag
	Size	
	Engine	Hydraulic - runs off Deimag 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 - Multiquip
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: Dynapae (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 - 1 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 - Sterling 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

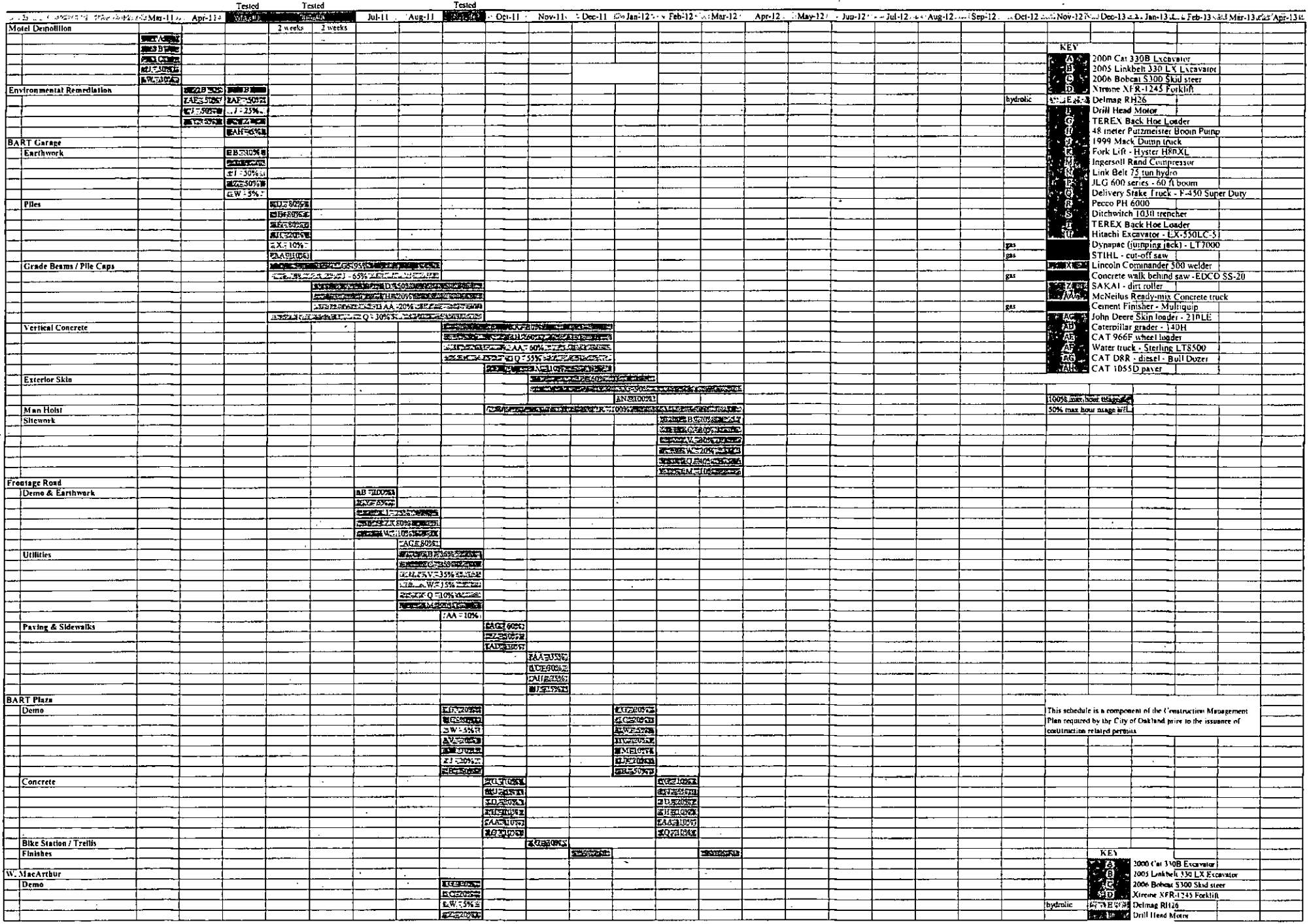
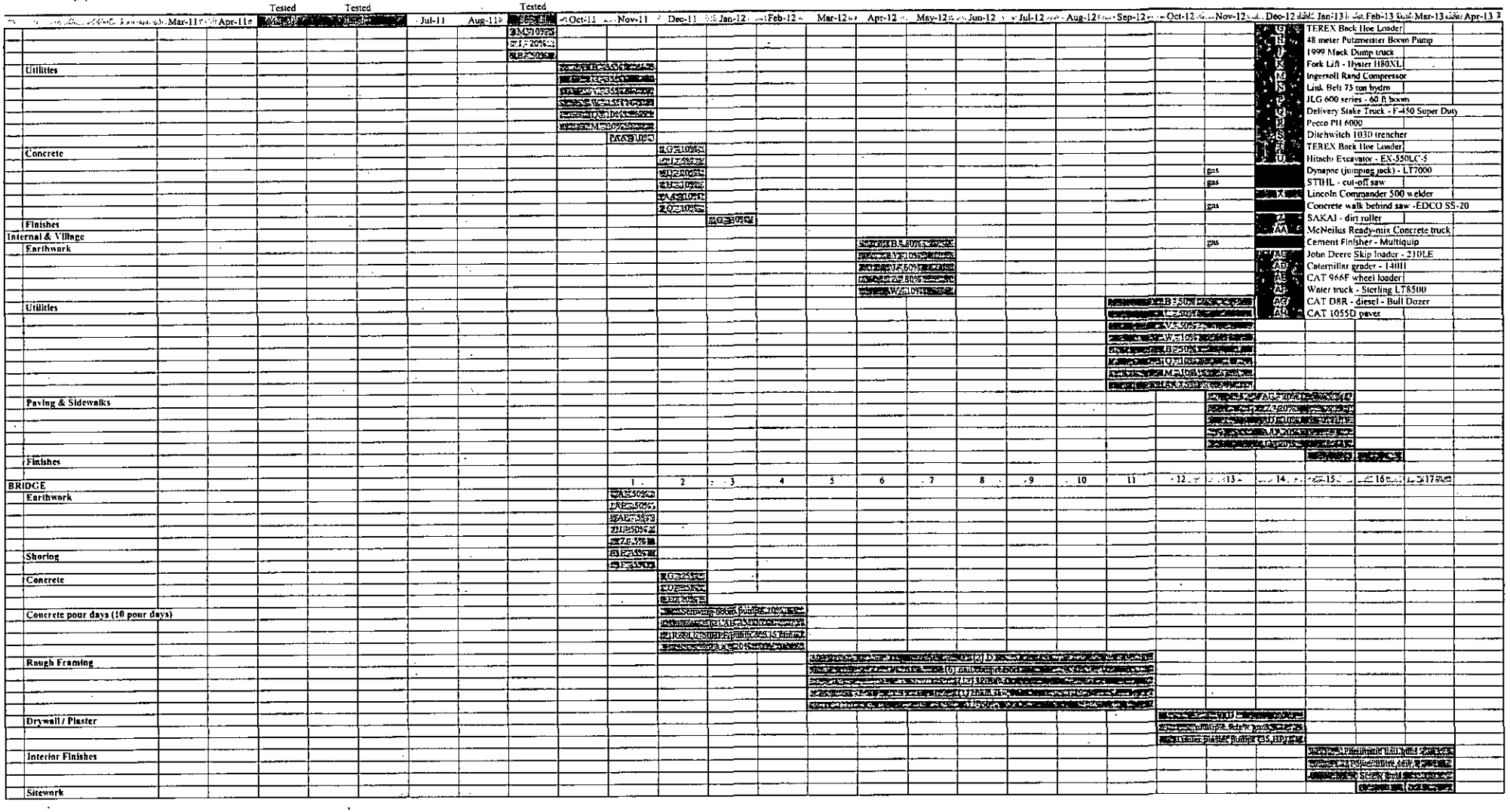


EXHIBIT I

MacArthur Transit Village
Construction Equipment Schedule 1/28/2011



Attachment D: Findings and Conditions of Approval

CITY COUNCIL FINDINGS FOR APPROVAL OF THE MACARTHUR TRANSIT VILLAGE PROJECT STAGE 1 FINAL DEVELOPMENT PERMIT (PUDF10097) AND VESTING TENTATIVE MAP (VTTM 8047)

The MacArthur Transit Village Stage One Final Development Permit and Vesting Tentative Tract Map meet the required findings for compliance with the Califomia Environmental Quality Act; Oakland Planning Code Sections 17.140.060 (Planning Commission Action for Final Planned Unit Development) and 17.136.050B (Regular Design Review Criteria for Non-Residential Facilities and Signs); and findings for Oakland Municipal Code Title 16: Subdivisions, as set forth below. 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. The April 5, 2011 City Council Agenda Report staff report and attachments and the entire administrative record for the MacArthur Transh Village Project also provide substantial evidence supporting these findings.

CEQA Findings

California Environmental Quality Act

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 altematives 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 One Final Development Permit and the Vesting Tentative Map, the City hereby relies on the 2008 EIR.

Section 17.140.060 (Final Planned Unit Development):

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 Stage One Final Development Plan has been reviewed by the relevant City departments and recommended by the City Planning Commission, which have determined that it conforms to all applicable criteria and standards and is consistent with the preliminary development plan for the PUD. Although the Stage One Final Development Plan includes clarifying and complementing revisions to the PUD, in all substantial respects the 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 phasing. The Substantial Conformance Memorandum attached to the December 21 City Council staff report (Attachment A, November 3, 2010 Planning Commission Report, Attachment G , Substantial Conformance Memo) and incorporated herein by reference, further demonstrates that the Stage One Final Development Plan substantially conforms to the PUD.

The proposed garage design complies with the applicable design guidelines included in the PUD:

Guideline S6 Locate BART parking structure away from core locations to encourage pedestrian movement through the site. Multiple access points should direct people through key areas that have an active street front such as stoops, plazas and commercial storefronts.

Consistent with the PUD and Guideline S6, the Stage One Final Development Plan proposes the garage be located on West MacArthur Boulevard at Frontage Road. This location is not in the core of the project area (i.e., BART plaza and Village Drive) and encourages pedestrian movement through the site in that it is not immediately adjacent to the BART plaza.

Guideline A2.1 The ground level commercial base will activate the street and provide human scale and visual interest at the base of the parking structure.

Consistent with Guideline A2.1, the ground level of the garage includes commercial space with storefronts facing West MacArthur Boulevard to enhance the visual interest and provide a human/pedestrian scale to the larger garage structure.

Guideline A2.2 The proposed multi level parking structure's height and substantial bulk will be a distinctive visual cue to commuters arriving by car both regionally and locally, as it is visible not only from West MacArthur Boulevard and Telegraph Avenue, but from Highway 24 and the BART train platform above.

Consistent with Guideline A2.2, the 6-story structure and its associated signage will provide an architectural presence for this major development and transportation node. The elevations are well articulated and include a variety of finishes and geometric elements. The ground-floor is designed at a finer grain and has more detail then the upper levels to enhance the experience of passing by commuters; whereas the upper levels include larger elements and articulations that will support the building being a distinctive visual to commuters passing the area on Highway 24 and streets not immediately adjacent to the garage including Telegraph Avenue. .

Guideline A2.3 Provide active, commercial or retail frontage at the ground floor to create a strong visual connection between the street and activities inside, and to enhance pedestrian activity on the street providing character and safety.

Consistent with G uideline A2.3, and as stated above, the ground level of the garage includes commercial space with storefronts facing West MacArthur Boulevard to enhance the visual interest and provide a human/pedestrian scale to the larger garage structure. Specific retail uses for ground level retail are not yet defined, but the proposed commercial spaces are designed with large store front windows to promote retail display that will enhance the pedestrian experience.

Guideline A2.4 Provide minimum of 13' floor to floor dimension for the ground level retail or commercial space.

Consistent with Guideline A2.4, the parking garage includes 15-foot floor-to-floor height retail space.

Guideline A2.5 Artistic design elements or signage elements mounted on the exterior of the parking structure above the ground floor retail will provide visual interest and identity to freeway drivers and BART commuters passing by.

Consistent with Guideline A2.5, the parking garage incorporates artistic elements into the south, west, and east elevations including various geometric configurations, metal architectural awnings, and painted metal accent panels. BART signage is included on each elevation at various levels so it will be visible to freeway drivers, local drivers, pedestrians and bikes.

Guideline A2.6 Incorporate artistic sun shading devices and PV panels or other building specifications to further support sustainable development.

Consistent with Guideline A2.6, the plans include solar PV panels on the roof of the garage as an option in the plans (dependent on funding availability).

Guideline A2.7 Provide a substantial building base with quality materials and provide distinctive attractive signage and canopies along the street and at building lobbies.

Consistent with Guideline A2.7, the garage design includes a combination of tile and exposed concrete base which is consistent with the overall design approach to the contemporary exterior appearance of the garage. The south elevation, which fronts West MacArthur Boulevard, includes aluminum and glass storefront and metal awnings at the ground-floor level. The upper levels of the garage have woven metal screens, and metal accents panels. The east elevation, which fronts Intemal Street, includes ground-floor commercial storefront wrapping the comer, with woven metal screen above and vertical metal awnings. No specifc retail signage is proposed at this time, but a prototype that is distinctive yet complementary to the overall design is shown in the elevations.

Guideline A2.8 Use high quality durable materials, to create a strong relationship of the building to the pedestrian realm and to activate West MacArthur Boulevard.

Consistent with Guideline A2.8, and as stated above, the Stage One FDP includes use of quality materials including tile, exposed concrete, glass storefronts, woven metal screen elements, and metal awnings. The orientation of the commercial retail spaces will create and enhance the pedestrian realm along West MacArthur Boulevard.

Planning Code Section 17.136.050B (Regular Design Review Criteria for Non-Residential Facilities and Signs):

1. That the proposal will help achieve or maintain a group of facilities which are well related to one another and which, when taken together, will result in a well-composed design, with consideration given to site, landscape, bulk, height, arrangement, texture, materials, colors, and appurtenances; the relation of these factors to other facilities in the vicinity; and the relation of the proposal to the total setting as seen from key points in the surrounding area. Only elements of design which have some significant relationship to outside appearance shall be considered, except as otherwise provided in Section 17.136.060;

The proposed Macarthur Transit Village Project Stage One improvements, including the BART parking garage and street infrastructure, as shown throughout the administrative record, are consistent with the adopted PUD and adopted Design Guidelines. The garage is designed to be an architectural landmark fabricated of high-quality materials for the Macarthur Transit Village and yet is broken into smaller components adjacent to future residential development sites to ensure appropriate contextual bulk and massing. The garage and proposed streets achieve the well-composed design originally approved in the PUD in 2008, as summarized above and further demonstrated in the Conformance with Design Guidelines section of the Planning Commission report, dated November 3, 2010 and Attachment A, Plans of said report.

2. That the proposed design will be of a quality and character which

harmonizes with, and serves to protect the value of, private and public investments in the area;

The proposed Macarthur Transit Village Project Stage One BART parking garage and street infrastructure, as shown throughout the administrative record, are consistent with the adopted PUD and adopted Design Guidelines. The garage is designed to be an architectural landmark fabricated of high-quality materials for the Macarthur Transit Village and yet is broken into smaller components adjacent to future residential development sites to ensure appropriate contextual bulk and massing. The proposed streets provide desirable connections from existing streets through the project. The garage and proposed streets achieve a harmonious design that will provide an important architectural and land use node in Oakland, as summarized above and further demonstrated in the Conformance with Design Guidelines section of the Approved November 3, 2010 Planning Commission Report (revised on 11/13/10) and Attachment A, Plans of said report.

3. That the proposed design conforms in all significant respects with the Oakland General Plan and with any applicable design review guidelines or criteria, district plan, or development control map which have been adopted by the Planning Commission or City Council.

As demonstrated in the administrative record, this project generally conforms to the General Plan, Planning Code and design objectives for the S-15 zoning district and for the adopted PUD. The project is within the allowable densities and standards, and is an attractive project designed to be consistent with applicable design guidelines, as demonstrated in the General Plan, Zoning, Subdivision Analysis, and Conformance With Design Guidelines sections of the Planning Commission report, dated November 3, 2010. Furthermore, as demonstrated in CEQA Memo and Substantial Conformance Memo (Attachments F and G of the Approved November 3, 2010 Planning Commission Report (revised on 11/13/10)), the Stage One FDP is consistent with the PUD. The PUD and Stage One FDP conform to the requirements of the General Plan. The General Plan findings adopted in connection with the City Council approval of the PUD on July 1, 2008 are also herein incorporated by reference.

Section 16.08.030 (Tentative Map Criteria):

A. That the proposed map is consistent with applicable general and specific plans.

Consistent with the approved PUD for the site, the proposed 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 One relocates the existing BART surface parking into a parking structure occupying less than one-sixth of the area currently occupied by the BART parking lot; in this way, Stage One allows for development of neighborhood-serving commercial and urban residential uses on the remaining portion of the existing surface parking lot, consistent with the intent and desired character of the NCMU land use designation. The City Council adopted the findings for approval of the PUD in July 2008, determining the PUD was consistent with the General Plan. The Stage One FDP proposal is substantially consistent with the PUD approval and, as such, is consistent with the General Plan. The General Plan findings of the PUD approval adopted by the City Council on July 1, 2008, (Resolution No. 81422 C.M.S), and the a detailed discussion of the project's consistency with key policies of the general plan contained in Table IV.B-1 of MacArthur Transit Village Draft EIR (pages 108 to 122) are hereby incorporated by reference.

B. That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans.

Consistent with the approved PUD for the site, the proposed 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 One relocates the existing BART surface parking into a parking structure occupying less than one-sixth of the area currently occupied by the BART parking lot; in this way, Stage One allows for development of neighborhood-serving commercial and urban residential uses on the remaining portion of the existing surface parking lot, consistent with the intent and desired character of the NCMU land use designation. The City Council adopted the findings for approval of the PUD in July 2008, determining the PUD was consistent with the General Plan. The Stage One FDP proposal is substantially consistent with the PUD approval and, as such, is consistent with the General Plan. The General Plan findings of the PUD approval adopted by the City Council on July 1, 2008 (Resolution No. 81422 C.M.S) and the detailed discussion of the project's consistency with key policies of the General Plan contained in Table IV.B-1 of MacArthur Transit Village Draft EIR (pages 108 to 122) are hereby incorporated by reference.

C. That the site is physically suitable for the type of development.

The project is proposed for a relatively flat, urban site, located within an existing street and utility context, with no significant natural features. The site is currently undemtilized. Therefore, the site is physically suitable for the proposed mixed-use development.

D. That the site is physically suitable for the proposed density of development.

The site is physically suitable for the proposed density of development, which is well within the maximum allowable density for the site.

E. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The City Council certified the MacArthur Transit Village EIR on July 1, 2008. The EIR determined that, with implementation of the mitigafion measures and the City's standard conditions of approval, implementation of the project would result in two significant and unavoidable impacts related to transportation and circulation. The City Council adopted a Statement of Overriding Considerations on July 1, 2008, which determined that these two significant adverse impacts are acceptable in light of specific overriding considerations. All other impacts identified in the EIR would be reduced to a less-than-significant level by incorporating the required mitigation measures and conditions of approval included in the MacArthur Transit Village Mitigation Monitoring and Reporting Program (MMRP). As demonstrated in the Planning Commission report, dated November 3, 2010, and specifically Attachment G of said report (CEQA Memo), the Stage One FDP is was considered in the EIR and as proposed would not result in new or more severe environmental impacts beyond those identified in the EIR. The site is in a developed urban area and does not contain fish or wildlife or their habitat.

F. That the design of the subdivision and the type of improvements is not likely to cause serious public health or safety problems.

With implementation of the required mitigation measures and the City's standard condifions of approval as set forth in the MacArthur Transit Village Project MMRP (December 21, 2010 City Council Report: Attachment A, November 3, 2010 Planning Commission Report: Attachment D, June 4, 2008 Planning Commission Report), the design of the subdivision is not likely to cause any serious public health or safety problems. The March 18, 2011 memorandum from Urban Planning Partners (Attachment C) addressing concems raised by the adjacent Surgery Center regarding constmction impacts of the Stage One Final Development Plan demonstrates that no serious public health or safety problems will result from the Stage One improvements. This memorandum and its attachments are incorporated by reference.

G. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

The design of the subdivision will not conflict with easements on the property. The proposed Vesting Tentative Tract Map includes the proposed vacation of Apgar Street. In connection with the street vacation application, the applicant proposes to provide easements for all types of access and utilities, which will be recorded as needed by the affected utility and other entities.

H. That the design of the subdivision does provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

The design of the subdivision does not preclude future passive heating or cooling opportunities. The size of parcels within the proposed Vesting Tentative Tract Map allow for proper building orientation and distance between building to maximize natural heating and cooling opportunities. Additionally, the Design Guidelines require the design of buildings within the subdivision to maximize interior daylighting and provide connections between indoor and outdoor spaces, the project will comply with Title 24 Energy Efficiency Standards, and the project has received LEED ND Stage One certification.

CITY COUNCIL CONDITIONS OF APPROVAL OF THE MACARTHUR TRANSIT VILLAGE PROJECT STAGE 1 FINAL DEVELOPMENT PERMIT (PUDF10097) AND VESTING TENTATIVE MAP (VTTM 8047)

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

STANDARD CONDITIONS:

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 ease 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 be subdivided and constructed in accordance with the approved Vesting Tentative Tract Map dated February 28, 2011, and the approved Final Development Permit, dated October 26, 2010, as amended by these Conditions of Approval. The proposal is approved pursuant to the Planning Code and Subdivision Regulations of the Municipal 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 specitically comply with the conditions required by the Planning Division, Oakland Building Services Division, Fire Department, and EBMUD, and attached to these conditions of approval.

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

a. Ongoing

All Conditions of Approval, Standard Conditions of Approval, and Mitigation Measures for the Project (Case File No. PUD060058) {"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. Street Vacation Notification

a. Throughout Apgar Street Vacation Application Process

Neighbors immediately adjacent to Apgar Street shall be provided notice of City Planning Commission and/or City Council meetings relating to Apgar street vacation and/or the Stage One final map. .

FIRE DEPARTMENT CONDITIONS For TTM8047:

5. Fire Department Conditions of Approval for Project (Case File No. TTM8047)

A. Hydrants: Public hydrants, each one capable of delivering a minimum fire flow designed for the size and type of constmction of the buildings are required with 300 foot spacing between hydrants. The applicant needs EBMUD to obtain a verifiable (confirmed flow test or) simulated hydraulic analysis to size the underground water mains adequately for minimum hydrant flow. Ref : 2007 CFC Appendix B, 2001 CFC Section 508.

B. Electrical power and cable services to the site: All overhead wiring shall be undergrounded. Existing and new power and communication cables serving the proposed buildings shall be undergrounded to eliminate hazards posed to rescue and fire fighting when operating the ladder tmcks.

C. Fire Apparatus Access, Intemal Street Parking:

1. Fire apparatus access road widths shall adopt the fire department access provisions of the 2007 CFC Appendix D, Section D103 as amended per 2008 Oakland Ordinance No. 12871. The 2008 Oakland Fire Code Appendix III-D shall apply to new and existing roads to allow not only the OFD ladder and engine apparatus from the city's fire stations but also those from other cities where the City's Fire Department has mutual response agreements with. Portions of fire apparatus access roads inside the property are less than the specified 26 feet required by the 2007 Califomia Fire Code as amended per Oakland Ordinance 12871. The Fire Department is consistently enforcing the state code and city amendments on minimum fire apparatus access road width on various on-going development projects. Code mitigations involving practical difficulties of the building design will be considered only after available water flow and fire truck access constraints have been fully complied with.

2. Follow the City's Public Works Agency's Road Design Standards if the specific design specifications are more restrictive than the new 2007 CFC Appendix D for fire access roads. The following shall be used to consider options for parallel or diagonal parking at the site's intemal streets:

- 26 feet minimum effective road width: 0 parking on either side of the street.
- The 2007 CFC Appendix D, Section D105.2 requires the 26-foot minimum fire apparatus access road width when the buildings or portions of the buildings served

by the access road exceed 30 feet in height and when access roads are served with on site hydrants.

3. The above may be modified to include Public Works Agency design standards and fire code exceptions, subject to approval by the Fire Marshal. An effective road width having no less than 26 feet for fire apparatus access and equipment staging shall be maintained. Ref: 2007 Califomia Fire Code Article 5, Section 503, Appendix D as amended per 2008 Ordinance 12871.

D. Vegetation Management

4.1 The Vegetation Management Unit will not be enforcing the mles applicable to the Wildfire Assessment District. However, foliage from plants and trees are regulated as noted below.

- The trees selected shall be maintained to allow fire apparatus ladder access to rescue openings (i.e. rescue windows, porches or private decks) starting at the fourth floor elevation of the proposed building/s. The building owner shall maintain the maximum tree height and openings to allow the Fire Department's boom ladder to operate effectively with 10-foot clear horizontal openings between foliage at all times.
- Planter areas that may alternatively be used to drain standpipes and automatic fire sprinkler systems shall provide proof of adequate sizing or route the drains to appropriately sized sewer systems. Ref: City's Clean Water Program, "Source Control Measures to Limit Storm Water Pollution"

E. Building Permh Plans, Code Variances, Related Fire Code Permits:

1. Oakland Fire Department references minimum fire department access to the site as the lowest grade level on the street for fire tmck staging operations. Building designs shall address the type of constmction with height limitations regulated by codes without constraining fire apparatus and fire crew access. Impaired occupant means of egress that diminished fire crew and fire apparatus access shall be addressed by mitigations which may include but not be limited to the following:

- Type I A or fire resistive constmction which is similar to high rise dwelling occupancies where access to rescue windows is not required. This means upgraded type of constmction in fire resistance for the number for the number of stories, floor areas, and/or permitted occupancies. Ref: 2007 CBC Section 1026.1
- Addressable fire alarm system with graphical monitoring.
- Two interconnected combination standpipe systems at every floor. This means multiple water supply feeds to the automatic fire sprinkler system with two riser control assemblies serving each floor of the building.
- Enhanced automatic extinguishing system demand. This would require the minimum number of discharging heads or minimum hydraulically-remote areas to be increased 200%.
- Increased stand pipe hose demand,

Coordinate the design concepts or approaches to design parameters involved in fire alarm, automatic fire sprinkler and stand pipe systems for fire code permits for projects with fire code variance/s.
Coordinate the design for upgraded type/s of construction with the City's Building Services and the Fire Marshal whether the minimum type of construction is solely or jointly enforced by the Fire Marshal and/or the Building Official or the City's Review/Inspection matrix system for buildings when life safety is compromised due to a building code variance.

2. The Fire Prevention Bureau shall review related hazardous materials and fire code permits related to the building permit plans, building and fire code variances. This condition applies to samples determined by laboratory soils tests or property records from authorities or agencies having jurisdiction.

3. Addressable fire alarm systems and multiple water supply feeds to each common residential floor and/or unit will be required as partial mitigation to constrained rescue window access. Coordinate the concepts or approach to fire alarm and automatic extinguishing systems design with the Fire Department or applicant's fire alarm system consultant prior to the review of automatic sprinkler, standpipe, and fire alarm systems designs for permits.
References: 2007 CFC Section 1026,

F. Hazardous Materials.
The city files looked into have no recorded data on the above project address related to hazardous material contamination of ground soils within the various sites. No building plans have been submitted to determine that the project has no planned human occupancy below grade level that could potentially require soils analysis or restrictions due to environmental issues. Building permit applications related to this map shall be accompanied by soils reports, as determined to be necessary by the Fire Department and/or Engineering Services Division.

ENGINEERING SERVICES CONDITIONS:

6. Engineering Services Conditions of Approval for Project (Case File No. TTM8047)
If the project is approved by the Advisory Agency, the following conditions shall apply:

A. Prior to any building permits being issued by the City of Oakland the applicant shall sign a Subdivision Improvement Agreement to construct all the improvements in the public right-of-way and in the public access easements. On the Map these areas are identified as 39th Street (Village Drive), Intemal Road, and frontage Road. The City shall not sign the Final Map until a Subdivision Improvement Agreement has been signed by the applicant for these improvements.

B. In accordance with California Building Code Sections 504.2 and 509.7, group R-2 occupancies of Type VA + sprinkler construction shall not exceed 60 feet in height measured from the grade plane to the roof nor 4 stories measured above the parking garage.

C. The proposed project may increase sanitary sewer flows beyond the capacity of the existing sanitary sewer system. Obtain approval from the City Public Works Agency concerning the extent of the sanitary sewer replacement and/or rehabilitation prior to the City issuing the Grading, Demolition or P-job Permit.

D. All property owners shall sign the Final Map. A portion of the access to this project is owned by Caltrans. An easement has been given to BART for this access. The applicant shall confirm that this easement grants the City the same rights as Caltrans. Caltrans may be required to sign the Final Map.

E. For each lot shown on the Map, please clearly state within the boundary of each lot, the total number of condominiums for the lot and the total number of commercial and residential condominiums for that lot.

F. Parcel F and Parcel G shall be dedicated as a Public Access Easements to be maintained by the property owners.

G. The roadway width within the emergency vehicle access easements and the public access easements shall be a minimum of 26-feet wide from face-of-curb to face-of curb.

H. Parking spaces are shown along the existing and proposed right-of-way within the project site. Parking meters may be required along this right-of-way; the applicant shall coordinate with the City to determine need and location for parking meters on this public street. The parking spaces conform to City standards and shall provide sufficient room for a two lane traveled way?

I. Provide a minimum 5-foot sidewalk measured from the back of curb along the western side of Parcels B1 and B2. If the applicant chooses to not provide a sidewalk along this side of the lots, exit discharge for structures to be constructed on the lots shall be restricted to the Internal Road side of the lots.

J. Provide City standard separation distance between trees and street lights.

K. Clearly delineate on the Map the public bus and shuttle bus areas.

L. Provide a typical section for the public right-of-way immediately off of 40th Street.

M. Show proposed new and modified traffic signal locations on the Map.

N. Clearly label and dimension public access easements, right-of-way width dimensions, emergency vehicle easements, and public right-of-way on the typical sections. Generally, sidewalks shall be included within both sides of the public access easements and right-of-way.

O. Coordinate the temporary removal of any bus stop and shelter with AC Transit. Provide documentation of AC Transit approval of the proposed removal and replacement prior to obtaining Grading, Demolition, or P-job permits.

P. The renaming of 39th Street to Village Drive requires City Council approval. Approval of the renaming is discretionary and may be denied.

Q. The entire width of 39th Street will not be vacated and then rededicated. Show only the portion of street required for dedication and vacation. The area in between shall remain as right-of-way.

R. The TTM shows 9 sanitary sewer manholes in the public right-of-way. Please consolidate the number of manholes to four. If the design is unable to reduce the number of manholes the owners of the property shall maintain the manholes.

S. Show location, purpose, and width of all existing and proposed easements.

T. Major and Minor Encroachment Permits shall be obtained prior to the approval of the Final Map or the issuance of Grading, Demolition, or P-job permits.

U. Parking meters may be required for the new parking space along Village Drive and the Frontage Road. Obstmction permits for any existing parking meter removal shall be obtained prior to obtaining Grading, Demolition, or P-job permits.

V. Copies of utility agreements regarding relocation shall be provided to the City prior to approval of the Final Map or issuance of any permits.

W. Obtain approval from the City for the location of the joint trench and utility boxes.

X. Fire Department approval of fire flows and access is required.

Y. Shoring and/or tie-backs used in construction may require Major Encroachment permits if they encroach into the public right-of-way.

Z. Utility vaults may require Major Encroachment permits.

AA. Obtain a Tree Removal Permit from the City before removing any trees.

BB. Note, new and/or revised storm water and Title 24 regulations are in affect. The designer will be required to provide a project design that meets the new regulations.

CC. Provide documentation including photographs showing the condition of the improvements with in the public right-of-way including curb, gutter, and sidewalk. If repairs or improvements are required, work shall be included in a P-job permit and a signed Subdivision Improvement Agreement.

DD. The roadway structural pavement section of all emergency vehicle access roadways or sidewalks shall be designed to structurally support a fire truck vehicle. Coordinate the design criteria with the City.

EE. A portion of Frontage Road contains a 30-wide shuttle bus area. The 30-foot wide shuttle stop area is acceptable to the City providing that the applicant install curbside signing in the stop area requiring shuttle bus drivers to remain with their buses at all times. Exact wording shall be coordinated with the City.

FF. The applicant has stated that the EVAE area immediately south of the proposed garage is for the use of emergency vehicles and pedestrians only. No other vehicular traffic will be using the EVAE. The City requires a 26-foot wide EVAE throughout this area. The EVAE can be utilized as both a pedestrian path and an emergency vehicle access roadway. Fire department approved bollards shall be placed at both ends of this area and the roadway pavement section designed as stated above.

GG. The following shall be included on the revised TTM:

This Tentative Map vests the right to create the parcels shown and to develop them to up to the total number of units indicated. Each individual parcel shall be required to conform to the applicable Building and Fire Codes at the time the application for Building Permit is filed. Additionally each parcel shall conform to the project conditions of approval which further define project requirements.

Parcels B1 & B2 - to ensure code compliance three scenarios/options are envisioned for these parcels.

Option 1	Develop as a single lot with fire access on the west, north, and east sides. Entrance driveway off the east side. Construction type to be determined at the time of building permit application.

Option 2	Develop as two lots with a 26 foot wide emergency vehicle access easement located between the lots. The easement shall be 1/3 the total depth of the lot and be accessed from the east. The buildings shall each have a three hour rated wall along the shared property line. Fire access shall be provided along the west and east sides of both parcels and on the north side of parcel B2. Entrance driveway(s) will be off the east side
Option 3	Develop as two lots with fire access on the west and east sides of both parcels. Parcel B2 will have access on the north side as well. Building setbacks and the specific construction type will be determined at the time of building permit application in such a manner as to comply with the applicable building and fire codes.

Parcels D & CI - to ensure code compliance three scenarios/options are envisioned for these parcels.

Option 1	Fire access on the west side of both parcels with access on the north side of parcel CI. Provide a 26 foot wide emergency vehicle access easement located between the lots for approximately 90% of the depth of the lot.
Option 2	Fire access on the west side of both parcels with access on the north side of parcel CI. Building setbacks and the specific construction type will be determined at the time of building permit application in such a manner as to comply with the applicable building and fire codes. In the event the parcels are combined the easement would be removed.

EBMUD CONDITIONS:

7. Comply with attached EBMUD conditions.

Replace this page with EBMUD conditions.

EBMUD

REVIEW OF AGENCY PLANNING APPLICATION

THIS IS NOT A PROPOSAL TO PROVIDE WATER SERVICES

The technical data supplied herein is based on preliminary information, is subject to revision and is to be used for planning purposes ONLY

DATE: 10/05/2010	EBMUD MAP(S): 1488B488,1488B486	EBMUD FILE:S-9211
AGENCY: City of Oakland Planning and Zoning Services Division Attn: Catherine Payne 250 Frank Ogawa Plaza, Suite 2114 OAKLAND, CA 94612	AGENCY FILE: TTM8047	FILE TYPE: Tentative Map
APPLICANT: MacArthur Community Transit Partners, LLC 345 Spear Street, 7th Floor San Francisco , CA 94105		OWNER: Bay Area Rapid Transit District P.O. Box # 12688 Oakland, CA 94604

DEVELOPMENT DATA

ADDRESS/LOCATION: 515 Apgar Street City:OAKLAND Zip Code: 94609

ZONING:Mixed-Use PREVIOUS LAND USE: Parking/Commercial/Residential

DESCRIPTION: Applicant requests approval of tentative map for an 11-lot subdivision of parcels located on the west side of Telegraph Avenue, between 40th Street and West MacArthur Boulevard.

TOTAL ACREAGE:7.74 ac.

TYPE OF DEVELOPMENT:

Other:297950 Sqft

WATER SERVICES DATA

PROPERTY: in EBMUD	ELEVATION RANGES OF STREETS: 68-81	ELEVATION RANGE OF PROPERTY TO BE DEVELOPED: 68-81

All of development may be served from existing main(s)
Location of Main(s):

PRESSURE ZONE	SERVICE ELEVATION RANGE

All of development must be served from main extension(s)
Location of Existing Main(s):40th Street, W. MacArthur Boulevard, & Telegraph Avenue

PRESSURE ZONE	SERVICE ELEVATION RANGE
G0A3	0-100

COMMENTS

Main extensions, at the project sponsor's expense, will be required to serve the proposed development. Off-site pipeline improvements, also at the project sponsor's expense, may be required to meet domestic demands and fire flow requirements set by the local fire departmenL Off-site pipeline improvements include, but are not limited to, replacement of existing water mains to the project site.

EBMUD owns and operates 6-inch water mains located in 39th Street and Apgar Street that provide service to EBMUD customers in the area. The integrity of these pipelines must be maintained at all times. Any proposed construction activity in 39th Street and Apgar Street needs to be coordinated with EBMUD and rnay require relocation of the water rhains, at the project sponsor's expense.

When the development plans are finaiized, the project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine the costs and conditions of providing water service to the development. Engineering and installation of water mains, off-site pipeline improvements and meters requires substantial lead time, which should be provided for in the project sponsor's development schedule. No water meters are allowed to be located in driveways. Due to EBMUD's limited water supply, all customers should plan for shortages in time of drought.

ELE

cc: Vimal & Jignashaben Desai, 526 W. MacArthur Blvd., Oakland, CA 94609
Jagnishkumar Bhikhabbai Patel, 544 W. MacArthur Blvd., Oakland, OA 94609
Yeu Bin Wu and Tsui Ying Shen, 3919 Telegraph Ave., Oakland, CA 94609

CHARGES & OTHER REQUIREMENTS FOR SERVICE:
Contact the EBMUD New Business Office at (510)287-1008.

David J Rshnstrom 10/5/10

David J Rshnstrom,Senior Civil Engineer; DATE
WATER SERVICE PLANNING SECTION

Attachment E: HOLLAND & KNIGHT March 15, 2011 LETTER

Holland & Knight

50 California Street, Suite 2800 | San Francisco, CA 94111 | T 415.743.6900 | F 415.743.6910
Holland & Knight LLP | www.hklaw.com

David L. Preiss
(415) 743-6914
david.preiss@hklaw.com

March 15, 2011

VIA E-MAIL AND U.S. MAIL

Planning Commission
City of Oakland
Oakland City Hall
One Frank H. Ogawa Plaza
Oakland, CA 94612

Re: MacArthur Transit Village Project - PlJDF10-097; TTM8047 ("Project")
Planning Commission Meeting of March 16, 2011
Agenda Item 4 - Revision to Proposed Vesting Tentative Map to Vacate Apgar Street

Dear Chair Truong and Members of the Commission:

Our office represents Alta Bates Summit Medical Center Surgery Property Company LLC, and The Surgery Center at Alta Bates Summit Medical Center, including Alta Bates Sununit Medical Center, a Sutter Health affiliate, in connection with the above matter. Our clients are the ground lessee and operator, respectively, of the Surgery Center located at 3875 Telegraph Avenue, immediately adjacent to the proposed Project and Apgar Street.

Over the past month, our clients have been engaged in constructive dialogue with the Project applicant, MacArthur Transit Community Partners ("MTCP"), in a cooperative effort to address and mitigate significant impacts of the Project on the operations, services and patient care at the Surgery Center, a highly sensitive receptor. While these still ongoing discussions between MTCP and the Surgery Center have created a more positive working environment and the Surgery Center remains hopeful that these concerns will be finally addressed through appropriate revised CEQA mitigation measures and conditions of approval for the Project, to date there has been no final resolution and therefore the Surgery Center's concerns in this regard must remain of record at this time.

In addition, the Surgery Center was only made aware late last week of the proposed vacation of the portion of Apgar Street, which is immediately adjacent to the primary access points and patient parking in front of the main entrance to the Surgery Center. While the Surgery Center does not object to the concept of such a street vacation, the Surgery Center currently lacks adequate information and therefore has a number of concerns with respect to this aspect of the Project as well.

1. Additional CEQA Review to Address Project Impacts on Surgery Center.

Your March 16, 2011 Staff Report (at pp.6-7) references our two previous letters to the City Council, dated December 17 and December 21, 2010, which document the significant impacts of the Project on the Surgery Center and underscore the resulting need for further study and mitigation in a Subsequent EIR for the Project pursuant to applicable provisions of CEQA. For your ease of reference, courtesy copies of our prior letters are attached to this letter. (We have reason to believe that the issues raised in our letters were a primary reason why the City Council chose not to hear, and at the last moment pulled from its December 21 meeting agenda, the entitlements for the Project that you recommended for approval at your November 3, 2010 meeting.) The Staff Report shnply and incorrectly concludes, without any specific citations to the Project EIR or any specific refutation of the experts' reports submitted by the Surgery Center, that our 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 1 FDP and VTTM."

The Staff Report's legally unsupportable position appears based, in most part, upon the idea that the Surgery Center site may sdll be included in a subsequent phase of the Project. However, just like the Project EIR, this response by staff utterly fails to address, analyze or mitigate the ongoing impacts, evidenced by our previous submittals, that the Project will have on the Surgery Center during the lengthy build-out of the Project (even if one were to assume, purely for purposes of argument, that the Surgery Center site will ultimately be incorporated into the Project, an assumption that our letters show is also not supported by the record). Consequently, we must reiterate the need for additional environmental review under CEQA prior to City approval of the Stage One FDP and VTTM.

2. Concerns Regarding Apgar Street Vacation.

With respect to the recently proposed revision to the VTTM to reflect the vacation of the portion of Apgar Street immediately adjacent to the Surgery Center, we lack adequate information with respect to the implementation and effects of this vacation and therefore have related concerns that need to be addressed.

The Staff Report does not address who will own, improve or maintain the private road at the conclusion of the vacation process - MTCP (and/or its successor land owner), the Surgery Center and/or the owner of the property on the south side of Apgar Street (599 Apgar St.). In order to answer the ownership question, one fust needs to know whether Apgar Street was originally dedicated to the City by means of an easement or by means of "fee" title. If the dedication was by easement, then, in accordance with applicable provisions of the Califomia Streets and Highways Code, title to the vacated road remains with the underlying fee owner, now free and clear of any public roadway casement. If the dedication was in fee, then the City may, also pursuant to die goveming State stamte, sell or exchange the vacated road upon terms and conditions approved by the City Council. In turn, the determination of ownership of the vacated (private) road guides the formulation of the various cross-access and other rights that will need to

be recorded for the benefit of all users of the road (see attached copy of January 22, 2008 Staff Report and related City Council Resolution form for a recent typical "summary" street vacation by the City).[1]

The Staff Report also is silent as to the design and necessary improvements to the private street, curb, gutter and sidewalk, which could potentially affect existing improvements on and access to the Surgery Center.[2] Sunilarly, no confirmation is provided that MTCP (which seeks the vacation) and its successors will be solely responsible for such improvements and maintenance of the street and that appropriate related conditions of approval will be placed on the Project assuring the same (compare this to the sample attached Resolution, which specifically addresses these items). As you can see from the attached exemplar, other information must be elicited and specific findings made in order to approve the proposed street vacation.

Thank you in advance for your consideration of these comments. The Surgery Center looks forward to continued discussions with MTCP, as well as any related dialogue with City staff, to try and develop appropriate and acceptable Project mitigation measures and conditions of approval that adequately address and resolve all of these issues. In the meantime, please feel free to contact the undersigned shoidd you have any questions regarding this letter.

Sincerely yours,

HOLLAND & KNIGHT LLP

David L. Preiss

DLP:s l

Attachments:
Letters from Holland & Knight
Turner Court vacation

cc: Oakland City Coimcil
Catherine Payne, City Planner
Mark Wald, Deputy City Attorney
Bridge Housing, Attn: Rebecca V. Hlebasko
Clients

[1] While the section depiction of former Apgar St. on Sheet T-7 of the VTTM appears to be premised upon divided fee ownership to near centerline of the street, and references "reciprocal cross easements," no information is provided to support this premise.
[2] Attachment B to the Staff Report contains a "Street Vacation Conceptual Plan," but contains no details other than proposed widths.

Holland & Knight

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Holland & Knight LLP | www.hklaw.com

David L. Preiss
(415) 743-6914
david.preiss@hklaw.com

December 17, 2010

VIA E-MAIL AND U.S. MAIL

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

Re: MacArthur Transit Village Project ("Project")
City Council Meeting of December 21, 2010
Agenda Item 9.2 (Hearing on Stage One Final Development Plan and Vesting Tentative Tract Map)
Request for Continuance

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 Center, a Sutter Health affiliate, in connection with the above matter. On behalf of our clients, who are the ground lessee and operator of the surgery center located immediately adjacent to the Project (3875 Telegraph Avenue), we hereby request that the City Council continue this matter for at least thirty (30) days.

The continuation of this item is necessary to allow appropriate additional environmental review under the California Environmental Quality Act ("CEQA") to address the significant impacts from the recently modified Project on our client's ongoing operations and patient care at the surgery center.

The Project, as originally proposed and analyzed in the previously certified Environmental Impact Report, included the surgery center property (also referred to as "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. In doing so, there has been no environmental review of the significant environmental effects that will undoubtedly impact the ongoing operations and patient care at the surgery center, which include but are not necessarily limited to impacts from noise and vibration. We will be submitting additional information addressing these concerns.

We respectfully request a continuation of agenda item 9.2 for at least thirty (30) days, which will afford an opportunity for the additional appropriate environmental review under CEQA to occur, and also facilitate further discussions between the applicant and our clients in an effort to mutually resolve these issues and allow the Project to proceed in a responsible manner.

Thank you in advance for your consideration of this request. 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:sdl

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

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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 recentiy retained by Alta Bates Summit Medical Center Surgery Property Company LLC, The Surgery Center at Aha Bates Summit Medical Center, including Alta Bates Summit Medical Center, 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' concems 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 Califomia 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 entitiements 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 ihai the Project was recently changed to exclude the Surgery Center site from the Project.[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)

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 currentiy 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.

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 concem to our clients include, but are not necessarily limited to, noise, vibration, dust and diesel particulate matter.

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 50 neurosurgical procedures (laminectomies, nerve repairs) as well as ENT procedures (middle ear reconstructions, typanoplasties, myringotomies with tubes, microdirect larygoscopies 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.

The Project proponent's singular effort to address the removal of the Surgery Center property from the Project was summarily encapsulated in a foomote 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 property 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:

> 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 CEOA 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 Lynene Dias, AICP to Catherine Payne, Planner regarding CEQA Compliance for MacArthur BART Transit Village Phase 1 FDP 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.]

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 hs removal from the Project. Furthermore, the Memorandum incorrectly concludes that there will be "no change in the project site." (October 26, 2010 Memorandum, al p. 7)

The October 25, 2010 Memorandum from Lynette Dias, AICP to Catherine Payne, Planner regarding CEQA Compliance for MacArthur BART Transit Village Phase 1 FDP and Phase 1 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]

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.

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 altematives are now feasible, or mitigation measures and altematives which are considerably different than those previously analyzed. (CEQA Guidelines §15162(a))

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 entitiements 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

[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.

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.

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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 constmction 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 fimction can be disrupted or jeopardized by noise... Understandably, noise is of special concem 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 constmction could adversely affect the healdi, 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 concem 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)[9]. 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 constmction 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 constmction 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)

	Dally 7am to 7pm	Weekends 9am to Spm
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 attenuation 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 stmctures. It does not include other vibration sensitive uses such as the Surgery Center which is home to vibration sensitive patients and equipment. Additional smdy 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 altematives. Included is the scenario for a Mitigated Reduced Building/Site Alternative, which excludes the Surgery Center fhom 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 altematives must be performed to 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 Conununity Partners, LLC (MTCP – the project sponsor to Catherine Payne, CEDA - Planning), acknowledges that the vesting tentative tract map (VTTM) does not include die 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 I 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, circumstanees, or new information of importance has been generated since certification of the EIR[5] (Jime/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, wc 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, 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 die 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, Califomia Council, 1998

Received "in recognition of unique dedication and focused drive lo 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 die 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
- 150 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

Coauthor ***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

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 developmenls 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
- Kiemen 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 Projecl Railway Impact Analysis, Oakland, CA
- UC San Francisco MRI Vibration Study and Impact Assessment, San Francisco, CA
- Heilman Laboratory Relocation, Berkeley, CA

PROFESSIONAL AFFILIATIONS

Acoustical Society of America (ASA)
Insthute 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

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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 Aha 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] Memoraodum from Lynette Dias, AICP to Catherine Payne dated October 25, 2010. *Re: CEQA Compliance for Mac Arthur BART Transit Village Phase I FDP and Phase I Vesting Tentative Map*
[2] Memorandum from Art May MTCP to Catherine Payne dated October 26, 2010. *Re: MacArthur Transit Village Project Phase I 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 Constmction Schedule," the Project will be constructed over approximately seven (7) years.

The proposed action would develop a portion of the site and realign intemal 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 constmction activities associated with development of the project, as proposed in the current Phase I FDP and Phase I 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 tite facility. The DEIR, while not taking into account that constmction 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 senshive receptor (i.e., the Surgery Center) would exist adjacent to the project constmction. As a result, the air quality analysis far 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 constmction activities. Constmction 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 constmction 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 paniculate 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 constiuction 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 Sorgery Center would be located immediately adjacent to the construction site. It appears that there is a high potentiai for patients at the surgery center to be significantiy 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 arc 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 I 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 constmction activities when emissions may adversely affect sensitive operations at the Surgeiy 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

10-171

[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

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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 support of both private and public projects. Air quality studies for land use projects lo support Environmental Impact Reports are most common. Types of projects include specific plans for a variety of land use types, office centers, construction activities, wastewater treatment facilities, waste management facilities, quarries, and other industrial facilities. The firm also assists local communities in developing air quality policies for incorporation into General Plans.

For air quality, many projects involve the analysis of air quality impacts from both direct and indirect sources of air pollutants. Indirect sources include transportation facilities, which Illingworth & Rodkin's staff has considerable experience evaluating. Through years of conducting environmental noise and air quality studies for local, state and federal 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 projects, 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 urban projects, especially those that involve federal action. Illingworth & 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 assessments to evaluate the air pathway health risk from common toxic air contaminants. This includes analysis of contaminants and $PM_{2.5}$ from traffic and construction equipment as well as common stationary sources.

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

Computer Modeling
- Air Pollutant emissions estimation using EMFAC2002, 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., particulares)

Attachment 2
Resume of James Reyff

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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

CITY OF OAKLAND

Agenda Report

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Community and Economic Development Agency
DATE: January 22, 2008

RE: A Report And Resolution Conditionally Relinquishing Turner Court As Public Right-Of-Way And Conditionally Accepting Easement Dedications From Turner Estates Partners LP For Public Utilities And Emergency Vehicle Access

SUMMARY

A resolution has been prepared conditionally relinquishing the public right-of-way for Turner Court (summary vacation) and conditionally accepting easement dedications over the full width of the roadway from the developer, Turner Estates Partners LP, a California limited partnership (no. 200716510137), for public utilities and emergency vehicle access. The right-of-way was dedicated to the City in 1983, but the street was never completed. Seven (7) streets in the vicinity of Turner Court are private easements that are maintained by the homeowners.

FISCAL IMPACT

Staff costs for processing the proposed street vacation are covered by fees set by the Master Fee Schedule. The fees were paid by the developer and deposited in the special revenue Development Service Fund (2415), Engineering Services organization (88432), Encroachment Permits account (42314), Engineering and Architectural Approval (PS30). Fee simple ownership of the vacated right-of-way will revert to the developer without additional charge.

PROJECT DESCRIPTION

Turner Court is located between Knowland Park and Lake Chabot Municipal Golf Course near Golf Links Road. The street is a fifty (50) feet wide cul-de-sac that serves ten (10) undeveloped lots, which were subdivided in 1984 as part of Tract No. 4726. The subdivider of the original eleven (11) lots abandoned the project with a partially completed roadway. The street and underground utilities were completed in August 2007 (permit PX0500079). No building permits have been issued yet for construction of future homes served by Turner Court.

Turner Court is the only public right-of-way in the immediate vicinity. Seven (7) other streets are private easements that are maintained by the property owners. Control and maintenance of Turner Court will be relinquished by the City to a future homeowners association.

KEY ISSUES AND IMPACTS

Determinations For Summary Vacation

Staff has determined that the City Council may make the following findings for summarily vacating the public right-of-way, as required by the statutes and ordinance indicated below:

- Streets and Highways Code
  - ✓ the vacation conforms with the City's adopted Oeaeral Pian; and
  - ✓ the vacation will nol impact future access for non-motorized transportation; and
  - ✓ easements will be retained for public utility lines and emergency vehicle access; and
  - ✓ the vacation will not increase traffic and pedestrian inconvenlence nor decrease traffic and pedestrian safety; and
  - ✓ the right-of-way has not been usable by vehicle traffic for five (5) preceding years, and no public money has been spent for maintenance of the right-of-way.
- Public Resources Code

  Vacation of public right-of-way is categorically exempted from the requirements of the Califomia Environmental Quality Act (CEQA).
- Government Code

  The original subdivision map for Tract No. 4726 retained the underlying fee simple interest in the right-of-way for the abutting property owners. The vacated right-of-way will revert to the developer without valuable consideration at fair market value.
- Oakland Municipal Code - Secdon 16.32.020

  The subdivision ordinance limits the number of lots seryed by a priyate acccss easement to four (4). Other streets in the vicinity of Tnmer Court are private access easements, and vacating the right-of-way would be consistent with other subdivision approvals in the area.

Conditions For Summary Vacation

The original subdivision map for Tract No. 4726 must be revised to show the relocation of the front yard property lines to the center of the vacated rigbt-of-way, and to show the boundaries of the newly dedicated public easements (revised metes and bounds). Staff is proposing that the developer be allowed to file a new Parcel Map with the Alameda County Recorder within one (1) year or before a certificate of occupancy is issued, whichever occurs first Approval of the Parcel Map does not require resubmission to the Planning Commission or the City Council.

SUSTAINABLE OPPORTUNITIES

Economic

The development will provide home ownership opportunities for Oakland residents.

Eovironmeutal

Construction permits for infiastructure improvements and new buildings require that the permittees comply with City ordinances and regional Best Management Practices for redttcing noise, dust, construction debris disposal, and storm drainage pollutant runoff.

Social Equity

The development will assist the economic growth revitalization of the City, which will encourage the infusion and recurrence of diverse multi-cuhural activities, businesses, and events.

DISABILITY AND SENIOR CfTIZEN ACCESS

Constmction permits for infrastructure improvements and new buildings will confonn with State and City requirements for accessibility.

RECOMMENDATIONS

Staff reconunends the Committee accept this report and fbrward it to the City Council to adopt the proposed resolution conditionally vacating Turner Court and accepting public easements.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council accept this report and adopt the proposed resolution vacating Turner Court and accepting easement dedications for public utilities and emergency vehicle access, conditioned upon Turner Estates Partners LP recording a Parcel Map within one (1) year to adjust the property boundaries of the adjoining lots and to define the limits of the public easements.

Respectfully submitted,

CLAUDIA CAFFIO
Development Director
Community and Economic Development Agency

Prepared by:

Raymond M. Derania
Interim City Engineer
Building Services Division

APPROVED FOR FORWARDING TO THE PUBLIC WORKS COMMITTEE:

Office Of The City Administrator

hem No. _____
Public Works Committee
January 22, 2008

Introduced by

Councilmember

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2008 JAN 10 PM 3:31

Approved for Form and Legality

City Attorney

OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

RESOLUTION SUMMARILY AND CONDITIONALLY VACATING TURNER COURT TO TURNER ESTATES PARTNERS LP AND CONDITIONALLY ACCEPTING PUBLIC SERVICE EASEMENT DEDICATIONS

WHEREAS, pursuant to California Streets and Highways Code Section 8330 et seq., the owner, Turner Estates Partners LP, a California limited partnership (no.200716510137), of ten (10) of the original eleven (11) lots comprising Tract No. 4726, as identified by the Alameda County Assessor with parcel numbers 048-6264-004-00 through 048-6264-013-00, inclusive, has made an application to the Council of the City for the summary vacation all of the public right-of-way identified as Turner Court on the Final Map for said Tract, recorded February 16, 1984, book of maps 142, pages 83 and 84, by the Alameda County Recorder; and

WHEREAS, the City Clerk and Clerk of the Council of the City of Oakland accepted the dedication of Turner Court as public right-of-way without conditions in 1983, as shown on said Final Map and in Resolution No. 61836 O.M.S. of the Council of the City of Oakland; and

WHEREAS, pursuant to said sections of the California Streets and Highways Code, the City Engineer of the City of Oakland has determined the following:

- the owner of said ten (10) undeveloped properties abutting Turner Court owns the underlying fee simple interest in the public right-of-way proposed to be vacated; and
- the proposed vacation, which does not encumber a fifty (50) feet wide public access easement crossing the rear of lot 4 (048-6264-007-00) and lot 6 (048-6264-009-00) and identified as Trail C on said Final Map, does not limit public use or impede public access for non-motorized transportation; and
- the proposed vacation will not increase traffic and pedestrian inconvenience nor decrease traffic and pedestrian safety; and
- the proposed vacation requires a dedication of a public service easement for existing and future publicly maintained utilities; and that
- the proposed vacation requires a dedication of a public service easement for access by emergency vehicles and personnel; and that
- Turner Court has been impassable for vehicular traffic in the twenty-four (24) intervening years since said Final Map was recorded, and no public money has been expended for maintenance on the street during this period of time; and, therefore,
- Turner Court may be vacated summarily by Resolution of the Council of the City of Oakland; and

WHEREAS, pursuant to California Government Code Section 65402, the Secretary of the Planning Commission of the City of Oakland has determined the proposed vacation conforms with the adopted General Plan of the City of Oakland; and

WHEREAS, the Secretary of the Planning Commission has further determined that the proposed vacation conforms with the conditions and requirements of the Tentative Map for Tract No. 4726, as approved on November 19, 1980; and

WHEREAS, the owner has filed an application (PPE 070003) with the City Engineer, as required by the Oakland Municipal Code, and paid all fees to the City of Oakland, as required by the Master Fee Schedule, for the administrative processing of said vacation; and

WHEREAS, the Final Map for Tract No. 4726 delineating the metes and bounds of the extent and location of Turner Court is attached hereto as Exhibit A; and

WHEREAS, the requirements of the California Environmental Quality Act (CEQA), the Guidelines as prescribed by the Secretary of Resources, and the provisions of the Statement of Objectives, Criteria and Procedures for Implementation of the California Environmental Quality Act: City of Oakland, have been satisfied, and that in accordance with CEQA Guidelines Section 15301 (existing facilities) this project is categorically exempted; now, therefore, be it

RESOLVED: That the action of the Council of the City of Oakland approving the summary vacation of Turner Court, as conditioned herein, complies with the California Environmental Quality Act; and be it

FURTHER RESOLVED: That the summary vacation of Turner Court, as delineated in the attached Exhibit A, is hereby ordered; and be it

FURTHER RESOLVED: That, pursuant to California Government Code Section 66412, said vacation is hereby conditioned upon the filing of a Parcel Map with the City Engineer; and be it

FURTHER RESOLVED: That, pursuant to Oakland Municipal Code Section 16.24.020, the Director of City Planning may waive the requirement for filing a Tentative Parcel Map: and be it

FURTHER RESOLVED: That, pursuant to Oakland Municipal Code Section 16.32.020, the Director of City Planning may waive the lot limitation for private access easements: and be it

FURTHER RESOLVED: That said Parcel Map shall be filed with the City Engineer with sufficient time for review before the expiration of said vacation as set forth herein; and be it

FURTHER RESOLVED: That said Parcel Map shall identify the vacation of the public right-of-way of Turner Court and delineate the metes and bounds of the extent and locations of the adjustments of the boundaries of the properties adjoining said vacation; and be it

FURTHER RESOLVED: That said Parcel Map shall also identify and delineate the dedication of a subsurface, surface, and overhead public service easement across the full width and along the full length of Turner Court for the installation, repair, replacement, and removal of and access to publicly maintained utilities; and be it

FURTHER RESOLVED: That said Parcel Map shall also identify mid delineate the dedication of a public service easement across the foil vridth and along the fnll length of Turner Court for access by emergency vehicles and personnel; and be it

FURTHER RESOLVED: That said dedication on said Parcel Map shall also set forth that the adjoining property owners shall be responsible in perpetuity for the installation, maintenance, repair, and removal of all infiastructure improvements located within the vacated public right-of-way, including but not limited to roadway pavement, sidewalks, curbs, gutters, trees and landscaping, Im'gation, electrical lighting, sanitary sewer piping, and stonn water piping, but excepting fiom.smd responsibility infiastructure improvements that are otherwise regulated by Califonnia Public Utilities Commission; and be it

FURTHER RESOLVED: That no Certificate of Occupancy or temporary Certificate of Occtqpancy shall be issued by the Building Official of the City of Oakland for any residence or otiier building requiring said document unless and until said parcel Map has been filed with and recorded by the Alameda County Recorder; and be it

FURTHER RESOLVED: That die conditions of this Resolution shall equally bind the representatives of the owner and its heirs, successors, assigns, beneficiaries, and successors in interest; and be it

FURTHER RESOLVED: That, pursuant to Califonua Streets and Highways Code Section 8336, said vacation shall not be complete unless and until tiiis Resolution has been filed with and recorded by the Alameda County Recorder; and be it

FURTHER RESOLVED: That said vacation shall expire by limitation and become void should said Parcel Map, as reviewed and approved by die City Engineer, fail to be filed with and recorded by die Alameda County Recorder within three-hundred and sixty-five (365) consecutive days following approval of this Resolution by the Council of the City of Oakland.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2008

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND PRESIDENT DE LA FUENTE

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California

EXHIBIT A

Location Map For Turner Court

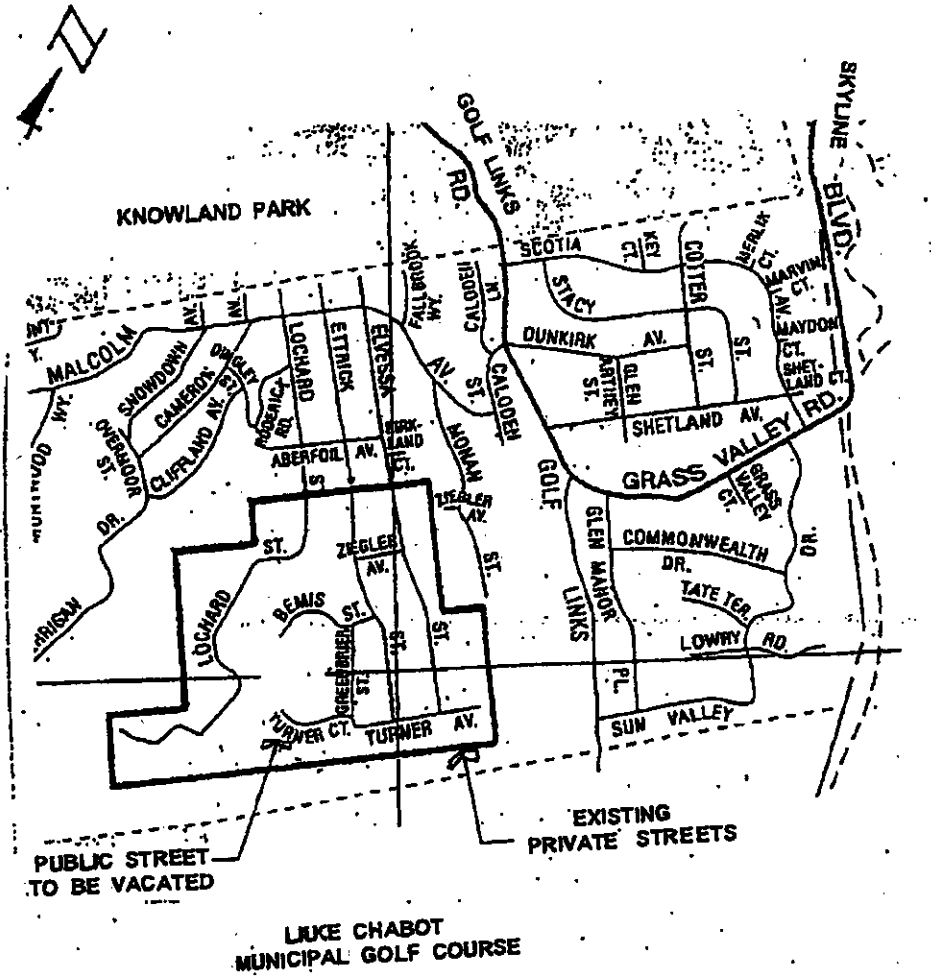


EXHIBIT A

Location Map For Assessor's Parcels - Tract 4726

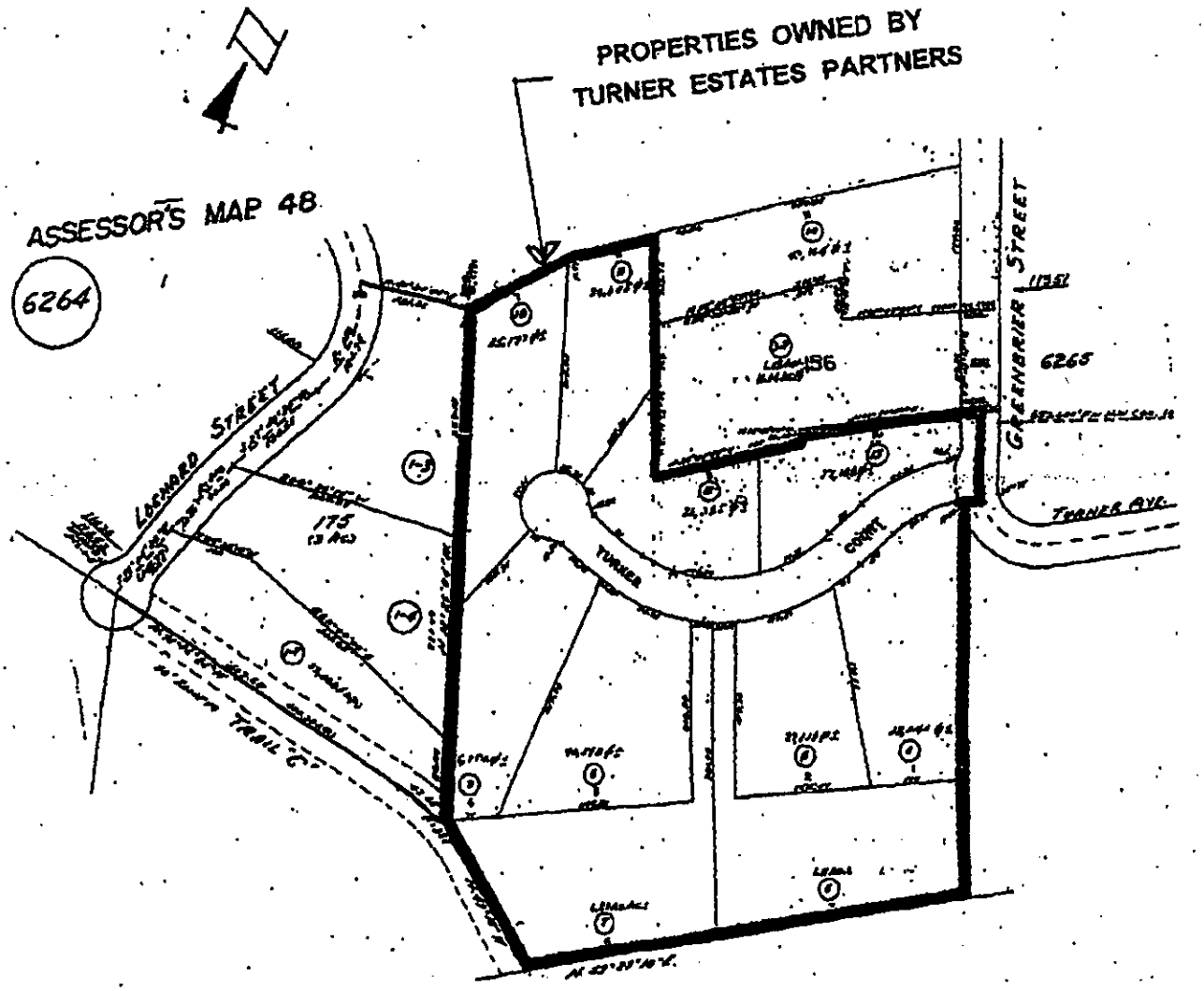


EXHIBIT A

Subdivision Map For Tract No. 4762

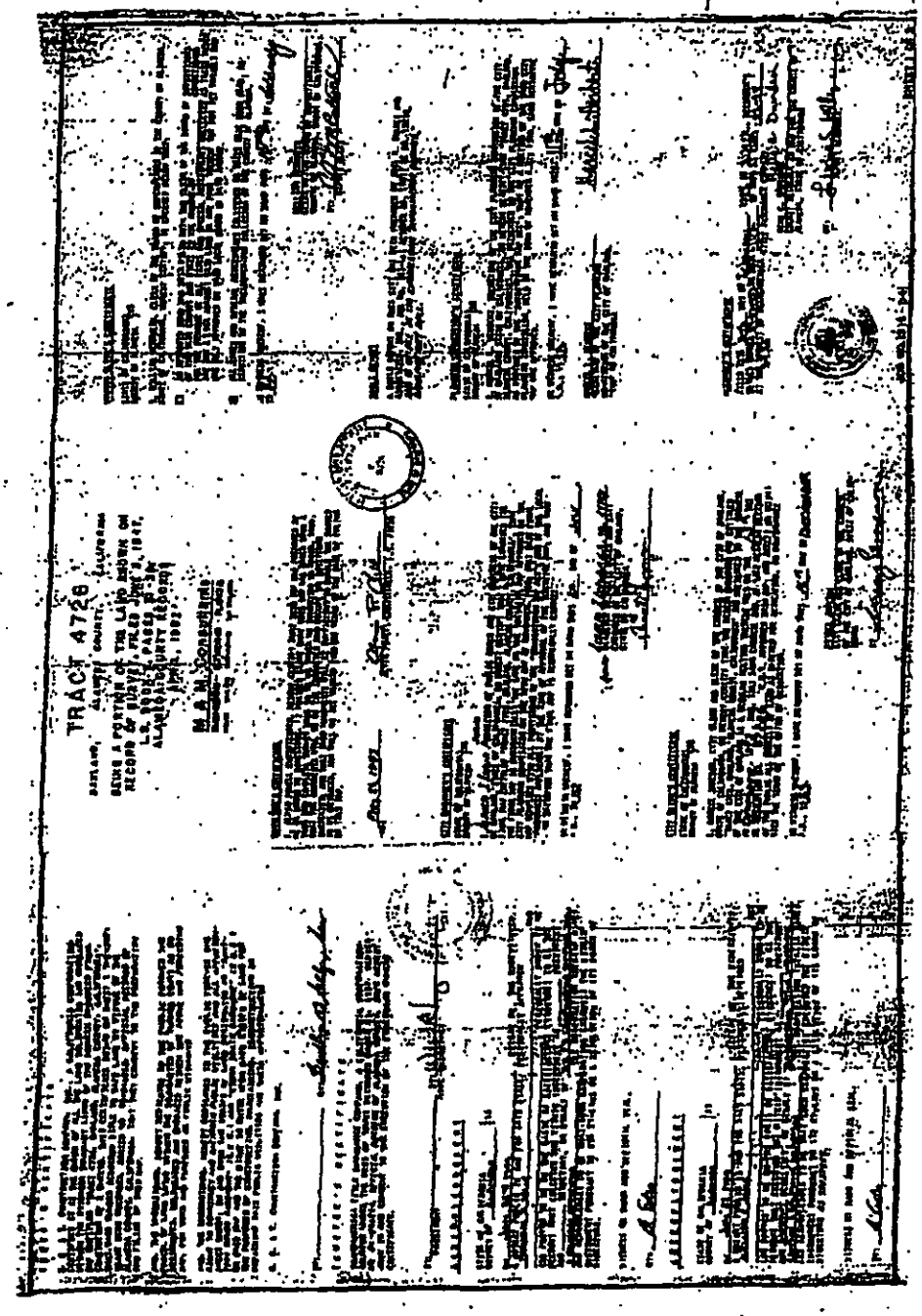
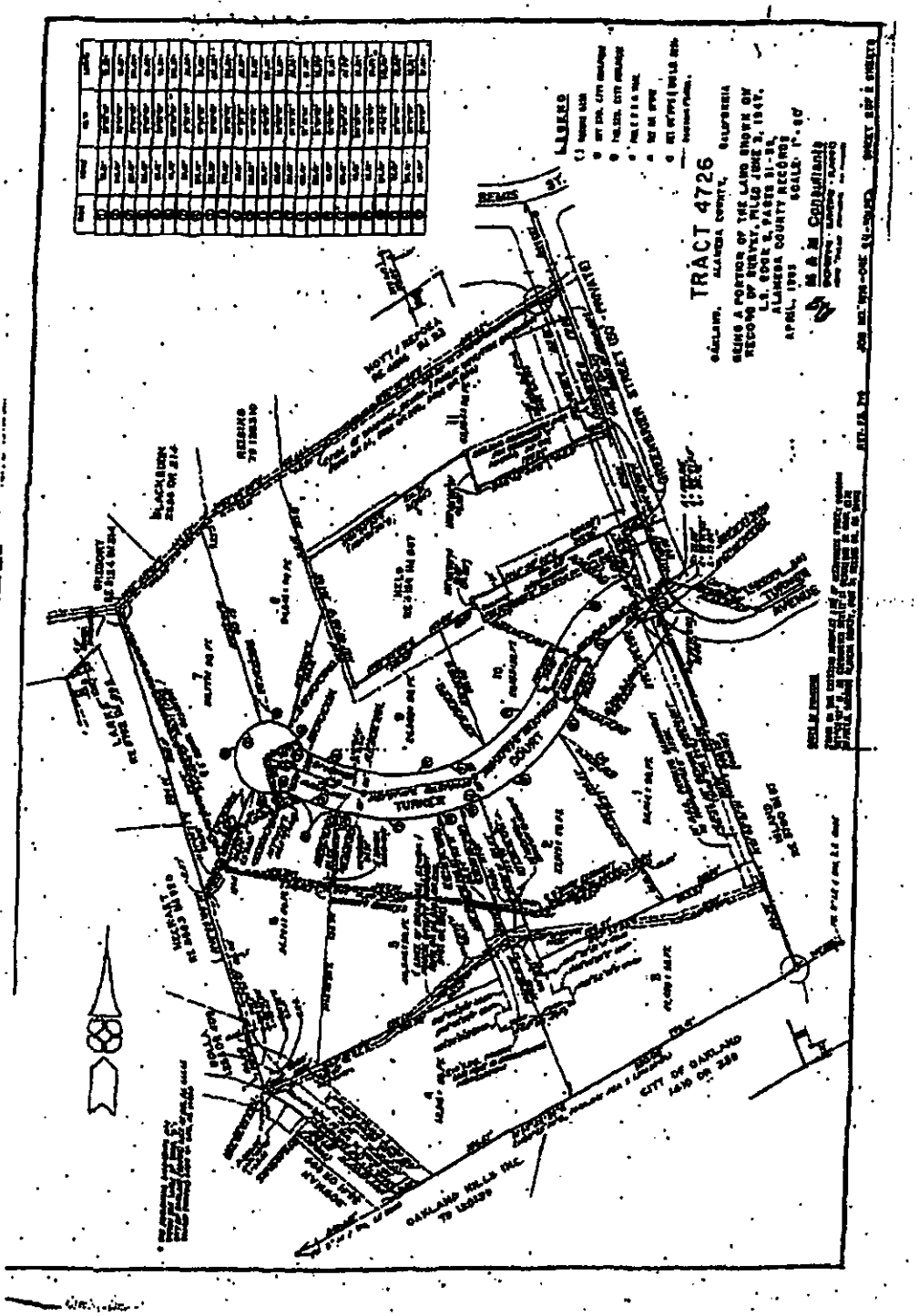


EXHIBIT A

Subdivision Map For Tract No. 4762



REVISED
Approved as to Form and Legality

City Attorney

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2011 MAR 23 PM 3:55

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION APPROVING THE MACARTHUR TRANSIT VILLAGE (a) STAGE ONE (1) FINAL DEVELOPMENT PLAN PERMIT, WHICH WOULD ALLOW FOR DEVELOPMENT OF A NEW BART PARKING GARAGE AND SITE INFRASTRUCTURE, 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, AND (b) VESTING TENTATIVE TRACT MAP 8047, AS RECOMMENDED BY THE PLANNING COMMISSION

WHEREAS, the City of Oakland Planning Commission certified the Macarthur Transit Village EIR on June 4, 2008; and

WHEREAS, the City of Oakland Planning Commission recommended approval of the Macarthur Transit Village Planned Unit Development (PUD) on June 4, 2008; and

WHEREAS, the Oakland City Council approved the Macarthur Transit Village PUD on July 1, 2008; and

WHEREAS, the Oakland City Council accepted the Macarthur Transit Village Draft Transportation Demand Management Plan (TDM) on July 1, 2008; and

WHEREAS, the Oakland City Council adopted 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) on July 21, 2009; and

WHEREAS, Macarthur Transit Community Partners ("Applicant") filed applications for a Final Development Permit (FDP) for Stage One (1) of the Macarthur Transit Village and for a Vesting Tentative Tract Map (TTM8047) to accommodate development of the Macarthur Transit Village Stage One; and

WHEREAS, the City of Oakland Planning Commission's Design Review Committee (DRC) held a duly noticed meeting on May 26, 2010 and recommended revisions to the proposed Stage One FDP; and

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WHEREAS, the City of Oakland Planning Commission held a duly noticed public hearing on the Project on November 3, 2010; 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 November 3, 2010; and

WHEREAS, the Planning Commission adopted the addendum to the certified Macarthur Transit Village EIR, finding, in relevant part, that no further environmental review is required; and

WHEREAS, the Planning Commission recommended approval of the Stage One FDP and TTM8047, as well as the Final Transportation Demand Management (TDM) Plan; and

WHEREAS, the matter came before the Community & Economic Development Committee on December 14, 2010, which recommended approval of the Project; and

WHEREAS, the matter came before the City Council at a duly noticed public hearing on December 21, 2010, but was continued to a future date; and

WHEREAS, the City of Oakland Planning Commission held a duly noticed public hearing on the revisions to TTM8047 on March 16, 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 March 16, 2011; and

WHEREAS, the Planning Commission adopted the addendum to the certified Macarthur Transit Village EIR, finding, in relevant part, that no further environmental review is required; and

WHEREAS, the Planning Commission recommended approval of the revisions to TTM8047; and

WHEREAS, the matter came again before the City Council at a duly noticed public hearing on April 5, 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, adopts the Final TDM Plan and approves the Macarthur Transit Village Stage One FDP and TTM8047; and be h

FURTHER RESOLVED: That the decision is based, in part, on the June 4, 2008 Planning Commission Report, the July 1, 2008 City Council Report, the May 26, 2010 Design Review Committee Report, the Approved November 3, 2010 and March 16, 2011 Planning Commission Reports, the December 14, 2010 and April 5, 2011 City Council Agenda Reports 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 November 3, 2010 and March 16, 2011 Planning Commission Reports, and the December 14, 2010 and April 5, 2011 City Council Agenda Reports (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 Resolution complies with CEQA and the Environmental Review Officer is directed to cause to be filed a Notice of Determination 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; (c) 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 Economic Development Agency, Planning & Zoning Division, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, Califomia; 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, _____, 20_____

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

9.1
ORA/COUNCIL

APR 05 2011

REVISED
Approved as to Form and Legality

OAKLAND CITY COUNCIL

City Attorney

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LaTonda Simmons
City Clerk and Clerk of the Council
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